



# **Annual Security and Fire Safety Report**

**Minnesota State University  
Moorhead**

1104 7<sup>th</sup> Avenue South, Moorhead, MN 56563

September 2023



Sustaining a safe campus is one of our most important and fundamental commitments as a learning community. Using an annual review and reporting process, MSU Moorhead systematically evaluates the effectiveness of our safety and security efforts to ensure we are continuously improving our practices. We ask every MSUM community member to actively engage in activities that ensure a safe and welcoming campus. Please join me in partnering with our public safety office and campus colleagues to ensure our campus environment supports our educational mission and our purpose to transform the world by transforming lives.

President Tim Downs



A member of the Minnesota State Colleges and University System and  
an Affirmative Action/Equal Opportunity University

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## INTRODUCTION

Minnesota State University Moorhead (MSUM or University) encourages all members (students, employees, and visitors) of our University community to be fully aware of safety and security issues, campus-related departments and services and to take action to prevent and report illegal and other unsafe activities should they occur. Personal awareness, practicing personal safety, and reporting incidents of concern are the foundation of a safe community.

In accordance with the Jeanne Clery Disclosure of Public Safety Policy and Campus Crime Statistics Act (The Clery Act) of 1998, MSUM's Public Safety Department annually prepares crime statistics to report to the Department of Education. Public Safety collects statistics from our Campus Security Authorities and local law enforcement agencies for reported crimes on MSUM's Clery geography. MSUM monitors criminal activity for the campus, off-campus sites owned or maintained by MSUM and/or recognized University organizations, and related curtilage.

The MSUM Office of Student Conduct & Resolution monitors off-campus crimes while students are off campus at campus sponsored functions. MSUM also documents a three-year statistical history of these incidents. MSUM provides the information and statistics herein to University students and employees and to others upon request. You may view MSUM's statistics by going to the Department of Education's Security Statistics search site at <https://ope.ed.gov/campussafety/#/>, as well as viewing the Public Safety web site at [www.mnstate.edu/public-safety](http://www.mnstate.edu/public-safety). MSUM has a variety of policies and procedures relating to public safety. MSUM expressly reserves the right to modify them or adopt additional policies or procedures at any time without notice.

## CRIME REPORTING POLICIES

### General Information

The Public Safety Department for MSUM is on-duty 24-hours a day, 365 days, throughout the year. All requests for immediate assistance relating to issues of safety and security should be made by calling **(218) 477-2449** or by visiting our facility at 1616 9th Avenue South, Moorhead, Minnesota. Public Safety Officers respond to all requests for service and assistance. These officers are full-time security staff and/or part-time student employees of the University. They are not police officers and in the event of any life-threatening emergency, or any apparent crime in progress, persons are strongly encouraged to immediately and directly contact the appropriate police, fire or medical assistance by calling:

### **"9-1-1" or Moorhead Police at (701) 451-7660**

The Public Safety Director serves as the primary liaison with all law enforcement agencies for safety and security issues occurring on campus. When such incidents occur, the Director or his/her representative will determine the proper means of communicating these concerns to the campus community.

The following media are used to inform the campus about safety and security issues, report to the campus community crimes considered to be an immediate threat to students and employees, and encourage students and employees to be responsible for following stated security procedures and practices: campus-wide e-mail and voice-mail, Dragon Alert emergency notification system (text, email and voice alerts), The Advocate (student newspaper), Dragon Digest (internal publication), campus forums, residence hall and floor meetings conducted by Housing & Residential Life and Student Affairs staff, crime prevention literature, student government assistance, posted announcements and mailings. Your safety and security while on our campus is very important. For TTY Communication, contact the Minnesota Relay Service at 1-800-627-3529.

A detailed list, including procedures for specific campus related emergencies can be found at [www.mnstate.edu/public-safety](http://www.mnstate.edu/public-safety). Public Safety encourages all students and employees to familiarize themselves with this information in the event that an unplanned emergency occurs on our campus. The following are important aspects of Public Safety at MSUM:

1. Public Safety officers are authorized, when appropriate, to make citizen arrests.
2. Public Safety works closely with local, state, and federal law enforcement agencies to respond to criminal activity on campus. We work with the Moorhead Police Department, which is the recognized law enforcement authority on all MSUM property on the main campus and any and all MSUM controlled property within Moorhead city limits. The Moorhead Police have a sub-station in the Public Safety building. The Clay County Sheriff's Office is the recognized law enforcement authority on the Regional Science Center property located east of the city of Glyndon, Minnesota. These agencies are the lead departments in the investigation of alleged criminal offenses. MSUM does not have a written memoranda of understanding with law enforcement agencies concerning the investigation of alleged criminal offenses.
3. All persons on campus are encouraged to immediately report any criminal activity to the Moorhead Police Department or to the MSUM Public Safety Department. Individuals who contact Public Safety will be encouraged to also report incidents that are criminal in nature to the Moorhead Police Department. These agencies will investigate and/or follow up on all reports received. Depending on those results criminal or campus judicial actions may be initiated. Public Safety normally requires a written report from the complainant/victim to begin an investigation and support the ability to address concerns through the University's Judicial System. MSUM will make exceptions to this immediate need to file a written report when necessary, including cases presenting clear and immediate danger to an individual or the University community.
4. Crime Report: MSUM issues an annual report of crimes occurring on campus and related curtilage that are made known to Public Safety directly, or through other University departments or personnel and related law enforcement agencies. This report is made available by the Public Safety Department. Requests for additional information regarding this report and its statistics may be made to the Public Safety Department, 1616 9<sup>th</sup> Avenue South, Moorhead, MN, or phone (218) 477-2449. The statistics in this report follows the procedures of the Federal Bureau of Investigation Uniform Crime Report (UCR) reporting guidelines.

### **Campus Crime Log**

The MSUM Public Safety Department keeps a daily log that records crimes by their nature, date, time, general location, and disposition of the complaint. The log for the most recent 60-day period is open and available for public inspection by contacting the Public Safety Department at 218- 477-2449. The information is reported on and made available to the public within two business days of the receipt of the information unless disclosure of such information would:

- be prohibited by law;
- jeopardize the confidentiality of the victim;
- jeopardize an ongoing criminal investigation;
- jeopardize the safety of an individual;
- cause a suspect to flee or evade detection; or
- result in the destruction of evidence

### **Crime Definitions**

The definitions listed below are taken from the Federal Bureau of Investigation Uniform Crime Reporting (UCR) Handbook and National Incident Based Reporting System (NIBRS) and are used to classify criminal offenses.

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

**Manslaughter**- The killing of another person through gross negligence

**Sex Offenses**- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is capable of giving consent.

- **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or

oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental or physical incapacity.
- **Incest** – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

**Robbery** – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Simple Assault** – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Threats/Intimidation** – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Burglary** – The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joyriding.)

**Larceny/Theft** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Destruction/Damage/Vandalism to Property** – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Liquor Law Violations** - The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug Abuse Violations** – Violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Weapons Law Violations** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**Domestic Violence** – (i) A Felony or misdemeanor crime of violence committed- A) By a current or former spouse or intimate partner of the victim; B) By a person with whom the victim shares a child in common; C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or E) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (i) The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. (ii) For the purposes of this definition- A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. B) Dating violence does not include acts covered under the definition of domestic violence.

**Stalking** – (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to- (A) fear for the person’s safety or the safety of others; or (B) suffer substantial emotional distress. (ii) For the purposes of this definition- (A) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property. (B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **Hate Crimes**

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, gender identity, national origin, or ethnicity. For Clery purposes, hate crimes include any offense in the following list that is motivated by bias:

- *Murder and Non-negligent manslaughter*
- *Sex offenses*
- *Non-forcible sex offenses*
- *Robbery*
- *Aggravated Assault*
- *Burglary*
- *Motor Vehicle Theft*
- *Arson*
- *Destruction/Damage/Vandalism to Property*
- *Intimidation*
- *Larceny/Theft*
- *Simple Assault*

## **Hate Crime Definitions**

**Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

**Religion** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jew, Protestants, Atheists.

**Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

**Gender** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

**Gender Identity** – A preformed negative opinion or attitude toward a person or group of persons based on their



actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

**Ethnicity** – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

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

## MSUM Campus Crime Statistics

The following are the MSUM Crime Statistics for years 2020, 2021, and 2022.

<b>CRIME STATISTICS: Minnesota State University Moorhead, 1104 7th Avenue South, Moorhead, MN 56563</b>													
The following annual security report provides crime statistics for selected crimes that have been reported to Public Safety, local law enforcement agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities.													
OFFENSES	2022				2021				2020				
	Geographic Location				Geographic Location				Geographic Location				
	On-Campus Property		Public Property	Non-Campus	On-Campus Property		Public Property	Non-Campus	On-Campus Property		Public Property	Non-Campus	
	Residence Hall	Total On-Campus			Residence Hall	Total On-Campus			Residence Hall	Total On-Campus			
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	1	1	0	0	1	1	0	0	0
Fondling	0	0	0	0	4	4	0	1	1	1	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	1	0	0	1	1	0	1	0	1	0	0	0
Motor Vehicle Theft	0	1	1	0	0	2	0	0	0	2	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES*</b>													
Domestic Violence	0	1	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	1	1	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>													
Alcohol	0	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	0	1	0	0	0	0	0	0	0	0	0	0	0
Weapons	0	1	0	0	0	0	0	0	0	0	0	0	0
<b>REFERRALS</b>													
Alcohol	22	22	0	0	7	8	0	0	20	21	0	0	0
Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Hate Crimes</b>													
2022: Zero Hate Crimes reported													
2021: Zero Hate Crimes reported													
2020: Zero Hate Crimes reported													
<b>Unfounded Crimes</b>													
2022: Zero unfounded crimes													
2021: Zero unfounded crimes													
2020: 1- Motor Vehicle Theft unfounded in 2020													

## REPORTING PROCEDURES

Individuals should report all emergencies to the Moorhead Police Department and to Minnesota State University Moorhead's Public Safety Department. This can be done by calling 911 from any telephone, whether cellular, landline, by dialing 9+ 911 from a campus extension, or by pushing the emergency intercom button on the Code Blue emergency phone buttons (Emergency Call Boxes), which are available at various locations on the campus properties.

1. All criminal activity occurring on campus should be reported immediately to Public Safety and/or the Moorhead Police Department. Public Safety will assist the complainant in completing reports. Public Safety will encourage and support complainants and victims to report all crimes to the Moorhead Police Department or the appropriate police agency when the victim of a crime elects to, or is unable to, make such a report. In appropriate cases, reports will also be shared with the University's Judicial Process. Public Safety will assist the Moorhead Police Department and the University's Judicial Process with investigations when requested. Public Safety also accepts reports of criminal activity occurring to or caused by persons involved in University sanctioned functions and groups off-campus locations. Such incidents are included in the University's annual report and may be addressed on and/or off-campus.
2. If you are a victim of a crime or witness a crime:
  - a. Call the Moorhead Police Department (911) and /or Public Safety Department (218-477-2449) for any emergency including medical emergencies, fires, suspicious people or activities, crime reports, traffic accidents, or other illegal activities.
  - b. Write down as much information as you can remember after the crime. If you cannot identify the perpetrator(s) by name, try to recall as many details as possible about the offender(s):
    - Gender
    - Approximate age
    - Height
    - Weight/build
    - Description of face (eye color, hair color/style, jaw, nose, facial hair, glasses, etc.)
    - Dress/clothing
    - Distinguishing marks (scars, tattoos, etc.)
    - Voice
  - c. Attempt to obtain a description and license number of any vehicle(s) involved. Note the direction taken by offenders or vehicles and report those to Public Safety and/or the Moorhead Police Department. Preserve the crime scene and do not touch any items involved in the incident. Close off the area of the incident and do not allow anyone into the crime area until Public Safety and/or the Moorhead Police Department Officers arrive.

### **Confidentiality of Reporting**

**Confidential reports-** Because of laws concerning government data contained in Minnesota Statutes Chapter 13, the Minnesota Government Data Practices Act MSUM cannot guarantee confidentiality to those who report incidents in-person/over the phone except where those reports are privileged communications with licensed health care professionals. Some off-campus reports also may be legally privileged by law, such as clergy, private legal counsel, or health care professionals. MSUM does, as required by law, offer anonymous on-line crime reporting available for persons wishing to remain completely anonymous. The program allows reporting as much information as the reporter is comfortable providing. Limiting the information provided to the University may limit the University's ability to investigate and address the report as well as provide resources and assistance.

**Reports to Campus Security Authorities-** Campus Security Authorities can accept reports of crime. Complainants

may contact any Campus Security Authority for appropriate assistance or to report a crime/incident. Absolute confidentiality of reports made to Campus Security Authorities cannot be promised. However, Campus Security Authorities may not disclose personally identifiable information about a complainant of sexual violence without the complainant's consent except as may be required or permitted by law. There may be instances in which MSUM determines it needs to act regardless of whether the parties have reached a personal resolution or whether the complainant requests that no action be taken. In such instances, MSUM will investigate and take appropriate action, taking care to protect the identity of the complainant and any other reporter in accordance with this procedure.

**Required Reports-** Any Campus Security Authority or any college or university employee with supervisory or student-advising responsibility who has been informed of an alleged incident must follow MSUM procedures for making a report for the annual crime statistics report. In addition, the Campus Security Authority must report to other school officials, as appropriate, such as the campus affirmative action office, the campus officer responsible for administering the student conduct code, and/or the designated Title IX compliance coordinator, in order to initiate any applicable investigative or other resolution procedures. Campus Security Authorities may be obligated to report to law enforcement the fact that a sexual assault has occurred, but the name or other personally identifiable information about the complainant will be provided only with the consent of the complainant, except as may be required or permitted by law. Any publicly available records, including Clery Act reporting and disclosures, will not include personally identifying information about the victim.

### **Employees Responsibility to Report**

All employees of the University who become aware of an allegation of violation of University policy, student code of conduct, civil or criminal law should report the allegation to their supervisor and Public Safety. MSUM does not have a policy that encourages pastoral or counselors to inform persons to report crimes on a voluntary, confidential basis for inclusion in the annual crime statistics. The following individuals with significant responsibility for student and campus activities (not including counselors) must report potential criminal activity of which they are aware to Public Safety:

President, Affirmative Action Officer, Director of Human Resources, Personnel Officer(s), Athletic Director, Athletic Trainer(s), Coaches, Assistant Coaches, Assistant Director of Recreation: Competitive Sports, Vice President for Academic Affairs, Registrar, Assistant Registrar, Deans, Department Chairs, Early Education Center Director, Vice President for Finance & Administration, Chief Information Officer, Physical Plant Director, University Comptroller, Vice President for Enrollment Management and Student Affairs, Admissions Director, Financial Aid Director, Housing & Residential Life Director, Associate Director Housing & Residential Life, Housing & Residential Life Area Directors, Housing & Residential Life Resident Assistants, Director of First Year Programs, Assistant Director of First Year Programs, Associate Vice President for Student Success, Career Development Center Director, MSUM Counseling Services Director, Director of Recreation and Wellness, Multicultural Affairs Program Coordinator, Student Union & Activities Director, Assistant Director of Campus Activities, Student Organization Advisors, Bookstore Director, Vice President for Alumni Foundation, Campus Diversity Officer, Accessibility Resources Director, Student Conduct and Resolution Director, Associate Director for Student Life.

