



The College of *St. Scholastica*

Cloquet Campus

Located on the
Fond du Lac Tribal and Community College's Campus
2101 14th Street
Cloquet, MN 55720

2019 Safety and Security Information Report

Issued 2020

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 Safety, 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 Campus Safety Department. If you become the victim of crime on campus, please report this as soon as possible to campus safety. 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 mturner@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 College of Saint Scholastica's Campus Manager overseeing the Fond du Lac Tribal and Community College educational programming, the College of Saint Scholastica's Title IX Coordinator and the Fond du Lac Tribal and Community College's Dean of Students 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 mturner@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.

About Graduate, Extended and Online Programs

Our undergraduate and graduate degrees are offered through online programs, accelerated course schedules, and on-site evening and weekend classes. These programs offer the same quality, values-based education and sense of community St. Scholastica is known for - with added flexibility for busy lives. Locations: Austin MN, Cloquet MN, Brainerd MN, Hibbing MN, Inver Grove Heights MN, Mesa AZ Phoenix AZ, Rochester MN, St. Paul MN and St. Cloud MN.

Campus Safety

Campus Safety 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.

Reporting of Crimes or Emergencies

Our CSS campus is located within the Fond du Lac Tribal and Community College campus. Members of the St. Scholastica community are urged to notify the program Director immediately of any criminal activities or other emergencies that they may observe on campus. The Fond du Lac Tribal and Community College's Dean of Students can also be notified to report a crime. The Dean of Students office is located in the Campus Services Department in office 147, or can be called at 218-879-0805.

If an emergency requires 9-1-1 response for police, fire or ambulance assistance, call 9-1-1.

Reporting Crimes to Campus Security Authorities (CSA):

While the college encourages the campus community to promptly report all crimes and other emergencies directly to Campus Safety 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 Safety, 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 Safety. 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 Safety 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.

Maintenance and Security of Campus Facilities

The College of St. Scholastica maintains a strong commitment to campus safety and security. Working together with Fond du Lac Tribal and Community College, any safety and security related problems, such as exterior and interior lighting, malfunctioning locks or card readers, exit doors, and windows should be reported to the Fond du Lac Tribal and Community College.

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.

- **New Student Orientation:** Welcomes new students into our community, sets expectations for behaviors based on our values, and all students to respect others.
- **Inspections:** Inspections of exterior lighting and exterior doors and grounds are conducted by building management on a regular basis. Building management correct any deficiencies noted.
- **Sexual & Gender Based Misconduct Intervention & Prevention:** The College provides confidential Gender Equity and Anti-Violence Allies (GEVA) Team The GEVA team receives training and supervision from local rape crisis center, PAVSA. PAVSA also provides intervention services and advocacy on campus. The College's Violence Intervention & Prevention Program (VIP) and Title IX office works collaboratively to provide awareness, education, prevention, and bystander intervention programs about sexual and gender based violence, along with policy and procedure training for all community members.
- **Reporting Sexual or Gender Based Misconduct, Harassment or Discrimination of Protected Classes:** The College provides options for reporting sexual or gender based misconduct or incidents of bias, harassment or discrimination of protected classes. See the Equal Opportunity and Nondiscrimination Policy for more in depth information or go to <http://www.css.edu/titleix>
- **Campus Crime Reporting:** Our CSS campus is located within the Fond du Lac Tribal and Community College campus. Members of the St. Scholastica community are urged to notify the program Director immediately of any criminal activities or other emergencies that they may observe on campus. The Fond du Lac Tribal and Community College's Dean of Students can also be notified to report a crime. The Dean of Students office is located in the Campus Services Department in office 147, or can be called at 218-879-0805. This is a confidential reporting process that allows the campus community to report any criminal activity.
- **Fond du Lac Tribal and Community College Emergency Numbers:**
 - Fire, Police, Ambulance: 911
 - Non-Emergency 218-879-1247 (Cloquet Police Department)
 - Fdltcc Information window 218-879-0800
 - Fdltcc Student Services 218-879-0805 (Dean of Students)
 - Facilities Department 218-879-0706
 - Campus Security 218-391-7312 (APS Security Services)
- **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, 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.

- **Campus Eye:** Campus Alert System is the emergency notification system provide directly through Fond du Lac Tribal and Community College. Their system uses text, voice, and e-mail messaging to notify their students and employees of campus related emergencies.
- **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.
- **Daily Crime Log:** The Daily Crimes Log is for recording all criminal incidents reported to the Campus Site Director and the Fond du Lac Tribal and Community College. The Fond du Lac Tribal and Community College campus housing will keep and maintain the Daily Crime Log, recording all crimes reported to the Fond du Lac Tribal and Community College administration.

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.

The campus student housing crime report log is located in the Housing Director office located in student housing and may be requested for review at any time during regular business office hours Monday through Friday 8:00 a.m. to 4:30 p.m.

The campus student housing crime report log is available upon request. Any portion of the on-campus housing crime report log older than sixty (60) days must be available within two (2) business days of the initial report being made to the Dean of Student Services and Housing Director.

