

# **Pine Technical and Community College**

## **2023 Annual Security Report**



**Pine Technical &  
Community College**  
A MEMBER OF MINNESOTA STATE

**September 2024**

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## Report Introduction

Pine Technical and Community College (PTCC) is committed to the safety and well-being of students, faculty, staff, and visitors to our college. The information provided within the PTCC Compliance and Security report is distributed annually in compliance with several federal and state laws, including the Clery Act, Drug-Free Schools and Community Act, Violence Against Women Reauthorization Act, and more. This document is available for review by prospective students, current students, faculty and staff on the PTCC Public Information webpage <http://pine.edu/about/public-information/>. The document is also available in print format in the PTCC Admissions/Student Services Office and will be made available in an alternative format upon request. All students and staff are encouraged to read the Compliance and Security Report and to visit PTCC's Campus Catalog for additional information on policies, programs, and services offered at PTCC

In 1990, Congress enacted the *Crime Awareness and Campus Security Act of 1990* (Title II of Public Law 101-542), which amended the *Higher Education Act of 1965 (HEA)*. This act required all postsecondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998, 2000 and 2008. The 1998 amendments renamed the law the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the *Clery Act* and is in section 485(f) of the *HEA*.

On March 7, 2013, the *Violence Against Women Reauthorization Act of 2013 (VAWA)* (Public Law 113-14) was signed into law. *VAWA* includes amendments to the *Clery Act*. These changes require institutions to disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault and stalking, among other changes.

PTCC encourages all students and staff to be fully aware of safety issues and to take steps to prevent and to promptly report any inappropriate or illegal activities to campus officials and local law enforcement agencies. Personal awareness and applying personal safety practices are the foundation of a safe community. In the event of a life-threatening emergency situations, students, staff, and faculty should contact 911, and then notify the Dean of Student Success or other campus officials.

PTCC does not have a dedicated security department but works closely with the Pine County Sheriff's Department for immediate response and investigation of all crimes, emergencies, or requests for service generated by the campus. PTCC recognizes the Dean of Student Success as the primary Clery Compliance Officer for compiling this report and annual crime statistics. Statistics are collected using incident reports and from other reporting authorities including, but not limited to, local law enforcement agencies and officials of PTCC who have significant responsibility for student and campus activities. These college officials, known as Campus Security Authorities, are listed later in this report.

PTCC publishes the Annual Security Report each year by October 1. The report is made available to all potential students and prospective employees on the PTCC website and Student Services office. All current students, faculty and staff are sent an email that briefly describes the report and also contains the exact Internet address where it can be found. <https://pine.edu/public-information-and-policies/>

Printed copies of the report are available, at no cost, upon request from the Dean of Student Success and the Human Resources Office.

PTCC urges all campus entities that are excluded from mandatory reporting, such as professional mental health counselors and pastoral counselors, to advise clients who are victims of crime to report those incidents to campus or local law enforcement authorities, and to report confidential information used strictly for statistical purposes to the Dean of Student Success.

The Dean of Student Success compiles all required information and statistics for this report. Statistics are collected using incident reports and from other reporting authorities including, but not limited to, local law enforcement agencies and officials of PTCC who have significant responsibility for student and campus activities. These college/university officials, known as Campus Security Authorities, include individuals in departments such as:

<b>Campus Security Authorities</b>			
Office	Location	Phone	Comments/Hours
Vice President of Academic and Student Affairs (ASA)	Room 46	320.620.5126	8 AM to 5 PM
Dean of Student Success	Room 37	320.629.5161	8 AM to 5 PM
Human Resources	Human Resources Office Room 41	320.629.5129	8 AM to 5 PM
Vice President of Administration	Library	320.629.5125	7:30 AM to 4 PM
Dean of Student Affairs	Room 38	320.629.5180	8 AM to 5 PM
Student Senate Advisor	Room 13	320.629.4541	7:30 AM to 4 PM
Dean of CTS & Childcare Aware	Innovation Building, Room 102	320.629.5146	8 AM to 5 PM
Dean of Health Science, Liberal Art and Business and IT	Room 47	320.629.5166	9 AM to 6 PM
Student Success Advisors	Admissions/Student Services Office, Room 10	320.629.5100	7:30 AM to 6 PM
Student Experience Coordinator	Admissions/Student Services Office, Room 10	320.629.5175	8 AM to 5 PM
Title IX Coordinator	Room 37	320.629.5161	8 AM to 5 PM

Behavioral Intervention Team Members	Admissions/Student Services Office, Room 10	320.629.5100	varies
Student Senate Club Advisors	Library	320.629.5100	varies
Physical Plant Supervisor	Facilities	320.629.5155	varies

## Geography

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

The following definitions are taken from the Higher Education Act of 1965, 485(f) (20 U.S.C. 1092(f)), the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”, and are used to classify the locations listed in the PTCC Crime Statistics.

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

Campus property includes:

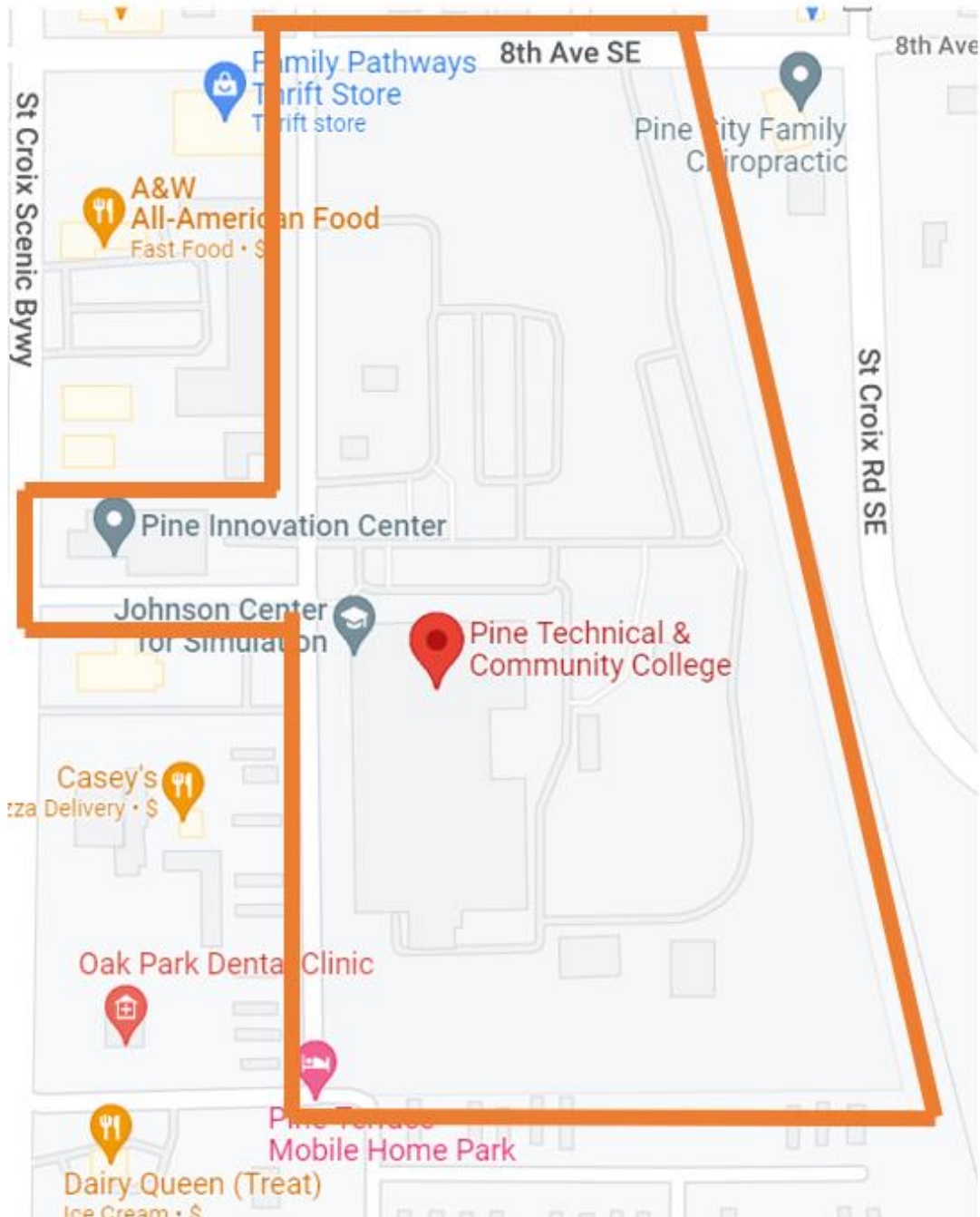
- PTCC Campus Building
- PTCC Innovation Center
- Childcare Aware Building

**Residential Facilities:** Pine Technical and Community College doesn’t have any residential facilities.

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

**Non-campus property includes:**

**Kanabec County Telework Center**  
 16 North Lake Street  
 Mora, MN 55051



**Public Property:** The term “public property” means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes. PTCC’s public property includes adjacent streets, parking lots, and sidewalks. The public property is outlined in the picture above in orange.