In compliance with the Federal Jeanne Clery Act, all alleged criminal activity will be reported, including University sponsored functions at off-campus locations to the MSUM Public Safety Department and/or the appropriate law enforcement agency.

### **Others' Responsibility to Report**

Members of the community who know of a crime or other serious incident should report that incident as soon as possible to the Public Safety Department so that a determination as to issuing an alert can be made.

### **MSUM Response to Reports**

1. Public Safety has dispatchers available 24 hours a day to answer calls. All allegations will be investigated. These investigations may be made in conjunction with the Moorhead Police Department or other law enforcement agencies (see below). The Moorhead Police Department has a substation in the Public Safety building on campus.

2. The Public Safety Department and Office of Student Conduct and Resolution work with the following local law enforcement agencies: Moorhead Police, Clay County Sheriff's Department, Fargo Police, West Fargo Police, and Minnesota State Patrol as well as other state and federal agencies. These partnerships allow for tracking and responding to on-campus or near campus criminal activity as well as referring alcohol and other drug arrests of MSUM students. MSUM does not have written memoranda of understanding with law enforcement agencies. The above listed agencies regularly report criminal activity through e-mail communication.
3. The Director of Public Safety will classify reports in conjunction with the appropriate police agency according to the FBI Uniform Crime Reporting Definitions.
4. When alleged perpetrators are identified as students, the case will be forwarded to Judicial Affairs for appropriate action. Criminal investigation, arrest and prosecution can occur independently, before, during or after the campus judicial process.
5. Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the MSUM Public Safety Department will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing the notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

MSUM will upon written request disclose the outcome of a disciplinary proceeding to the victim of a violent crime or non-forcible sex offense.

The University will discuss and publish the MSUM Emergency Action Plan in part and disseminate relevant and public information in the Annual Security and Fire Safety Report, on-line at <https://www.mnstate.edu/student-life/public-safety/campus-reports/> or by presentation to student groups, student employees, classified and unclassified staff, and the public.

## **MSUM EMERGENCY DISSEMINATION- TIMELY WARNING**

MSUM will issue a Timely Warning to members of the campus community in cases of reported murder, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and any hate (manifesting evidence of prejudice based on race, religion, ethnicity, national origin, gender, sexual orientation, disability, and gender identity), whereas the Director of Public Safety (or the Director's designee) determines there is a serious or continuing threat to the University community. In such cases, warnings may be provided through campus bulletins (via e-mail), dragon alert emergency notification system, campus newspapers, residence hall bulletins, electronic communication (multi-modal), and other significant means. While a timely warning must be issued in response to specific crimes, emergency notification is required in cases of an immediate threat to the health or safety of students or employees occurring on campus.

### **Purpose**

The purpose of this directive is to codify this department's policy and procedure concerning the Timely Warning/Crime Alerts issued by the MSUM Public Safety Department.

### **Policy**

It is the policy of this department to issue Timely Warnings/Crime Alerts in an effort to notify community members about certain crimes in and around our community. For the purposes of this policy, "timely manner" generally means within 24 hours after an incident has been brought to the attention of a "Public Safety authority" as defined in the Clery Act. Furthermore, it is the policy of this department to maintain compliance with applicable features of the Jeanne Clery Disclosure of Public Safety Policy and Campus Crime Statistics Act as mandated by the Department of Education.

## General

The Director of Public Safety, or his/her designee, is responsible for consulting with department staff, local police department(s), and with other campus authorities (as deemed necessary) in making the determination on a case-by-case basis of when “Timely Warning” information in the form of a Crime Alert is disseminated.

When a Crime Alert is issued, it is the responsibility of the issuing authority to notify the MSUM Administration of the communication. Notification shall also be issued to the local police departments, if applicable.

In relation to the Clery Act, a two-prong test shall be applied to determine if a Crime Alert will be issued. The incident reported to Public Safety authorities or a local police agency:

1. Is identified as a Clery Act crime (Murder and Non-Negligent Manslaughter, Manslaughter by Negligence, Aggravated Assault, Robbery, Sex Offense, Non-Forcible Sex Offense, Burglary, Motor Vehicle Theft, Arson).
2. Is the crime considered to represent a serious or continuing threat to students, faculty, staff, or visitors?

Determining whether to issue a Crime Alert for non-Clery Act crimes shall be evaluated on a case-by-case basis, taking into account both the frequency of offense and likelihood for additional occurrence.

Timely Warnings/Crime Alerts contain in the subject line the phrase “Timely Warning” or “Crime Alert” depending on the severity of the threat. The body of the notification will include information regarding the Clery Act requirement; the corresponding university case number; a short description of the crime or incident giving the time and date, location, reported offense, suspect description, weapon used (if any), and suspect vehicle (if any) and method of operation (MO) used to facilitate the crime. The notification should also include personal safety information to aid members of the University community in protecting themselves from becoming victims of a similar crime and to promote overall safety of our educational community. It is also the policy of the University to update the campus community with follow-up information or if the Timely Warning is no longer needed using the emergency notification system (dragon alert).

Methods of dissemination may include, but are not limited to: electronic distribution through our emergency notification system, via e-mail, or phone, posting of hard copies in public areas, posting on University and Public Safety websites, and dissemination via local media outlets. Specifically, available at: [mnstate.edu/public-safety/](http://mnstate.edu/public-safety/).

Following issuance, Timely Warning/Crime Alerts are posted in a conspicuous location within the public view. This posting is for a period of no less than 60 days. Status updates as to the resolution and/or un-founding of a crime and issued Timely Warning/Crime Alerts will be similarly disseminated and updated as soon as possible if possible.

## MSUM EMERGENCY NOTIFICATION SYSTEM

MSUM will without delay initiate our emergency notification system (dragon alert), which is used to transmit brief urgent messages to the MSUM population as quickly as possible. Our dragon alert system is designed as a multi-modal system that integrates with cellular text messaging, MSUM home page, official email (students & employees), campus digital signage, voice calling and social media. The dragon alert is designed as an “opt-out” program. All MSUM community members are auto enrolled in the system using their MSUM e-mail address. They cannot opt out of this address. They can sign into the Blackboard Dragon Alert system and add additional contact information as desired at: <https://www.mnstate.edu/student-life/public-safety/emergency-notification/>.

If you have questions e-mail: [dragonalert@mnstate.edu](mailto:dragonalert@mnstate.edu)

The Director of Public Safety or his/her designee will confirm whether there is a significant emergency or

dangerous situation occurring on campus or could affect the campus community. All dragon alert subscribers will receive the emergency notification. The content is determined depending on the situation/event taking place. The Director of Public Safety or his/her designee will initiate the notification system. If the confirmed emergency could affect the larger community, the on-duty supervisor will contact the Moorhead Police Department.

This system will be used only for unplanned emergency events which are likely to affect our community. The use of this system for planned events, routine emergencies and routine utility failures reduces its effectiveness in a real emergency. Your safety and security while on our campus is very important.

A detailed list, including procedures for specific campus related emergencies can be found at [mnstate.edu/public-safety/](http://mnstate.edu/public-safety/). Students and employees are encouraged to familiarize themselves with this information in the event that an unplanned emergency occurs on our campus.

Emergency notifications may include but are not limited to:

- Bomb threats or other imminent violent threats
- Fire alarms, natural gas leaks and hazardous spills affecting MSUM
- Building evacuations and lockdowns affecting MSUM
- Biological or pandemic emergency notifications
- Natural disasters
- Power outages and utility failures resulting in an imminent threat
- Campus closure due to declared civil emergency
- Weather related closings affecting MSUM property

### **Access Control to System**

MSUM has designated persons who have access rights to the dragon alert emergency notification system. These persons have assigned usernames and passwords that allow them to alert our community of an emergency. The primary contact for dragon alert is the MSUM Director of Public Safety. Other members may include, but are not inclusive of all public safety officers and dispatchers, the President, Provost, VP of Finance and Administration, Physical Plant Manager, Safety Administrator, Chief Information Officer, VP for Enrollment Management and Student Affairs, Director of Housing, Director of Athletics, Director of Health Services, Director of Human Resources, and the Executive Director of Marketing & Communications.

Upon credible information or notification of a campus disaster or emergency, any designated member can and should immediately contact local emergency response agencies, such as law enforcement, and fire department. Furthermore, an approved user will activate the emergency notification system using all available means and resources to alert the campus community without delay, unless the notification would further compromise the efforts or the safety of the campus community or the emergency responders. Emergency notifications may also include the issuances of periodic updates and information that would directly benefit the safety and security of the campus community and to further protect or expedite a successful mitigation.

### **System Testing**

It is required that testing the dragon alert emergency notification system occur on a monthly basis or more as needed to determine system functionality. The emergency message should clearly define that the communication is only a test. Test messages should not include any reference to a real emergency event. Language should always include "This is a test". Testing of the emergency notification system may be announced or unannounced.

*Sample Test Message: "This is a test of the MSUM emergency alert system. This is only a test." Sample Emergency Message: An MSUM emergency has been declared."*

The emergency message shall include: the nature of emergency, the location of emergency, specific instructions and actions required of recipients (or provide a timely follow-up message). The emergency notification system is required to be tested annually during the academic year in conjunction with our planned emergency evacuation and emergency response drills. The University will publicize its emergency response and evacuation procedures in conjunction with at least one test per calendar year. We also document for each test a description of the exercise, date and time, and whether it was announced or unannounced.

## PERSONAL SAFETY

1. Public Safety Officers are available to assist you in protecting yourself by providing regular foot, bike, and vehicle patrols and various safety and security communications; however, only you can protect yourself by being aware of your surroundings and take appropriate steps in preventing crime.  
Remember to:
  - a. Use Public Safety's "safety escorts" and "blue light" phones when you feel unsafe.
  - b. Walk in a group, stay in well-lit areas, and wear light-colored clothing when walking at night.
2. Emergency Phones: Emergency elevator and Code Blue call box telephones are located throughout the campus. When properly activated, these phones directly dial the on-duty Public Safety dispatcher. To operate these phones, you must follow this process:
  - a. Push the emergency button on the face of the box and wait for the call to be answered by the communications center. Identify yourself and communicate your emergency to the dispatcher.
3. Safety Escort Service: MSUM offers safety escorts (primarily walking) by Public Safety officers. Safety escorts may be requested by calling (218) 477-2449 and will be provided as other safety and security duties permit.
4. Protection of student residence hall room or apartment:
  - a. Lock your door- even if you are only going out for a short time or only going a short distance. It only takes a matter of seconds to enter your open room and steal your valuables.
  - b. You are encouraged to always lock your door while inside the room.
  - c. Do not prop open locked exterior building doors. These doors are locked for your protection and protection of others.
  - d. Never open exterior doors of the building for strangers or non-residents. Always escort your guests to and from the main entrance doors.
  - e. Do not loan your keys to anyone- even a classmate or a friend. They may not be careful with them and may misplace them, giving the wrong person access.
  - f. Do not leave your keys lying around in public places or in your jacket pocket when you are not wearing it.
  - g. Do not put your name or address on key rings as they may be used to steal your property if found by the wrong person.
5. Protect your property:
  - a. Personal property (purses, backpacks, calculators, etc.) should never be left unattended. Take such items with you if you are leaving the office, classroom, or residence hall room.
  - b. Lock your door whenever you leave your room or office.
  - c. Never open the exterior doors of the building to strangers or non-residents. Always escort your guests to and from the main entrance doors.
  - d. Protect all valuables in your room or office. Do not leave valuables in plain view.
  - e. Take valuables home with you during vacations.

- f. You are encouraged to open a savings or checking account rather than allow large sums of money to accumulate in your room. If you open a checking account, remember the number of the last check written. The theft of a single check can go undetected until a bank statement disclosed a forgery.
  - g. Park your bike where you can keep an eye on it if possible. Always lock your bike to the bikerack provided. There are several good anti-theft devices available. Case hardened heavy (U-Bolt) locks and chains afford the best protection for security of these items.
6. Protect your automobile:
- a. Always lock your car doors and never leave your keys in the vehicle.
  - b. Try to park your car in a well-lit area.
  - c. Avoid leaving personal property where it is visible inside your vehicle.
7. Protect yourself:
- a. Avoid walking alone at night.
  - b. Refrain from taking shortcuts; walk where there is plenty of light and traffic.
  - c. Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly for a lighted area or a group of people.
  - d. Have your keys ready when returning to your residence hall or apartment and keep your personal or valuable items concealed and close to your body. If you feel unsafe, use Public Safety's Escort Service (218-477-2449) to escort you to your on-campus destination.
8. Help us protect you: Watch for suspicious persons in and around University buildings and in parking lots. Do not pursue them. Call Public Safety immediately.
- Suspicious activity:
- If you see any suspicious activity or people on or near campus, call Public Safety immediately (218-477-2449). Do not assume that what you observe is an innocent activity or that it has already been reported.
  - Do not assume the person is a visitor or University staff member that you have not seen before.
- Suspicious people may be:
- Loitering about at unusual hours and locations; running, especially if something of value is being carried.
  - Exhibiting unusual mental or physical symptoms. Person(s) could be in distress and need medical assistance.
  - Carrying property that might be suspicious, depending on the circumstances, going from room to room trying door handles. Door-to-door soliciting is not permitted in MSUM residence halls. Violations of this rule should be reported to your area director immediately. Report all thefts and property loss immediately to Public Safety and/or the Moorhead Police Department.

Be safety and security conscious at all times. Your safety and security while on our campus is very important.

A detailed list, including procedures for specific campus related emergencies can be found at [mnstate.edu/public-safety/](http://mnstate.edu/public-safety/). Students and employees are encouraged to familiarize themselves with this information in the event that an unplanned emergency occurs on our campus.