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 Log:

1. Incident number – The Fond du Lac Tribal and Community College’s 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 current 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.
 - Arrest – The individual or individuals involved in this case were arrested for the alleged offense.
 - Conduct Referral – The individual or individuals involved in this case were referred to the Student Conduct Officer for sanctions.
 - Closed – The case has been investigated and closed out.

- 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 Fond du Lac tribal and Community College's Campus Security.

Saints Alert – (Rapid Emergency Notification System): The College of St. Scholastica has implemented a Web-based system that allows communication via cell phone voice and text messages, emails, and-line phones, 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.

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

The following positions oversee the dissemination of the Saints Alert messages:

- Program Director
- 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 the campus Program Director. They in turn will work with the college's Safety and Security Manager and the Fond du Lac Tribal and Community College's Dean of Students and or Administration.

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, Fond du Lac Tribal and Community College campus authorities or the Cloquet 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 the Program Director, Fond du Lac Tribal and Community College's Dean of Students or the Cloquet Police Department has available to it at the time.

C. What department or individual is responsible for issuing the timely warning?

The Program Director or their designee is responsible for preparing and distributing timely warning reports.

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, the Campus Director may also post a notice through flyers posted in the academic buildings or through a Saint's Alert notification.

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 Program Director and the Fond du Lac Tribal and Community College's Dean of Students Office.

Alcohol and Drug Policies

[Alcohol and Drug Policies](#)

This section of the CSS Student Handbook includes policies, procedures and resources related to:

- Alcohol Policy and Sanctions
- Drug and Other Controlled Substances Policy and Sanctions
- Parental Notification Policy
- Medical Amnesty Policy (Including COVID-19 Related Medical Amnesty)
- 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
- Tobacco-Free Policy
- Alcohol Policy for the Department of Athletics

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 counseling services and WELLU via 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 only grant that right on our campus 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) defines “alcoholic beverage” as any beverage containing more than one-half of one 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 Well-Being** in Tower 2150, (218) 723-6085.

Alcohol Policies:

- **Use**

- Alcoholic beverages may be used in private rooms of the student apartments by those of legal age. 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. Somers Residence Hall is an alcohol-free building for residents and guests regardless of age.
- The College allows absolutely no public consumption of alcohol, except at approved College events. This includes walking with an alcoholic beverage open container in public areas.
- Events involving students with alcohol must be approved in writing by Dean of Students or their designee. Alcohol is not allowed in any classroom setting, except with prior written approval by the Dean of Students or their designee.

- **Hosting**

- Bulk dispensing of alcohol is prohibited. This may include, but is not limited to kegs or large 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 a 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 has 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 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 that results in behavior that endangers or is detrimental to self or others are a violation of the College alcohol policy. Other violations involving alcohol not expressly stated here, but that violate the rights or property of member(s) of The College of St. Scholastica community, will be considered violations of this policy. Violations that 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 that may be imposed.

Specifically, operating a vehicle in a manner that would result in a **DUI or DWI** citation is considered a very serious offense as it endangers not only the driver, but other members of the community, and the risk of serious injury and death are quite high. Therefore, the college takes this very seriously. A student who is found driving on campus intoxicated (DUI or DWI) is likely to face serious sanctions such as a semester or more suspension from the College. (See N and T in the [Student Code of Conduct](#).)

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.

Alcohol Sanctions

	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth Offense</u>
<u>Category A:</u> Underage Consumption/ Underage Possession	<ul style="list-style-type: none"> ● Meet with designee of Dean of Students ● \$50 fine ● Additional restitution for any damage to the community ● AlcoholEDU course ● RESTORE meeting if determined by Dean of Students 	<ul style="list-style-type: none"> ● Meet with designee of Dean of Students ● \$100 fine ● Additional restitution for any damage to the community ● AlcoholEDU course ● RESTORE meeting or other wellness based sanction, determined by designee of Dean of Students 	<ul style="list-style-type: none"> ● Meet with designee of Dean of Students ● \$150 fine ● Additional restitution for any damage to the community ● AlcoholEDU course ● RESTORE meeting or other wellness based sanction 	<ul style="list-style-type: none"> ● Meet with a designee of the Dean of Students ● RESTORE meeting ● Possible alcohol assessment ● Suspension from the College and other restrictions or sanctions will likely be considered.

<p><u>Category B:</u> Hosting Public Intoxication Container Policy</p>	<ul style="list-style-type: none"> ● Meet with designee of Dean of Students ● \$100 fine ● Additional restitution for any damage to the community ● AlcoholEDU course and/or RESTORE meeting or other wellness based sanction determined by designee of Dean of Students 	<ul style="list-style-type: none"> ● \$200 fine ● 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 	<ul style="list-style-type: none"> ● \$400 fine imposed ● 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 	<ul style="list-style-type: none"> ● Meeting with a designee of the Dean of Students ● Suspension from the College and other restrictions or sanctions will likely be considered.
<p><u>Category C:</u> Dangerous Consumption</p>	<ul style="list-style-type: none"> ● Handled on an individual basis by Dean of Students designee: ● referral to the RESTORE team; ● possible required alcohol assessment and 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, 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 Support Services on Campus

Drug counseling and recovery support for students is available through Counseling Services. Students interested in further information, counseling, and/or support services are urged to contact CSS Counseling Services www.css.edu/counseling.

