



# MINNESOTA STATE UNIVERSITY

MANKATO



## PARTNERS IN SAFETY 2019

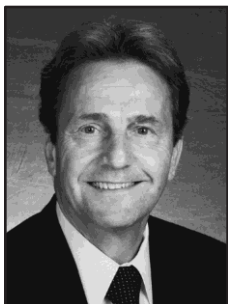


## Annual Security and Fire Safety Report

Mankato and Edina Campus

1<sup>st</sup> Edition





Campus safety is an important consideration for all members of the University community. Minnesota State Mankato is committed to providing a safe and comfortable learning environment by systematically reviewing its services, facilities and policies relating to safety. Through this review, the University attempts to provide to students, employees and visitors those services that support their educational, occupational or personal needs.

I encourage us to work together, to be “partners in safety” to ensure that all will find Minnesota State Mankato a welcoming and safe campus.

A handwritten signature in black ink, reading "Richard Davenport".

Richard Davenport  
President  
Minnesota State University, Mankato

*Located in southern Minnesota, approximately 85 miles southwest of Minneapolis/St. Paul, Minnesota State Mankato provides educational opportunities for over 15,000 students. Approximately 1,700 employees provide instructional and other related services for these students. Students and employees come to Minnesota State Mankato from throughout Minnesota, and from 91 countries to study, learn, and work. The University is part of the Mankato/North Mankato communities, which have a population of over 50,000.*

Minnesota State University, Mankato is a member of Minnesota State Colleges and Universities System and an Affirmative Action/Equal Opportunity employer and educator.

This document is available in alternative format to individuals with disabilities by calling University Security at 507-389-2111.

1<sup>st</sup> Edition- 09/27/2019

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## Other Minnesota State Mankato Extended Learning Locations

**Mesabi Range College:** <http://www.mesabirange.edu/about/security-and-safety/>

**Hibbing Community College:** <http://hibbing.edu/campus-services/security>

**Normandale Community College:**

<http://www.normandale.edu/departments/finance-and-operations/public-safety/annual-reports>

# Mankato Campus

## University Security Department and Local Law Enforcement

University Security staff are employees of Minnesota State Mankato and are responsible for enforcement of University policies. They are not certified or sworn peace officers. University Security is not a police department and personnel do not possess law enforcement (arrest) authority. However, personnel do utilize private person arrest authority pursuant to Minnesota State Statute 629.37 when appropriate. University Security patrol jurisdiction includes the contiguous Mankato campus, and has jurisdiction to enforce policies at all Minnesota State Mankato owned or controlled properties.

University Security works closely with Mankato Department of Public Safety. University Security officers work closely with city police who are called to campus to assist with emergencies, to investigate crimes and to make arrests. In addition to Mankato Department of Public Safety, University Security works with the Blue Earth County Sheriff's Office and State and Federal law enforcement agencies to respond to criminal activity. University Security officers address, alone or in conjunction with law enforcement personnel, violators of state law, federal law and University policy. Violators of state or federal laws may be reported to local law enforcement authorities, while violations of University policies are administered under the Minnesota State Mankato Statement of Student Responsibilities or in conformance with employee bargaining unit agreements. There is no working memorandum of understanding between Minnesota State Mankato and any law enforcement agency regarding investigation of criminal incidents.

Monitoring and recording is done through a local police agency of criminal activity by students engaged at noncampus locations of student organizations officially recognized by the institution, including student organizations with non-campus housing facilities. This is done by the Office of Student Conduct receiving a report of names of individuals aged 18-24 arrested by the Mankato Department of Public Safety for drug and alcohol violations. Minnesota State Mankato students found on the list are subject to sanctions in accordance with the Statement of Student Responsibilities. This practice is not limited to noncampus locations of officially recognized student organizations, but is inclusive of all incidents involving the Mankato Department of Public Safety.

## Monitoring and Recording Noncampus Crime at Officially Recognized Student Organizations

Minnesota State Mankato does have officially recognized student organizations that have housing facilities "noncampus." If local law enforcement agencies are called by a citizen to respond to one of those locations, local law enforcement agencies will not typically notify University Security to respond with them and will not typically notify University Security after they have responded to inform University Security of the situation. Local law enforcement agencies are not "required" to notify or involve University Security when they respond to a call involving private property.

## Crime and Emergency Reporting Procedures

All faculty, staff and students who become aware of alleged criminal activity on-campus or at other University affiliated locations, shall report this information promptly to University Security and/or local law enforcement. It is imperative that crimes or other emergencies be reported promptly and accurately, when the victim of a crime elects to or is unable to make a report, so that University officials may respond accordingly. University Security officers can take reports at the University Security department office located in Wiecking Center 222, by phone at 507-389-2111 or via our website [www.mnsu.edu/security](http://www.mnsu.edu/security). In addition, University Security officers can be dispatched to your location if you are on-campus. While criminal activity and any emergencies may be reported directly to law enforcement officials, all faculty, staff and students shall also report this information to University Security for the purpose of making timely warning reports and annual statistical disclosure.

Upon receiving a report of criminal activity, University Security will consider timely warning notifications and document the incident in a case report. Case reports will be forwarded to the appropriate University officials for determination of violations or disciplinary considerations, and shared with appropriate law enforcement agencies. Reports of criminal activity received by University Security will be posted in our daily crime log, available during business hours at the University Security office in Wiecking Center 222.

### Confidential and Anonymous Reporting

Absolute confidentiality of reports made to University Security cannot be guaranteed at Minnesota State Mankato. The information provided to University Security will be protected as best as possible, but may need to be shared with other University employees or communities for consideration of violations or for the safety and wellbeing of others on campus. If you wish to remain anonymous, you may choose to do so by submitting an online Silent Witness Report (<http://www.mnsu.edu/security/silentwitnessreport.html>) and omitting contact information or other identifiable information. The Silent Witness Report may be utilized when a complainant wishes to share information for purposes of inclusion in the Annual Security and Fire Safety Report, but wishes to remain anonymous.

### *Professional and Pastoral Counselors*

Professional counselors and pastoral counselors are exempted from policy. The pastoral or professional counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may learn about. This exemption is intended to protect the counselor-client relationship. However, even the legally recognized privileges acknowledge some exemptions, and there may be situations in which counselors are in fact under a legal obligation to report a crime. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. When possible counselors are still encouraged to share non-identifiable information with University Security including the nature, date, time, and general location of an incident.