## **Types of Crimes required Under the Clery Act, (Include definitions) – (See Appendix 1)**

### **Criminal homicide:**

Murder and non-negligent manslaughter  
Negligent Manslaughter

### **Sex Offenses:**

Rape  
Fondling  
Incest  
Statutory rape

### **Robbery**

### **Aggravated assault**

### **Burglary**

### **Motor vehicle theft**

### **Arson**

### **Arrests and referrals for disciplinary actions, including:**

Arrests for liquor law violations, drug law violations, and illegal weapons possession.  
Persons who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

### **Hate crimes, including:**

The number of the following crimes that are determined to be hate crimes:

Larceny-theft  
Simple assault  
Intimidation  
Destruction/damage/vandalism of property

For each hate crime recorded, an institution must identify the category of bias that motivated the crime. For the purposes of this, the categories of bias include the victim's actual or perceived:

Race  
Gender  
Gender identity  
Religion  
Sexual orientation  
Ethnicity  
National origin  
Disability

### **Dating violence**

### **Domestic violence**

### **Stalking**

# Statistics

Offense	Year	On Campus	Non-Campus	Public Property	Total
Murder/Non Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Sex Offenses, Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Sex Offenses, Fondling	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Sex Offenses, Incest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Sex Offenses, Statutory Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Robbery	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Burglary	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Liquor Law Arrests	2023	0	0	0	0
	2022	0	0	0	0



	<b>2021</b>	0	0	0	<b>0</b>
<b>Drug Law Arrests</b>	<b>2023</b>	0	0	0	<b>0</b>
	<b>2022</b>	0	0	0	<b>0</b>
	<b>2021</b>	0	0	0	<b>0</b>
<b>Weapons Law Arrests</b>	<b>2023</b>	0	0	0	<b>0</b>
	<b>2022</b>	0	0	0	<b>0</b>
	<b>2021</b>	0	0	0	<b>0</b>
<b>Liquor Law Violations Referred for Disciplinary Action</b>	<b>2023</b>	0	0	0	<b>0</b>
	<b>2022</b>	0	0	0	<b>0</b>
	<b>2021</b>	0	0	0	<b>0</b>
<b>Drug law Violations Referred for Disciplinary Action</b>	<b>2023</b>	0	0	0	<b>0</b>
	<b>2022</b>	0	0	0	<b>0</b>
	<b>2021</b>	0	0	0	<b>0</b>
<b>Arson</b>	<b>2023</b>	0	0	0	<b>0</b>
	<b>2022</b>	0	0	0	<b>0</b>
	<b>2021</b>	0	0	0	<b>0</b>
<b>Domestic Violence</b>	<b>2023</b>	0	0	0	<b>0</b>
	<b>2022</b>	0	0	0	<b>0</b>
	<b>2021</b>	0	0	0	<b>0</b>
<b>Dating Violence</b>	<b>2023</b>	0	0	0	<b>0</b>
	<b>2022</b>	0	0	0	<b>0</b>
	<b>2021</b>	0	0	0	<b>0</b>
<b>Stalking</b>	<b>2023</b>	0	0	0	<b>0</b>
	<b>2022</b>	0	0	0	<b>0</b>
	<b>2021</b>	0	0	0	<b>0</b>

### Bias Motivated Crimes

Year	Crime	Bias Motivation	Location
<b>2023</b>	<b>0</b>	<b>0</b>	<b>N/A</b>
<b>2022</b>	<b>0</b>	<b>0</b>	<b>N/A</b>
<b>2021</b>	<b>0</b>	<b>0</b>	<b>N/A</b>

### Hate Crime:

PTCC had zero reports of Hate Crimes during the last three years for any of the above listed crimes. In addition, there were zero reported crimes in the areas of larceny- theft, simple assault, intimidation, and destruction/ damage / vandalism of property.

## Emergency Response and Timely Warning

PTCC is required by policy and fire code to have evacuation and emergency operations plans in place. Evacuation plans and emergency procedures can be found in each classroom. PTCC also has a current Emergency Operations Plan based on the all-hazards concept, incorporating the National Incident Management System and coordinating with the System Office and local emergency response agencies. This plan is used to respond to any level of emergency impacting PTCC and outlines the responsibilities and actions necessary to protect life, property, and the environment. Some of the processes and procedures are included in this report.

**Emergency Response:** PTCC will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students, faculty or staff occurring on campus. Minnesota State has numerous systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat. These methods of communication include but are not limited to:

**Active messaging:** PTCC has the ability to address the campus through a public address system that covers all interior campus offices, classrooms and public spaces.

**Passive messaging:** PTCC will provide emergency information via the main web page. The administration will use campus-wide mass email and any other available media such as signs, reader boards and internal closed-circuit televisions to disseminate emergency notifications to students, faculty and staff. Twitter and Facebook social media will also be used to disseminate emergency notification either individually or through the Star Alert system.

**Individual messaging:** Star Alert is an emergency notification system, provided by Blackboard Connect, which disseminates emergency notification through SMS text, direct phone calls and email, at the selection of the recipient. Individuals opt into the system to approve being sent messages.

Students are made aware of and encouraged to opt into the Star Alert System during orientation. In addition, students, faculty, and staff are sent emails encouraging them to opt into Star Alert multiple times during the year. Students, faculty, and staff can opt into Star Alert via the following website: [www.pine.edu/campus-resources/star-alert/](http://www.pine.edu/campus-resources/star-alert/)

Students, faculty and staff have the option of permanently opting out of Star Alert should they choose. For additional information on access, issues concerning individual accounts or other questions contact: PINE-Helpdesk at [Helpdesk@pine.edu](mailto:Helpdesk@pine.edu)

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on campus:

1. A PTCC official will verify that a legitimate emergency or dangerous situation exists, even if all of the pertinent details are not known or are available at the time.
2. PTCC officials, in coordination with and at the advice of local first responders, will determine the appropriate segment(s) of the campus community to receive notification.

3. PTCC will, without delay, and taking into account the safety of the community, determine the content of the notification, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The following persons or organization(s) are responsible for emergency notification dissemination:

**Procedure:**

The Crisis Team will be composed of:

- President
- Vice President of Academic and Student Affairs
- Vice President of Administration
- Dean of Continuing Education and Customized Training
- Chief Information Officer
- Physical Plant Supervisor
- Chief Human Resource Officer

**Responsibilities:** In addition to emergency and timely warnings, the Crisis Team will carry out the following policies and plans:

4PTCC.1 Weather Short-Term Emergency Closings

Policy 109 REV 4 Fire-Tornado Emergencies and Drills

Policy 110R Bomb Threat

Policy 119 REV3 Active Shooter Armed Intruder

Emergency Preparedness Plan

*The above policies and plans can be found in Appendix 2*

PTCC, after ensuring that local first responders are notified, will activate the active messaging system to provide emergency notification to the campus community. An immediate Star Alert containing pertinent emergency notification and information will be disseminated. Other passive and individual messaging will provide redundant and detailed emergency information as soon as reasonably possible. PTCC will provide follow-up information to the community as needed.

PTCC will test the emergency response and evacuation procedures annually in accordance with this policy and applicable state and federal regulations. Tests may be announced or unannounced and emergency response and evacuation procedures will be publicized in conjunction with at least one test per calendar year. Results of each test will be documented and include a description of the exercise, the date, time, and whether it was announced or unannounced. This information will be maintained by the Physical Plant Supervisor. Records for all Clery related requirements are maintained for seven years and available upon request.

**Timely Warning:** PTCC will issue a timely warning for all Clery Act crimes reported to Campus Security Authorities or local police agencies and considered by PTCC officials to represent a serious or continuing threat to students, faculty and staff. Timely warning will not be limited to violent crimes or crimes against persons, and may include crimes against property or other types of serious or continuing threats. Timely Warning Notices will withhold the name of victims as confidential.

Issuance of a Timely Warning is determined on a case-by-case basis. Factors included are the nature of the crime or threat, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. PTCC will consult with local law enforcement and other officials when determining the need and content of any Timely Warning.

The intent of a Timely Warning is to enable the campus community to protect themselves and will include all information that would promote safety and aid in the prevention of similar crimes or protection from specific threats. Timely Warnings will be disseminated using the Star Alert text and email features, campus email system, or any other passive or individual method of notification to students, faculty, and staff.

## **Campus Security Policies**

Any PTCC student, faculty or staff member should 911 from a cell phone to report an emergency situation or crime.

Crimes can also be reported directly to:

- Dean of Student Success—320.629.5161
- Dean of Student Affairs—320.629.5180
- Chief Human Resources Officer—320.629.5129
- Vice President of Academic and Student Affairs—320.629.5126
- Vice President of Administration—320.629.5125

In addition, crimes can be reported to any of the Campus Security Authorities noted above on page 4.

All criminal activity occurring on campus should be reported immediately to one of the individuals listed above. If you cannot reach one of the above, please call 320.629.5133 or visit the Admissions/Student Services Office in Room 10. If the victim chooses, an additional report can be filed with the appropriate local law enforcement agency. PTCC Dean of Student Success or others listed above can assist the complainant in completing reports. Internal reports may be shared with other departments on campus as necessary to complete an investigation and/ or to ensure the safety of the campus community. The individuals listed above will assist Police Department(s) with investigations as required. Depending on many factors PTCC may or may not hold reports of crime in confidence and may be required by law to release information based on the events or nature of the crime. Whenever possible PTCC will attempt to protect the identity of crime victims.

## **Confidential Reporting**

PTCC offers a silent witness form called “Pine Technical and Community College Sexual Misconduct Reporting Form” on the Title IX page under “File a Complaint” for victims and/or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual security report.

<https://pine.edu/title-ix/>

PTCC officials will share information as necessary to address a situation but will make efforts to maintain confidentiality. **Absolute confidentiality of reports made to PTCC officials cannot be promised.**

PTCC is not required to report statistics for crimes reported to a pastoral or professional counselor. Pastoral and professional counselors, if and when they deem appropriate, are encouraged to inform the persons they are counseling, of any procedures to report crimes on a voluntary, confidential basis for including in the annual disclosure of crime statistics.

PTCC security personnel and officials ARE NOT certified or sworn peace officers and do not possess law enforcement (arrest) authority. PTCC personnel may utilize private person arrest authority pursuant to Minnesota State Statute 629.37 when appropriate.

PTCC works closely with Pine County Sheriff's Department, State Patrol, Bureau of Criminal Apprehension, and other state and federal law enforcement agencies as required. PTCC has a memorandum of understanding with Pine County's Sheriff's Department to assist in instances of sexual violence

PTCC, in partnership with these agencies, monitors and records criminal activity and violations of student conduct by students at non-campus locations.

PTCC encourages students, faculty and staff to accurately and promptly report all crimes to one of the above listed agencies and offices when the victim of a crime elects to, or is unable to make, such a report.

PTCC continuously reviews the physical security infrastructure to ensure appropriate steps are taken to maintain and enhance the safety and security of the campus. Landscaping and lighting are checked by maintenance staff, and discrepancies are addressed immediately or brought to the attention of the safety committee. The campus works closely and routinely with the system Emergency Preparedness and Security Specialist and the Facilities department to evaluate campus physical security and vulnerability, programming resources to address any potential threats, vulnerabilities or contingencies.

**The campus is open during the following hours:**

Monday through Thursday 6:30 AM to 9:30 PM (during the fall and spring semesters)

Fridays 6:30 AM to 5:00 PM (during the fall and spring semesters)

Monday through Friday 7:00 AM to 5:00 PM (during the summer semester)

*\*Campus is closed for recognized federal and state holidays.*

Campus facilities, offices, classrooms and other spaces use a combination of keyed and keyless entry, issued to only authorized personnel. Typically, maintenance opens and/or grants access, and secures all facility access points after hours.