Drug/Controlled Substance Violation:

Students found to be in violation of the drug policy will receive College issued violations 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,
- suspension or dismissal from the College,
- suspension or dismissal from campus housing
- substance abuse assessments,
- treatment mandates,
- 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.

Violation Category	<u>Class D or E</u> small quantity	<u>Class D or E</u> large quantity
1st Offense	<ul style="list-style-type: none">• Housing probation for one semester• Fine of \$100• Marijuana 101 course	<ul style="list-style-type: none">• Housing suspension of one year• Fine of \$200• Marijuana 101 course• RESTORE referral
2nd Offense	<ul style="list-style-type: none">• Fine of \$200• College probation and/or housing suspension for minimum of 1 year• Substance use assessment, follow through on recommendations• RESTORE referral• Urinalysis 30-60 days from dismissal or probation (must pass to remain in or	<ul style="list-style-type: none">• Dismissal from college• Fine of \$500

	return to housing)	
3rd Offense	<ul style="list-style-type: none"> • Suspension or dismissal from college • Fine of \$500 	

Violation Category	<u>Class A, B, or C</u> small quantity	<u>Class A, B, or C</u> large quantity
1st Offense	<ul style="list-style-type: none"> • Housing probation or suspension for 1 year • Fine of \$200 • Alcohol/Drug assessment, follow through on recommendations • RESTORE referral 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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) 	<ul style="list-style-type: none"> • Dismissal from college
3rd Offense	<ul style="list-style-type: none"> • 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. 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)

COVID -19 Contact Tracing Addendum

For the health and safety of the community, it is essential that people are honest and forthright about their interactions and contacts. The College of St. Scholastica has determined that a student who is honest and forthright in their participation of a contact tracing process will be recognized as having exhibited responsible behavior in doing so. Therefore, students will not be held responsible for alcohol consumption and possession related sanctions (see alcohol policy and corresponding sanctions) should that information come to light in the process of contact tracing related to Covid-19.

It is important to note that this policy does not protect students who repeatedly or deliberately violate campus policy and Code of Conduct. Nor does it protect a student if an alleged violation involves other infractions including but not limited to sexual or physical assault, property damage, or unlawful distribution of prohibited substances, is brought to light through the contact tracing process. It will be determined by the Dean of Students or her designees, or the appropriate authority based on the policy in question, whether or not students are charged and found responsible for violations 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.

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

The following information has been taken from the Mayo Clinic website:

<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's not necessary for all of these symptoms to be present before you seek help. A person who is unconscious or can't be roused is at risk of dying.

When to see a doctor: If you suspect that someone has alcohol poisoning — even if you don't 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.)

Possession of Illegal Drugs

First Offense

1 year from date of conviction

Second Offense

Two years from date of conviction

3 + Offenses

Indefinite Period

Sale of Illegal Drugs

First Offense

2 years from date of conviction

Second Offense

Indefinite Period

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.

Tobacco Free Policy

Purpose and Coverage

The purpose of this document is to describe the College's Tobacco Free Policy and to provide guidelines for its implementation. The policy covers all campus facilities, grounds, College-owned or leased vehicles, and personal vehicles, and applies to all persons, including students, faculty, staff, administrators, outside contractors, vendors and the general public. This policy does not apply to the practice of cultural activities by American Indians that are in accordance with the American Indian Religious Freedom Act, 42 USC, sections 1996 and 1996a. All ceremonial use exceptions must be approved in advance by the Facilities Services Department.

Statement of Policy

The use of tobacco products (including cigarettes, cigars, pipes, smokeless tobacco, e-cigarettes and other tobacco products) by students, faculty, staff, contractors, vendors and visitors is prohibited on all College properties at all times including but not limited to:

- In all interior spaces on College campuses;
- On all outside property or grounds controlled, managed or maintained by the College including all extended site locations;

- In all College-owned, leased, or rented vehicles, including charter buses and vans, and all other College vehicles.
- In personal vehicles on all College property:
- At all events, such as conferences, meetings, public lectures, social events, cultural events and sporting events using College facilities. Organizers of such events are responsible for communicating the policy to attendees and for enforcing this policy.

Definition

Smoking: The burning of any type or lighted pipe, cigar, cigarette, electronic cigarette (e-cigarette) or any other smoking equipment, whether filled with tobacco or any other type of material.

Smokeless Tobacco Products: Smokeless tobacco consists of the use of snuff, chewing tobacco, dissolvable tobacco, smokeless pouches, or other forms of loose leaf tobacco.

Education and Awareness: The implementation of this policy will be augmented by an education and awareness campaign that may include but not be limited to:

- Notification of this policy to prospective students and staff/faculty hires;
- Informational meetings, postings, signs, and e-mail notifications;
- Publication in staff, faculty, and student policy handbooks, and corresponding web sites;
- Educational campaigns and events;
- Referrals to smoking cessation programs;
- Establishing a culture of compliance through peer oversight.

Cessation Programs and Services

To support students and employees of the College who wish to reduce and/or quit using tobacco products, tobacco cessation resources and services are available at our health services page.