# CAMPUS FACILITIES SECURITY AND MAINTENANCE

## Security Measures

The Facilities, Grounds, Safety Committee (FGSC) is a comprehensive committee that recommends to the administration regarding the policies, use, modification, and planning of MSUM's facilities and grounds (including parking areas) with regard for mitigating risk. The FGSC ensures regulatory compliance with OSHA, ADA, and other applicable laws and codes, and recommends measures required to rectify deficiencies. The FGSC reviews incident, near miss, and property damage reports and alleged hazardous working conditions. In addition, the FGSC recommends appropriate plans, programs, procedures, and training to promote safety and security of individuals and university property, environmental health, occupational safety, and emergency management.

Information Technology has surveillance camera systems installed throughout the parking lots and other key interior and exterior areas. These camera systems are monitored by Public Safety Dispatch and active 24 hours a day and continuously record to digital media. The use of these camera systems, coupled with 24-hour recording, enhances community safety and security while aiding in the investigation of criminal and suspicious incidents on campus.

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Public Safety regularly patrols campus and reports malfunctioning lights and other unsafe physical conditions to the Physical Plant Department for repair. An annual Safety Walk by joint committees is performed to assess site lighting, trip hazards, obstructions, and any other exterior safety related issues. Students, faculty, staff, and visitors to the University should promptly report facilities and landscaping problems to Physical Plant 218-477-2662 or Public Safety at 218-477-2449.

Public Safety, Physical Plant and the Safety Administrator routinely perform surveys of the campus facilities to ensure the continued safety of the campus. Items which are routinely inspected include: doors and locks, fire and panic/burglar alarms, safety equipment (i.e., fire extinguishers, fire panels, AEDs), blue light emergency phones, and elevator emergency phones.

## Academic and Administrative Building Access

All building card access systems and perimeter door sensors are tested annually, and any deficiencies are addressed promptly. Card access permissions are audited to ensure that no unauthorized access is permitted. The Public Safety Department receives hundreds of requests each year by faculty, staff, and students for access to buildings, offices, and other rooms. The Public Safety Department strives to maintain the balance between personal safety, building security, and community needs of accessing campus facilities.

1. Building Access and Maintenance:
  - a. The MSUM campus is for the use of the students, faculty, staff, guests, and those on official business with MSUM.
  - b. Access to campus buildings is limited outside of normal business and class hours.
  - c. Students, faculty, staff, and visitors are encouraged to report needed repairs to the Maintenance/ Physical Plant Office (218-477-2662).
  - d. If doors/access controls are found to be inoperable/unsecured, report to [accesshelp@mnstate.edu](mailto:accesshelp@mnstate.edu) and call Public Safety to secure the door until a maintenance work order is completed.
2. Policies and procedures for safe access to academic buildings:
  - a. Key or card access is to be granted to Faculty, Staff, Students, and Vendors with the Department Chair or Dean's prior approval.
  - b. All keys and card access issued to Vendors or Contractors must be cleared through the Director of the Physical Plant, Chief Engineer, or Director of Housing.

- c. Clearance/permission must be electronically submitted or an e-mail sent to [msumkeys@mnstate.edu](mailto:msumkeys@mnstate.edu). Information to include for the recipient of access: first and last name, Dragon ID number, the department, building and room (desk/cabinet) of access, and the end date for the access (due dates: for faculty/staff not to exceed 2 years, students not to exceed 1 year).
  - d. Exterior building doors should not be propped open when the doors are locked.
  - e. Building evacuation is mandatory for all fire alarms.
  - f. Individual academic buildings are normally open from 6:30 AM until 5 PM, or for scheduled weekend classes and special events. Employees and students in buildings after normal working hours must have an MSUM ID in their possession and present the ID when requested.
  - g. Faculty, staff, and students who see a suspicious or unauthorized person in a building may ask the individual for ID or contact Public Safety (218-477-2449). Public Safety will secure the building at closing time. In buildings with outside windows, employees should close and lock them before leaving the building.
  - h. On campus phones and pay phones are in most buildings for emergency calls. Problems related to people in buildings after hours should be reported to Public Safety (218-477-2449) immediately.
3. Policies and procedures for safe access to residence halls:
- a. Residence Hall exterior doors are locked 24 hours a day.
  - b. Residents are directed not to prop doors open and not to open these doors to anyone other than their guests.
  - c. Residents locked out of their room should contact their hall's front desk. After desk hours, contact Residential Life on duty cell phones (Snarr: 701-361-4532, John Neumaier: 701-261-4928, Dahl/Nelson/Grantham/Holmquist: 701-361-4531) or (Pro Staff: 701-238-4506).
  - d. All overnight guests must be registered with the hall desk.
  - e. No person(s) other than hall residents will be allowed in residence hall lounges or lobbies without an escort present.
  - f. Your safety and security while on our campus is very important. A detailed list, including procedure for specific campus related emergencies can be found at [mnstate.edu/public-safety/](http://mnstate.edu/public-safety/). Students and employees are encouraged to familiarize themselves with this information in the event that an unplanned emergency occurs on our campus.

## EDUCATION/TRAINING PROGRAMS

1. Public Safety staff provides assistance in presenting programs on campus safety and security issues. Public Safety and MSUM Counseling Services staff develops and presents educational programs for both students and University employees in the areas of crime prevention, sexual assault awareness, fire prevention, harassing phone calls, personal safety, etc. Public Safety works closely with the Moorhead Police and Fire Departments and the F/M Rape and Abuse Crisis Center in presenting programs. Public Safety or MSUM Counseling Services has available brochures, flyers, pamphlets, movies, videos, and posters concerning various safety and security issues. Contact the Director of Public Safety to schedule safety and security programs.
2. The MSUM Counseling Services provides staff to aid students in coping with a variety of issues including sexual assault awareness, personal safety, and alcohol and drug abuse. All freshmen are required to take a Personal Empowerment Through Self Awareness course which includes presentations on sexual violence, sexual assault, dating and domestic violence as well as personal empowerment of actions student can take. In addition, there are campus speakers and student affairs programming to further educate students on the above issues.
3. MSUM offers an Employee Assistance Program (EAP) to all faculty/staff. Students can also receive counseling for alcohol and drug issues at the MSUM Counseling Services.

4. The Office of Student Activities conducts annual officer training where campus policies are highlighted for every recognized student organization. Every organization must fill out an Annual Registration Form that includes an Officer Agreement for reading and abiding by campus policies, etc. Every organization advisor must sign an agreement form and attend mandatory training sessions that include Clery Act and CSA training on reporting.
5. The Public Safety Department and Environmental Health and Safety conduct training on a variety of safety and security topics.

## CRIME ALERT NETWORK

MSUM is a member of the Minnesota Bureau of Criminal Apprehension Crime Alert Network.

## ALCOHOL AND OTHER DRUGS POLICY

In accordance with the federal Drug-Free Workplace Act of 1988, the federal Drug-Free Schools and Communities Act (DFSCA) of 1989, and Minnesota State policies, Minnesota State University Moorhead prohibits the unlawful or unauthorized possession, use, sale, manufacture, distribution, or dispensation of alcohol and other drugs by employees and students in the workplace, on University property, or as part of any campus event.

Below is the University policy on the **use and possession of alcohol and other drugs by students**.

### Policy:

Minnesota State University Moorhead recognizes that the misuse of alcohol and other drugs is a serious problem in our society and our community. This University seeks to create a campus environment which promotes healthy and responsible living that is conducive to the intellectual and personal development of students. The University is committed to establishing and enforcing clear prohibited conduct expectations regarding the use of alcohol and other drugs.

### Definitions:

1. **Recognized Student Organization** - any student organization that has successfully completed the recognition process as outlined in the Student Organization Handbook and registers each academic year with the Office of Student Activities.
2. **Travel Status** - the time period from departure until return to campus by students who have obtained travel authorization through the appropriate university representative for a university sponsored student event.
3. **University recognized Student Event** - activities that include, but are not limited to: official meetings, practices, competitions or trips involving students (who represent divisions, departments or majors), recognized student organizations or intercollegiate athletic teams of the University.
4. **Good Samaritan** – A student who seeks emergency services for a fellow student suffering from an alcohol or other drug (AOD) overdose
5. **Student** (as defined in the MSUM Student Conduct Code) – includes all persons who:
  - a. Are enrolled in one or more courses, either credit or non-credit, through the University
  - b. Withdraw, transfer or graduate, after an alleged violation of the student conduct code.
  - c. Are not officially enrolled for a particular term but who have a continuing relationship with the University.
  - d. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid.
  - e. Are living in a University residence hall although not enrolled in the institution.

**Prohibited Conduct:**

1. The use, possession, distribution, manufacture, or sale of any alcoholic beverage is prohibited **on the campus**. The illegal or unauthorized use, possession, distribution, manufacture, or sale of any controlled substance or drugs is prohibited on the campus, which includes any product manufactured with an illegal amount of THC. The possession or display of drug paraphernalia, alcohol “trophies,” or other form of empty alcohol containers, is prohibited on campus.
2. The use, possession, distribution, manufacture or sale of any alcoholic beverage, illegal drug and the illegal or unauthorized use, possession, distribution, manufacture, or sale of a controlled substance, including any product manufactured with any amount of THC, is prohibited by individual students, recognized student organizations and athletic teams when in **travel status representing the University**.
  - a. Alcohol may not be transported in vehicles that are utilized to conduct organization or university business. This includes, but is not limited to state fleet vehicles, rental or personal vehicles transporting students to a university or organization sanctioned event and/or rental or personal vehicles that will be reimbursed for mileage by organizations or the university.
  - b. Alcohol may not be brought into, stored, or consumed in the lodging facilities used by students, regardless of age, when on travel status.
3. For purposes of the National/International **Student Exchange, Study Abroad and Eurospring Programs**, the unlawful use, possession, distribution, manufacture or sale of any alcoholic beverage, illegal drug, and the illegal or unauthorized use, possession, distribution, manufacture, or sale of a controlled substance will be determined by the law of the foreign state or country. Students are expected to comply with the laws of the foreign country. The standard applicable during travel status is to accommodate the educational aspect of exploring customs or culture of foreign countries.
4. The use, possession, distribution, manufacture or sale of any alcoholic beverage or illegal drug and the illegal or unauthorized use, possession, distribution, manufacture, or sale of a controlled substance, including any product manufactured with any amount of THC, by MSUM students is prohibited at all **off-campus university recognized student events**.
5. As members of the University community, students who live or visit **off-campus** are expected to behave responsibly when off-campus. Students violating civil or criminal law may be subject to University conduct procedures for the same conduct when the conduct occurs off campus but adversely affects the educational, research, or service functions of the University. Students should be aware that unlawful use, possession, distribution, manufacture or sale of any alcoholic beverage, illegal drug, or drug paraphernalia and the illegal or unauthorized use, possession, distribution, manufacture, or sale of a controlled substance cited by local law enforcement may be reported to the University. **If reported, the University will take appropriate disciplinary action under this policy.**
6. The following **advertising and promotional** activities are prohibited:
  - a. Using alcoholic beverages as awards or prizes in connection with university sponsored student events;
  - b. Alcohol promotional activities and advertising associated with university sponsored student events; (this includes, but is not limited to, such items as: cups, t-shirts, beverage can coolers, and any other items carrying alcohol/beer advertising);
  - c. Advertising of alcohol or illegal drugs appearing in university controlled or affiliated spaces, publications including university affiliated web sites over which it has editorial control.

The University does not regulate content or advertisements in autonomous student-edited publications, such as student newspapers, but encourages the editorship to not include advertising that promotes the high-risk use of alcohol such as happy hour drink specials, two for ones or other advertisements that encourage rapid and excessive consumption of alcohol.

**Exceptions:**

For instructional purposes in authorized laboratory and classroom instruction or experiments (accordance with MNSCU Board Policy 5.18). For one-time use of alcoholic beverages at specific University events when authorized

by the President (in accordance with MNSCU Board Policy 5.18).

A **Good Samaritan exception** for violations of the alcohol/other drug policy will be recognized and honored. A student, who may be in violation of the alcohol/other drug policies but comes to the aid of another student by seeking professional help, will not be cited for an alcohol/other drug university conduct violation. This exception will not be granted to those who flagrantly or repeatedly violate the University's Alcohol and Other Drug Policy.

For legal and responsible\* use of alcoholic beverages by students in travel status while attending events, such as banquets, when the use of alcohol has been approved by the sponsoring organization and where properly licensed Third Party Vendors provide sales of alcohol, which are staffed only by the employees of the host site or the Third Party Vendor. Students who legally consume are prohibited from operating vehicles following consumption.

Further restrictions or allowances of legal and responsible\* use of alcohol may be applied to students or student groups on travel status based on the specific program's needs and direction of the faculty or staff supervisors/advisors.

\*Non-responsible use is defined as behavior that disrupts the University community, endangers the health or safety of self or others, results in damage to University or personal property, or requires the intervention of University or community resources. Examples of non-responsible use includes but is not limited to disorderly conduct, excessive noise, violence, threats, vandalism, or intoxication that leads to intervention by University personnel, law enforcement personnel, or medical personnel.

**Sanctions for individuals in violation of the policies on alcohol & other drugs:**

The University reserves the right, based on the severity of the incident, to automatically refer a student to a higher level (i.e., a student's first violation may result in Level Two or Level Three). Parental notification, in accordance with the University's FERPA Policy § IV (A)(5), may occur. At the discretion of the hearing officer, a student may be assigned a combination of disciplinary sanctions as defined in this policy and the Student Conduct Code. Students who fail to follow the policy procedures will be subject to a registration hold and may face separation from the university. The following sanctions accumulate during a student's college career.

**Level One:** Students will receive a written warning and will complete an online education program. Student will also complete an assessment and educational session with the Chemical Health Educator. There will be a mandatory fee of \$100.00, which will appear on the MSUM billing statement.

**Level Two:** Students will be placed on university disciplinary probation and will meet with the Chemical Health Educator to determine the appropriate level of intervention. Intervention could be individual or group setting. The mandatory fee is \$200.00, which will appear on the MSUM billing statement.

**Level Three:** A student with a severe violation or a third violation of the Alcohol and Drug Policy during his or her college career is subject to a minimum of one semester suspension from the university unless extraordinary circumstances exist. Upon re-admission following a suspension, any further alcohol or drug violation may result in expulsion from the University.

The University reserves the right to waive suspension in the event that the student agrees to a referral to a licensed treatment facility for assessment and follows all recommendations. Any costs will be the responsibility of the student. The Chemical Health Educator may assist the student in facilitating the process.

**Sanctions for organizations in violation of the policies on alcohol & other drugs:**

Organizations found in violation of the alcohol and other drug policy may be prohibited from conducting social functions and solicitation and acceptance of new members, and university recognition may be on probation. Sanctions will be educational in nature and last for a duration of time determined by the sanctioning body or University official. The University reserves the right to suspend or revoke university recognition of the organization.