PTCC provides the following programs at the frequency noted, to inform students, faculty and staff about campus security procedures and practices:

<b>Program</b>	<b>Frequency/Dates</b>	<b>Audience</b>
Employee Code of Conduct	Annually	All Staff/Faculty

Sexual Harassment Prevention	Annually	All Staff/Faculty
Sexual Violence Prevention Training	One-time	New Students

PTCC encourages students, faculty and staff to be responsible for their own security and the security of others by following the tips provided:

**Protect your room or apartment:**

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

**Protect your property:**

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

**Protect your automobile:**

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

**Protect yourself at night:**

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

**Protect yourself walking and jogging:**

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

- Have your keys ready when returning to your residence or apartment, and keep your personal or valuable items concealed and close to your body.

### Help us protect you:

- Watch for suspicious persons in and around college buildings and in parking lots. Do not pursue them. Call 911 first and then
  1. Suspicious activity:
    - (a) If you see any suspicious activity or people on or near campus, call law enforcement. Do not assume that what you observe is an innocent activity or that it has already been reported.
    - (b) Do not assume the person is a visitor or college staff member that you have not seen before.
  2. Suspicious people may be:
    - (a) Loitering about at unusual hours and locations; running, especially if something of value is being carried.
    - (b) Exhibiting unusual mental or physical symptoms. Person(s) could be under the influence of drugs or otherwise needing medical or psychiatric assistance.
    - (c) Carrying property that might be suspicious, depending on the circumstances, going from room to room trying door handles.
- Report all thefts and property loss immediately to the Dean of Student Success.
- Be security conscious at all times.

## Sexual Assault and Related Offenses

PTCC does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Sexual violence includes a continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relations violence, stalking, as well as aiding acts of sexual violence. Sexual assault and related offenses are governed and adjudicated under Minnesota State Board Policy 1B.3 Sexual Violence Policy, the Violence Against Women Act as amended and the Clery Act as amended. As a result, PTCC issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a PTCC official. In this context, PTCC prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of Minnesota State Board Policy 1B.3 Sexual Violence Policy, visit <http://www.minnstate.edu/board/policy/1b03.html> . For a complete copy of PTCC's policy governing sexual misconduct, visit <https://pine.edu/title-ix/>

### Definitions:

**Affirmative Consent:** Consent is informed, freely given, and a mutually understood willingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. It is the responsibility of the person who wants to engage in sexual activity to ensure that the other person has consented to engage in the sexual activity. Consent must be present throughout the

entire sexual activity and can be revoked at any time. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. A lack of protest, absence of resistance, or silence alone does not constitute consent, and past consent to sexual activities does not imply ongoing future consent. The existence of a dating relationship between the people involved or the existence of a past sexual relationship does not prove the presence of, or otherwise provide the basis for, an assumption of consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

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

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

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

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

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

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

**Domestic Violence:** The term "domestic violence" means felony or misdemeanor crimes of violence committed—

1. By a current or former spouse or intimate partner of the victim;



2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

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

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

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

### **Education and Resources Regarding Sexual Violence, Domestic Violence, Dating Violence, and Stalking**

PTCC engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking. PTCC has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students and participating in and presenting information and materials during new employee orientation. Primary prevention and awareness programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome. Environmental risk and protective factors are considered as they occur on the individual, relationship, institutional, community and societal levels.

**Procedures for Reporting a Complaint:** PTCC has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. PTCC will make such accommodations if the complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to report the crime to the Dean of Student Success, Campus Security Authority, or local law enforcement. Students and employees should contact the Dean of Student Success at 320.629.5161.

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

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

Under Minnesota law, the county in which the sexual assault or rape occurred is responsible for the cost of collecting evidence during your medical forensic examination. The county must pay regardless of whether or not you report to law enforcement. After your medical forensic examination has been performed, the county may be reimbursed from your insurance with your permission. Counties must obtain your approval prior to billing your insurance. Whether or not the county uses your insurance is your choice. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to PTCC investigators or police. Although PTCC strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. PTCC will assist any victim with notifying local police if they so desire. The Pine County Sheriff's Department may also be reached directly by calling 320.629.8380, or in person at 635 Northridge Dr. NW Suite 100, Pine City, Minnesota, 55063.

Additional information about the Pine County Sheriff's Department may be found online at:

<https://www.co.pine.mn.us/departments/sheriff/index.php>

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the appropriate Title IX Coordinator(s),

**Students**

Farfum Ladroma  
Dean of Student Success  
[Farfum.Ladroma@pine.edu](mailto:Farfum.Ladroma@pine.edu)  
320.629.5161

**College Personnel**

Sharon Weaver  
Chief Human Resources Officer  
[Sharon.Weaver.2@pine.edu](mailto:Sharon.Weaver.2@pine.edu)  
320.629.5129

**\*College Confidential Personnel**

Jennifer Reynolds  
\*Campus Counselor  
[Counseling@pine.edu](mailto:Counseling@pine.edu)  
320.629.4537

by calling, writing, going online or coming into the office to report in person if the victim so desires. PTCC will provide resources, on campus, off campus or both, to include medical, health, to individuals who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with the PTCC Dean of Student Success or other law enforcement to preserve evidence in the event that the victim changes their mind at a later date.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the institution, below are the procedures that the institution will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report: PTCC Dean of Student Success, when informed of an alleged incident of sexual violence, shall promptly assist the complainant, as requested. PTCC may:

1. Provide complainant with written information to access medical care, depending on when reported (immediate vs. delayed report).
2. Assess immediate safety needs of complainant.
3. Assist complainant with contacting local police if complainant requests and provide contact information for local police department.
4. Provide complainant with referrals to on and off campus mental health providers.

5. Assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties.
6. Provide a “No Trespass” directive to accused party if deemed appropriate.
7. Provide written instructions on how to apply for an Order of Protection.
8. Provide a copy of the Sexual Violence Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution.
9. Inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is.
10. Enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

When appropriate, PTCC may pursue legal action against a respondent, including, but not limited to, trespass or restraining orders, in addition to disciplinary action under the applicable student or employee conduct standard.

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

1. Be informed of prosecutor’s decision to decline prosecution or dismiss the case along with information about seeking a protective or harassment order at no fee.
2. Protection against employer retaliation for victims to take reasonable time off to attend order for protection or harassment restraining order proceedings.
3. Domestic abuse victims have the ability to terminate a lease without penalty.
4. Sexual assault victims can make a confidential request for HIV testing of a convicted offender.
5. Sexual assault victims do not have to pay the cost of a sexual assault examination.
6. Sexual assault victims may not be required to undergo a polygraph examination in order for an investigation or prosecution to proceed.

Further, PTCC complies with Minnesota law in recognizing Orders of Protection and Harassment Restraining Orders. Any person who obtains an order of protection from Minnesota or any reciprocal state (Under VAWA’s full faith and credit provision, every state must recognize and enforce protection orders issued in other states, as if issued in the enforcing state) should provide a copy to the PTCC Dean of Student Success. A complainant may then meet with the PTCC Dean of Student Success to develop a plan, which is a plan for campus officials and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.) PTCC cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services. Protection from abuse orders may be available through the local county court at no cost. PTCC may issue an institutional no-contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim’s cooperation and consent, PTCC offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal investigation of the complaint. The victim **will** be provided written notification about options for or available assistance in, and how to request changes to changes to academic, living, or working situations

in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/ adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, PTCC will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Type of Order	Who Can File For One	Where to go for assistance	Criteria for Order
Order for Protection (OFP)  Domestic Abuse	<ul style="list-style-type: none"> <li>• Spouses</li> <li>• Former Spouses</li> <li>• Parents and Children</li> <li>• Persons related by blood</li> <li>• Persons who live together or who have lived together in the past</li> <li>• Persons who have a child in common, even if they have not been married or lived together</li> <li>• Persons who have an unborn child in common</li> <li>• Persons involved in a significant romantic or sexual relationship</li> </ul>	<p>Visit the Pine County Courthouse. District Court staff will help you complete the paperwork (Affidavit and Petition) needed to ask for a temporary "ex parte" Order for Protection. You are called the "Petitioner" and the person you are filing against is called the "Respondent."</p> <p>The Dean of Student Success can assist students in completing and filing OFP's and harassment orders.</p>	<ul style="list-style-type: none"> <li>• physical harm, bodily injury, or assault;</li> <li>• the infliction of fear of imminent physical harm, bodily injury, or assault; or</li> <li>• terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.</li> </ul>
<b>Harassment Restraining Order (HRO)</b>	Anybody who does not fall under the criteria for the Order for Protection.	To file a Harassment Restraining Order, you must first fill out a Court Administration form titled "Petitioner's Affidavit and Petition for Harassment Restraining Order." You may pick up a copy of	A single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended

		this form from the Pine County Service Center, or download it from the Minnesota Court System's web site. Provide as many details as possible on the form, and return it to Court Administration.	to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.
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\*Criteria for Order reflects Minnesota Statutes

The institution does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request to the PTCC Registrar's Office at [records@pine.edu](mailto:records@pine.edu).

### **Resources for victims (On-Campus)**

<b>Service</b>	<b>Office to Contact</b>	<b>Contact Information</b>
Counseling	Counseling and Mental Health	Counseling@pine.edu
Health	Counseling and Mental Health	Counseling@pine.edu
Mental Health	Counseling and Mental Health	Counseling@pine.edu
Victim Advocacy	Counseling and Mental Health	Counseling@pine.edu
Legal Assistance	Referral-Dean of Student Success	Farfum.Ladroma@pine.edu
Financial-aid Assistance	Dean of Student Success	Farfum.Ladroma@pine.edu
Visa and Immigration Assistance	Referral-Dean of Student Success	Farfum.Ladroma@pine.edu

### **Off Campus Resources**

<b>Service</b>	<b>Name of Person/Office to Contact</b>	<b>Contact Information</b>
Counseling	WINDOWS Crisis Center	800.644.0003
Health	Pine County Health and Human	320.216.4100
Mental Health	Pine County Health and Human	320.216.4100
Victim Advocacy	WINDOWS Crisis Center	800.644.0003
Legal Assistance	Pine County Health and Human	320.216.4100
Basic Needs	United Way of Minnesota	211
Visa and Immigration Assistance	USCIS Service Center	800.375-5283
Other	United Way of Minnesota	211

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

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

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

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

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

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

**Reducing the Risk of Sexual Assault:** You can reduce the chances of sexual assault by doing the following:

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas, it is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (call 911).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink unattended, just get a new one.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they have had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable situation(s) here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come and get you or make up an excuse for you to leave.
  - d. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave that to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

**Complainants' rights:** are as follows:

1. Complainants have the right to file criminal charges with local law enforcement officials in any sexual assault case.
2. They have all of the rights under the crime victims bill of rights, Minn. Stat. §§ 611A.01 – 611A.06, including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety.
3. Complainants are afforded the availability of prompt assistance from campus officials, upon request, in notifying the appropriate campus investigating authorities and law enforcement officials, and, at the direction of law enforcement authorities, assistance in obtaining, securing, and maintaining evidence in connection with a sexual violence incident.
4. Campus Security Authorities will assist in preserving for a sexual violence complainant materials relating to a campus disciplinary proceeding.
5. Complaints of incidents of sexual violence made to campus security authorities must be promptly and appropriately investigated and resolved.
6. Upon a sexual assault complainant's request, PTCC will take action to prevent unwanted contact with the alleged assailant, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes, or to a work site or to alternative college-owned housing, if such alternatives are available and feasible. Any accommodations or protective measures provided to the victim will be maintained in confidence, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.