## Timely Warnings

Timely Warnings are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: major incidents of arson, murder/non negligent manslaughter, and robbery. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by University Security. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat

to other Minnesota State Mankato community members and a Timely Warning would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. Sex offenses will be considered on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by University Security. Cases involving property crimes will be assessed on a case by case basis and alerts will typically be sent if there is a discernible pattern of crime. The University Security Director or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Timely Warning is warranted. Timely Warnings may also be posted for other crime classifications and locations, as deemed necessary. Timely Warnings will be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. Timely Warning messages are typically created, authorized, and sent by University Security and the Campus Emergency Response Team (CERT).

The Director of Security (or the Director's designee) determines if there is a continuing threat to the University community. In such cases, warnings may be published through campus bulletins, email, personal safety hotline, residence hall bulletins, and the University Security website. Minnesota State Mankato has requested from local police their cooperation in informing the institution about situations reported to them that may warrant timely warnings.

## Emergency Evacuation Procedures and Policies

Minnesota State Mankato Emergency Preparedness website addresses the University's response to emergencies. Individuals, offices, and departments should familiarize themselves with information in this plan (<http://www.mnsu.edu/security/emergencies/>). While the plan does not cover every conceivable contingency situation, it does supply the basic administrative guidelines necessary to cope with most campus emergencies.

All campus administrators, especially those whose responsibilities and authority include the operational areas specified in the guides, must adhere to these guidelines. Only those University administrators responsible for directing and/or coordinating emergency operations may approve exception(s) to these crisis management procedures as required to fulfill the emergency response. The Minnesota State Mankato Emergency Preparedness Guide and the Emergency Response Guide include information regarding shelter in place and evacuation guidelines.

Minnesota State Mankato will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus. Minnesota State Mankato has various 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 the University Emergency Public Address System, and Star Alert, a system that provides email and text message alerts to the campus community. Instructions on how to sign up for Star Alert messages are available at <http://www.mnsu.edu/staralert>.

In the event of a significant emergency or dangerous situation, University Security personnel (with the assistance of other University administrators, local first responders and/or the National Weather Service) will attempt to collect information to validate or confirm the threat. This may include using surveillance cameras, going near the area, or communicating with law enforcement who will be responding directly to the affected area. Minnesota State



Mankato has requested from local police their cooperation in informing the institution about situations reported to them that may warrant an emergency response.

If University Security believes that a significant emergency or dangerous situation exists, University Security personnel will activate emergency notification procedures to provide immediate notification of the threat to the University community, or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population. Typically, University Security and the Campus Emergency Response Team (CERT) will create, authorize and send the message.

University Security will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification, unless issuing a notification will, in the professional judgment of responsible authorities, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Campus Emergency Response Team, University Security or designee will provide timely updates. Timely updates may be released via the University website, University email, or Star Alert.

Members of the greater community who are interested in receiving information about emergencies on campus may monitor the University website or sign up for emergency communications via Star Alert. Instructions on how to sign up for Star Alert messages are available at <http://www.mnsu.edu/staralert>.

An evacuation drill is coordinated on an annual basis by University Security, and Residential Life for all on-campus residential facilities. The evacuation drill provides building occupants the experience of a building evacuation. The evacuation drill also provides the University an opportunity to test the operation of fire alarm system components. Evacuation drills are monitored by University Security and Residential Life Staff to evaluate egress and behavioral patterns. Reports are prepared by participating departments that identify deficient equipment so that repairs can be made. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

The University conducts numerous emergency response exercises each year, such as table-top exercises and tests of its emergency notification system, the Star Alert System (immediate notification), on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution and the tests may be announced or unannounced. For each test University Security will document a description of the exercise, the date and time, and whether it was announced or unannounced. University Security officers and supervisors have received training in Incident Command Systems and responding to critical incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually University Security, Mankato Department of Public Safety (police and fire), and emergency medical services. All departments typically respond and work together to manage the incident. Depending on the nature of the incident, other University departments and other local or federal agencies could also be involved in responding to the incident. General information about the emergency response and evacuation procedures for Minnesota State University, Mankato are publicized each year in conjunction with a test of these procedures and as part of the institution's Clery Act compliance efforts (*Annual Security and Fire Safety Report*), and that information is available on University Security's website <http://www.mnsu.edu/safety/>.

## **Evacuation Procedures**

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the fire alarm, evacuate to a safe location using the nearest exit, and notify University Security.

1. Remain calm.
2. Do NOT use elevators, use the stairs.
3. Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform University Security or the responding emergency responders of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

Students receive information about evacuation and shelter-in-place procedures during their first floor meetings and during other educational sessions that they can participate in throughout the year. Community Advisors are trained in these procedures and act as an on-going resource for the students living in residential facilities.

## **Sheltering In Place**

Because sheltering in place may be the protective action recommendation for several emergencies with differing risks, and because sometimes the initial recommendation is to shelter in place followed by relocation, there is no single set of shelter in place procedures. Based on the type of emergency, such as tornado, hostile intruder, or hazardous material release outside, you should consult each relevant section for guidance.

Emergencies change as they progress. The questions to ask yourself are: Am I safer inside or outside? Where am I safest inside? Where am I safest outside?

The University Emergency Public Address System is typically tested on the first Wednesday of each month. The University Emergency Notification System (Star Alert) typically is tested once during spring and fall semesters.

## **Security, Access, and Maintenance of Campus Facilities**

### **Academic and Administrative Buildings**

Generally, academic and administrative buildings are open Monday-Thursday 6:00 A.M.-10:30 P.M., and Friday and Saturday 6:00 A.M.-6:00 P.M. and Sunday for scheduled events. Hours are expanded or reduced for events, holidays and interim periods as it is seen fit by University administrators. Some facilities, such as Centennial Student Union and Memorial Library, have individual hours, and the hours may vary at different times of the year.

Outside of open hours, facilities are generally locked. After a building is locked, employees must possess a University identification card if present in the facility and provide the identification when requested by University Security. Others may be given access to certain rooms and buildings with their University identification card, or can receive permission to be in certain rooms and buildings by working with the area's respective academic department

or room stakeholder. Individuals working after hours may be requested by University Security to provide their University identification card for room/area authorization verification. Individuals remaining within University buildings after they are secured, do so at their own risk. If assistance with facility security and access is needed call University Security at 507-389-2111.

During open hours University Security officers routinely patrol academic and administrative buildings. Outside of open hours, University Security officers patrol these buildings to secure open spaces and verify proper access authorization of remaining occupants. Exterior doors are typically locked and unlocked by maintenance staff and University Security. Interior spaces are typically locked and unlocked by maintenance staff, University Security, and other University employees. Keys are issued to authorized faculty, staff, students and outside individuals with University business. Access to some buildings and rooms are controlled by electronic access control systems.