Based on the severity of the incident or in the case of multiple violations for the alcohol and other drug policy, university recognition will be suspended for a period of no less than three years. The University reserves the right to revoke university recognition of the organization. In addition to the university's Student Alcohol and Other Drug Policy, departments and student organizations may have established rules that are more restrictive and indicate additional sanctions for violations. Sanctions may include action such as suspension from an activity, a team, or organization.

### **Rationale**

Minnesota State University Moorhead complies with and supports the Minnesota State Board of Trustees policy governing alcohol and other drugs on campus, the Drug Free Schools and Community Act, the Drug Free Workplace Act, the Campus Security Act and Minnesota State law.

### **Prevention Programs**

The following are descriptions of adopted and implemented strategies and efforts for the prevention of the abuse of alcohol and use or distribution of illicit drugs both by MSUM students and employees, both on its premises and as a part of any of its activities. MSUM is committed to providing numerous opportunities for students to engage in substance-free activities and events and aims to provide an environment that supports health-promoting norms.

- **Campus Committee: Substance Abuse Prevention Committee**
  - The **Substance Abuse Prevention Committee** develops, implements, and evaluates social-norms, and environmental management programs designed to reduce alcohol, tobacco, and other drug (ATOD) misuse among students. In addition, the committee monitors ATOD data at MSUM and analyzes the impact of ATOD misuse on academic success. The committee reviews and recommends ATOD policy. The committee serves as advisory to the university president. The committee member includes representation from the following: Counseling Services, Athletics, Academic Affairs, Student Conduct and Resolution, Public Safety, Housing and Residential Life, Student Union and Activities, and 5 student representatives from Student Senate, Greek Life, Residential Life, Athletics, and Wellness Educators.
- **Student Life Programs and Efforts**
  - **Housing and Residential Life:** The Housing and Residential Life Living, Learning, and Leading Model specifically address active and passive programmatic efforts related to risk-reduction in use/abuse of alcohol and other drugs through learning outcomes related to Personal Safety and Wellness. Resident Assistants are responsible for providing programming/events which address these programmatic learning outcomes.
    - All events within the Housing and Residential Life programming model are alcohol-free. Also, all residence halls are alcohol-free and illicit drug-free living environments for students. Housing and Residential Life has in-hall staff members who aim to build close relationships with students, providing opportunities to advise and mentor them.
    - In addition to the University Alcohol and Other Drug policy, Housing and Residential Life include policy statements specific to behaviors that occur in the residence halls. These are provided below in Section 4: Policy Inventory.
  - **The Dragon Entertainment Group:** The Dragon Entertainment Group is a registered student organization that plans major programming events on campus—during the week and throughout the day and on the weekends. The Group also provides late night programming offered to students as an alternative to going out to parties and drinking alcohol. These events are highly social, providing entertainment, crafts, activities, non-alcoholic beverages, and food.
    - The Dragon Entertainment Group programs with the purpose to enhance the college experience through leadership, student development, and innovative programming that reflects and supports the diversity of MSUM and the surrounding community.

- **The Wellness Educators:** These are students who engage in peer education through collaborative programming with other departments on campus as well as classroom presentations. The Wellness Educators develop and implement activities designed to encourage positive lifestyles. The Wellness Educators develop a student-driven effort to creating a healthier campus.
- **The Wellness Center:** The Gerdin Wellness Center offers a wide variety of opportunities for an active and healthy lifestyle. Within the Wellness Center, there are group exercise classes, a rock wall, a variety of fitness machines, and a relaxation room. The Wellness Center is open a variety of hours, including evening and weekend hours.
  - Club Sports and Intramurals are also engaged through the staff in the Wellness Center. This includes opportunities that connect students and engaged them, including highly regarded special events.
- **Greek Life:** MSUM has two social fraternities:
  - **Delta Zeta:** Sorority members review the alcohol policy during chapter wide educational sessions each semester. Each October the chapter hosts “I have a Choice” week which enriches the minds of students by talking about the effects of alcohol on one’s body, the warning signs of alcohol abuse, social respect and consent around alcohol consumption, preventative social event planning processes and other topics. Sorority members are directed to follow all state, federal, and university policies regarding alcohol and other drugs. The organization has a policy, procedure, and penalties. The chapter residence is substance free.
  - **Kappa Sigma:** Fraternity members review the code of conduct each semester with the entire chapter. The code includes a section on alcohol and controlled substance use. All members are directed to follow the law. The chapter does not have a residence.
- **Varsity Athletics Programs:** The varsity athletic department at MSUM hosts educational programs and provide alcohol-free events as follows:
  - Participation in NCAA required mandatory random drug testing for all student-athletes.
  - Athletic training staff and coaches discuss NCAA banned substances, alcohol and drugs with every team.
  - Athletic department has a substance abuse policy to identify student-athletes with possible AOD abuse/addiction and provide intervention/treatment plan.
  - Student Athlete Advisory Committee (SAAC), as part of the Northern Sun Intercollegiate Conference, participated in “It’s A Slam Dunk, Don’t Drive Drunk”, by collecting pledges and raising awareness about the dangers of drunk driving; February 2020, February 2021, February 2022, and February 2023.
  - Athletics staff facilitated five sexual violence prevention education sessions on healthy and unhealthy relationships, in partnership with the Rape and Abuse Crisis Center of Fargo, ND; Fall 2023
  - Athletics staff facilitated sexual violence prevention education known as “Green Dot Training” will all student athletes; Fall 2022.

**Academic Faculty and Coursework:** Academic faculty take action if they notice students missing a lot of classes and/or assignments. They also approach students who confess some kind of alcohol problem; faculty often reach out to the Academic Dean of their College or the university CARE Team.

Faculty members who travel with students to conferences make sure the students are acting in accordance with the university alcohol policies and involve students in appropriate activities.

The First Year Experience course at the university includes faculty and instructors addressing alcohol abuse.

Involvement in community coalitions that specifically address alcohol and other drug issues:

A campus member serves as a representative in community coalitions, including the Living Well Coalition (with M State-Moorhead) and the Clay County Safe Roads Coalition. These coalitions address alcohol and other drug abuse prevention and related issues through the following prevention and intervention strategies: increasing enforcement of minimum drinking age laws; implementation, increased publicity, and enforcement of other laws to reduce alcohol-impaired driving; restriction on alcohol retail outlet density; and responsible beverage service policies in social and commercial settings.

The following is a list of university web pages that provide information regarding substance free programs and events offered at the university:

- DragonCentral: <https://mnstate.campuslabs.com/engage/>
- Dragon Entertainment Group: <https://mnstate.campuslabs.com/engage/organization/DragonEntertainmentGroup>
- Office of Student Activities: <https://www.mnstate.edu/student-life/student-activities/campus-activities>
- MSUM Wellness Center: <http://www.mnstate.edu/wellness/>
- MSUM Athletics: <http://www.msumdragons.com>
- Intramurals and Club Sports: <http://www.mnstate.edu/athletics-recreation/club-sports/>
- Music Performance Activities: <http://www.mnstate.edu/academics/majors/music/events>
- Performance Arts Series: <http://www.mnstate.edu/academics/colleges-schools/cah/performing-arts-series/>
- Straw Hat Players: <http://www.mnstate.edu/strawhat/>

For further information about Alcohol and Other Drug Programs, please see the Biennial Review of Minnesota State University Moorhead Alcohol and Other Drug Programs: 2020-2022.

[Biennial Review of Minnesota State University Moorhead \(mnstate.edu\)](https://www.mnstate.edu/biennial-review-of-minnesota-state-university-moorhead-alcohol-and-other-drug-programs-2020-2022)

The Minnesota Department of Management and Budget provides the policy on the **use and possession of alcohol and other drugs by employees**. This policy can be found online:

[https://mn.gov/mmb/assets/1418DrugAndAlcoholPolicy2016\\_tcm1059-253325.pdf](https://mn.gov/mmb/assets/1418DrugAndAlcoholPolicy2016_tcm1059-253325.pdf)

## **Smoking & Tobacco Use Policy**

### **Rationale and Scope**

Minnesota State University Moorhead is committed to creating a clean, safe, and healthy living, learning, and working environment for all students, employees and guests in all University facilities and any other property controlled by the University including state-owned, leased, or rented vehicles.

### **Policy**

Smoking, tobacco use, and tobacco sales (including the use or sale of smokeless tobacco products and electronic nicotine delivery systems) are prohibited in University facilities or on any other property controlled by the University including state-owned, leased, or rented vehicles. Smoking or tobacco use is prohibited within twenty (20) feet of any entrance, exit or operable window of University facilities or of any other property controlled by the University.



### **Policy Exceptions**

Exceptions for instructional, research, educational, cultural, ceremonial and/or artistic purposes must be approved in advance by the MSUM Director of Public Safety or designee prior to its actual use. Such use should be preceded by reasonable advance notice to the public.

### **Policy Enforcement**

Enforcement of this policy will depend upon the cooperation of all faculty, staff, and students, not only to comply with this policy, but also to encourage others to comply with the policy.

In the case of a violation, the person will be informed of the Smoking and Tobacco Use/Sale Policy. If the person continues to violate the policy, the aggrieved party should contact MSUM Public Safety who will notify the MSUM Office of Student Conduct & Resolution if the violator is a student and the MSUM Human Resources Office if the violator is a University employee.

### **Definitions**

- **"Smoking"** means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco product or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe or any other lighted tobacco or plant product intended for inhalation.
- **"Smokeless Tobacco Products"** consist of the use of snuff, chewing tobacco, smokeless pouches, or other forms of loose leaf tobacco.
- **"Electronic nicotine delivery systems"** also known as e-cigarettes or e-vaporizers are battery-operated devices that are used to inhale an aerosol containing nicotine, flavorings, and other chemicals.
- **"Indoor Area"** means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes [wall space] constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A standard window screen is not a wall.

## **SEXUAL VIOLENCE POLICY VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION ACT OF 2013 PROGRAMS AND PROCEDURES**

### **Policy Statement**

Minnesota State University Moorhead (MSUM) prohibits the crimes of sexual assault, domestic and dating violence, and stalking (as defined by the Clery Act). MSUM follows the Minnesota State Board Policy 1B.3 Sexual Violence Policy and the System Procedure 1B.3.1 Response to Sexual Violence, regardless of whether the incident occurs on or off campus when it is report to a campus security authority.

### **Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
  - A Felony or misdemeanor crime of violence committed—
    - By a current or former spouse or intimate partner of the victim;
    - By a person with whom the victim shares a child in common;
    - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
    - For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Definition of a Crime of Violence:** According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:
  - An offense that has as an element of the use, attempted use, or threatened use of physical force against the person or property of another; or
  - Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - For the purposes of this definition—
    - Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - Dating violence does not include acts covered under the definition of domestic violence.
  - For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
  - Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking:**
  - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
    - Fear for the person's safety or the safety of others; or
    - Suffer substantial emotional distress.
  - For the purposes of this definition—
    - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

The State of Minnesota statutes define the crimes of sexual misconduct, domestic violence, dating violence, stalking, and consent as follows:

- **First Degree Sexual Misconduct:** Sexual penetration (vaginal, oral, or anal sex or any intrusion of the victim's genital or anal openings by any part of the defendant or an object) of anyone or sexual contact with a person under 13 (intentional touching of victim's bare genitals or anus by defendant or another's genitals or anus with sexual or aggressive intent) in the following circumstances:
  - The victim is under 13 years old and the defendant is more than 3 years older than the victim.
  - The victim is 13 to 16 years old and the defendant is 4 years older and in a position of authority over the victim (such as a parent, foster parent, psychotherapist, etc.)
  - The circumstances placed the victim in reasonable fear of imminent physical harm to himself or herself or another
  - The defendant was armed with a dangerous weapon or threatened the victim with the weapon
  - The defendant causes injury to the victim and either uses force or coercion for sexual penetration or knows the victim is mentally or physically impaired
  - The defendant is helped by another person to make the victim submit or the accomplice is armed with a weapon
  - The defendant has a significant relationship (defendant is victim's parent, stepparent, guardian, relative by blood, marriage, or adoption, or an adult who lives in the same house and isn't the victim's spouse) with the victim and the victim is under 16 at time of sexual penetration
- **Second Degree Sexual Misconduct:** Engaging in sexual contact (intentional touching of victim's intimate parts, touching of another's intimate parts by coercion, the touching can be over clothes) under any of the same circumstances as listed above under the first degree.
- **Third Degree Sexual Misconduct:** Engaging in sexual penetration under these circumstances:
  - The victim is under 13 and the defendant is no more than 3 years older
  - The victim is 13-15 years old and the defendant is more than 2 years older, but no more than 10 years older
  - The defendant uses force or coercion to sexually penetrate the victim
  - The defendant knows or should know the victim is mentally or physically incapacitated
  - The defendant has a significant familial or living with relationship with the victim who is at least 16, but under 18 at the time of the sexual penetration
  - The defendant is a psychotherapist of the victim when the sexual penetration occurred during a session or while the professional relationship existed. Also unlawful if a former patient/victim is emotional dependent on the therapist or the sex occurred by deception
  - The defendant accomplishes the sex by means of deception or false representation that it has a medical purpose
  - The defendant is a clergy, the victim isn't married to him or her, and the sex occurs during a spiritual advice meeting

- The defendant is an employee or volunteer at a correction or juvenile facility and the victim is in custody or treatment there
- The defendant works for a special transportation service and has sex with the victim, who is a client before or after transporting him or her
- The defendant is a massage therapist and the victim used the services and the nonconsensual sex occurred during or immediately before or after the massage
- **Fourth Degree Sexual Misconduct:** Engaging in sexual contact (not penetration) in any of the same situations as third degree described above.
- **Fifth Degree Sexual Misconduct:** Engaging in nonconsensual sexual contact (not including touching a clothed butt, but including attempts to remove clothing covering victim's intimate parts if done with sexual or aggressive intent) or knowingly masturbating or exposing one's genitals in the presence of a child under 16.
- **Domestic Violence/Dating Violence:** The law defines "domestic abuse" as the following conduct, "if committed against a family or household member by a family or household member:"

- (1) Physical harm, bodily injury, or assault;
- (2) The infliction of fear of imminent physical harm, bodily injury, or assault; or
- (3) Terroristic threats, criminal sexual conduct, or interference with an emergency call.

A "family or household member" means:

- (1) Spouses and former spouses;
- (2) Parents and children;
- (3) Persons related by blood;
- (4) Persons who are presently residing together or who have resided together in the past;
- (5) Persons who have a child in common regardless of whether they have been married or have lived together at any time;
- (6) A man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- (7) Persons involved in a significant romantic or sexual relationship.