7. Upon the request of the complainant, students who report sexual assaults to (Minnesota State) and subsequently chose to transfer to another college or university will be provided with information about resources for victims of sexual assault at the college or university to which the complainant is transferring.

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

Procedures used in response to a complaint of sexual violence complainants should avoid requiring complainants to follow any plan of action to prevent the possibility of re-victimization. The process will be respectful of the needs and rights of individuals involved, and they will be treated with dignity. It is never assumed or suggested that the complainant or victim was at fault for the sexual assault or should have behaved differently to prevent the assault. All proceedings will be acted on promptly and conducted within reasonable timeframes. The process will allow for extensions of those timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay. The process will be consistent with these policies and transparent to the complainant and the respondent. Student complainants and respondents will have the same opportunity to have an appropriate support person or advisor present at any interview or hearing in a manner consistent with the governing procedures and applicable data practices law. Employees have the right to representation consistent with the appropriate collective bargaining agreement or personnel plan. All procedures will be conducted in accordance with applicable due process standards and privacy laws. The complainant and respondent will simultaneously be informed, in writing, of the outcome in a timely manner, as permitted by applicable privacy laws. Outcomes will be based on a preponderance of evidence standard, meaning that it is more likely than not that the policy, procedure, or code has been violated. The past sexual history of the complainant and respondent are deemed irrelevant except as that history may directly relate to the incident being considered. A respondent's use of any drug, including alcohol, judged to be related to an offense may be considered to be an exacerbating rather than mitigating circumstance.

PTCC takes allegations of sexual violence very seriously and recognizes the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual violence, or who provides false information during the investigation of such a complaint or report, may be subject to discipline or, under certain circumstances, legal action. Complaints of conduct that are found not to violate policy are not assumed to be false.

If a complainant no longer desires to pursue a complaint through PTCC proceedings, PTCC reserves the right to investigate and resolve the complaint as it deems appropriate. PTCC 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 PTCC.

Following the filing of an accusation against a student, the Dean of Student Success or designee will conduct an investigation of the charges. If the accusation seems unwarranted, the Dean may dismiss the

complaint and discontinue the process. If there is sufficient evidence to support the accusation, the Dean shall offer the accused student an opportunity to resolve the violation at an informal meeting. Prior to this meeting, the student shall be given oral or written notice of the specific and of the evidence available to support the charge. If a mutually acceptable resolution cannot be reached during the informal meeting, including any applicable sanctions, the case shall be referred to a Judicial Committee for a formal hearing and adjudication process.

The College reserves the right to suspend and remove from campus without hearing any student that poses an immediate threat to the health or safety of persons on campus. Before implementing the summary suspension, the accused student shall be given oral or written notice of the intention to impose the summary suspension and shall be given an opportunity to present oral or written arguments against the imposition of the suspension. Notice of the intention to impose the summary suspension shall be provided in writing to the student. After the student has been summarily suspended, a properly constituted hearing on the matter will take place within nine (9) working days of the suspension. During the summary suspension, the student may not enter the campus without obtaining prior permission from the Dean of Student Success.

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

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

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

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

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

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne *Clery Act*, section 121 of the Adam Walsh Child Protection and Safety Act of 2006, and the Family Educational Rights and Privacy Act of 1974, the PTCC Dean of Student Success is providing a link to the Minnesota Sex Offender

Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

The Minnesota Level 3 Sex Offender Registry is available via Internet at:

<https://dps.mn.gov/divisions/bca/bca-divisions/investigations/Pages/predatory-offender-registrations.aspx>

Information can also be obtained from the Pine County Sheriff's office at 320.629.8380.

**Filing an Appeal:** The complainant or the respondent may appeal the decision of the decision maker. An appeal must be filed in writing with the president or designee within ten (10) business days after notification of the decision. The appeal must state specific reasons why the complainant or respondent believes the decision was improper. In a complaint against a president or other official who reports directly to the chancellor, an appeal may be considered by the chancellor whether or not the chancellor served as the decision maker.

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

The president or designee shall review the record and determine whether to affirm or modify the decision. The president or designee may receive additional information if the president or designee believes such information would aid in the consideration of the appeal. The decision on appeal shall be made within a reasonable time and the complainant, respondent and designated officer shall be notified in writing of the decision, consistent with applicable state and federal data privacy laws. The decision on appeal exhausts the complainant's and respondents administrative remedies under this procedure except as provided herein.

## **Drug and Alcohol Policies:**

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

The possession or consumption of alcohol is prohibited in all PTCC campus buildings and applies regardless of age. The only exception is for special events authorized by the Minnesota State Colleges and Universities Board of Trustees.

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

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

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

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

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

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

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

## Campus Resources

PTCC Mental Health Office—320.629.4537 <https://pine.edu/student-services/counseling-wellness/>

Office of Human Resources—320.629.5129

## Community Resources

- Pine County Chemical Health—320.591.1400  
[https://www.co.pine.mn.us/departments/health\\_and\\_human\\_services/chemical\\_health.php](https://www.co.pine.mn.us/departments/health_and_human_services/chemical_health.php)
- Therapeutic Services Agency—320.629.7600 <https://www.hoperealized.com/>
- Alcoholics Anonymous – Pine City group <https://aaminnesota.org/meetings/pine-city-group/>
- Narcotics Anonymous- Rock Creek group <https://naminnesota.org/>
- Serenity Manor for Sober Men—320.679.1936  
<https://www.truedirectionsinc.com/serenity-manor/>
- Dellwood Recovery Center Halfway House—763.689.7723  
[https://account.allinahealth.org/locations/1912?utm\\_source=qmb&utm\\_medium=organic&utm\\_content=web-url&utm\\_campaign=qmb\\_website&utm\\_term=Allina-Health-Outpatient-Addiction-Services-Cambridge-Medical-Center](https://account.allinahealth.org/locations/1912?utm_source=qmb&utm_medium=organic&utm_content=web-url&utm_campaign=qmb_website&utm_term=Allina-Health-Outpatient-Addiction-Services-Cambridge-Medical-Center)
- Teen Focus Recovery Center (Rush City, MN and Mora, MN)—320.358.4065  
<https://www.teenfocusrecoverycenterllc.com/>
- Journey North – Celebrate Recovery - [cr@journeynorthchurch.com](mailto:cr@journeynorthchurch.com)

## Other Campus Efforts

The Counseling office sponsors Wellness week during Fall Semester. Wellness Week is a National initiative promoted by the Substance Abuse and Mental Health Services Administration. Emotional and physical well-being are discussed on campus and substance abuse resources are promoted.

The Human Resources office promotes statewide employee assistance programs, some of which address substance abuse.

## Student Success Services Efforts

The PTCC Mental Health office provides free, confidential counseling and consultation to promote personal development and well-being. These services include individual counseling and/or referrals for students who are currently dealing with or recovering from substance use.

The biennial review of PTCC's Drug and Alcohol policy, PTCC's Drug and Alcohol Policy, and MnSCU's Drug and Alcohol policy can be found in Appendix 4.

## Firearms Policy: Board Policy 5.21 Possession or Carry of Firearms

<https://www.minnstate.edu/board/policy/521.html>

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

### Definitions.

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

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

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

**Student.** "Student" means an individual who is:

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

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

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

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

**Employees.**

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

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

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

**Exceptions.** The following are exceptions to this policy:

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

**Authorized uses.** This policy does not prohibit:

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

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

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

## **Appendix 1**

### **Terms and Definitions**

#### **Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon (or displays weapon in a threatening manner) or by means likely to produce death or great bodily harm (e.g. victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness).

#### **Arson**

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

#### **Burglary**

The unlawful entry of a structure with the intent to commit a felony or theft.

#### **Affirmative Consent**

Consent is informed, freely given, and mutually understood willingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. It is the responsibility of the person who wants to engage in sexual activity to ensure that the other person has consented to engage in the sexual activity. Consent must be present throughout the entire sexual activity and can be revoked at any time. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. A lack of protest, absence of resistance, or silence alone does not constitute consent, and past consent to sexual activities does not imply ongoing future consent. The existence of a dating relationship between the people involved or the existence of a past sexual relationship does not prove the presence of, or otherwise provide the basis for, an assumption of consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

#### **Criminal Homicide – Negligent Manslaughter**

The killing of another person through gross negligence.

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

#### **Dating and Relationship Violence**

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

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

#### **Drug law violations**



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

**Intimidation** - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack. Note: This offense includes stalking.

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

### **Liquor law violations**

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

### **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle.

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

- **Automobiles** - sedans, coupes, station wagons, convertibles, taxicabs, or other similar motor vehicles that serve the primary purpose of transporting people.
- **Buses** - motor vehicles that are specifically designed (but not necessarily used) to transport groups of people on a commercial basis.
- **Recreational Vehicles** - motor vehicles that are specifically designed (but not necessarily used) to transport people and also provide them temporary lodging for recreational purposes.
- **Trucks** - motor vehicles that are specifically designed (but not necessarily used) to transport cargo.
- **Other Motor Vehicles** - any other motor vehicles, e.g., motorcycles, motor scooters, trail bikes, mopeds, snowmobiles, or golf carts.

### **Murder and Non-negligent Manslaughter**

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

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

### **Robbery**

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

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

## **Sexual Assault**

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

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

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

## **Sex Offenses – Defined**

### **Forcible Sex Offenses.**

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

Reported offenses may include:

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

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

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

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

### **Sex Offenses, Non-forcible.**

Unlawful, non-forcible sexual intercourse.