The primary function of the Minnesota State Mankato campus is for the use of the students, faculty, staff and their escorted guests and those on official business with Minnesota State Mankato. Persons unaffiliated with Minnesota State Mankato are regularly on campus for community events and use of the Memorial Library and Centennial Student Union. Persons unaffiliated with Minnesota State Mankato may be asked to leave or trespass from the University if loitering or involved in an incident.

## On-Campus Residence Communities

Lobby exterior doors and outer corridor exterior doors are generally unlocked each morning at 6:00 A.M. and locked each night at 11:00 P.M. Interior entrances to residence communities operated by card access are generally locked at all times. Residence Communities are generally open to residents, guests of residents, and other individuals having legitimate business reasons to be in the residence facilities. Residents are provided access to the residence hall in which they live via MavCard and/or key. Guests of residents must be accompanied at all times by the resident they are visiting. Residents are cautioned against permitting strangers to enter the residence communities and are urged to require individuals seeking entry to use their MavCard or key. Residential Life staff patrol the residence halls on a regular basis. Residential Life staff partner with residents and University Security to foster a secure community.

Residential Life manages apartment-style housing in the Stadium Heights Residence Community. This property, located two blocks from campus, has a modified Residential Life program. Stadium Heights building exterior doors are typically locked at all times. Residents may enter apartment buildings with their MavCard. Stadium Heights Security staff typically assists residents of Stadium Heights from 7:00 P.M. – 7:00 A.M. daily. Through regular patrols throughout the facility, they monitor exterior room doors and report suspicious activity, vandalism, and other safety concerns. Stadium Heights Security Staff partner with residents, Residential Life staff, and University Security to foster a secure community.

## Security Maintenance

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. University Security regularly patrols campus and reports malfunctioning lights and other unsafe physical conditions to Facilities Management for repair. Students, faculty, staff and visitors to the University should promptly report facilities and landscaping problems to Facilities Management at 507-389-2071 or University Security at 507-389-2111.

## Education Programs- – Security Awareness & Crime Prevention Programs

Minnesota State University, Mankato offers many programs designed to inform students and employees about campus security procedures and practices. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. University Security provides brochures, flyers, pamphlets, and posters concerning various safety and security issues. University Security also provides education programs 24/7/365 through the department website ([www.mnsu.edu/security](http://www.mnsu.edu/security)). Programming includes videos on a variety of safety and emergency preparedness topics including active assailant response, protecting personal property, sexual assault, controlling behavior, stalking, self-defense, travel safety, every day safety, and fire prevention. The website also links to several resources on and off campus for a variety of safety issues.

Additionally, during new student orientations University Security participates in resource fairs and provides presentations to students and their families that discuss personal safety, emergency preparedness, University Security services that are available and University Security procedures and practices. University Security is also available to provide individualized presentations, safety education forums, programs and discussions that can be tailored to any safety topic or concern. This programming is available to all members of the campus community, such as residence communities, student groups and faculty and employee groups. Safety education and security awareness programs can be scheduled by contacting University Security. In 2018, University Security provided approximately 50 such programs.

At the beginning of each term, Residential Life staff will provide an informational meeting for each residence hall floor to review security and safety procedures. Students unable to attend their own floor training session may participate in another floor session or contact their Community Advisor.

**Tabling:** Tabling events include staffing a table at resource fairs (new student orientation, transfer student orientation, international student orientation, staff/faculty resource fairs). These events are opportunities to provide safety education materials such as pamphlets and handouts, which promote ways to stay safe on campus and prevent crimes. Tabling also allows security staff to be available to answer any questions regarding crime prevention, emergency preparedness or other safety topics.

**Active Violence Training Sessions:** Active Violence Training Sessions are interactive presentation for faculty/staff. These sessions involve watching videos regarding how to stay safe during active shooter/violent offender incidents. Participants are also informed of the University's emergency response procedures and are challenged to think critically about how they might implement those procedures in their particular work spaces.

**Crime Forums:** Crime forums are small group discussions between students, University Security staff and a Mankato Department of Public Safety Police Officer. Safety topics that are relevant to students are discussed and students are encouraged to ask questions of University Security staff and the Mankato Department of Public Safety Police Officer.

**Crime Prevention Lectures:** Crime prevention lectures are available to students, faculty and staff. Content can be tailored to the interests of the specific group requesting the lecture. Most lectures include crime prevention strategies, discussions on increasing workplace personal safety and physical security, and emergency response procedures.

**New/Transfer/International Student Orientation Student Presentation:** A presentation offered to all incoming students. The presentation is designed to increase awareness of the University Security department and services provided by them, as well offer general safety and crime prevention tips.

## Alcohol and Drug Policies

Minnesota State Mankato is committed to promoting the health and safety of its campus community through a program of alcohol education and the implementation of relevant policies. Violations of law are also violations of University policies. Minnesota State Mankato enforces both Minnesota and Federal drug laws regarding the use, possession, and sale of illegal drugs. Minnesota State Mankato also enforces Minnesota law pertaining to the use, possession, and sale of alcohol, including underage drinking laws. Minnesota State Mankato's Alcohol and Other Drugs policy can be found online at <http://www.mnsu.edu/atoz/policies>. This policy extends to:

- all facilities, grounds, and property owned, leased or controlled by the University
- all University sanctioned events
- all persons whether or not he or she is a member of the University community
- individuals of all ages, even though they may be of legal age to consume or possess alcohol

Minnesota State Mankato offers alcohol and other drug education for students through Student Health Services department, and to faculty and staff through the Employee Assistance Program. Efforts stem from the University's recognition that misuse of alcohol or drugs imposes risk to the health and wellness of the community. Students referred through the student conduct process may be required to participate in an alcohol and drug education seminar and an online alcohol and/or marijuana education program. Students may complete alcohol screening, consultations, and referrals to community resources from Student Health Services. Students may also seek short-term counseling through the University Counseling Center.

Student Health Services coordinates campus-wide prevention and may be contacted at 507-389-5689 or through their website (<http://www.mnsu.edu/shs>). Program development utilizes current researched prevention methods in a collaborative effort with students, faculty, staff, and the surrounding community. Specific programs include classroom presentations and Health PROs (Peers Reaching Out) peer education programming which promotes generally healthy student chemical use choices, activities to teach guidelines for the use or non-use of alcohol or other drugs. Various alcohol and drug information and general health information is available to students at no charge, as well as smoking cessation opportunities for students attempting to quit smoking. Employees are encouraged to seek assistance for alcohol and other drug use problems through the State Employee Assistance Program and may contact the Office of Human Resources for information.