Enforcement

It is the responsibility of all faculty, staff and students in the College to contribute to an environment that is free of tobacco. Should violations of this policy occur, the student or employee shall be informed of the CSS Tobacco Use Policy. Should that person continue to violate the policy, the aggrieved party should contact the appropriate office: for College employees, the person's immediate supervisor; for students, to the Office of Student Affairs; and for those not associated with the College, Campus Safety. Continued violation may result in disciplinary consequences.

Equal Opportunity and Nondiscrimination Policy

Rationale for Policy

The College of St. Scholastica (referred to herein as 'The College') is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from bias, discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, The College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation.

Applicable Scope

The core purpose of this policy is the prohibition of all forms of bias and discrimination which includes retaliation and harassment on the basis of sex as well as other forms of harassment which involves exclusion from activities within the educational program such as admission, athletics, or employment, Sexual harassment under this policy encompasses sexual assault, stalking, sexual exploitation, dating violence or domestic violence.

Glossary

Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct indirect questioning for the party at the hearing, if any.

Bias incident means a single act or multiple acts of verbal, written, electronic, or physical expressions of disrespectful conduct, hate, intimidation, and/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 category protected under this Policy.

Complainant means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Complaint (formal) means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that The College investigate the allegation.

Confidential Resource means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status). Exceptions of confidentiality include actual not perceived suspected harm to self or others and state laws for reporting abuse of children and vulnerable populations (elderly, persons with disabilities).

Day means a business day when The College is in normal operation.

Discrimination means words or conduct directed toward an individual because of a person or group's protected characteristic(s) and which has the intent or effect of unreasonably interfering with the individual's work, living or learning environment; has the intent or effect of creating an intimidating, hostile or offensive working, living, or learning environment ("hostile

environment"); or otherwise adversely affects an individual's employment, living, or learning opportunities.

Education program or activity means locations, events, or circumstances where The College of St. Scholastica exercises substantial control over both the Respondent and the context in which the sexual or otherwise harassment or discrimination occurs and also includes any building owned or controlled by a student organization/athletic team that is officially recognized by The College of St. Scholastica.

Final Determination means a conclusion by the Preponderance of the Evidence standard, or more likely than not that the alleged conduct did or did not violate policy.

Finding means a conclusion by Preponderance of Evidence standard, or more likely than not that the conduct did or did not occur as alleged.

Formal Grievance Process means a method of formal resolution designated by The College to address conduct that falls within the policies included below.

GEVA or Gender Equity anti-Violence Allies- Survivor advocates affiliated with community sexual assault agency, Program for Aid to Victims of Sexual Assault (PAVSA).

Grievance Process Pool includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

Hearing Decision-maker panel refers to those who have decision-making and sanctioning authority within The College's Formal Grievance process.

Informal Resolution Process means a voluntary and mutually agreed upon process to resolve any complaints of discrimination, harassment and bias.

Investigator means the person or persons charged by The College of St. Scholastica with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

Mandated Reporter means an employee of The College who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator. This does not include obligations of professionals required to report abuse of a minor.

Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

Official with Authority (OWA) means an employee of The College explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of The College.

Parties include the Complainant(s) and Respondent(s), collectively.

Process A means the Resolution Process detailed for Title IX complaints.

Process B means the Resolution Process for cases of harassment, discrimination, and/or bias that do not qualify for resolution using Process A.

Recipient means a postsecondary education program that is overseeing the report and complaint process. This policy defines the Recipient as The College of St. Scholastica or 'The College.'

Remedies are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to The College's educational program.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Resolution means the result of an informal or Formal Grievance Process.

Sanction means a consequence imposed by The College on a Respondent who is found to have violated this policy.

Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence.

Student is defined as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with The College of St. Scholastica.

Title IX Coordinator is an official that is designated by The College of St. Scholastica to ensure compliance with Title IX and The College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

Title IX Team refers to the Title IX Coordinator, Deputies, Investigators, Decision Makers, and College-appointed Advisors.

Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact Steve Lyons, Vice President of Student Affairs at slyons@css.edu or 218.723.6779 or Dr. Barbara McDonald, President at president@css.edu or 218.723.6033. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Administrative Contact Information

The Title IX Coordinator and Deputies

Oversees implementation of The College's Equal Opportunity, Harassment, Bias and Discrimination Policy. The Title IX Coordinator has the primary responsibility for coordinating The College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Melissa Watschke MSW, LICSW Title IX Coordinator

Duluth Campus Tower 2605

1200 Kenwood Avenue

218.625.4444

titleix@css.edu

[Title IX Webpage](#)

Stacy Deadrick, Title IX Deputy of Athletics

Burns Wellness Center 258
Duluth Campus
Telephone: 218.723.6299
sdeadric@css.edu

Dr. Kelly Durick-Eder, Title IX Deputy of Employee Equity

Science 2131
Duluth Campus
Telephone: 218.723.5961
kdurickeder@css.edu

Additional Team Members

Investigators will be assigned in a two-member team to investigate any complaints of harassment or discrimination. Investigators are specifically trained in the investigatory process including how to conduct a fair, prompt, impartial fact-finding process.

Decision-Makers Panel A three-member panel at the Dean or Director level will serve on a decision-making team. Decision-makers are specifically trained in the decision-making process. A Decision-making Chair will be appointed. The Decision-making chair will also serve as the hearing chair with regard to Process A.