The law applies to many familial and intimate partner relationships, regardless of legal marital status. Dating violence is covered under "persons involved in a significant romantic or sexual relationship." Typically, however, the abuse or neglect of a child is not addressed under the Domestic Abuse Act, but instead is considered maltreatment of a minor.

- **Stalking:** "Stalking" means to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.
- **Consent:** "Consent" means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act.

Corroboration of the victim's testimony is not required to show lack of consent.

## Minnesota State University Moorhead's Definitions of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Consent

The Minnesota State University Moorhead Policy defines domestic violence, dating violence, sexual assault, stalking, and consent as follows:

- **Affirmative Consent:** Consent is informed, freely given, and mutually understood willingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. It is the responsibility of the person who wants to engage in sexual activity to ensure that the other person has consented to engage in the sexual activity. Consent must be present throughout the entire sexual activity and can be revoked at any time. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. A lack of protest, absence of resistance, or silence alone does not constitute consent, and past consent to sexual activities does not imply ongoing future consent. The existence of a dating relationship between the people involved or the existence of a past sexual relationship does not prove the presence of, or otherwise provide the basis for, an assumption of consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.
- **Sexual violence.** Sexual violence includes a continuum of conduct that includes sexual assault, and non-forcible sex acts, as well as aiding acts of sexual violence.
- **Sexual assault.** "Sexual assault" means an actual, attempted, or threatened sexual act with another person without that person's consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under the Code of Student Conduct and employee disciplinary standards.

Sexual assault includes but is not limited to:

1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as "date rape" or "acquaintance rape." This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.
  2. Involvement in any sexual act when the victim is unable to give consent.
  3. Intentional and unwelcome touching, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).
  4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.
- **Dating, intimate partner, and relationship violence.** Violence including physical harm or abuse, and threats of physical harm or abuse, arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota state law.
  - **Stalking.** Stalking is conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to fear for her or his safety or the safety of others or to suffer substantial emotional distress.
  - **Non-forcible sex acts.** Non-forcible acts include unlawful sexual acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by Minnesota law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.

- **University property.** “University property” means the facilities and land owned, leased, or under the primary control of Minnesota State University Moorhead.
- **Employee.** “Employee” means any individual employed by Minnesota State University Moorhead, including student workers.
- **Student.** “Student” means all persons who:
  1. Are enrolled in one or more courses, either credit or non-credit, through the university; or
  2. Withdraw, transfer, or graduate after an alleged violation of the code of student conduct; or
  3. Are not officially enrolled for a particular term but who have a continuing relationship with the university; or
  4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
  5. Are not university employees and are not enrolled in the institution but live in a college or university residence hall.
- **Campus security authority.** Campus security authority includes the following individuals at MSUM:
  1. The Department of Public Safety, MSUM Public Safety Office, 1616 9<sup>th</sup> Avenue South
  2. Those who have significant responsibility for student and campus activities, including, but not limited to the following:
    - a. Housing and Residential Life staff, including Resident Assistants, Area Directors, Graduate Assistant Area Directors: Ballard Hall 120, 218.477.2118
    - b. Assistant Dean of Students: Flora Frick Hall 153, 218.477.2174
    - c. Advisors to recognized student organizations, Office of Student Activities: Comstock Memorial Union, 218.477.2790
    - d. Athletic coaches, Department of Athletics: Nemzek Hall 134, 218.477.2622

To further its commitment against sexual violence, Minnesota State University Moorhead provides reporting options, internal mechanisms for dispute resolution, and prevention training or other related services as appropriate.

### How To Be An Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling,

or with legal assistance.

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<sup>1</sup>Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

<sup>2</sup>Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

## Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cash money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
  - Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
  - Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

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

### Programs to Prevent Sexual Assault, Domestic Violence, Dating Violence, and Stalking

The university engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

### **Primary Prevention and Awareness Programs**

The university provides primary prevention and awareness programs to all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identified domestic violence, dating violence, sexual assault, and stalking as prohibited conduct;
- Provide state and university policy definitions of what behaviors constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of Minnesota and/or using the definition of consent found in the MSUM Sexual Violence Policy;
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victim/survivors in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act.

Campus-wide efforts include but are not limited to the following (trainings are held annually and on an ongoing basis):

**Required Student Education:** Training on the awareness of sexual violence prevention measures and procedures to incidents of sexual violence through the university's online learning tool. **Sexual Violence Prevention Training** is a training course, developed by Minnesota State system office. This course focuses on promoting the intellectual awareness of all students, offering accessible resources and services from the university regarding sexual violence. At the university, we believe that students need to be actively engaged in their education and engaged in contributing to keeping the campus safe.

The major components covered in the training course are divided into the following segments: 1) broad information about the seriousness of rape on college campuses; 2) information regarding Minnesota state law, Minnesota State Board of Regents Policy and Procedure (which prohibits all acts of sexual violence including sexual assault, dating and domestic violence, and stalking), defining consent, policy jurisdiction, and predatory behavior; 3) identifying harmful stereotypes, relationship and dating violence, and stalking; and 4) personal empowerment of actions students can take (including risk reduction), as well as bystander awareness and support for victims.

**Employee Training:** All employees receive training, which is a training course developed by Minnesota State focusing on intellectual awareness and offering recourses regarding sexual violence. Employees



complete this training along with other training modules on an annual basis. The major components are similar to the student module highlighting the prohibition of sexual violence, dating violence, domestic violence, sexual assault, and stalking. There are definitions of each of these terms, the definition of consent in reference to sexual activity, a description of bystander intervention and information on the institutions policies and procedures for reporting.

**Take Back the Night Rally and March:** In collaboration with student organizations and departments on campus, the Women's Center annually hosts "Take Back The Night" Rally and BBQ with food, booths, and peer education; followed by speakers; a march around the campus/through the community; and candlelight vigil and moment of silence.

**Women's Center Programming:** The Women's Center, in collaboration with student organizations and other departments on campus, host a number of culturally sensitive events and educational activities open for all campus community members. The Women's Center also provides leadership for the V-Day event: Vagina Monologues, which is a global movement to end violence against women and girls and raises awareness through the benefit production.

**Student Life Programming:** Student Organizations like The Dragon Entertainment Group and Kappa Sigma Fraternity partnered with the Women's Center to host Walk a Mile in Their Shoes, a benefit event with an educational speaker to raise awareness and stop rape, sexual assault, and gender violence.

**Bystander Intervention Training:** Small groups, including student leaders, campus Greek Life students, and teams of varsity student athletes, participated in in-person bystander intervention trainings provided through a joint effort of the campus Women's Center and the Fargo-Moorhead Rape and Abuse Crisis Center.

**Sexual Violence Prevention Committee:** The Sexual Violence Prevention Committee Education Subcommittee provided in-person presentations to students *In Their Shoes*, designed for learning about domestic violence and sexual assault. Participants move, do, think, and experience the lives of individuals dealing with interpersonal violence. The Marketing Subcommittee promoted the campus It's On US! campaign, including an educational pathway created within Dragon Central.

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

After an incident of sexual assault, dating violence, or relationship violence, the victim should consider seeking medical attention as soon as possible. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. If an individual goes to the hospital for evidence collection, local law enforcement will be contacted to take a report.

It is important that a victim of sexual assault avoid bathing, douching, using the restroom, changing clothing, combing hair, or cleaning the bed/linen/area where they were assaulted if the offense occurred within the past 72 hours, so evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to University investigators or local police.

Definitions identified in the MSUM Sexual Violence Policy apply to this procedure. This procedure provides a

process through which individuals alleging sexual violence may pursue a complaint. This procedure is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation and reprisal.

## **Reporting Incidents of Sexual Violence**

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

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

**Assistance in reporting.** When informed of an alleged incident of sexual violence, all MSUM students and employees are urged to encourage and assist complainants, as needed, to report the incident to local law enforcement, local victim/survivor services, the campus Title IX coordinator, and campus security authorities. MSUM provides victims, both students and employees, a written explanation of their rights and options.

MSUM campus security authorities, when informed of an alleged incident of sexual violence, shall promptly assist the complainant, as requested, including providing guidance in filing complaints with outside agencies including law enforcement; obtaining appropriate assistance from victim/survivor services or medical treatment professionals; and filing a complaint with campus officials responsible for enforcing the student conduct code or employee conduct standards.

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

**Anonymous reporting.** It is understandable that there may be reasons a person may want to withhold their identity or other information requested during the reporting process—at that time or indefinitely. Individuals may choose to make an anonymous report via the online reporting form, found on the MSUM Title IX web page: <https://www.mnstate.edu/titleix/>

## **Confidentiality of Reporting**

**Confidential reports.** Because of laws concerning government data contained in Minnesota Statutes Chapter 13, the Minnesota Government Data Practices Act, MSUM cannot guarantee confidentiality to those who report incidents in-person/over the phone except where those reports are privileged communications with licensed health care professionals. Some off-campus reports also may be legally privileged by law, such as clergy, private legal counsel, or health care professionals. MSUM does, as required by law, offer anonymous on-line crime reporting available for persons wishing to remain completely anonymous. The program allows reporting as much information as the reporter is comfortable providing. Limiting the information provided to the University may limit the University's ability to investigate and address the report as well as provide resources and assistance.

**Reports to campus security authorities.** Complainants of sexual violence may contact any campus security authority for appropriate assistance or to report incidents. Absolute confidentiality of reports made to campus security authorities cannot be promised. However, campus security authorities shall not disclose personally identifiable information about a complainant of sexual violence without the complainant's consent except as may be required or permitted by law. There may be instances in which MSUM determines it needs to act regardless of whether the parties have reached a personal resolution or if the complainant requests that no action be taken. In

such instances, MSUM will investigate and take appropriate action, taking care to protect the identity of the complainant and any other reporter in accordance with this procedure.

**Required reports.** Any campus security authority or any University employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual violence must follow the University's procedures for making a report for the annual crime statistics report. In addition, the campus security authority shall report to the Title IX Coordinator, in order to initiate any applicable investigative or other resolution procedures.

Campus security authorities may be obligated to report to law enforcement the fact that a sexual assault has occurred, but the name or other personally identifiable information about the complainant will be provided only with the consent of the complainant, except as may be required or permitted by law. Any publicly available records, including Clery Act reporting and disclosures, will not include personally identifying information about the victim.

## Reporting

Timely reporting and a medical examination within 72 hours are critical in preserving evidence of sexual assault and proving a criminal or civil case against a perpetrator. However, incidents of sexual violence may be reported at any time.

**Local Law Enforcement:** Moorhead and Fargo Police dispatch: 701-451-7660  
Moorhead Police Department: 911 11<sup>th</sup> St. N, Moorhead | Fargo Police Department: 105 25<sup>th</sup> St. N, Fargo

**MSUM Public Safety Office,** 1616 9<sup>th</sup> Ave S., 218-477-2449: responds to emergencies on campus, provides documentation, and assists in reporting to the police. Available 24 hours/7 days a week.

**MSUM Title IX Coordinator,** Flora Frick Hall 153, 218-477-4222: initiates reports and investigations of sexual assaults when the alleged perpetrator is a student, employee, or volunteer of the University. *Available after hours by contacting MSUM Public Safety.*

## Resources and Advocacy

MSUM will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community. Some of these services are listed below.

**Rape and Abuse Crisis Center of Fargo-Moorhead:** provides crisis intervention, advocacy, counseling and education to all persons affected by sexual and domestic violence and to provide prevention programs to create a society free of personal abuse; 24 hour crisis phone line 701-293-7273 or 1-800-344-7273;  
<https://www.raccfm.com>

**MSUM Counseling Services:** provides short-term counseling and referrals; MSUM Counseling Services, available Monday thru Friday 8:00 am until 4:30 pm; 218-477-2211.

**Minnesota Coalition Against Sexual Assault:** The Minnesota Coalition Against Sexual Assault (MNCASA) is a voice for sexual assault victims, sexual assault help and prevention programs, and allies committed to ending sexual violence. Visit the web page: <http://www.mncasa.org>  
Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<https://www.rainn.org/> – Rape, Abuse and Incest National Network

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

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

## Rights

### Medical Services and Evidence Collection

**Essential Health Emergency Room** provides medical services and evidence exams. The hospital is located at 3000 32 Ave. S, Fargo. 701-364-8400.

**Sanford Health Emergency Room** provides medical services and evidence exams. The hospital is located at 5225 23<sup>rd</sup> Ave. S, Fargo. 701-234-2000.

**MSUM Counseling Services** offers a case manager to refer students for appropriate medical care such as STD testing and treatment, emergency contraception, pregnancy testing, and documentation of injuries; MSUM Counseling Services, available Monday thru Friday 8:00 am until 4:30 pm; 218-477-2211.

### Complainant Rights

- a. Their right to file criminal charges with local law enforcement officials in sexual assault cases;
- b. Rights under the crime victims bill of rights, Minnesota Statutes §611A.01 – 611A.06, including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety;
- c. Availability of prompt assistance from campus officials, upon request, in notifying the appropriate campus investigating authorities and law enforcement officials, and, at the direction of law enforcement authorities, assistance in obtaining, securing and maintaining evidence in connection with a sexual violence incident;
- d. Assistance is available from campus authorities in preserving for a sexual violence complainant the materials relating to a campus disciplinary proceeding;
- e. That complainants of incidents of sexual violence made to campus security authorities shall be promptly and appropriately investigated and resolved;
- f. That, at a sexual assault complainant's request, the University may take action to prevent unwanted contact with the alleged assailant, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes, or a work site or to alternative University-owned housing, if such alternatives are available and feasible.

### Investigation

**Immediate action.** The University may, at any time during the report/complaint process, reassign or place on administrative leave an employee alleged to have violated this policy, in accordance with the procedures in Minnesota State System Procedure 1B.3.1 (Sexual Violence Procedure). Such action must be consistent with the applicable collective bargaining agreement or personnel plan.

The University may summarily suspend or take other temporary measures against a student alleged to have committed a violation of this policy, in accordance with the MSUM Student Code of Conduct.

In addition, the university will provide students and employees written information regarding available accommodations and protective measures at the time this person inquires about the campus investigation process and at the time of initial intake/complaint.

**General principles.** Procedures used in response to a complaint of sexual violence should avoid requiring complainants to follow any plan of action, to prevent the possibility of re-victimization. No party shall be required to participate in mediation.