Minnesota State Mankato is in compliance with the federal Drug-Free Schools and Communities Act of 1989. Each year Minnesota State Mankato renews its commitment to the law with an informational e-mail to employees. The University does not condone violations of laws proscribing possession, use, or sale of alcoholic beverages and possession, use, sale, manufacture, or distribution of illegal drugs. Members of the Minnesota State Mankato community should know that violation of the laws concerning illegal drugs may lead to disciplinary action, which may include eviction from the residence halls, revocation of other

privileges, or suspension or expulsion from the University in order to protect the interests of the University and the rights and safety of others. The Alcohol and Other Drug webpage specifies the prohibitions and the penalties for violations and is available at <http://www.mnsu.edu/druginfo/>.

## Crime Statistics

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law. University Security submits the annual crime statistics published in this report to the Department of Education. These statistics are also published and made available to the University community and general public via the University Security website. A hard copy of this document is available at the University Security office (Wiecking Center 222). The statistical information gathered by the Department of Education is available to the public through their website. A daily crime log is available at the University Security office (Wiecking Center 222), during regular business hours.

### Procedures for Preparing Annual Disclosure of Crime Statistics

Crime statistics are gathered from, but not limited to, the following sources: University Security, Residential Life, Office of Equal Opportunity and Title IX, Office of Student Conduct, campus security authorities, and local law enforcement agencies of on-campus, residential facilities, non-campus, and public property locations. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A request for statistical information is made on an annual basis to Minnesota State Mankato campus security authorities.

### Definition of Categories

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

**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 to commit a felony or a theft.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined 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.

**Disciplinary Referrals:** The referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

**Domestic Violence:** Felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim

under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

**Fondling:** The touching of the private body parts of another person for the purpose 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.

**Hate Crime:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For this document bias is a preformed negative opinion or attitude toward a group of persons based on their race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

**Rape:** Is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Stalking:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

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

**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.

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

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

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

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

**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.

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

**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.

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

**Weapon Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

## Definitions of Geography

**On-Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Non-Campus Building Or Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** Is all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.



## Crime Statistic Charts

Offense (Reported by hierarchy)	Year	On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Murder/Non-Negligent manslaughter	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Sex Offense Rape	2018	4	4	0	0
	2017	4	4	0	0
	2016	3	3	0	0
Sex Offense Fondling	2018	2	1	0	0
	2017	2	2	0	0
	2016	5	4	0	0
Sex Offense Incest	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Sex Offense Statutory Rape	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Robbery	2018	0	0	0	0
	2017	0	0	0	1
	2016	0	0	0	0
Aggravated Assault	2018	1	0	0	0
	2017	0	0	0	0
	2016	4	4	0	2
Burglary	2018	1	1	0	0
	2017	8	4	1	0
	2016	6	2	0	0
Motor Vehicle Theft	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0

Note: On-Campus Student Housing Facilities are a subset of the On-Campus category, i.e. they are counted in both categories.

### Hate Crime Reporting

- 2018: One intimidation with bias toward race occurred at on campus parking lot. One vandalism of property towards race, religion and national origin at on campus property. One intimidation with bias toward ethnicity at on campus property. One vandalism of property with bias toward race at on campus property.
- 2017: There were no reported hate/bias crimes reported in 2017.
- 2016: One public property incident of intimidation with bias toward race. One on-campus simple assault with bias toward race. One on-campus in student housing incident of intimidation with bias toward disability.

Offense (Reported by hierarchy)	Year	On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Liquor Law Arrests	2018	9	1	0	0
	2017	21	5	0	0
	2016	21	5	0	0
Drug Law Arrests	2018	4	2	0	8
	2017	6	2	1	0
	2016	4	2	0	1
Weapons Law Arrests	2018	2	0	0	0
	2017	0	0	0	0
	2016	1	0	0	1
Liquor Law Violations Referred for Disciplinary Action	2018	268	234	0	0
	2017	309	281	0	0
	2016	337	290	0	4
Drug Law Violations Referred for Disciplinary Action	2018	105	55	0	0
	2017	126	68	0	0
	2016	100	48	0	0
Weapons Law Violations Referred for Disciplinary Action	2018	0	0	1	0
	2017	0	0	0	0
	2016	0	0	0	0

Note: In the year between the publication of the 2016 and 2017 Annual Security and Fire Safety Report, guidance was provided from the Department of Education about properly counting "Liquor Law" offenses. Guidance indicated that in Minnesota only incidents of "underage possession of alcohol" should be counted, and not incidents of "underage consumption of alcohol" where no alcohol was found during the incident. Statistics have been adjusted for this edition, and will continue to be tallied accordingly for future editions.

\*Correction from 2016 edition. A configuration error in our case management software caused a few reports to not be tallied in the correct column.

Offense (Crimes not reported by hierarchy)	Year	On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Arson	2018	0	0	0	0
	2017	1	1	0	0
	2016	0	0	0	0
Domestic Violence	2018	2	2	0	0
	2017	10	9	0	0
	2016	9	8	0	0
Dating Violence	2018	3	3	0	0
	2017	1	1	0	0
	2016	4	1	0	0
Stalking	2018	15	4	0	0
	2017	16	7	0	0
	2016	16	13	0	0

Note: On-Campus Student Housing Facilities are a subset of the On-Campus category, i.e. they are counted in both categories.

## Unfounded Crimes

There were no "unfounded" crimes for 2016, 2017 or 2018.

## Annual Fire Safety Report

Minnesota State University, Mankato publishes this fire safety report in conjunction with the *Annual Security and Fire Safety Report* and as part of our annual Clery Act Compliance. All fires and fire alarms should be immediately reported to University Security at 507-389-2111.

If a member of the University community finds evidence of a fire that has been extinguished, and the person is not sure whether University Security has already responded, the community member should immediately notify University Security to investigate and document the incident.

### Fire Safety Policy Statements

No candles, incense, or open flame are allowed in the residence communities. Appliances with an open coil or that can bring oil to a boil are not allowed in the residence halls. All residence communities and adjoining buildings are 100% smoke-free environments. Smoking and tobacco use is not allowed on the Minnesota State Mankato campus.

### Fire Evacuation Procedures for All Facilities including Student Housing and Procedures for Students and Employees

At the first indication of a fire, whether it is persistent smoke, flame, or a fire alarm; follow the procedure outlined below.

#### If You See a Fire

- Leave the area immediately.
- Contact the fire department (911).

#### When the Fire Alarm Sounds

- Always assume there is a fire. Don't ignore it.
- If time permits, take a jacket and shoes. Take a towel to cover your face.
- Stay low and crawl to your door. Smoke fills a room from the ceiling down.
- Test the door with the back of your hand.
- If the door is hot, keep the door closed and stay in the room.
- If the door is cool, open it slowly. Walk quickly and calmly to the ground level, closing all doors behind you. Do not use an elevator. An elevator may open at a floor on fire or stop working, trapping you inside.
- If there is smoke in the hallway, crawl to the stairs. Count the doors as you go so you do not get lost. If the smoke and heat are too great, try an alternate escape route. If both escape routes are blocked, return to your room.