Appeals Decision-Makers A three-member team who is at the Vice-President level or higher who is specifically trained to manage and determine harassment and discrimination of protected classes.

Title IX Core Team serves as an advisory to Title IX with regard to policy, procedures, and training opportunities to ensure The College maintains compliance, prevents recurrence, and offers an equitable, person-centered experience to all parties involved.

Officials with Authority The College has determined that the following administrators are Officials with Authority who are required to address and correct harassment, discrimination, and/or retaliation and may also accept notice or complaints on behalf of The College: The President of the College, Vice Presidents, Title IX Coordinator, Human Resources, Deans and Athletic Director.

Mandated Reporters All employees are Mandated Reporters of any knowledge they have that a member of the community is experiencing bias, harassment, discrimination, and/or retaliation. Student employees are required to report any disclosures that occur while within their employment. Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from The College.

Failure of a Mandated Reporter to report an incident of harassment or discrimination of which they become aware is a violation of college policy and can be subject to disciplinary action for failure to comply.

Confidential Employees

The College acknowledges the following employees who operate as confidential employees within their assigned duties at The College as dictated by federal and state statutes:

For Students:

- Counseling Services- Location Tower 2150 Main Campus; 218.723.6085
- Student Health Services - Location Somers 42 Main Campus; 218.723.6282;
- Athletic trainers (student athletes only) Burns Wellness Center 139B 218-723-5918

- Gender Equity anti-Violence Allies (GEVAs) geva@css.edu
 - *Fall Semester 2020 Counseling and GEVAs Services will be offered via virtual environments*

For Employees:

- Employee Assistance Program is available to help free of charge and may be consulted on an emergency basis during normal business hours. Phone: 1-866-326-7194 EAP On-Line: hpeap.com

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order. College employees who are confidential will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

External Inquiries

Office for Civil Rights Chicago Regional Office

U.S. Department of Education
 John C. Kluczynski Federal Building
 230 S. Dearborn Street, 37th Floor
 Chicago, IL 60604
 Telephone: (312) 730-1560
 Facsimile: (312) 730-1576
 Email: OCR.Chicago@ed.gov
 Web: <http://www.ed.gov/ocr>

For complaints involving employees: [Equal Employment Opportunity Commission](#) (EEOC)

Minneapolis Area Office Equal Employment Opportunity Commission

Towle Building
 330 South Second Avenue, Suite 720
 Minneapolis, MN 55401-2224
 United States
[612-552-7306](tel:6125527306)
 Fax [\(612\) 335-4066](tel:6123354066)
 TTY [1-800-669-6820](tel:18006696820)
 ASL Video Phone [844-234-5122](tel:8442345122)
Minnesota Office of Human Rights
 540 Fairview Avenue North
 Suite 201
 St. Paul, MN 55104
Info.mdhr@state.mn.us
 651.539.1100
 1.800.657.3704
 Fax 651.296.9042

Notice/Reports of Discrimination, Harassment, and/or Retaliation

Notice or reports of discrimination, harassment, and/or retaliation may be made using any of the following options, at any time:

1. File a complaint with, or give verbal notice to, the Title IX Coordinator, Melissa Watschke, Deputies Stacy Deadrick or Kelly Durick-Eder, or Officials with Authority including the President, Vice Presidents, Deans, and Athletic Director.
2. Report online: [Title IX, Harassment, Bias, Discrimination Report Form](#) found on the Title IX website;
3. By Telephone to the Title IX Coordinator at 218-625-4444.
4. By email at TitleIX@css.edu

Formal Complaint

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that The College investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by The College) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

Supportive Measures

The College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to The College’s education program or activity, including measures designed to protect the safety of all parties or The College’s educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. Supportive measures may be offered as the result of such disclosures without formal College action.

The College will maintain the privacy of the supportive measures, provided that privacy does not impair The College’s ability to provide the supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to The College’s Employee Assistance Program
- Referral to community-based service providers

- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Changing an individual's student or employee status or job responsibilities.
- Changing an individual's work or course schedule or job assignment.
- [Timely warnings](#)
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

Emergency Removal

The College can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Threat Assessment Team using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student, employee will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall or changing locations; temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or

intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Promptness

All allegations are acted upon promptly by The College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but The College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in The College's procedures will be delayed, The College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Privacy

Every effort is made by The College to preserve the privacy of reports.¹ The College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The College reserves the right to designate which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know given the circumstances of the complaint will typically be told about the complaint, including but not limited to: Office of Diversity and Inclusion, Residential Life, Athletic, Chief Operating Officer, Vice President for Academic Affairs and/or respective Deans, Campus Security, and the Threat Assessment Team. Information will be shared as necessary with Deputies, Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

¹ For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of College employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in The College's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in The College's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers and counselors. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The College has designated individuals who have the ability to have privileged communications as Confidential Resources. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required by law.

Following FERPA guidelines, The College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but may consult with the student first before doing so.

Jurisdiction of The College of St. Scholastica

This policy applies to the education program and activities of The College, to conduct that takes place on the campus or on property owned or controlled by The College, at college-sponsored events, or in buildings owned or controlled by The College's recognized student organizations. The Respondent must be a member of The College's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to The College's educational program. The College may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial College interest.