Reported offenses may include:

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

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

### **Sexual Violence**

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

#### **Stalking**

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

#### **Weapons law violations**

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

- Resources:**
- 2016 Handbook for Campus Safety and Security Reporting
  - Title 34: Education [PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS Subpart D—Institutional and Financial Assistance Information for Students](#)
  - Bystander intervention strategies Stanford University's Office of Sexual Assault & Relationship Abuse
  - Various Minnesota State Colleges and Universities Annual Security Reports.

## **Appendix 2**

### **Emergency Preparedness Policies and Procedures**

#### **4PTCC.1 Weather Short-Term Emergency Closings**

##### **Policy 109 REV 4 Fire-Tornado Emergencies and Drills**

##### **Policy 110R Bomb Threat**

##### **Policy 119 REV3 Active Shooter Armed Intruder**

#### **Part 1: Purpose**

In the event of a short-term emergency, the College President, or designee, has the authority to cancel classes or close the college. Short-term emergencies are defined as six days or less.

#### **Part 2: Weather Emergencies**

For weather emergencies, the President or designee, will base the decision of closure on several factors:

- Consultation with the Physical Plant Supervisor and the Vice President of Academic and Student Affairs.
- Assessment of weather and travel conditions including consultation with President's Cabinet.
- Verification of weather conditions with MnDOT, Pine County, and consultation with surrounding school districts.

Once a closure decision has been made, the Cabinet is responsible for communication as well as posting an announcement on digital media. The Cabinet will activate the STAR ALERT to notify college employees via phone/email and text messaging. The MinnState system office will be notified for every weather closure.

#### **Part 3: Short-Term Emergencies**

For other emergencies, the Cabinet assumes responsibility for assessing the situation and conferring with the President or designee to determine if it is necessary to cancel classes or close the college. If it is determined that a closure is necessary, the Cabinet will notify employees currently on campus using all available methods and going room to room. The Cabinet is responsible for communication as well as posting an announcement on digital media. The Cabinet will activate the STAR ALERT to notify college employees via phone/email and text messaging. The MinnState system office will be notified for every closure.

If an emergency occurs during work hours, all essential employees are expected to stay until released by their supervisor. If an emergency occurs during off-hours, all essential employees required to report to work will be contacted by their supervisor. Essential employees are identified as all Maintenance staff and Cabinet.

#### **Part 4: Emergency Operations Plan**

The college Emergency Operations Plan contains detailed steps for each type of emergency. This plan is reviewed annually by the Physical Plant Supervisor and updated, as needed. Any significant updates or changes will be reviewed by the President's Cabinet.

All employees are expected to be familiar with their assigned role in an emergency. Pine Technical and Community College will conduct annual emergency drills. All employees are expected to participate in these drills.

#### **Fire/Tornado Emergencies and Drills**

Policy: Pine Technical and Community College will insure that all personnel are safe during emergency situations created by fires or tornados. An orderly process for addressing such emergencies will protect people in the building. To that end, Pine Technical and Community College will perform two (2) fire drills per year and one (1) tornado drill each spring. Each drill will approximate the procedure established below. Both the response to emergencies and the drills will be coordinated by the President or his designee and the Physical Plant Supervisor. Individuals from the managers' group will be assigned monitor duties to insure that emergency and drill procedures are followed throughout the building.

#### **Procedure:**

##### **A. Fire Emergency:**

1. The pre-programmed, dedicated fire alarm will sound, strobe lights will flash, and firebreak doors will close. In the case of an actual fire emergency, this will occur automatically. In the case of a drill, this will be triggered manually.
2. All occupants will quickly and calmly evacuate the building immediately through the closest outside entrance.
3. Individuals with mobility impairments will be assisted in moving to safe areas by an individual from their work unit, instructor, or managers' group member.
4. Individuals who are deaf or hard of hearing and who have not seen the alarm lights will be notified of the evacuation by an individual from their work unit, instructor, or managers' group member.
5. The instructor/supervisor or last occupant leaving each room will close all doors and windows and shut off all lights.
6. All occupants will move quickly and calmly to a site to the north, west or east of the college. The area to the south of the building should not be occupied to insure adequate room for emergency vehicles.
7. Instructors should remain with their students and insure all students have been evacuated and/or are accounted for presently in the classroom.
8. Day Care will evacuate to the east and congregate as a group in the park area to the east of the driveway.
9. Managers and Supervisors will insure their office area is evacuated prior to leaving the building.
10. No personnel will be allowed to enter the building until the emergency is over.
11. If it is determined that the event is a false alarm, the CAO, the President or the Physical Plant Supervisor will notify authorities by calling the 911 system.
12. In the case of fire drills, the drill will be considered complete when the alarm is discontinued.
13. Occupants will return to their classroom and shop areas.
14. To insure safety for all, instructors and managers will report deficiencies of the drill to the leadership team for corrections in the process.

##### **B. Tornado Emergency**

1. In the event of unstable weather conditions favorable for the generation of tornados, the President or CAO will monitor weather emergency stations for notification of tornado warnings. If neither of those individuals is present, the chain of command policy will be followed.
2. Upon notification of a tornado warning, the alert alarm will be triggered. The President, the CIO and the Physical Plant Supervisor will insure that the alert tones and patterns for a tornado alert are different and distinct from those for a fire alert.
3. In the case of a drill or an actual tornado alert, a pre-recorded message will be played over the building public address system. The President and the CIO will script these messages,
4. All building occupants will quickly and calmly move to an interior hallway away from all outside doors and all windows. Individuals with mobility impairments will be assisted in moving into safe areas. Individuals who are hearing-impaired will be notified by an individual from their work unit, instructor, or managers' group member.
5. Occupants should sit with their backs to a wall and place their heads down between their knees.
6. Day care children will be moved to the inside hallway and ramp west of the inside entrance of the day care.
7. The emergency status will remain in effect until an "all clear" signal is given by the coordinator.
8. In the case of a drill and to insure the safety of all, instructors and managers will report deficiencies of the drill to the leadership team for corrections in the process.

### **C. Alert Systems:**

1. Fire: The fire alert system is preprogrammed and dedicated solely for use in warning of fires and fire emergencies. The panel is located in the Admissions/Student Services area.
2. Tornado: The tornado alert is separate from the fire alert system and accessible via the college phone system.
3. Training: The President and the CIO will insure that managers are trained in the use and functions of the two systems.

### **Bomb Threat**

**Policy:** Pine Technical and Community College will treat any such threat as authentic and will follow the outlined procedure in the case of a bomb threat. Pine Technical and Community College will report all such threats to law enforcement authorities and cooperate with the authorities in evacuation and search procedures.

### **Procedure: THREAT BY TELEPHONE**

1. Upon receiving a bomb threat by telephone, the receptionist will refer to the questions on the bomb threat checklist located in the receptionist manual and calmly gain the attention of someone to notify a supervisor. The receptionist using the checklist, will try to gain as much information about the situation and the caller as possible.
2. Upon gathering as much information as possible, using the checklist as attached, the receptionist should notify the Vice President of Academic and Student Affairs. In the case the Vice President of Academic Affairs is not present, the receptionist should refer to the chain of command to find the next in command (designee). The Vice President of Academic and Student Affairs or designee should contact the Sheriff's Department and attempt to transfer the caller to the dispatcher for a possible trace.
3. The Vice President of Academic and Student Affairs or designee will evaluate the information and evacuate the building.
4. The college will be evacuated using the fire alarm and voice notification of the threat to ensure that all persons are moved a safe distance (100 yards recommended) from the building. After moving a safe

distance from the building, all College personnel and students should then congregate at the north end of the east parking lot and wait for further instructions.

5. Individuals with mobility impairments will be assisted in moving to safe locations by an individual from their work unit, instructor, or Leadership Team member. **Individuals who are hearing impaired and who have not seen the alarm lights will be notified of the evacuation by an individual from their work unit, instructor or Leadership Team member.**

6. The Vice President of Academic Affairs or designee will make a decision regarding further action.

7. The building will remain evacuated until the Vice President of Academic and Student Affairs or designee and search officials give an "all clear" signal.

#### B. VERBAL THREAT

1. Calm the individual. Contact a supervisor. Follow the above procedures.

#### C. WRITTEN THREAT

1. Contact Vice President of Academic and Student Affairs.

### **Armed Intruder**

**Policy:** The ability to respond appropriately in the event of an emergency event which threatens the safety of students, employees, staff and visitors and/or College operations is critical. To that end, the College will develop a recommended response to an active shooter/armed intruder situation. This response will be communicated to the College community and practiced through an annual active shooter/armed intruder drill. Both the response to emergencies and any drills will be coordinated by the Crisis Team. Individuals from the Crisis Team will be assigned monitor duties to insure that emergency and drill procedures are followed throughout the building.

#### **Procedure:**

##### **A. Active Shooter/Armed Intruder**

If any employee or student hears what they believe are gunshots or sees an armed intruder: If you are involved in a situation where someone has entered the area and started shooting, the following actions are recommended:

- Exit the building immediately
- Notify anyone you may encounter as you leave
- Notify the Police by calling 911
- If exiting the building is not possible, the following actions are recommended:
  - Go to the nearest room or office
  - Close the door, lock if possible, if you cannot, barricade the door with a desk, furniture, or any heavy item
  - Turn off lights
  - Cover the door windows if applicable
  - Spread out and hide
  - Keep quiet and act as if no one is in the room
  - DO NOT answer the door
  - Notify the Police by calling 911. Silence cell phones
  - Wait for the Police to assist you out of the building
  - Follow all instructions and commands of the Police
  - As a last resort, be as aggressive as you can: yell, throw things, use improvised weapons to distract and overcome the attacker.

Any employee with the ability to initiate the active shooter lockdown warning using the building paging and Star Alert system should do so.

### **B. Active Shooter/Armed Intruder Drill**

The College will perform one Active Shooter/Armed Intruder drill each academic year. The Crisis Team will be responsible for:

- Scheduling and carrying out the drill.
- Coordinating with system office officials and local law enforcement.
- Communicating with the campus community prior to and after the scheduled drill.
- Providing guidance during the drill (please refer to Appendix A of Policy 109, Fire/Tornado Emergencies & Drills, for assigned monitor areas).
- Monitoring activities and evaluating the effectiveness of the drill.
- Communicating the results of the drill to the college community.