#### If You Are Trapped Inside Your Room

- Close the door between you and the fire.
- Seal up cracks and vents to keep smoke and toxic gases out.
- Put a wet cloth over your nose and wait at a window.
- Open the window a few inches for fresh air. DO NOT break the glass.
- Hang a sheet or some other article out your window to signal the fire department.
- DO NOT panic. DO NOT jump. Wait for help.

#### Once You Have Evacuated the Area

- Notify civil authorities of anyone that may not be able to physically respond to the fire alarm or use sound judgment to evacuate the area (e.g. wheelchair users or someone under the influence of alcohol or drugs).
- Do not reenter the building until you are told to do so by civil authorities.

#### **If Your Clothes Catch Fire**

- Stop. DO NOT RUN. Drop to the ground or floor immediately and cover your face with your hands. Roll over back and forth to smother the flames.

## **Policies Regarding Fire Education and Training Programs**

Floor meetings are conducted at the beginning of each academic year to provide verbal instructions on safety procedures in the residence halls, including fire safety.

### **Fire Drills**

Fire drills are used to familiarize residents with the building's alarm system, emergency exits, and the procedures for contacting the fire department. Residents must evacuate during a fire drill.

### **Fire Safety Tips**

- Make a fire escape plan and practice it. Locate two fire exits close to your room and count the number of doors between your room and each exit.
- Make a plan to assist others who are unable to evacuate on their own. Even if it is a temporary disability, plan ahead for fire emergencies.
- Test your smoke detector the first Monday of every month. Submit a Maintenance Request to report a malfunctioning smoke detector.
- Turn off all appliances when leaving a room and check any electrical equipment that is not working properly or smells odd.
- Do not overload electrical circuits.
- Keep all areas clear of trash.
- Use fire equipment for fire prevention only. Participate in fire drills.

### **Fire Safety Procedures for Staff**

#### *University Security*

1. Will verify 911 has been notified.
2. If safe to do so, will attempt to verify the source of an alarm.
3. Will relay information to emergency responders.
4. If safe to do so, will make efforts to evacuate occupants of the building.
5. Will silence or reset an alarm only at the request of the fire department.

#### *Duty Community Advisors*

1. Contact University Security (2111) to confirm the alarm has been reported.
2. Inform the front desk of the situation. Ask staff to seek out additional residential life staff to provide assistance.
3. Inform the duty Hall Director.
4. Report to the alarm site. Remain outside the alarm area.
5. Introduce yourself to emergency personnel and remain available as a resource.
6. Notify emergency personnel of anyone that may not be able to physically respond to the fire alarm or use sound judgment to evacuate the area (e.g. wheelchair users or someone under the influence of alcohol or drugs).

- A. When additional residential life staff members arrive, ask them to assist in crowd control and make sure no one is re-entering the alarm area until emergency personnel have given the “all clear.”
- B. Complete an incident report.

#### *Duty Hall Directors or Summer Director*

1. Report to the alarm site and confirm the duty Community Advisor and front desk personnel responsibilities have been accomplished.
2. Introduce yourself to emergency personnel and remain available as a resource.
3. Notify emergency personnel of anyone that may not be able to physically respond to the fire alarm or use sound judgment to evacuate the area (e.g. wheelchair users or someone under the influence of alcohol or drugs).
4. Complete an incident report.
5. In the event of an actual fire, immediately contact the professional staff member on call.

#### *Desk Personnel*

1. Contact University Security (507-389-2111) to guarantee emergency personnel have been notified.
2. Contact the duty community advisor to confirm he/she is informed of the situation.
3. If not at risk, remain at the front desk to receive calls and help coordinate communication. Evacuate if directed to do so by emergency personnel.
4. If directed, contact additional residential life staff to assist in crowd control to make sure no one is re-entering the alarm area until emergency personnel have given the “all clear.”

#### *Community Advisors / Hall Directors*

1. Assist in crowd control and make sure no one is re-entering the alarm area until emergency personnel have given the “all clear.”

### **Plans for Future Improvements in Fire Safety**

There are no plans within the next year to upgrade any of the residential facilities fire safety systems or procedures. Future improvements will be made as needed as part of the ongoing assessment process.

# On-Campus Student Housing Fire Safety Systems

Residential Facilities	Fire Alarm Monitoring Done by Monitoring Service (off site)	Partial Sprinkler System <sup>N</sup>	Full Sprinkler System <sup>O</sup>	Room Smoke Detection (Hard Wired)	Fire Extinguisher Devices	Evacuation Plans and/or Placards	Number of Evacuation (fire drills) in 2018.
Carkoski Commons (Attached Dining Facility) 600 Maywood Ave.	X	X		X	X		3
Crawford Residence Community 700-740 Maywood Ave.	X	X		X	X	X	2
Julia A. Sears Residence Community 540 West Rd.	X		X	X	X	X	2
Margaret R. Preska Residence Community 450 North Ellis Ave.	X		X	X	X	X	2
McElroy Residence Community 400-424 North Ellis Ave.	X	X		X	X	X	2
Stadium Heights Residence Community 701, 711, 721, 731, 741, 751, 761 Heron Rd.				X	X	X	2
Stadium Heights Residence Community 705 Heron Rd.			X	X	X	X	2

<sup>N</sup> Partial Sprinkler System is defined as having sprinklers in basement and refuse/recycling areas only.

<sup>O</sup> Full Sprinkler System is defined as having sprinklers in both the common areas and individual rooms.