The University investigation and disciplinary procedures concerning allegations of sexual violence against employees or students shall:

1. Be respectful of the needs and rights of individuals involved;

2. Proceed as promptly as possible;
3. Permit a student complainant and a student respondent to have the same opportunity to have an appropriate support person present at any interview, in a manner consistent with the governing procedures and applicable data practices law;
4. Either party not be limited in the choice of advisor or presence for either the complainant or respondent in any meeting or university disciplinary proceeding.
5. The university may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties.
6. Employees shall have the right to representation consistent with the appropriate collective bargaining agreement or personnel plan;
7. Be conducted in accordance with applicable due process standards and privacy laws;
8. Inform both the complainant and respondent of the outcome in a timely manner, as permitted by applicable privacy law.

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

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

**Relationship to parallel proceedings.** In general, MSUM investigation and disciplinary procedures for allegations of sexual violence will proceed independent of any action taken in criminal or civil courts. The University will not delay its proceedings while a parallel legal action is on-going. If the University is aware of a criminal proceeding involving the alleged incident, they may contact the prosecuting authority to coordinate when feasible. Criminal or civil court proceedings are not a substitute for MSUM procedure.

**Withdrawn complaint.** If a complainant no longer desires to pursue a complaint through the University's proceeding, MSUM reserves the right to investigate and resolve the complaint as it deems appropriate.

**MSUM discretion to pursue certain allegations.** MSUM reserves discretion whether to pursue alleged violations of policy under appropriate circumstances, including, but not limited to, a determination that an effective investigation is not feasible because of the passage of time, or because the respondent is no longer a student or employee of the University.

**MSUM discretion to deal with policy violations disclosed in investigation.** MSUM reserves the right to determine whether to pursue violations of policy by students or employees other than the respondent, including a complainant or witness, that come to light during the investigation of an incident of sexual violence. In order to encourage reporting of sexual violence, under appropriate circumstances MSUM administrators may choose to deal with violations of MSUM policy in a manner other than disciplinary action.

## **Sanctions**

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

## **Retaliation Prohibited**

Actions by a student or employee intended as retaliation, reprisal, or intimidation against an individual for making a complaint or participating in any way in a report or investigation under this policy are prohibited and are subject to appropriate disciplinary action.

## **Maintenance of Report/Complaint Procedure Documentation**

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

Information on reports of incidents of sexual violence that are made to Campus Security Authorities shall be documented in accordance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, codified at 20 United States Code section 1092 (f). Such information will be used to report campus crime statistics on college and university campuses as required by that Act.

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

## **MSUM Campus Contacts**

<b>Designated Officers at MSU Moorhead</b>	
Title IX Coordinator	Director of Public Safety
Flora Frick Hall 153	MSUM Public Safety Office
Minnesota State University Moorhead	1616 9 <sup>th</sup> Avenue South
Moorhead, MN 56563	Minnesota State University Moorhead
218-477-4222/V	Moorhead, MN 56563
	218-477-5869/V

**NOTE:** Allegations of violence will be handled under other appropriate policies/procedures, including the University's Zero Tolerance of Workplace Violence Policy and Plan, Equal Opportunity and Nondiscrimination Policy and Procedure, or the University's Student Conduct Code. For information or assistance regarding these policies/procedures contact:

### **Zero Tolerance of Workplace Violence Policy and Plan**

Director of Public Safety  
Public Safety Office  
1616 9<sup>th</sup> Avenue South  
Minnesota State University Moorhead  
Moorhead, MN 56563  
218-477-5869/V

Director of Human Resources  
Owens Hall 210  
Minnesota State University Moorhead  
Moorhead, MN 56563  
218-477-2158/V

### **Nondiscrimination in Employment and Education Opportunity (Including harassment)**

Assistant Dean of Students (for students)  
Flora Frick Hall 153

Minnesota State University Moorhead  
Moorhead, MN 56563  
218-477-2174/V

Director of Human Resources (for employees)  
Owens Hall 210  
Minnesota State University Moorhead  
Moorhead, MN 56563  
218-477-2158/V

## **Student Conduct Code**

Assistant Dean of Students  
Flora Frick 153  
Minnesota State University Moorhead  
Moorhead, MN 56563  
218-477-2174/V

In compliance with the Federal Jeanne Clery Act, all alleged criminal activity will be reported to the MSUM Public Safety Office and/or the appropriate law enforcement agency.

For TTY Communication, contact the Minnesota Relay Service at 1-800-627-3529.

## **Disciplinary Process for Student Complaints of Sexual Violence**

Steps for resolving a student complaint of sexual violence at MSUM.

MSUM adheres to the Minnesota State Board 1B.3 Sexual Violence Policy. This policy identifies a continuum of sexual violent behavior including sexual assault, domestic and dating violence, and stalking. To follow, MSUM follows the **Minnesota State System Procedure 1B.3.1: Response to Sexual Violence and Title IX Sexual Harassment** to address reports of sexual violence.

### **Part 1. Purpose**

This procedure provides a process through which individuals alleging sexual violence may pursue a complaint, pursuant to Board Policy 1B.3 Sexual Violence Policy prohibiting sexual violence. This procedure is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation and reprisal.

### **Part 2. Definitions**

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

#### **Campus security authority**

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

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

**Complainant**

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

**Educational program or activity**

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

**Formal complaint**

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

**Respondent**

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

**Supportive measures**

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

**Title IX Coordinator**

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

**Title IX sexual harassment**

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

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

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



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

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

#### **Subpart B. Assistance in reporting**

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

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

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

#### **Subpart C. Required reports**

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

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

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

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

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

#### **Confidential reports**

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

### **Part 5. Policy notices**

#### **Subpart A. Distribution of policy to students**

The university shall, at a minimum, at the time of registration make available to each student information about its sexual violence and sexual harassment (as defined by Title IX) policy and procedure), including its online reporting system that allows for anonymous reporting, and shall additionally post a copy of its policy and procedure at

appropriate locations on campus and in appropriate handbooks at all times. The university may distribute its policy and procedure by posting on an Internet or Intranet website, provided all students are directly notified of how to access the policy by an exact address, and that they may request a paper copy.

#### **Subpart B. Distribution of policy to employees**

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

#### **Subpart C. Required notice**

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

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

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

## **Part 6. Investigation and Disciplinary Procedures**

### **Subpart A. General principles**

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

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

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

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

### **Subpart B. Relationship to parallel proceedings**

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

### **Subpart C. Memorandum of understanding with local law enforcement**

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

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

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

### **Subpart E. Sanctions**

Sanctions that may be imposed if a finding is made that sexual violence and sexual harassment (as defined by Title IX) has occurred include, but are not limited to, discipline up to and including suspension, or expulsion of students,

or discipline, up to and including termination from employment, as provided in the applicable bargaining agreement or compensation plan, for employees. The appropriate sanction will be determined on a case-by-case basis, taking into account the severity of the conduct, the student's or employee's previous disciplinary history, and other factors as appropriate.

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

#### **Subpart F. Retaliation prohibited**

Actions by a student or employee intended as retaliation, reprisal, or intimidation against an individual for making a complaint or participating in any way in a report or investigation under this policy are prohibited and are subject to appropriate disciplinary action.

#### **Part 7. Investigation and Resolution**

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

#### **Subpart A. Informal resolution**

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

#### **Subpart B. Information privacy**

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

#### **Subpart C. Processing the complaint**

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

1. **Jurisdiction.** The Title IX Coordinator shall:
  - a. determine whether the complaint is one which should be processed through another system office, college or university procedure available to the complainant;
  - b. if appropriate, direct the complainant to that procedure as soon as possible; and
  - c. for sexual harassment complaints, (as defined by Title IX), determine whether or not the complaint involves the education program or activity of the university and whether the incident occurred in the United States.
2. **Conflicts.** The Title IX Coordinator should identify to the president or chancellor/designee any real or perceived conflict of interest in proceeding as the Title IX Coordinator, for the decision-maker, and/or for any person designated to facilitate an informal resolution for a specific complaint. If the president or chancellor/designee determines that a conflict exists, another Title IX Coordinator, decision-maker, or person facilitating an informal resolution must be assigned.
3. **Information provided to complainant.** At the time the complaint is made, the Title IX Coordinator shall:
  - a. inform the complainant of the provisions of the Board Policy 1B.3 and this procedure;
  - b. provide a copy of or Web address for Board Policy 1B.3 and this procedure to the complainant;
  - c. determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement;
  - d. inform the complainant of the provisions of Board Policy 1B.3 prohibiting retaliation;

- e. discuss the availability of supportive measures; and
  - f. explain the process for filing a formal Title IX complaint
4. **Complaint documentation.** The Title IX Coordinator shall insure that the complaint is documented in writing. The Title IX Coordinator may request, but not require the complainant to document the complaint in writing using the complaint form of the system office, college, or university.
5. **Information provided to the respondent.** At the time initial contact is made with the respondent, the Title IX Coordinator shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the sexual violence policy, including the name of the complainant. At the initial meeting with the respondent, the Title IX Coordinator shall:
- a. provide a copy of or Web address for Board Policy 1B.3 and this procedure to the respondent;
  - b. provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
  - c. explain to the respondent that in addition to being interviewed by the Title IX Coordinator, the respondent may provide a written response to the allegations;
  - d. determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement;
  - e. discuss the availability of supportive measures;
  - f. inform the respondent of the provisions of Board Policy 1B.3 prohibiting retaliation; and
  - g. utilize the template notice of allegations.
6. **Investigatory process.** The Title IX Coordinator shall:
- a. conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
  - b. inform the witnesses and other involved individuals of the prohibition against retaliation;
  - c. create, gather and maintain investigative documentation as appropriate;
  - d. disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice in accordance with state law;
  - e. handle all data in accordance with applicable federal and state privacy laws
  - f. include an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence.
  - g. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.
  - h. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
  - i. For formal Title IX complaints, before completing the investigation report, send to both the complainant and the respondent and their advisors, if any, the evidence subject to inspection and review. Both the complainant and the respondent must have at least ten (10) calendar days to submit a written response to the evidence, which the Title IX Coordinator will consider before completing the investigative report. Both parties and their advisors may use the information solely for purposes of proceedings pursuant to this policy.
  - j. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) calendar days prior to a formal hearing, send to each party and the party’s advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.
7. **Interim actions**
- a. **Employee reassignment or administrative leave.** Under appropriate circumstances, the president or chancellor may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.

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

#### **Subpart D. Decision process**

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

1. **Title IX Coordinator.** The Title IX Coordinator shall:
  - a. Prepare an investigation report.
  - b. Refer the matter for a formal hearing.
2. **Formal Hearing.** Formal hearings for Title IX sexual harassment complaints will be conducted by the Office of Administrative Hearings pursuant to the rules for administrative hearings. If either the complainant or respondent does not have an advisor for the formal hearing, the university must provide an advisor without fee or charge to the complainant or respondent. The University shall maintain a roster of advisors for this purpose. The role of the advisor for the respondent is to conduct cross-examination on behalf of the respondent. At the conclusion of the formal hearing, the administrative law judge will issue a written recommendation for a final decision made by the university decision-maker.
3. **Decision-maker.** After receiving the report and recommendation prepared by the administrative law judge, the decision-maker shall:
  - a. Decide whether the policy has been violated; and
  - b. On appropriate sanctions if the policy has been violated;
  - c. Issue a written determination that must include:
    1. identification of the allegations potentially violating this policy;
    2. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with

- parties and witnesses, site visits, methods used to gather other evidence, and hearing help;
3. findings of fact supporting the determination;
  4. conclusions regarding application of the policy to the facts;
  5. a statement of, and rationale, for the result as to each allegation, including determination regarding responsibility, any disciplinary sanctions the university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant; and
  6. the university's procedures and permissible bases for the complainant and respondent to appeal.

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

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

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

## **Part 8. Appeal**

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

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

### **Subpart B. Appeal process**

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

## **Part 9. Education and Training**

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

### **Sexual Violence Prevention and Education**

#### **Subpart A. Campus-wide training**

Colleges, universities, and the system office shall:

1. Include in their sexual violence policy a description of educational programs that they offer to students and employees to promote the awareness of sexual violence offenses, including sexual violence prevention measures and procedures for responding to incidents;
2. Provide training on awareness of sexual violence prevention measures and procedures for responding to incidents of sexual violence. At a minimum, all incoming students and all new employees must be provided with this training;
3. Emphasize in their educational programs the importance of preserving evidence for proof of a criminal offense, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and risk associated with the perpetration of sexual violence.

#### **Subpart B. Other training and education**

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

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

Prior to serving as either an investigator or decision-maker for complaints under this procedure, administrators shall complete investigator or decision-maker training provided by the system office. Investigators/decision-makers, campus security officers, and anyone else involved in the adjudication process must receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

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

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



# MISSING STUDENT POLICY AND PROCEDURE

## Policy

It is the policy of MSUM to actively investigate any report of a missing student who is enrolled in the University. Members of the University community should immediately report missing persons to the MSUM Public Safety Department by calling **218-477-2449**. Within the University, responsibility for investigation of missing person reports rests with the Department of Public Safety and partnership with the MSUM Housing and Residential Life Department and the Moorhead Police Department. There is no waiting period for reporting a missing person.

Responding officers will carefully record and investigate the factual circumstances surrounding the disappearance in accordance with Departmental directives. For the purposes of this policy, a student may be considered to be a missing student if the person's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence.

The Public Safety Department has established a Missing Student Emergency Contact database where on-campus students may register a confidential emergency contact to be notified in the event they are reported missing. Registration in the database is voluntary, but is strongly encouraged. The information provided will be treated in a confidential manner and will only be used by University officials and local police to aid in locating a student who has been reported missing or where disclosure is legally required by a search warrant or subpoena. The registration form may be completed at [mnstate.edu/public-safety/](http://mnstate.edu/public-safety/) or by printed version at the MSUM Public Safety Office located at 1616 9<sup>th</sup> Avenue South, Moorhead, MN.

## Procedure

If the Public Safety Department, after investigation, determines that an on-campus residential student is missing, the University will, after making such a determination,

1. Notify local law enforcement that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.
2. Custodial parent or legal guardian of a missing student who is under the age of 18 and is un-emancipated, and
3. Individuals registered by the student in a confidential database of voluntarily-entered information.

The lead law enforcement agency in missing person cases originating from the University's on-campus housing facilities is the Moorhead Police Department. The University's Public Safety Department will notify the Moorhead Police Department after determining that an on-campus residential student is missing.

Reports of students missing from off-campus residences will be referred to the police department having jurisdiction over the student's local residence, if known, or the student's permanent residence if a local residence cannot be determined.

## Missing Student Emergency Contact Information

The purpose of this form is to allow you to register a confidential emergency contact to be used in the event you are reported missing. MSUM Public Safety is responsible for investigating reports of missing persons on campus and will use the information provided only in an attempt to locate you in the event you are reported missing under the policy. This information will be accessible to local law enforcement. You are not required to supply this information; however, if you do not supply the information, MSUM may be delayed or unable to make appropriate contacts if you are reported missing.