## Appendix 3

### Equal Opportunity and Non-Discrimination and Sexual Violence Policies

#### MnSCU 1B.3 Sexual Violence Policy

<https://www.minnstate.edu/board/policy/1b-03.pdf>

#### Part 1. Policy statement.

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

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

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

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

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

#### Part 2. Definitions.

The following definitions apply to this Policy and Procedure 1B.3.1. 41

##### **Affirmed Consent**

Consent is informed, freely given, and mutually understood willingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. It is the responsibility of the person who wants to engage in sexual activity to ensure that the other person has consented to engage in the sexual activity. Consent must be present throughout the entire sexual activity and can be revoked

at any time. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. A lack of protest, absence of resistance, or silence alone does not constitute consent, and past consent to sexual activities does not imply ongoing future consent. The existence of a dating relationship between the people involved or the existence of a past sexual relationship does not prove the presence of, or otherwise provide the basis for, an assumption of consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

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

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

### **Employee**

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

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

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

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

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

### **Stalking**

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.

**Student.** The term "student" includes all persons who:

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

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

## **Procedure**

### **MnSCU Policy 1B.3.1 Sexual Violence Procedure**

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 a college or university:

1. A college or university security department;
2. Any individual who has campus security responsibilities in addition to a college or university security department;
3. Any individual or organization identified in a college or university security policy as an individual or organization to which students and employees should report criminal offenses;

4. An official of a college or university who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings; advisors to recognized student organizations; and athletic coaches. Professional counselors, whose official responsibilities include providing mental health counseling, and who are functioning within the scope of their license or certification, are not included in this definition.

#### Complainant

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

#### Educational program or activity

Includes locations, events, or circumstances over which the college or 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 college or 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 college or 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 college or 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 college or 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 a college or university's program or activity in the United States that satisfies one or more of the following:

1. An employee of the college or 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 college or 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. A college or 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 college or 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 college or university procedures for making a report for the annual crime statistics report. In addition, the campus security authority or any college or university

employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual 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, colleges and universities cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged communications with licensed healthcare professionals. Some off-campus reports also may be legally privileged by law, such as reports to clergy, private legal counsel, or healthcare professionals.

#### Part 5. Policy notices

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

Each college or university shall, at a minimum, at the time of registration make available to each student information about its sexual violence 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. A college or university may distribute its policy and procedure by posting on an Internet or Intranet website, provided all students are directly notified of how to access the policy by an exact address, and that they may request a paper copy.

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

Colleges, universities, and the system office shall make available to all employees a copy of the sexual violence 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

Each college or 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. Each college and university must notify applicants for admission and employment, students, employees, and all unions holding collective bargaining agreements with the college or 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. Each college and university must notify applicants for admission and employment, students, employees and all unions holding collective bargaining agreements with the college and university that the college or 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 college or university and subsequently chose to transfer to another college or university will be provided with information about resources for victims of sexual assault at the college or university to which the complainant is transferring.

## Part 6. Investigation and Disciplinary Procedures

### Subpart A. General principles

College and 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. A college or university need not, and in most cases should not, delay its



proceedings while a parallel legal action is ongoing. If a college or university is aware of a criminal proceeding involving the alleged incident, they may contact the prosecuting authority to coordinate when feasible. Criminal or civil court proceedings are not a substitute for college, university, and system office procedures.

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

**Subpart 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**

A college or 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 college or 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 decisionmaker, 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

50 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 college or university activities without obtaining prior permission from the president or designee. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.

8. No basis to proceed. At any point during the processing of the complaint, the 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 college or university's education program or activity, or did not occur against a person in the United States, then the college or university must dismiss the formal complaint. The college or 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 college or university; or specific circumstances prevent the college or university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. The college or university must promptly notify both the complainant and the respondent of any dismissal.

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 college or university must provide an advisor without fee or charge to the complainant or respondent. Colleges and Universities 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 college or 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 college or university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the college or university's education program or activity will be provided by the college or university to the complainant; and

6. the college or 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 college or 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 college or 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. A college or 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 college or 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 college and university campuses as required by the Clery Act.

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

### **Policy Statement**

#### **MnSCU Policy 1B.1 Equal Opportunity and Non-Discrimination in Employment and Education**

<https://www.minnstate.edu/board/policy/1b-01.pdf>

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

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

Harassment on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression is



prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.

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

The system office, colleges, and universities shall maintain and encourage full freedom, within the law, of expression, inquiry, teaching and research. Academic freedom comes with a responsibility that all members of our education community benefit from it without intimidation, exploitation or coercion. 56

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

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

## **Part 2. Definitions.**

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

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

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

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term

or condition of participation in student activities or in other events or activities sanctioned by the college or university; or

2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the college or university; or

3. Such conduct has the purpose or effect of threatening an individual's employment; interfering with an individual's work or academic performance; or creating an intimidating, hostile, or offensive work or educational environment.

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

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

1. Protected class includes race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, membership or activity in a local human rights commission is a protected class in employment.

2. This policy prohibits use of protected class status as a factor in decisions affecting education and employment where prohibited by federal or state law.

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

1. made a complaint under this policy;

2. assisted or participated in any manner in an investigation, or process under this policy, regardless of whether a claim of discrimination or harassment is substantiated;

3. associated with a person or group of persons who are disabled or are of a different race, color, creed, religion, sexual orientation, gender identity, gender expression, or national origin; or

4. Made a complaint or assisted or participated in any manner in an investigation or process with the Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, the Minnesota Department of Human Rights or other enforcement agencies, under any federal or stated nondiscrimination law, including the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Minnesota Human Rights Act, Minn. Stat. Ch. 363A, and their amendments.

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

**Subpart G. Sexual harassment and violence as sexual abuse.** Under certain circumstances, sexual harassment or violence may constitute sexual abuse according to Minnesota law. In such situations, the system office and colleges and universities shall comply with the reporting requirements in Minnesota

Statutes Section 626.556 (reporting of maltreatment of minors) and Minnesota Statutes Section 626.557 (Vulnerable Adult Protection Act). Nothing in this policy will prohibit any college or university or the system office from taking immediate action to protect victims of alleged sexual abuse. Board Policy 1B.3 Sexual Violence addresses sexual violence.

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

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

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

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

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

### **PTCC Policy 123: Violence Prevention**

It is the policy of Pine Technical and Community College and the responsibility of its managers, its supervisors, and all of its employees to maintain an educational and employment environment that are free from threats and acts of violence. The college will not tolerate violence of any type, from any source. This includes threatening or violent actions by employees directed against other employees, by employees directed against students or visitors, and by students and visitors of the college.

No person may engage in violent conduct or make threats of violence, implied or direct, on College property or in connection with College business. Prohibited conduct includes but is not limited to:

- The use of force or inflicting bodily harm on any person (e.g. physical attacks, any unwanted contact such as hitting, fighting, slapping, pushing, poking or pinching.);
- Behavior that diminishes the dignity of others through racial, sexual, religious or ethnic harassment; (ref. 1.B.1 Policy and Student Handbook)
- Acts or threats made directly or indirectly by oral or written words (e.g. shouting or swearing), making or sending harassing or threatening telephone calls, letters or messages (electronic, print or other method including but not limited to instant messaging or texting) to any employee, student or visitor to campus;
- Acts or threats made directly or indirectly by gestures. Examples include but are not limited to throwing objects in the workplace regardless of size or type or whether a person is the target of the object being thrown, slamming fists, fist shaking, or slamming doors;
- Displaying symbols that communicate a direct or indirect threat of physical or mental harm;
- Directing verbal abuse at another person because the individual is carrying out duties and responsibilities associated with her/his role as a faculty, staff, or student staff at the College;
- Carrying, possessing, or using a firearm, explosive, or other dangerous weapon on College property. Employees, visitors, students, and clients are prohibited from having firearms on campus, except as provided in policy 116 on the Possession or Carry of Firearms. This policy is in accordance with the Minnesota Citizens' Personal Protection Act of 2003, Minnesota Statutes section 624.714 and other applicable laws.

**Procedure:**

The college will foster an environment where employees, students and visitors are at a low risk of involvement in workplace violence. This will be accomplished by encouraging mutual respect among individuals, establishing open and honest communication, inviting all employees to provide input and enforcing zero tolerance for any type of violent behavior. All reports of violent behavior will be taken seriously and will be dealt with appropriately.

**Escalated Behavior or Imminent Acts of Violence**

1. Call 911.
2. Remove yourself and others as appropriate from threatening environment.
3. Once law enforcement arrives and the situation is stable, contact immediate supervisor. If supervisor is unavailable, follow Pine Technical and Community College Chain of Command Policy (107).
4. Complete Documentation Form and submit to supervisor.
5. Supervisor and/or appropriate management authority will follow up with employee(s) and take action as needed until resolution of incident up to and including obtaining documentation

from authorities and pursuing legal measures as warranted. (Ex. Site visit, provide alternate safety resources, order for protection, etc.)

6. Supervisor will provide the Documentation Form and resolution of incident to the Human Resources office in a prompt manner.

In the case of suspicious or troubling behavior that does not warrant the need for authorities, refer to the PTCC Behavior Intervention Team (BIT) <https://pine.edu/behavioral-intervention-team/>.

**Pine Technical and Community College will:**

- Actively work to prevent and eliminate acts of work-related violence.
- Respond promptly and positively to deal with threats or acts of violence. This response will include timely involvement of law enforcement agencies, when appropriate.
- Take incidents of work-related threats or acts of violence seriously. Reports of such acts will be promptly investigated, and management will take action as necessary to appropriately address each incident.
- Take strong disciplinary action, up to and including discharge from state employment, against employees of the College who are involved in the commission of work-related threats or acts of violence. Students engaging in such behavior will be dealt with in accordance with the Student Code of Conduct.
- Support criminal prosecution of those who threaten or commit work-place violence against employees, students, or visitors to or work environment.

**Responsibilities:**

All incidents should be reported to the President or, in the absence of the President, to a College official as listed on the **PTCC Chain of Command Policy (107)**. This policy shall not prohibit prompt notification to appropriate law enforcement authorities when an immediate threat to personal safety exists. Individuals shall not make reports knowing they are false or in reckless disregard of the truth.