## Fire Statistics

2016									
Residential Facilities	Total Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Number of injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Estimated Value of Property Damage Caused by Fire	
Carkoski Commons (Attached Dining Facility) 600 Maywood Ave.	2	1	3/28/2016	9:35pm	Electric fan motor.	0	0	\$100-999	
Carkoski Commons (cont.)	2	2	9/13/2016	6:15pm	Grease leak.	0	0	\$0-99	
Crawford 700-740 Maywood Ave.	0	0	N/A	N/A	N/A	0	0	N/A	
Julia Sears 540 West Rd.	0	0	N/A	N/A	N/A	0	0	N/A	
Margaret R. Preska 450 North Ellis Ave.	0	0	N/A	N/A	N/A	0	0	N/A	
McElroy 400-424 North Ellis Ave.	1	1	10/12/2016	7:03pm	Food in microwave.	0	0	\$100-999	
Stadium Heights 701-761 Heron Rd.	0	0	N/A	N/A	N/A	0	0	N/A	

2017								
Residential Facilities	Total Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Number of injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Estimated Value of Property Damage Caused by Fire
Carlson Commons (Attached Dining Facility) 600 Maywood Ave.	0	0	N/A	N/A	N/A	0	0	N/A
Crawford 700-740 Maywood Ave.	1	1	11/16/2017	4:59pm	Arson - Individual lit personal property on fire	0	0	\$0-99
Julia Sears 540 West Rd.	1	1	2/1/2017	11:32pm	Open flame	0	0	\$100-999
Margaret R. Preska 450 North Ellis Ave.	0	0	N/A	N/A	N/A	0	0	N/A
McElroy 400-424 North Ellis Ave.	0	0	N/A	N/A	N/A	0	0	N/A
Stadium Heights 701-761 Heron Rd.	0	0	N/A	N/A	N/A	0	0	N/A



2018								
Residential Facilities	Total Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Number of injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Estimated Value of Property Damage Caused by Fire
Carloski Commons (Attached Dining Facility) 600 Maywood Ave.	0	0	N/A	N/A	N/A	0	0	N/A
Crawford 700-740 Maywood Ave.	0	0	N/A	N/A	N/A	0	0	N/A
Julia Sears 540 West Rd.	0	0	N/A	N/A	N/A	0	0	N/A
Margaret R. Preska 450 North Ellis Ave.	0	0	N/A	N/A	N/A	0	0	N/A
McElroy 400-424 North Ellis Ave.	1	1	3/31/2018	11:05 AM	cooking fire	0	0	\$100-999
Stadium Heights 701-761 Heron Rd.	1	1	11/9/2018	1:20 AM	cooking fire	0	0	\$100-999

## Missing Students

Anyone receiving a missing student report should immediately bring it to University Security's attention by calling 507-389-2111. If a student residing in an on-campus residential facility is believed to be missing, individuals should report it to University Security to ensure that the department has the appropriate time to make the notifications and initiate a missing person's investigation. University Security will generate a missing person report and initiate an investigation. University Security will notify the Mankato Department of Public Safety if an on-campus resident has been missing for more than 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, University Security will inform the local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours. If an on-campus resident has identified a missing person emergency contact, University Security will notify the contact within 24 hours after receiving the report. If the student is under 18 years of age and is not emancipated, University Security will notify the student's parent or legal guardian, as well as any designated contact person immediately after determining that the student has been missing for 24 hours or more.

Students residing in on-campus housing have the option to identify an individual as their missing person emergency contact to be notified in the event the student is determined to be missing for more than 24 hours. Contact information will be registered confidentially and will be accessible to authorized campus officials only. If accessed, information will not be disclosed, except to law enforcement personnel as part of a missing person investigation. Students who wish to register an emergency contact can do so with the Department of Residential Life in Carkoski Commons 111. Residential students are notified annually as part of applying for housing that they can register a missing person contact. The missing person emergency contact is in addition to and separate from the contact person listed in the general student database.

## Sexual Violence Policies

### Sexual Violence Awareness and Education Programs

Minnesota State University, Mankato is committed to providing campus programs to prevent sexual assault and other sex offenses. The Office of Equal Opportunity and Title IX oversees the requirement that all students enrolled in certificate and degree programs, along with Post-Secondary Enrollment Option and Concurrent Enrollment students complete training on sexual assault prevention within the first ten class days after the start of a student's first semester at the University. Additionally, Minnesota State Mankato's Violence Awareness & Response Program offers programming throughout the year to promote awareness of sexual violence -- including but not limited to, sexual harassment, acquaintance rape, and stalking. Educational programs also promote awareness of dating, intimate partner and relationship violence, and focus on consent and bystander intervention throughout the academic year. Programming includes trainings, speakers, documentary films, rallies, speak outs, and student action groups.

### Reporting Sexual Violence

To report sexual violence, you may contact University Security at 507-389-2111 or local law enforcement via 911 at any time. University Security will report sexual violence incidents to the Minnesota State Mankato's Title IX Coordinator in the Office of Equal Opportunity and Title IX (Morris Hall 014, 507-389-2986). Reports of sexual violence may also be

received directly by the Title IX Coordinator. University Officials will notify law enforcement anytime that it is requested by a student.

Please remember it is essential to preserve evidence. Do not bathe, douche, use the toilet, or change clothing. Note everything about the location. If you have been sexually assaulted, it's important to seek medical attention immediately regardless of whether you report the matter to the police. Timely reporting aids in prosecution; however, sexual assaults may be reported at any time. If you believe you have been given a drug to attempt to facilitate a sexual assault, visit the closest emergency room immediately.

In cases of sexual violence reported to University Security, staff will offer to call law enforcement authorities to the victim. The victim has the option to decline to notify such authorities; however, University Security will notify law enforcement with general non-identifying information about all reported sexual crimes. University Security can notify law enforcement with identifiable information at the request of the victim.

Student complainants and student respondents have the same opportunity to have an appropriate support person or advisor of their choice present at any interview or other meeting with the Office of Equal Opportunity & Title IX, in a manner consistent with the governing procedures and applicable data practices law.

Student complainants and student respondents will be simultaneously informed of the outcome in a timely manner, as permitted by applicable privacy laws.

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

The University will, upon written request, disclose to the alleged victim of a crime of violence or non-forcible sex offense, the report on the results of a University disciplinary proceeding against a student who is the alleged perpetrator. If the victim is deceased as a result of such crime or offense, the next of kin of such victim will be treated as the victim if so requested.

## Sexual Assault, Domestic Violence, Dating/Relationship Violence, and Stalking

Minnesota State University, Mankato does not discriminate on the basis of sex in its educational programs; sexual harassment and sexual violence are types of sex discrimination. Other acts can also be considered sex discrimination and are prohibited whether sexually based or not and include dating/relationship violence, domestic violence, and stalking. As a result, Minnesota State Mankato 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/relationship violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, Minnesota State Mankato prohibits the offenses of domestic violence, dating/relationship 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 Mankato's 1B.3 Sexual Violence Policy governing sexual violence, visit <http://www.mnsu.edu/eotitleix/responsibilities.html>.

The University has established a Coordinated Community Response Team. The team consists of the Title IX Coordinator and members from Student Affairs, University Security, Student Conduct, Residential Life, Violence Awareness Response Program, Mankato Department of Public Safety, Committee Against Domestic Abuse (CADA) Representative, select faculty, and staff. The team typically meets at least two times per semester and is responsible for facilitating effective cooperation and collaboration in developing, reviewing, and revising protocols, policies and procedures for addressing sexual violence.

## Definitions

There are numerous terms used by Minnesota State Mankato in our policy and procedures.