Regardless of where the conduct occurred, The College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial interest of The College includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of The College.

If the Respondent is unknown or is not a member of The College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

When the Respondent is not a member of The College's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator. In addition, The College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from College property and/or events. All vendors serving The College through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to The College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to The College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, The College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

Online Harassment and Misconduct

The policies of The College are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on The College's education program and activities or use College networks, technology, or equipment.

While The College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to The College, it will engage in a variety of means to address and mitigate the effects. Communications covered in this policy are only media and communications in The College's control (e.g., College networks, websites, or between The College's email accounts) Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline outside of The College's control.

Off-campus harassing speech by employees, whether online or in person, may be regulated by The College only when such speech is made in an employee's official or work-related capacity.

Policy on Nondiscrimination

The College of St. Scholastica is committed to fostering an environment of mutual respect among its students, employees, 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 sex (including pregnancy), gender identity or expression, race, color, religion or religious creed, sexual orientation, national origin, ancestry, disability, age, genetic information, marital status, veteran status, familial status, status with regard to public assistance or any other category protected by law ("protected class status") or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of The College community whose acts deny, deprive, or limit the educational or employment or residential and/or social access, benefits, and/or opportunities of any member of The College community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of The College policy on nondiscrimination.

Policy on Disability Discrimination and Accommodation

The College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by The College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, learning, performing manual tasks, walking, or caring for oneself.

Students with Disabilities

The College of St. Scholastica is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of The College.

All accommodations are made on an individualized basis. A student requesting any accommodation should first submit the [Online Questionnaire](#). Upon submission, the Center for Equal Access will follow up with the student to discuss the next steps in the process including a meeting to discuss reasonable accommodations in the academic and residential environments.

Employees with Disabilities

Pursuant to the ADA, The College will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to The College.

An employee with a disability is responsible for submitting a request for an accommodation to Rachelle Wakefield in Human Resources and providing necessary documentation. Human Resources designee will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. The College's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under The College policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of college policy, though supportive measures will be offered to those impacted.

Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by college policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

The College of St. Scholastica does not tolerate discriminatory harassment of any employee, student, visitor, or guest. The College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.”

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities.² This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive **and** objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, The College may also impose sanctions on the Respondent(s) through application of the appropriate grievance process below.

The College reserves the right to address offensive conduct, bias and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under this college policy, but may be addressed through respectful conversation, remedial actions, education, and/or other informal resolution mechanisms.

For assistance with informal resolution techniques and approaches, employees should contact the Title IX Coordinator for more information.

Sexual Harassment

The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Minnesota regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

The College has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

- 1) Quid Pro Quo:
 - a. an employee of The College,
 - b. conditions the provision of an aid, benefit, or service of The College,
 - c. on an individual’s participation in unwelcome sexual conduct; and/or
- 2) Sexual Harassment:
 - a. unwelcome conduct,
 - b. determined by a reasonable person,

² This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational The College Investigative Guidance.](#)

- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a person equal access to The College's education program or activity.³

3) Sexual assault, defined as:

a) Sex Offenses, Forcible:

- i) Any sexual act directed against another person,
- ii) without the consent of the Complainant,
- iii) including instances where the victim is incapable of giving consent.

b) Forcible Rape:

- i) Penetration,
- ii) no matter how slight,
- iii) of the vagina or anus with any body part or object, or
- iv) oral penetration by a sex organ of another person,
- v) without the consent of the Complainant.

c) Forcible Sodomy:

- i) Oral or anal sexual intercourse with another person,
- ii) forcibly,
- iii) and/or against that person's will (non-consensually), or
- iv) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because the Complainant is under the age of 16; or because of temporary or permanent mental or physical incapacity.

d) Sexual Assault with an Object:

- i) The use of an object or instrument to penetrate,
- ii) however slightly,
- iii) the genital or anal opening of the body of another person,
- iv) forcibly,
- v) and/or against that person's will (non-consensually),

³ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

- vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

e) Forcible Fondling:

- i) The touching of the private body parts of another person (buttocks, groin, breasts),
- ii) for the purpose of sexual gratification,
- iii) forcibly,
- iv) and/or against that person's will (non-consensually),
- v) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

f) Sex Offenses, Non-forcible:

- i) Incest:
 - 1) Non-forcible sexual intercourse,
 - 2) between persons who are related to each other,
 - 3) within the degrees wherein marriage is prohibited by Minnesota law.
- ii) Statutory Rape:
 - 1) Non-forcible sexual intercourse,
 - 2) with a person who is under the statutory age of consent of sixteen (16).

4) Dating Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:

- a. violence,

- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws in the State of Minnesota or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws in the State of Minnesota.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. Suffer substantial emotional distress.

For the purposes of this definition—

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

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. 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](#).

The College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy, through the appropriate process for resolution.