**FILING A COMPLAINT**

**ANY MEMBER OF THE COLLEGE COMMUNITY (STUDENTS, FACULTY AND STAFF) MAY FILE A COMPLAINT ALLEGING A STUDENT OR ORGANIZATION HAS VIOLATED THE STUDENT CODE OF CONDUCT. THE STEPS TO FILE A COMPLAINT ARE AS FOLLOWS:**

**1. THE COMPLAINT WILL BE FILED IN WRITING WITH THE DEAN OF STUDENT SUCCESS (FORMS ARE AVAILABLE FOR THIS PURPOSE AND ASSISTANCE CAN BE PROVIDED IN OUTLINING THE COMPLAINT IF NEEDED).**

**2. THE COMPLAINT WILL BE SIGNED BY THE PERSON ENTERING THE COMPLAINT. ANONYMOUS CITATIONS WILL NOT BE ACCEPTED.**

**3. ANY STUDENT CITED FOR VIOLATION OF THE CODE OF CONDUCT WILL BE ASSUMED INNOCENT UNTIL IT IS DETERMINED OTHERWISE.**

## **DISCIPLINARY ACTIONS**

### **Informal Action**

Following the filing of an accusation against a student, the Director of Student Success or designee will conduct an investigation of the charges. If the accusation seems unwarranted, the Dean may dismiss the complaint and discontinue the process. If there is sufficient evidence to support the accusation, the Dean shall offer the accused student an opportunity to resolve the violation at an informal meeting. Prior to this meeting, the student shall be given oral or written notice of the specific charges against him/her and of the evidence available to support the charge. If a mutually acceptable resolution cannot be reached during the informal meeting, including any applicable sanctions, the case shall be referred to a Judicial Committee for a formal hearing and adjudication process.

### **Summary Suspension**

The College reserves the right to suspend and remove from campus without hearing any student that poses an immediate threat to the health or safety of persons on campus. Before implementing the summary suspension, the accused student shall be given oral or written notice of the intention to impose the summary suspension and shall be given an opportunity to present oral or written arguments against the imposition of the suspension. Notice of the intention to impose the summary suspension shall be provided in writing to the student. After the student has been summarily suspended, a properly constituted hearing on the matter will take place within nine (9) working days of the suspension. During the summary suspension, the student may not enter the campus without obtaining prior permission from the Dean.

### **Judicial Committee Procedure**

Judicial Committee: The Judicial Committee is a standing committee consisting of faculty members, students, and a college administrator. Candidates are recommended each year and approved by both the College Leadership Team and Student Senate. The Dean of Student Success is a non-voting member. The Committee elects, by consensus, one member to chair each hearing. Additional persons may be asked to attend hearings to provide expert testimony or other information of benefit to the process.

The Dean of Student Success will prepare and send a written notice to the accused no less than five (5) working days prior to the date set for the hearing. The notice will be hand delivered directly to the accused or be sent by certified mail to the last known address listed with the Records Office and will include:

1. Statement of the date, time, location, and nature of hearing.
2. Written statement specifying the Student Code of Conduct violation.
3. Notice of student's right to have an advocate at the hearing.

### **The Judicial Committee shall proceed as follows:**

1. The Dean or Chair of the Judicial Committee will schedule the meeting and notify members of the committee and the students involved of the time and place of the meeting. Every attempt will be made to convene the Committee no later than ten (10) working days following the receipt of a request for hearing by the Dean of Student Success.
2. Three members of the Committee shall constitute a quorum for decision making.

3. A simple majority of the Committee members present shall constitute the decision.
4. Members of the Judicial Committee who have a personal interest or involvement in a particular case may not participate in that hearing.
5. The hearing will be audio tape recorded. Copies of the tapes may be obtained by the accused student by making a request in writing to the Dean of Student Success. Students may be billed for the cost of the audio tape.
6. The Dean of Student Success will present an opening statement. The accused may also present an opening statement.
7. The complainant will attend the hearing and will present the statement of complaint and the supporting evidence.
8. In connection with presenting the case, the complainant and the accused may present witnesses.
9. An advocate may attend the hearing with the complainant and/or the accused, the advocate may advise the student but may not participate in the hearing. When there is a likelihood that a student involved in conduct proceedings will face criminal prosecution for a serious offense, it may be advisable that the student have an attorney as the advisor. In such cases, the College may also request the presence of a representative of the Minnesota Attorney General's Office.
10. Members of the committee may ask questions of any persons present, including witnesses.
11. At the conclusion of the hearing, the Committee shall meet privately and render its decision on the matter before it. The decision shall be rendered in writing within two (2) working days of the hearing. The decision shall set forth the findings of fact and the recommendations of the Committee regarding sanctions, if any. The Dean of Student Success shall be given the written findings of the fact and recommendations, and it shall be the duty of the Dean to notify the student or students involved within three (3) working days after receipt of the decision.
12. The decision of the committee will include the recommended sanction.
13. Hearings and records of hearings are private. They are protected by the Family Educational Rights and Privacy Act, but may be subpoenaed or released under court order due to subsequent litigation.
14. A written report of the proceedings will be placed in the student's permanent file.

### **Law Enforcement Agency Information Regarding Registered Sex Offenders**

All institutions of higher education are required to issue a statement advising the campus community where law enforcement agency information provided by a state regarding registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice to each institution of higher education in that state which the person is employed, carries a vocation, or is a student.

- The MN Bureau of Criminal Apprehension administers a predatory offender registration and tracking program. Information regarding this program can be found at:  
<https://dps.mn.gov/divisions/bca/Pages/default.aspx>
- Any questions regarding the program may be directed to the Criminal Assessment Program at 1.888.234.1248
- Information can also be obtained from the Pine County Sheriff's office at 320.629.8380



## **Appendix 4**

### **Drug Free Schools and Communities Act Biennial Review 2018 and 2019**

#### **Introduction**

The Drug-Free Schools and Communities Act of 1989 Amendments requires institutions of higher education to design and implement alcohol and illicit drug programs on their campuses. As a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education has to certify that it has adopted and implemented a program to prevent "the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees" on campus property or as part of any campus activity.

This legislation directed Colleges to:

1. To develop a written policy on alcohol and other drugs.
2. To develop a process that ensures policy distribution to all students, staff, and faculty.
3. To enumerate federal, state, or local sanctions for unlawful possession or distribution of illicit drugs and alcohol.
4. To describe health risks associated with alcohol abuse or illicit drug use.
5. To describe College drug and alcohol programs available for students and employees.
6. To specify disciplinary sanctions imposed on students and employees for policy violations.
7. To conduct biennial reviews to assess the effectiveness of its alcohol and drug programs.

The law further requires an institution of higher education to review its program to:

1. To determine its effectiveness and implement changes if they are needed, and
2. To ensure that the sanctions developed are consistently enforced.

In compliance with federal legislation, the Drug Free Schools and Communities Committee of Pine Technical and Community College has prepared this biennial review.

#### **Biennial Review Process**

A committee was convened on August 2, 2021, and oriented to the requirements of the Drug Free Schools Act and the completion of a Biennial Review to comply with the act. Although the activities surrounding Drug and Alcohol awareness are continuous, the final review of the policy was delayed as a result of the COVID-19 Pandemic and the need to shift resources to ensuring the safety of students, staff, and faculty.

Members represented: Counselor, Director of Student Affairs, Director of Human Resources, Director of Student Success and Student Life Advisor.

The committee reviewed components essential to the College's drug and alcohol program: policy statements, publications, services, data collection, campus life, and data on student and employee conduct.

### **General Conclusion**

Pine Technical and Community College (PTCC) appears to be in full compliance with federal legislation. The College has developed and maintains a drug prevention policy.

PTCC has a local Drug and Alcohol Policy 120, which closely aligns with MinnState Policy 5.18. MinnState Policy 5.18 is broad in nature and doesn't include all of the elements required by federal regulations, those elements are addressed in local policy 120.

After review of our local policy, the committee determined that the following items needed to be updated; campus resources, off-campus resources, student support services, and statistical information.

The committee also reviewed the distribution of the drug-free policy and concluded that it was sent to all staff, faculty and students annually. In addition, the College provides services and activities to promote a strong drug-free campus environment and tracks any drug and alcohol related offenses, sanctions, and referrals. **In addition, after PTCC's building and website redesign, new locations for both written and electronic Drug Awareness materials needs to be established and promoted.**

### **College Compliance with Federal Legislation**

#### **Pine Technical and Community College - Drug and Alcohol-Free College Policy 120**

**Authorities:** MnSCU Board Policy 5.18

**Purpose:** To outline the state of compliance, standards of conduct, legal sanctions, health risks, educational and treatment programs and disciplinary sanctions as required by the Drug-Free Schools and Campuses Regulations.

**Policy:** Pine Technical & Community College encourages students, faculty and employees to review and understand the following commitment and responsibilities for a Drug-Free College.

**State of Compliance:** Pine Technical College adheres to the federal Drug-Free Schools and Campuses Act (DFSCA) and Minnesota State Colleges and Universities (MnSCU) Board Policy 5.18 which prohibits the unlawful possession, use, or distribution of alcohol and illicit drugs by students and employees on the college premises, or in conjunction with any college-sponsored activity or event, whether on- or off campus. In accordance with federal regulations, this policy is printed in the Student Handbook, which is made available to every student and employee and included with the annual Campus Crime and Security Report, which is distributed to every student and employee. The college conducts a biennial review of this policy to determine the effectiveness of this policy and to ensure that disciplinary sanctions for violating standards of conduct are enforced consistently.

#### **Standards of Conduct**

- No student or employee shall manufacture, sell, give away, barter, deliver, exchange, or distribute; or possess with the intent to manufacture, sell, give away, barter, deliver, exchange,

or distribute a controlled substance or drug paraphernalia while involved in a college-sponsored activity or event, on- or off- campus.

- No student or employee shall possess a controlled substance, except when the possession is for that person's own use, and is authorized by law while involved in a college-sponsored activity or event, on- or off-campus.
- No student shall report to campus, and no employee shall report to work while under the influence of alcohol or a controlled substance, except as prescribed by a physician, which affects alertness, coordination, reaction, response, judgment, decision-making, or safety.
- Except as allowed by MnSCU Board Policy 5.18, the possession, use, sale or distribution of alcoholic beverages and 3.2% malt liquor at PTCC and PTCC-sponsored events is prohibited.

### **Penalties for Policy Violations:**

PTCC employees and students who violate this policy are subject to PTCC and MinnState sanctions and may be subject to legal sanctions under local, state or federal law.

PTCC students will be disciplined according to the Student Code of Conduct. Disciplinary sanctions include, but are not limited to, warning, confiscation, restitution, dismissal, suspension, expulsion and referral for prosecution.

PTCC employees covered by a Collective Bargaining Agreement will be disciplined according to the process delineated in the appropriate agreement. Other employees will be disciplined according to the Excluded Administrators Plan or the Commissioner's Plan. Discipline may include, but is not limited to, oral and written reprimand, suspension, termination, and referral for prosecution.