**Consent** is defined in the Minnesota State Statute 609.341 as words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act. A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act. Corroboration of the victim's testimony is not required to show lack of consent.

Consent is also defined at Minnesota State Colleges and Universities (Minnesota State) System under the 1B.3 Sexual Violence Policy. Affirmative consent is informed, freely given, and mutually understood willingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. 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 does not necessarily constitute consent, and past consent of 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:** Means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
  - **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

Under the Minnesota State 1B.3 Sexual Violence Policy, Subpart B., "Sexual assault" is 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 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 of a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks or breast), or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts.
4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

In Minnesota state statutes, the phrase sexual assault is not specifically used, but would generally fall within the Criminal Sexual Conduct statutes (609.342-609.3451) of the Minnesota Criminal Code.

#### 609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE

##### Subdivision 1. Crime defined.

A person who engages in sexual penetration with another person, or in sexual contact with a person under 13 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

- (a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
- (b) the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
- (c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish sexual penetration; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

#### **609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.**

##### **Subdivision 1. Crime defined.**

A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish the sexual contact; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

#### **609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.**

##### **Subdivision 1. Crime defined.**

A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense, which must be

proved by a preponderance of the evidence, that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense. Consent by the complainant is not a defense;

(c) the actor uses force or coercion to accomplish the penetration;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(ii) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:



(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; or

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual penetration occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant.

#### 609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.

##### Subdivision 1. Crime defined.

A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant. Consent by the complainant to the act is not a defense. In any such case, if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense;

(c) the actor uses force or coercion to accomplish the sexual contact;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the

complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(i) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities,

including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, the complainant is not married to the actor, and the sexual contact occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; or

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant.

#### 609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.

##### Subdivision 1. Crime defined.

A person is guilty of criminal sexual conduct in the fifth degree:

(1) if the person engages in nonconsensual sexual contact; or

(2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.

For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i), (iv), and (v), but does not include the intentional touching of the clothing covering the immediate area of the buttocks. Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent.

**Dating Violence:** Means violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

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

Under Minnesota State's 1B.3 Policy, dating intimate partner 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.

In Minnesota state statutes, dating violence would generally fall within the Domestic Assault statute (609.2242) of the Minnesota Criminal Code. (This statute is provided on the following pages after the following Domestic Violence section.)

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Domestic violence would also fall within Minnesota State's 1B.3 Policy of dating, intimate partner 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.

In Minnesota state statutes, domestic violence would generally fall within the Domestic Assault statute (609.2242) of the Minnesota Criminal Code.

#### 609.2242 DOMESTIC ASSAULT

##### Subdivision 1.Misdemeanor.

Whoever does any of the following against a family or household member as defined in section 518B.01, subdivision 2, commits an assault and is guilty of a misdemeanor:

(1) commits an act with intent to cause fear in another of immediate bodily harm or death; or

(2) intentionally inflicts or attempts to inflict bodily harm upon another.

##### Subd. 2.Gross misdemeanor.

Whoever violates subdivision 1 within ten years of a previous qualified domestic violence-related offense conviction or an adjudication of delinquency is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

##### Subd. 3.Domestic assaults; firearms.

(a) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, the court shall determine and make written findings on the record as to whether:

(1) the assault was committed against a family or household member, as defined in section 518B.01, subdivision 2;

(2) the defendant owns or possesses a firearm; and

(3) the firearm was used in any way during the commission of the assault.

(b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

(c) When a person is convicted of assaulting a family or household member and is determined by the court to have used a firearm in any way during commission of the assault, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(d) Except as otherwise provided in paragraph (c), when a person is convicted of a violation of this section or section 609.224 and the court determines that the victim was a family or household member, the court shall inform the defendant that the defendant is prohibited from possessing a firearm for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(e) Except as otherwise provided in paragraph (c), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1992, or a firearm if a person has been convicted on or after August 1, 2014, of domestic assault under this section or assault in the fifth degree under section 609.224 and the assault victim was a family or household member as defined in section 518B.01, subdivision 2, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section or section 609.224. Property rights may not be abated but access may be restricted by the courts. A person who possesses a firearm in violation of this paragraph is guilty of a gross misdemeanor.

(f) Except as otherwise provided in paragraphs (b) and (h), when a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247 and the court determines that the assault was against a family or household member, the court shall order the defendant to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary, unless the court prohibits the person from possessing a firearm for the remainder of the person's life under paragraph (c). A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. A defendant may not transfer firearms to a third party who resides with the defendant. If a defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the defendant a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified by certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period imposed under this subdivision, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to a person shall comply with state and federal law. If a defendant permanently transfers the defendant's firearms to a law enforcement agency, the agency is not required to compensate the defendant and may charge the defendant a reasonable processing fee. A law enforcement agency is not required to accept a person's firearm under this

paragraph. The court shall order that the person surrender all permits to carry and purchase firearms to the sheriff.

(g) A defendant who is ordered to transfer firearms under paragraph (f) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the defendant permanently transferred the defendant's firearms to the third party or agreeing to temporarily store the defendant's firearms until such time as the defendant is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the defendant to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the defendant gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the defendant, date of transfer, and the serial number, make, and model of all transferred firearms. The defendant shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.

(h) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, and the court determines that the assault was against a family or household member, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (g). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (f) and (g) as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms.

#### Subd. 4.Felony.

Whoever violates the provisions of this section or section 609.224, subdivision 1, within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

#### 518B.01 DOMESTIC ABUSE ACT (Relevant Sections)

(b) "Family or household members" means:

(1) spouses and former spouses;

(2) parents and children;

(3) persons related by blood;

(4) persons who are presently residing together or who have resided together in the past;

(5) persons who have a child in common regardless of whether they have been married or have lived together at any time;

(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(7) persons involved in a significant romantic or sexual relationship.

**Stalking:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this definition—

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

Under Minnesota State's 1B.3 Sexual Violence Policy, stalking is conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to fear for their safety or the safety of others or to suffer substantial emotional distress.

In Minnesota state statutes, stalking would generally fall within the Stalking statute (609.749) of the Minnesota Criminal Code.

#### 609.749 STALKING; PENALTIES.

##### Subdivision 1. **Definition.**

As used in this section, "stalking" means to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened,

threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

**Subd. 1 a. No proof of specific intent required.**

In a prosecution under this section, the state is not required to prove that the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted, or intimidated, or except as otherwise provided in subdivision 3, paragraph (a), clause (4), or paragraph (b), that the actor intended to cause any other result.

**Subd. 1 b. Venue.**

(a) When acts constituting a violation of this section are committed in two or more counties, the accused may be prosecuted in any county in which one of the acts was committed for all acts in violation of this section.