Layout of the Missing Student Emergency Contact Form

The information you provide will remain active for six years unless changed by you. To change your confidential emergency contact, simply log on to the Missing Student Contact Info at <https://my.mnstate.edu/PublicSafety/Home/EmergencyContact> For other questions on use of this form, or the University's missing student policy, please contact the MSUM Public Safety Department at 218-477-2449

MSUM is also collecting emergency contact information in the event a student is involved in a life-threatening situation or emergency. By providing an emergency contact, MSUM officials can contact these people on the student's behalf.

- The emergency contact should know the student's medical history and be able to make decisions on your behalf.
- It's valuable to have several emergency contacts, with multiple ways to contact each one.
- This information is completely confidential and will only be used in an emergency.

Go to <https://my.mnstate.edu/PublicSafety/Home/EmergencyContact> to include this information on your student profile.

## COMMUNITY NOTIFICATION OF SEXUAL OFFENDERS

In 1996 the Minnesota Legislature passed the Community Notification Law (Minnesota Statute 244.052) that permitted the release of information about certain offenders in Minnesota. The intent of the legislature was as follows: "If members of the public are provided adequate notice and information about an offender's release, the community can develop constructive plans to prepare themselves."

Prior to this law, law enforcement agencies and others knew the information regarding predatory offenders within the criminal justice system, but beyond those agencies and individuals the information about offenders was classified as either private or confidential.

Community Notification allows some information about some offenders to be converted from private or confidential information to public information. In Minnesota the amount of information, and the scope of individuals to whom information is released, is indicated by the risk level assigned to the offender by an End of Confinement Review Committee (ECRC) established by the notification law, and operated by the Department of Corrections (DOC). The higher number risk level assigned to the offenders, the more information can be released, and the broader the audience that will receive the information. Law enforcement agencies where the offenders reside have the responsibility for the notification of their communities under this law.

**Information on Level 3 sex offenders can be found at <https://coms.doc.state.mn.us/publicregistrantsearch> and is sent out to all faculty/staff/students on campus via official e-mail. Information regarding Level 2 offenders is available at the Moorhead Police Department.**

## **Sexual Offender Levels**

### **Level 1**

Level one offenders are determined to be at a lower risk to re-offend. Police agencies may open a file on these offenders and may release information about the release of the offender to victims of, and witnesses to the crime, other law enforcement agencies, and anyone identified by the prosecuting attorney to receive the information.

### **Level 2**

Level two offenders are determined to be at a moderate risk to re-offend. Police agencies may release information to anyone included in the Level One information release, and in addition may notify organizations about the offender's release. These organizations may include schools, daycare centers, and other organizations where individuals who may become victims of the offender are regularly found. Law enforcement will make the decision on which organizations to notify based on the offender's past pattern of behavior. Law enforcement officials may also choose to notify certain individuals that they determine to be at possibly risk from the offender, but this is not a wide spread community notification. Organizations notified about a Level Two offender are given this information to protect individuals in their care while they are on or near the premises of those organizations. The information is not to be re-distributed by those organizations that have been notified.

### **Level 3**

Level three offenders have been determined to be at the highest risk for re-offense out of all of the three risk levels. Law enforcement may notify all individuals and agencies included in Level One and Level Two notifications, and may also distribute information about the offender to everyone else in the community. In addition, officials may use the media and other distribution methods to get this information to the public. According to law enforcement policy, enforcement officials hold public meetings in the areas where Level Three offenders reside. At those meetings, information about the notification process, about the registration of predatory offenders, and information about the general population of these offenders is distributed and discussed. In addition, information about a specific offender or offenders is released. The information includes a general area of residence, a description of the offender (with photograph), and a description of the pattern of behavior that this offender has been known to display in the past. This disclosure does not apply to offenders that are in licensed residential facilities where staff have been trained to manage sexual offenders (halfway houses), not does it apply to offenders in secure hospital facilities operated by the Department of Human Services (hospitals in Moose Lake and St. Peter, MN).

END OF SECURITY REPORT



# **Fire Safety Report**

## **Minnesota State University Moorhead**

1104 7<sup>th</sup> Avenue South, Moorhead, MN 56563

September 2023

## FIRE LOG

All fires that occur on Minnesota State University Moorhead (MSUM) Campus property should be reported to the MSUM Public Safety Department. The MSUM Public Safety Office keeps and maintains a fire safety log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire. The information is reported on and is made available within two business days after receipt of the information. The log for the most recent 60-day period is open and is available for public inspection by contacting the Public Safety Department at 218- 477-2449. The MSUM Public Safety Department collects the following additional information and is open for public dissemination:

- the number of fires and the cause of each fire;
- the number of injuries related to a fire that result in treatment at a medical facility;
- the number of deaths related to a fire; and
- the value of property damage caused by a fire.

## POLICY STATEMENTS

This policy establishes procedure for the response to fire alarms and conduct of fire exit drills for all MSUM facilities. The evacuation procedures outlined in this policy apply to activation of any alarm including fire, fire exit drills, or other non-fire emergency.

The specific objectives of this policy are to:

1. Assign administrative responsibility to Public Safety for fire drill, fire alarm, and facilities evacuation training.
2. Require compliance with the training provisions of the National Fire Protection Association's Life Safety Code operating features regarding fire alarms and fire exit drills. The purpose of such training is to facilitate the orderly evacuation of university facilities by faculty, staff, students, and other occupants.
3. Establish a program to evaluate fire alarm systems and fire exit drills to ensure that established procedures and fire alarm reporting systems operate efficiently and effectively.
4. Establish procedures to address evacuation of persons with disabilities in accordance with the Americans with Disabilities Act (ADA). Fire and emergency evacuation procedures for persons with disabilities can be found on the University's Public Safety website at: [mnstate.edu/public-safety/](http://mnstate.edu/public-safety/). These procedures should serve as a guide for developing individual departmental procedures.

Failure to comply with this policy may jeopardize the safety of the individual who is in non-compliance, as well as other university employees, students, or rescue personnel. Non-compliance is a serious issue and may result in disciplinary action. This policy applies only to fire drills, fire alarms, and facilities evacuation. Refer to the Public Safety website [mnstate.edu/public-safety/](http://mnstate.edu/public-safety/) for procedures associated with all other emergencies or disaster situations.

### Definitions

Fire Drill- A pre-planned activity designed to test the fire alarm/safety system and evacuation procedures

Fire Alarm- Audible or visual signal from a fire safety system, designed to warn of a potential fire danger or other emergency

Emergency- A situation that threatens the physical safety of university personnel or property; e.g. fire, bomb threat, environmental conditions, etc.

Fire Official- Fire Department Officer at the scene

## **FIRE DRILL REQUIREMENTS**

Public Safety has responsibility for conducting fire evacuation drills as detailed below and will coordinate such drills with the director of each area.

- a. Residence Halls- as required by MN State Fire Code will conduct a minimum of four fire drills annually with all occupants participating. The first drill is to be held within 10 days of the start of classes and another drill scheduled to be after sunset but before sunrise (night). A fire alarm activated accidentally cannot be credited toward the fire drill requirement. If deemed necessary, Residential Life Area Directors may request additional fire drills to ensure the resident staff and students are familiar with the building evacuation procedures and the fire alarm/safety system is working properly.
- b. Early Education Center- to comply with the minimum standards for daycare centers will conduct a fire drill once a month.
- c. All other buildings- as required under OSHA 1910.38 will conduct an annual fire drill.
- d. Public Safety will include the Moorhead Fire Department in university fire drills and training, on an as-needed basis, to assure they are familiar with the university procedures, building floor plans, and emergency personnel.

## **FIRE RESPONSE TRAINING PROCEDURES**

Public Safety has primary responsibility for conducting training programs under this policy. Public Safety provides fire response training in several ways:

- a. Campus Community – Fire response training will be provided to the campus community during emergency procedure workshops where discussions on preparing and responding to fires, tornados, criminal acts of violence, hazardous material incidents, etc. take place.
- b. Residence Halls – Fire drill and evacuation procedure training for Residential Life Area Directors and Resident Assistants will be provided at the beginning of each academic year.
- c. MSUM Counseling Services – Training for employees will be provided consistent with accreditation requirements.
- d. Assembly Occupancies – Local, state, and federal fire codes require that owner/operators of facilities with assembly occupancies greater than 1000 have fully-trained crowd managers. These staff members are to be versed on techniques which are essential to effective crowd management in large assembly halls or other required areas. Public Safety will ensure that crowd managers are designated and trained as needed.
- e. At the request of a department head, Public Safety will conduct a fire safety class in the workplace for department employees.

Fire Training Programs will include the following subjects:

- a. Fire chemistry – prevention and extinguishment
- b. Fire alarm systems
- c. Use of building fire extinguishers
- d. Crowd management

Department heads will assure their employees are familiar with the fire exit and building evacuation procedures. Procedures should include the following requirements:

- a. When the alarm is activated, all building occupants are required to evacuate the building.
- b. The building fire alarm should be activated as a means of alerting the occupants. When a fire drill is conducted, alert all building personnel that a fire drill is in progress.
- c. The building communication intercom system may be utilized, if available, to notify occupants of the nature of the alarm. During fire drills, an announcement should be made stating that a fire drill is in progress and directing all occupants to evacuate the building.
- d. Locate those persons with special needs, and provide assistance if possible. Assist those with mobility

- e. impairments to the nearest area of safe refuge. Provide their location to emergency responders.
- e. Direct rescue operations to the building zone of the alarm.
- f. Have personnel report to a designated central location outside the building.
- g. Remain outside of the building until the building has been checked for fire and occupants. Public Safety or Moorhead Fire Department officers on the scene will give the building occupants permission to re-enter the building.

Residential Life Area Directors will conduct a training session with their residence hall staff and provide each staff member with a copy of detailed evacuation procedures prior to each fall and spring semester. The session will cover at least the following items:

- a. The identification of students with disabilities, their location of residence in campus residence halls, and procedures for the evacuation of persons with disabilities in the event of a fire or fire drill.
- b. Identification of all fire extinguisher and fire alarm equipment located in the residence hall;
- c. Procedures for activating the alarm and ensuring evacuation of all building occupants from the building.
- d. A complete review of the hall evacuation plan.
- e. Requirement that all entrances and exit routes (corridors, hallways, and aisles) are clear of furniture, storage items, or other obstructions.

## **PROCEDURES FOR CONDUCTING FIRE EXIT DRILLS**

The Director of Public Safety or his/her representative is the only University official authorized to conduct a fire drill and to initiate a fire alarm for such drills. Alarms will be activated utilizing the building's fire alarm pull station and/or activated through use of the fire panel.

The Director of Public Safety or designee will coordinate with Moorhead Fire Department for joint participation. The occupants of each residence hall, academic or administrative building are expected to participate fully in the drill. Fire drills in academic buildings will be conducted annually. Advance notice will be provided to the campus community indicating the fire drills will take place.

Minimally, once each year Physical Plant staff and/or Residential Life Area Directors will participate in a planned fire exit drill in every building on campus to insure the following:

- Fire alarm devices are functioning (horns, strobes, intercom, etc.)
- Automatic fire doors close and latch
- Electromagnetic doors release
- Alarm relay system is working properly at Public Safety's Dispatch area
- Alarm decibel readings meet the minimal audible requirements throughout the entire building

### Residential Life Area Directors/Resident Assistants

- a. Upon sounding of the building fire alarm or having been notified, Residential Life Area Directors and Resident Assistants will:
  - 1) Alert occupants within their complex and cause them to evacuate according to drill procedures and assemble at the assigned evacuation location outside of the building.
  - 2) Ensure occupants do not attempt to use elevators. Evacuation must be accomplished by the use of stairwells.
  - 3) Assist, if possible, persons with disabilities to the designated areas of safe refuge.
- b. The Residential Life Area Director will hold the Resident Assistants accountable for:
  - 1) Adhering strictly to the emergency evacuation procedures during fire drills.

### Director of Housing and Residential Life

- a. The Director of Housing and Residential Life or designee will:
  - 1) Coordinate with the Public Safety Department the impending drill.
  - 2) Report to the scene (when necessary) to observe the drill procedure for compliance.
  - 3) Take notice of any procedural problems for the purpose of discussion with the Area Director.
  - 4) Upon completion of a fire drill, secure all pertinent data for evaluation purposes and arrange for a debriefing with the Area Director.

Director of Public Safety

- a. The Director of Public Safety will review the results of all fire drill and evacuation procedures.
- b. Prior to initiating the alarm for a fire drill, the Director of Public Safety or designee will take the following actions:
  - 1) Alert Public Safety Dispatch.
  - 2) Alert Physical Plant, allowing sufficient time for their participation if desired.
  - 3) Alert Moorhead Fire Department, allowing sufficient time for their participation if desired.
  - 4) Alert Red River Regional Dispatch Center of impending fire drill.
  - 5) Report to the residence hall or building involved to observe the procedures.
  - 6) Have available the Fire /Evacuation Drill Observer’s Report form.
- c. Upon sounding the building fire alarm, the Director of Public Safety or designee will:
  - 1) Closely observe the practices used for compliance to the written procedures.
  - 2) Closely evaluate all the factors and note appropriately on the Fire/Evacuation Drill Observer’s Report.
  - 3) Coordinate the services of Public Safety to direct traffic from the area.
  - 4) Upon determination that the building is ready to be reoccupied, the Director of Public Safety or designee will advise the Residential Life Area Director and/or Public Safety to notify occupants that re-entry is authorized.

Unauthorized activation of a fire alarm in a non-emergency situation by a student or employee may result in disciplinary action. This is also a criminal offense and criminal prosecution may result in addition to any university sanction.

## **PROCEDURES DURING AN ACTUAL FIRE OR OTHER NON-FIRE EMERGENCY**

Because of the danger posed by an actual fire or other non-fire emergency, any individual may activate a fire alarm to alert others to an imminent danger in or near a university facility.

Public Safety has primary authority during an actual fire and other non-fire emergency. Public Safety will coordinate response with Moorhead Fire Department, Moorhead Police Department, and other emergency/rescue personnel. EHS and other university departments will serve as support staff for the emergency situation, as needed by Public Safety.

In the event of a fire in a Residence Hall requiring relocation of students, the Director of Housing and Residential Life will initiate emergency housing procedures.