Force, Coercion, Consent, and Incapacitation⁴

As used in the offenses above, the following definitions and understandings apply:

Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion

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, relentless requests. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is clearly communicated verbally or nonverbally. If consent is withdrawn, that sexual activity should cease.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

⁴ The Minnesota state definition of consent §609.341 Subd. 4 is “words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor” which is applicable to criminal prosecutions for sex offenses in Minnesota but may differ from the definition used on campus to address policy violations.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on The College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Incapacitation

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX; The College additionally prohibits the following offenses or attempted offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

Sexual Exploitation

- 1) Defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
 - a) Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - b) Invasion of sexual privacy.
 - c) Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent), including the making or posting of revenge pornography
 - d) Prostituting another person
 - e) Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection

- f) Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
 - g) Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
 - h) Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
 - i) Knowingly soliciting a minor for sexual activity
 - j) Engaging in sex trafficking
 - k) Creation, possession, or dissemination of child pornography
- 2) Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;

Discrimination

Discrimination is defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;

Intimidation

Intimidation is defined as implied threats or acts that cause an unreasonable fear of harm in another;

Hazing

Hazing is defined as acts likely to cause physical or psychological harm or social ostracism to any person within The College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;

Bullying

Bullying is defined as repeated and/or severe, aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally that is not speech or conduct otherwise protected by the First Amendment.

Harassment

Harassment is defined as an action or behavior that

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

Bias incident

Bias incident is defined as a single act or multiple acts of verbal, written, electronic, or physical expressions of disrespectful conduct, hate, intimidation, and/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 category protected under this Policy.

Violation of any other The College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion or termination.

Retaliation

It is prohibited for The College or any member of The College's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether The College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. The goal is to provide the Complainant with as much control over the process as possible, while balancing The College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow The College to honor that request, The College will offer informal resolution options (see

below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, The College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action. Witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under The College policy.

Amnesty for Complainants and Witnesses

It is in the best interests of The College community that Complainants choose to report misconduct to The College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process. The College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

State and Federal Statistical Reporting Obligations

Minnesota law Minn. Stat. 135A.15 and Federal Clery Act requires institutions to collect and report:

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA⁵-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

⁵ VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

All personally identifiable information is kept private, but statistical information must be passed along to Campus Security Director and Safety and Security Manager regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log to be distributed to United States Department of Education and the Minnesota Office of Higher Education. Data collected for purposes of submitting annual reports containing those statistics shall only be disclosed to the victim, persons whose work assignments reasonably require access i.e. Campus Security, and, at the victim's request, police conducting a criminal investigation.

Implementation Date: **August 14, 2020.**

To view the resolution processes for Title IX please view:

http://resources.css.edu/hr/docs/ist_hr_process_a_eond_titleix_procedures.pdf

To view the resolution processes for non-Title IX, Bias, Discrimination and Harassment complaints, please view: http://resources.css.edu/hr/docs/ist_hr_process_b_eond_titleix_procedures.pdf

To view community resources at each campus location, please visit www.css.edu/titleix or www.css.edu/vip or view below:

Extended Campus Resources

Gender Equity Anti-Violence Allies

Access GEVA services by emailing geva@css.edu or filling out the [referral form](#). GEVAs are confidential staff and faculty members who are trained as advocates for victim/survivors of sexual and/or gender-based violence. They are based on the Duluth campus, but are available online. A GEVA can explain the campus system, provide referrals, resources, and support. For a current list of GEVA team members, visit www.css.edu/geva

Saints Assistance Program

Saints Assistance Program (SAP) for all graduate, extended and online CSS students. Free confidential mental health and emotional wellness support via online, phone, or in person wherever you live in the United States.

- Call 833-403-0101
- Log on to hpeap.com using the password `css-students`
- Download the iConnectYou mobile app and register using passcode 147211 to text or video

Employee Assistance Program

EAP Phone: 1-866-326-7194 (Please call for behavioral health/mental health assistance.) EAP On-Line: hpeap.com

NATIONAL RESOURCES

The Rape, Abuse and Incest National Network (RAINN)

News, information and national directory of programs working with sexual assault. The 24-hour hotline will connect callers with the nearest sexual assault program.

- [The Rape, Abuse and Incest National Network](http://www.thehotline.org)
- National sexual assault 24-hour hotline: 1-800-656-4673 (HOPE)
- www.rapehelppmn.org

National Domestic Violence Hotline: 1-800-799-SAFE (7233).

Love is Respect

A website specific for teen and young adult dating and relationship resources from the National Domestic Violence Hotline. Text LOVEIS to 22522

StrongHeartsNative Helpline

Free and confidential services for Native Americans affected by domestic violence and dating violence. Immediate peer-to-peer support, crisis intervention, safety planning and referrals to culturally-responsive resources. 1-844-762-8483

MINNESOTA RESOURCES

Asian Women United of Minnesota Advocacy, 24 Hour Multilingual Crisis Line, Support & care, Legal & Financial Advocacy, Shelter Services. 612-724-8823

ASCEND - Hmong American Partnership (HAP)

Works with victims and at-risk youth to address the severe harm caused by exploitation and move them towards recovery and independence. Family Support Services Office **270 Larpenteur Ave W. Saint Paul, MN 55113** Phone: 612.294.2460; 651-495-9160 (Main Office)

Comunidades Latinas Unidas en Servicio (CLUES) Provides programs and services to connect Latino families to resources, skills, institutions and systems and create an environment for people to be engaged and empowered. 651-379-4200

Day One

Day One is a statewide network of domestic violence, sexual assault, human trafficking, youth-and community-advocacy programs in Minnesota. This organization hosts a call center to answer questions and concerns from the Minnesota Crime Victim Support Line. 24/7 Crisis Line (voice & TTY): 1.866.223.1111.