### **Information**

Pine Technical and Community College provides voluntary educational programs designed to inform students and staff about the health risks associated with drug and alcohol use, community resources available to provide assistance to individuals dealing with drug and/or alcohol abuse issues, the legal ramifications associated with illegal use of drugs and/or alcohol, and penalties for policy violations under Minnesota Law.

### **PTCC Student Code of Conduct**

Unauthorized use, sale, possession, or presence on campus or at College-sponsored events of alcoholic beverages or controlled substances and/or drug paraphernalia. The state of being under the influence of alcohol or controlled substances on College-controlled property, or at College-sponsored events. A complete copy of the Drug and Alcohol-Free Campus Policy is available for students and employees in the Counseling Office and the Human Resources Office.

### **Distribution of Written Policy**

College drug and alcohol policies are found in the Annual Campus Crime Report published by the Academic and Student Affairs Office, College Website, and a Human Resources. One or more of these publications is sent or given to every student and employee annually.

The information is also found on the PTCC Policy webpage:

<https://pine.edu/public-information-and-policies/>

## **Legal Penalties**

### **Minnesota State Law**

Under Minnesota law, it is a crime for any person to drive, operate, or be in physical control of any motor vehicle when the person is under the influence of alcohol or a controlled substance.

A person who commits first-degree driving while impaired is guilty of a felony and may be sentenced to imprisonment for not more than seven years, or to payment of a fine of not more than \$14,000, or both.

Other penalties for violating state laws prohibiting driving under the influence include:

- driver's license suspension or revocation;
- impounding motor vehicles;
- further criminal prosecution

Under Minnesota law, it is also a crime for a person under the age of 21 years to consume, possess or purchase any alcoholic beverages.

- Underage consumption: \$100 fine.
- Possession by persons under 21: \$100 fine.
- Use of false identification for alcohol purchase: \$100 fine.
- Furnishing alcohol to persons under 21: \$3,000 fine and/or 1 year in jail.

Guidelines for the sentencing of any person convicted of drug and alcohol-related criminal offenses are established by the Minnesota Sentencing Guidelines Commission. The actual length of a sentence depends upon the individual's criminal and driving history.

Possession or sale of controlled substances, including but not limited to, narcotics, depressants, stimulants, Hallucinogens, and cannabis, is prohibited by Minnesota law. Penalties for controlled substance crimes include:

#### **First Degree**

Sale: 10+ grams of cocaine, 50+ grams of other narcotic drug, 200+ doses hallucinogen, 50 kilos marijuana, or 25+ kilos marijuana in a school zone, park zone, or public housing zone.

Possession: 25+ grams cocaine, 500+ grams of other narcotic drug, 500+ doses hallucinogen, 110+ kilos marijuana.

Penalty: 0 to 40 years, 4 year mandatory minimum if prior drug felony; up to \$1,000,000 fine. 0 to 40 years, 2nd offense.

#### **Second Degree**

Sale: 3+ grams cocaine, 10+ grams of other narcotic drug, 50+ doses hallucinogen, 25+ kilos marijuana, or sale of a Schedule I or II narcotic drug of 5+ doses hallucinogen or methamphetamine either to a person under 18 or in a school zone, park zone, or public housing zone.

Possession: 6+ grams cocaine, 50+ grams of other narcotic drug, 100+ doses hallucinogen, 50+ kilos marijuana.

Penalty: 0 to 40 years, 3 year mandatory minimum if prior drug felony; up to \$500,000 fine.

#### **Third Degree**

Sale: Narcotic drug, 10+ doses hallucinogen, 5+ kilos marijuana, or sale of any Schedule I, II, or III drug (except a Schedule I or II narcotic drug or marijuana) to a person under 18 or employment of person under 18 to sell the same.

Possession: 3+ grams cocaine, 10+ grams of other narcotic drug, 10+ kilos marijuana, and any amount of a Schedule I or II narcotic drug or LSD or methamphetamine or 5+ kilos marijuana in a school zone, park zone, or public housing zone.

Penalty: 0 to 30 years, 2 year mandatory minimum if prior drug felony; up to \$250,000 fine. Between 0 to 30 year years, 2nd or subsequent offense.

#### **Fourth Degree**

Sale: Any Schedule I, II or III drug (except marijuana), or sale of marijuana in a school zone, park zone, or public housing zone or any Schedule IV or V drug to a person under 18 or conspiracy for the same.

Possession: 10 doses hallucinogen, any amount of a Schedule I, II or III drug (except marijuana) with the intent to sell it.

Penalty: 0 to 30 years, 1 year mandatory minimum if prior drug felony; up to \$100,000 fine.

#### **Fifth Degree**

Sale: Marijuana, or any Schedule IV drug.

Possession: All Schedule I, II, III, IV drugs except 42.5 grams or less of marijuana. Any prescription drugs obtained through false pretenses or forgery.

Penalty: 0 to 5 years, 6 month mandatory minimum if prior drug felony; up to \$10,000 fine.

#### **Federal Law**

##### **Schedule I Drugs (Penalty for possession)**

First Offense: 10 years to life, 10 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$4 million fine individual, \$10 million other than individual.

Second Offense: 20 years to life, 20 year mandatory minimum; if death or serious injury, not less than life; up to \$8 million fine individual, \$20 million other than individual.

##### **Schedule II Drugs (Penalty for possession)**

First Offense: 5 to 40 years, 5 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$2 million fine individual, \$5 million other than individual.

Second Offense: 10 years to life, 10 year mandatory minimum; if death or serious injury, not less than life; up to \$4 million fine individual, \$10 million other than individual.

##### **Schedule I or Schedule II Controlled Drugs (Penalty for possession)**

First Offense: 0 to 20 years, if death or serious injury, 20 year minimum, not more than life; up to \$1 million fine individual, \$5 million other than individual.

Second Offense: 0 to 30 years, if death or serious injury, not less than life; up to \$2 million fine individual, \$10 million other than individual.

##### **Schedule III Drugs (Penalty for possession)**

First Offense: 0 to 5 years, up to \$250,000 fine individual, \$1 million other than individual.

Second Offense: 0 to 10 years; up to \$500,000 fine individual, \$2 million other than individual.

##### **Schedule IV Drugs (Penalty for possession)**

Offense: 0 to 3 years, up to \$250,000 fine individual, \$1 million other than individual.

Second Offense: 0 to 6 years, up to \$500,000 fine individual, \$2 million other than individual.

### **Schedule V Drugs (Penalty for possession)**

First Offense: 0 to 1 year, up to \$100,000 fine individual, \$250,000 other than individual.

Second Offense: 0 to 2 years, up to \$200,000 fine individual, \$500,000 other than individual.

### **Health Risks**

The health risks associated with alcohol and illicit drug use and abuse can be significant and can have an impact on physical, mental, social and financial health as well as impact academic success.

### **Alcohol Use and Abuse:**

Alcohol use and abuse can lead to many health consequences which include, but are not limited to: cardiovascular disease, insomnia, compromised immune system, memory loss, diabetes, accidents/trauma/injury, violence, dementia, organ failure (liver cirrhosis), financial difficulties, and depression.

Drinking problems can negatively impact mental health as “alcohol abuse and alcoholism can also worsen existing conditions such as depression or anxiety”. Furthermore, alcohol problems often extend beyond the drinker to his/her spouse and children as well.

### **Controlled Substance Use and Abuse:**

The long-term effects of marijuana use and abuse are not as well researched, however, can have negative health consequences as well. Marijuana use and abuse can lead to pulmonary issues/disease, cancer, psychosocial impacts, poor motivation, reproductive health issues, and can lead to other addictions and substance abuse. Being under the influence of other illicit drugs can have similar negative consequences.

### **Campus Resources**

Counseling office (320) 629-4556

Office of Human Resources (320) 629-5129

### **Community Resources**

Pine County Chemical Health 320-591-1400

[https://www.co.pine.mn.us/departments/health\\_and\\_human\\_services/chemical\\_health.php](https://www.co.pine.mn.us/departments/health_and_human_services/chemical_health.php)

Therapeutic Services Agency (320) 629-7600 <https://www.hoperealized.com/>

Alcoholics Anonymous – Pine City group <https://aaminnesota.org/meetings/pine-city-group/>

Narcotics Anonymous- Rock Creek group <https://naminnesota.org/>

Serenity Manor for Sober Men (320) 679-1936 <https://www.truedirectionsinc.com/serenity-manor/>

Dellwood Recovery Center Halfway House 763-689-7723 <https://www.allinahealth.org/>

Teen Focus Recovery Center (Rush City, MN and Mora, MN) 320-358-4065

<https://www.teenfocusrecoverycenterllc.com/>

Journey North – Celebrate Recovery [cr@journeynorthchurch.com](mailto:cr@journeynorthchurch.com)

Crisis Text Line - Crisis Text Line offers advice and referrals for anyone who feels that they're experiencing a crisis. This can include drug and alcohol dependency, suicidal impulses, family problems, and other personal difficulties. To access the Crisis Text Line, text HOME to 741741 any time, day or night. <https://www.crisistextline.org/>

National Drug Helpline - The National Drug Helpline is open to any individual dealing with addiction issues, including family members and other loved ones. Resources are available for those struggling with any addictive substance, including alcohol, and professionals are available to help 24/7/365 at 1-844-289-0879. <https://drughelpline.org/>  
United Way 211—call or text 211 <https://www.211unitedway.org/>

### **Other Campus Efforts**

The Counseling office sponsors Wellness week during Fall Semester. Wellness Week is a National initiative promoted by the Substance Abuse and Mental Health Services Administration. Emotional and physical well-being are discussed on campus and substance abuse resources are promoted. <https://pine.edu/student-services/counseling-wellness/>

The Human Resources office promotes statewide employee assistance programs, some of which address substance abuse.

### **Student Success Services Efforts**

The Counseling office provides free and confidential counseling and consultation to promote personal development and well-being. These services include individual counseling and/or referrals for students who are currently dealing with or recovering from substance use. <https://pine.edu/student-services/counseling-wellness/>  
<https://pine.edu/behavioral-intervention-team/>

### **Distribution of Annual Notification**

The College annually provides the alcohol and drug policies, resources, programs, and health risks to all employees and students through the Annual Compliance and Security Act. Employees and students receive the document via e-mail. A copy of the annual report is located at: <https://pine.edu/public-information-and-policies/>