Evacuation procedures for buildings and other university facilities will be as follows:

- a. The facility will be evacuated according to the procedures outlined for fire drills. Residents or building occupants should proceed to a designated area outside and away from the building.
- b. If possible, Public Safety and the Moorhead Fire Department should be contacted by telephone immediately after an alarm has been sounded. The person calling will identify the location, type



- and extent of the fire, and any personal knowledge of persons in imminent danger.
- c. Upon arrival of fire officials at the scene, Public Safety and the building managers will report to the senior fire official for information and instructions.

Re-entry procedures will be as follows:

- a. Moorhead Fire Department will return control of the building to the occupants through Public Safety. Public Safety will notify the building manager when the building is cleared for occupancy.
- b. The building manager will assist Public Safety in notifying occupants that the building is cleared for occupancy.
- c. No one will be allowed to re-enter the building for any reason until the building is released by the fire official or Public Safety.

## **EVALUATION OF FIRE EXIT DRILLS AND FACILITIES EVACUATION**

Upon completion of each fire drill a written evaluation will be prepared by the Director of Public Safety or designee.

The fire drill evaluation will address:

- a. Evacuation time and efficiency
- b. Student, faculty, and staff safety
- c. Response time:
  - 1) Moorhead Fire Department (where appropriate)
  - 2) Public Safety
- d. Effectiveness of evacuation procedures:
  - 1) Training
  - 2) Routes and exits
- e. Procedural deficiencies
- f. Recommendations for improvement in procedures
- g. Recommendations for alterations in the facility

Distribution of the evaluation will be as follows:

- a. For residence halls:
  - 1) Vice President for Enrollment Management & Student Affairs
  - 2) Director of Housing and Residential Life
  - 3) Director of Public Safety
  - 4) Facilities, Grounds, Safety Committee
- b. For other facilities (non-residence)
  - 1) Divisional vice president/provost (where appropriate)
  - 2) Department heads of facilities involved
  - 3) Director of Public Safety
  - 4) Facilities, Grounds, Safety Committee

### **Reviewers of the Policy**

Reviewers of this policy include: Director of Environmental Health & Safety, Director of Public Safety, Director of Housing and Residential Life, Physical Plant Manager, and Moorhead Fire Marshall.

### **When the fire alarm sounds:**

- Grab a coat and shoes
- Close and lock your door
- Evacuate the building immediately, following the posted evacuation route
- Never use an elevator
- You will remain outside the building until the fire department or staff members authorize entry into the building. Do not enter the building when the alarm turns off. The fire department will silence the alarm when they arrive on scene. If the fire alarm beacons are still flashing, the building is still under a fire alarm and it is not safe to enter.
- Notify emergency staff or housing personnel if you believe anyone failed to evacuate the building.
- All exits must be kept clear

## RESIDENCE HALLS

All of the MSUM residential housing units have fire alarms and fire safety systems in the building. The fire alarm system is monitored 24 hours a day by the MSUM Public Safety Department. MSUM has specific policies/procedures that outline and regulate fire safety on campus.

Our primary goal is your safety and this means ensuring that the building is emptied of all occupants in the shortest amount of time each time the fire alarm sounds. For this reason, unannounced and planned fire drills will be conducted regularly in each residence hall, according to state fire department regulations and Minnesota State College and Universities (MINNESOTA STATE) policy.

### 1. Fire Safety

- a) When fire alarms are activated, including during scheduled fire drills, all occupants must evacuate the building. Residents must wait outside the building until a member of the hall staff indicates they may return.
- b) Fire Safety equipment is provided to help ensure everyone's safety. Tampering with alarms, extinguishers, or smoke detectors is a violation of local, state, and federal laws, as well as a violation of University policies.
- c) Batteries may not be removed from smoke detectors except to replace them. *Replacement batteries are available at your hall front desk.*
- d) Any activity that could potentially compromise fire safety in the halls is a violation of policy. This includes such behavior as falsely pulling a fire alarm, covering, or removing a smoke detector, hanging items from sprinkler heads, obstructing egress by chaining a bike to a stairwell or blocking a corridor with floor mats, shoes, furniture, or other items that impedes firefighter's access to a fire.
- e) Withholding information/evidence concerning a fire is a serious offense.

### 2. Appliances, Smoking, and Open Flames

#### Appliances

With the exception of microwaves, cooking appliances may be used only in designated kitchen areas. The following appliances are not permitted: freezers or full size refrigerators, clothes dryers and air conditioners, anything with an open flame or open heating elements (e.g., hotplates, hotpots, etc.). Space heaters are only permitted if they are given to you by Housing and Residential Life staff. The University is not liable for any damages caused by the use of your appliances.

#### Smoking and Tobacco Use

Smoking, tobacco use, and tobacco sales (including the use or sales of smokeless tobacco products) are prohibited on University-owned, -operated, -or leased property.

#### Open Flames

Prohibited items: anything that smolders (incense) or with an open flame or heating elements are not allowed in residence hall rooms (e.g., candles, hotplates, hotpots, etc.). With the exception of microwaves, cooking appliances are permitted only in designated kitchen facilities.

## Fire Statistics

The fire statistics for 2020, 2021, and 2022 are on the next page.

Statistics and Related Information Regarding Fires in Residential Facilities at MSUM							
2022							
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	# of Injuries That Required Treatment at a Medical Facility	# of Deaths Related to a Fire	Value of Property Damage Caused by Fire	# of Supervised Fire Drills
Ballard Hall	1308 8th Ave S	0	0	N/A	0	\$0-99	4
Dahl Hall	600 14th St S	0	0	N/A	0	\$0-99	4
Grantham Hall	1415 6th Ave S	0	0	N/A	0	\$0-99	4
Holmquist Hall	621 16th St S	0	0	N/A	0	\$0-99	4
John Neumaier Hall	1510 9th Ave S	0	0	N/A	0	\$0-99	4
Nelson Hall	1419 6th Ave S	0	0	N/A	0	\$0-99	4
Snarr Hall- East	810 14th St S	0	0	N/A	0	\$0-99	4
Snarr Hall- South	820 14th St S	0	0	N/A	0	\$0-99	4
Snarr Hall- West	810 14th St S	0	0	N/A	0	\$0-99	4
2021							
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	# of Injuries That Required Treatment at a Medical Facility	# of Deaths Related to a Fire	Value of Property Damage Caused by Fire	# of Supervised Fire Drills
Ballard Hall	1308 8th Ave S	0	0	N/A	0	\$0-99	4
Dahl Hall	600 14th St S	0	0	N/A	0	\$0-99	4
Grantham Hall	1415 6th Ave S	0	0	N/A	0	\$0-99	4
Holmquist Hall	621 16th St S	0	0	N/A	0	\$0-99	4
John Neumaier Hall	1510 9th Ave S	0	0	N/A	0	\$0-99	4
Nelson Hall	1419 6th Ave S	0	0	N/A	0	\$0-99	4
Snarr Hall- East	810 14th St S	0	0	N/A	0	\$0-99	4
Snarr Hall- South	820 14th St S	0	0	N/A	0	\$0-99	4
Snarr Hall- West	810 14th St S	0	0	N/A	0	\$0-99	4
2020							
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	# of Injuries That Required Treatment at a Medical Facility	# of Deaths Related to a Fire	Value of Property Damage Caused by Fire	# of Supervised Fire Drills
Ballard Hall	1308 8th Ave S	0	0	N/A	0	\$0-99	4
Dahl Hall	600 14th St S	0	0	N/A	0	\$0-99	4
Grantham Hall	1415 6th Ave S	0	0	N/A	0	\$0-99	4
Holmquist Hall	621 16th St S	0	0	N/A	0	\$0-99	4
John Neumaier Hall	1510 9th Ave S	0	0	N/A	0	\$0-99	4
Nelson Hall	1419 6th Ave S	0	0	N/A	0	\$0-99	4
Snarr Hall- East	810 14th St S	0	0	N/A	0	\$0-99	4
Snarr Hall- South	820 14th St S	0	0	N/A	0	\$0-99	4
Snarr Hall- West	810 14th St S	0	0	N/A	0	\$0-99	4

## ON-CAMPUS STUDENT HOUSING FACILITY FIRE SAFETY SYSTEMS

Following is a listing of MSUM’s on-campus student housing facilities and a description of their fire safety systems, including the building’s automatic fire sprinkler system. Individual components of the fire alarm systems and automatic sprinkler systems are tested annually by a certified fire alarm company in accordance with NFPA. Fire extinguishers are inspected monthly and an annual inspection is conducted by a qualified vendor in accordance with NFPA. Future improvements in fire safety include plans to install sprinkler systems in non-sprinkled buildings as funding allows.

**Fire Drill Frequency**

Four fire drills performed per year, two per semester, in cooperation with Public Safety and Housing and Residential Life. Fall Semester includes one fire drill within ten days of move-in. Spring Semester includes one night/evening fire drill.

Fall Semester

One fire drill within ten days of move-in

One night/evening fire drill

Spring Semester

**Building Name: Ballard Hall – Closed to Residents after 2022-2023 academic year (May '23)**

Year Built: 1948

Occupancy: Residence Hall

Capacity: 168 beds

Type of Construction: Brick 3-story

**Automatic Sprinkler System Description**

Type of System: None

Coverage: NA

**Fire Alarm System Description**

Fire Alarm Panel: Simplex 4002

General Description: Fire alarm system consists of manual pull stations, visual/audible alarm devices, smoke detectors, and magnetic door holder/release systems in corridors and common areas. Heat detectors are located in mechanical room areas. 120v smoke detectors with battery backup are located in individual sleeping rooms.

**Building Name: Dahl Hall**

Year Built: 1958

Occupancy: Residence Hall

Capacity: 284 beds

Type of Construction: Brick 3-story

**Automatic Sprinkler System Description**

Type of System: Wet system

Coverage: Fully sprinkled

**Fire Alarm System Description**

Fire Alarm Panel: Simplex 4100

General Description: Fire alarm system consists of manual pull stations, visual/audible alarm devices, smoke detectors, and magnetic door holder/release systems in corridors and common areas. Heat detectors are located in mechanical room areas. Smoke detectors are located in individual sleeping rooms.

**Building Name: Grantham Hall**

Year Built: 1965

Occupancy: Residence Hall

Capacity: 150 beds

Type of Construction: Brick 4-story

**Automatic Sprinkler System Description**

Type of System: Wet system

Coverage: Fully sprinkled

**Fire Alarm System Description**

Fire Alarm Panel: Honeywell Excel 1000

General Description: Fire alarm system consists of manual pull stations, visual/audible alarm devices and integrated automatic detection devices; addressable smoke detectors, duct smoke detectors, magnetic door

holder/release systems, and smoke detectors located in individual sleeping rooms, corridors, common areas, and heat detectors in mechanical spaces.

**Building Name: Holmquist Hall**

Year Built: 1969  
Occupancy: Residence Hall  
Capacity: 159 beds  
Type of Construction: Brick 3-story

**Automatic Sprinkler System Description**

Type of System: None  
Coverage: NA

**Fire Alarm System Description**

Fire Alarm Panel: Honeywell Excel 1000  
General Description: Fire alarm system consists of manual pull stations, visual/audible alarm devices, smoke detectors, and magnetic door holder/release systems in corridors and common areas. Heat detectors are located in mechanical room areas. 120v smoke detectors with battery backup are located in individual sleeping rooms.

**Building Name: Nelson Hall**

Year Built: 1966  
Occupancy: Residence Hall  
Capacity: 200 beds  
Type of Construction: Brick 12-story

**Automatic Sprinkler System Description**

Type of System: Wet system  
Coverage: Fully sprinkled

**Fire Alarm System Description**

Fire Alarm Panel: Simplex 4100ES  
General Description: Fire alarm system consists of manual pull stations, visual/audible alarm devices, integrated automatic detection devices, addressable smoke detectors, duct smoke detectors, magnetic door holder/release systems. Smoke detectors are located in individual sleeping rooms (with 120v battery backup), corridors, common areas, and heat detectors in mechanical spaces.

**Building Name: John Neumaier Hall**

Year Built: 2002  
Occupancy: Residence Hall  
Capacity: 144 beds  
Type of Construction: Wood frame/brick exterior 3-story

**Automatic Sprinkler System Description**

Type of System: Wet System  
Coverage: Fully sprinkled

**Fire Alarm System Description**

Fire Alarm Panel: Honeywell Excel 1000  
General Description: Fire alarm system consists of manual pull stations, visual/audible alarm devices and integrated automatic detection devices; addressable smoke detectors/sounder bases, magnetic door holders, and smoke detectors located in individual sleeping rooms, corridors, common areas, and heat detectors in mechanical spaces.

**Building Name: Snarr Hall- East**

Year Built: 1964  
Occupancy: Residence Hall  
Capacity: 195 beds  
Type of Construction: Brick 3-story

**Automatic Sprinkler System Description**  
Type of System: Wet System  
Coverage: Fully Sprinkled

**Fire Alarm System Description**

Fire Alarm Panel: Simplex 4100ES (Tied in with Snarr West Main Panel)  
General Description: Fire alarm system consists of visual/audible alarm devices, integrated automatic detection devices, addressable smoke detectors, duct smoke detectors, magnetic door holder/release systems. Smoke detectors are located in individual sleeping rooms, corridors, common areas, and heat detectors in mechanical spaces.

**Building Name: Snarr Hall-South**

Year Built: 1967  
Occupancy: Residence Hall  
Capacity: 177 beds  
Type of Construction: Brick 4-story

**Automatic Sprinkler System Description**  
Type of System: Wet System  
Coverage: Fully Sprinkled

**Fire Alarm System Description**

Fire Alarm Panel: Simplex 4100ES (Tied in with Snarr West Main Panel)  
General Description: Fire alarm system consists of manual pull stations, visual/audible alarm devices, integrated automatic detection devices, addressable smoke detectors, duct smoke detectors, magnetic door holder/release systems. Smoke detectors are located in individual sleeping rooms, corridors, common areas, and heat detectors in mechanical spaces.

**Building Name: Snarr Hall-West**

Year Built: 1962  
Occupancy: Residence Hall  
Capacity: 95 beds  
Type of Construction: Brick 4-story

**Automatic Sprinkler System Description**  
Type of System: Wet System  
Coverage: Fully Sprinkled

**Fire Alarm System Description**

Fire Alarm Panel: Simplex 4100 ES (Snarr South and Snarr East are tied in with this panel)  
General Description: Fire alarm system consists of manual pull stations, visual/audible alarm devices, integrated automatic detection devices, addressable smoke detectors, duct smoke detectors, magnetic door holder/release systems. Smoke detectors are located in individual sleeping rooms, corridors, common areas, and heat detectors in mechanical spaces.

END OF FIRE SAFETY REPORT

END OF ANNUAL SECURITY & FIRE SAFETY REPORT