Minnesota Coalition Against Sexual Assault (MNCASA)

Provides sexual assault victim/survivor resources, locations and telephone numbers of other sexual assault programs in Minnesota. 1-800-964-8847

Minnesota Indian Women's Sexual Assault Coalition (MIWSAC)

One of 22 Tribal Coalitions around the country formed to address sexual assault and domestic violence in American Indian Communities, focusing specifically on ending and preventing sexual violence. Phone: 651-646-4800 Toll Free: 1-877-995-4800

OutFront Minnesota

Crisis intervention and support, legal advocacy, crisis counseling for people who are LGBTQIIA+ 800.800.0350. To find resources near you, visit <http://rapehelppmn.org/find-help/>

Violence Free Minnesota

A membership organization, with 90 member programs located throughout Minnesota with a strong history of effectively carrying out programming that advances women's safety and security. 24-hour phone line: 1-866-223-1111

EXTENDED CAMPUS COMMUNITY RESOURCES

Austin

Crime Victims Resource Center 24 Hour Crisis Line 507-437-6680 101 14th St. NW Austin, MN 55912

Brainerd

Sexual Assault Services, Inc. 24-hour crisis, information and referral line (218) 828-0494 Or Toll Free: 1 (888) 458-0494

Mid-Minnesota Women's Center 24-hour crisis, information and resources line 218-828-1216

Cloquet

Program for Aid to Victims of Sexual Assault (PAVSA) Crisis Line Numbers: 218- 726-1931 OR 866-229-7425 Office: 218-726-1442

Safe Haven Shelter Emergency shelter for battered women in Duluth. 218-728-6481.

Fond du Lac Band of Lake Superior Chippewa

Fond du Lac Human Services (218) 879-1227 Toll Free #: 1-888-888-6007

Advocacy Crisis Line # (218) 348-1817

Grand Rapids

Advocates for Family Peace 1611 NW 4th Street Grand Rapids, MN 55744 218-326-0388

Inver Grove Heights

Lewis House, 360 Communities 24/7 Violence Prevention Services: Sexual Assault Hotline: (651) 405-1500 Lewis House in Eagan: (651) 452-7288 Lewis House in Hastings: (651) 437-1291

St. Cloud

Central MN Sexual Assault Center (320) 251-4357

AnnMarie's Alliance Domestic Violence Resources 24- hour crisis line 320.253.6900; 800.950.2203

St. Paul

Casa de Esperanza Advocacy & 24 Hour Bilingual Crisis Line, Court Advocacy, Shelter Services. 651-772-1611

SOS Sexual Violence Services 24-hour crisis line: 651-266-1000

The Saint Paul Ramsey County Domestic Abuse Intervention Project 24-hour crisis-line at 651-645-2824 Toll-free number at 888-575-3367

VETERANS RESOURCES

Duluth Vet Center call 24/7 at 877-927-8387.

Women Veterans Call Center, call or text: 1-855-829-6636.

Veterans Crisis Line 1-800-273-8255

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 Safety 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).

OFFENSE	ON CAMPUS			PUBLIC PROPERTY		
	2017	2018	2019	2017	2018	2019
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0
SEX OFFENSES, FORCIBLE	0	0	0	0	0	0
SEX OFFENSES, NON-FORCIBLE	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0
ARSON	0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0
STALKING	2*	0	0	0	0	0
LIQUOR LAW ARRESTS	0	0	0	0	0	0
LIQUOR LAW REFERRED FOR DISCIPLINARY ACTION	0	0	0	0	0	0
DRUG LAW ARRESTS	0	0	0	0	0	0
DRUG LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	0	0	0	0	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	0	0	0	0	0	0
ILLEGAL WEAPONS POSSESSION VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	0	0	0	0	0	0

Note: None of the On-Campus incidents (*) involved CSS Community members.

Hate Crimes Statistics

OFFENSE	ON CAMPUS			PUBLIC PROPERTY		
	2017	2018	2019	2017	2018	2019
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0
SEX OFFENSES, FORCIBLE	0	0	0	0	0	0
SEX OFFENSES, NON-FORCIBLE	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0
ARSON	0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0
STALKING	0	0	0	0	0	0
OTHER CRIMES INVOLVING BODILY INJURY	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0

Additional links:

Fond du Lac Tribal and Community College Campus Map: <http://fdltcc.edu/about-us/find-us/>

To view the Fond du Lac Tribal and Community College’s Safety and Security Information report for the required three-year reporting period, go to the following web page:

<https://fdltcc.edu/admissions/about-us/policies-reports/campus-security-policies-reports/>

Resources:

Federal Bureau of Investigation Uniform Crime Reporting (UCR) Handbook:

http://www.fbi.gov/about-us/cjis/ucr/additional-ucr-publications/ucr_handbook.pdf

Clery Center:

<https://clerycenter.org/>