(b) The conduct described in subdivision 2, clauses (4) and (5), may be prosecuted at the place where any call is made or received or, in the case of wireless or electronic communication or any communication made through any available technologies, where the actor or victim resides or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established by chapter 5B. The conduct described in subdivision 2, clause (2), may be prosecuted where the actor or victim resides. The conduct described in subdivision 2, clause (6), may be prosecuted where any letter, telegram, message, package, or other object is sent or received or, in the case of wireless or electronic communication or communication made through other available technologies, where the actor or victim resides or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established by chapter 5B.

**Subd. 1 c. Arrest.**

For all violations under this section, except a violation of subdivision 2, clause (7), a peace officer may make an arrest under the provisions of section 629.34. A peace officer may not make a warrantless, custodial arrest of any person for a violation of subdivision 2, clause (7).

**Subd. 2. Stalking crimes.**

A person who stalks another by committing any of the following acts is guilty of a gross misdemeanor:

(1) directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;

(2) follows, monitors, or pursues another, whether in person or through any available technological or other means;

(3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;

(4) repeatedly makes telephone calls, sends text messages, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;



(5) makes or causes the telephone of another repeatedly or continuously to ring;

(6) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;

(7) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties; or

(8) uses another's personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the person.

For purposes of this clause, "personal information" and "sexual act" have the meanings given in section [617.261, subdivision 7](#).

**Subd. 3. Aggravated violations.**

(a) A person who commits any of the following acts is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

(1) commits any offense described in subdivision 2 because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section [363A.03](#), age, or national origin;

(2) commits any offense described in subdivision 2 by falsely impersonating another;

(3) commits any offense described in subdivision 2 and possesses a dangerous weapon at the time of the offense;

(4) stalks another, as defined in subdivision 1, with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section [609.415](#), or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(5) commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim.

(b) A person who commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

**Subd. 4. Second or subsequent violations; felony.**

(a) A person is guilty of a felony who violates any provision of subdivision 2 within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency, and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) A person is guilty of a felony who violates any provision of subdivision 2 within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency, and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

**Subd. 5. Pattern of stalking conduct.**

(a) A person who engages in a pattern of stalking conduct with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) For purposes of this subdivision, a "pattern of stalking conduct" means two or more acts within a five-year period that violate or attempt to violate the provisions of any of the following or a similar law of another state, the United States, the District of Columbia, tribe, or United States territories:

(1) this section;

(2) sections [609.185](#) to [609.205](#) (first- to third-degree murder and first- and second-degree manslaughter);

(3) section [609.713](#) (terroristic threats);

(4) section [609.224](#) (fifth-degree assault);

(5) section [609.2242](#) (domestic assault);

(6) section [518B.01, subdivision 14](#) (violations of domestic abuse orders for protection);

(7) section [609.748, subdivision 6](#) (violations of harassment restraining orders);

(8) section [609.605, subdivision 1](#), paragraph (b), clauses (3), (4), and (7) (certain trespass offenses);

(9) section [609.78, subdivision 2](#) (interference with an emergency call);

(10) section [609.79](#) (obscene or harassing telephone calls);

(11) section [609.795](#) (letter, telegram, or package; opening; harassment);

(12) section [609.582](#) (burglary);

(13) section [609.595](#) (damage to property);

(14) section [609.765](#) (criminal defamation);

(15) sections [609.342](#) to [609.3451](#) (first- to fifth-degree criminal sexual conduct); or

(16) section [629.75, subdivision 2](#) (violations of domestic abuse no contact orders).

(c) Words set forth in parentheses after references to statutory sections in paragraph (b) are mere catchwords included solely for convenience in reference. They are not

substantive and may not be used to construe or limit the meaning of the cited statutory provision.

**Subd. 6. Mental health assessment and treatment.**

(a) When a person is convicted of a felony offense under this section, or another felony offense arising out of a charge based on this section, the court shall order an independent professional mental health assessment of the offender's need for mental health treatment. The court may waive the assessment if an adequate assessment was conducted prior to the conviction.

(b) Notwithstanding sections [13.384](#), [13.85](#), [144.291](#) to [144.298](#), [260B.171](#), or [260C.171](#), the assessor has access to the following private or confidential data on the person if access is relevant and necessary for the assessment:

- (1) medical data under section [13.384](#);
- (2) welfare data under section [13.46](#);
- (3) corrections and detention data under section [13.85](#);
- (4) health records under sections [144.291](#) to [144.298](#); and
- (5) juvenile court records under sections [260B.171](#) and [260C.171](#).

Data disclosed under this section may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law.

(c) If the assessment indicates that the offender is in need of and amenable to mental health treatment, the court shall include in the sentence a requirement that the offender undergo treatment.

(d) The court shall order the offender to pay the costs of assessment under this subdivision unless the offender is indigent under section [563.01](#).

**Subd. 7. Exception.**

Conduct is not a crime under this section if it is performed under terms of a valid license, to ensure compliance with a court order, or to carry out a specific lawful commercial purpose or employment duty, is authorized or required by a valid contract, or is authorized, required, or protected by state, federal, or tribal law or the state, federal, or tribal constitutions. Subdivision 2, clause (2), does not impair the right of any individual or group to engage in speech protected by the federal, state, or tribal constitutions, or federal, state, or tribal law, including peaceful and lawful handbilling and picketing.

**Subd. 8. Stalking; firearms.**

(a) When a person is convicted of a stalking crime under this section and the court determines that the person used a firearm in any way during commission of the crime, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is

prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(b) Except as otherwise provided in paragraph (a), when a person is convicted of a stalking crime under this section, the court shall inform the defendant that the defendant is prohibited from possessing a firearm for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(c) Except as otherwise provided in paragraph (a), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1996, of a stalking crime under this section, or to possess a firearm if the person has been convicted on or after August 1, 2014, of a stalking crime under this section, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a firearm in violation of this paragraph is guilty of a gross misdemeanor.

(d) If the court determines that a person convicted of a stalking crime under this section owns or possesses a firearm and used it in any way during the commission of the crime, it shall order that the firearm be summarily forfeited under section [609.5316, subdivision 3](#).

(e) Except as otherwise provided in paragraphs (d) and (g), when a person is convicted of a stalking crime under this section, the court shall order the defendant to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. A defendant may not transfer firearms to a third party who resides with the defendant. If a defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the defendant a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period imposed under this subdivision, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to a defendant shall comply with state and federal law. If a defendant permanently transfers the defendant's firearms to a law enforcement agency, the agency is not required to compensate the defendant and may charge the defendant a reasonable processing fee. A law enforcement agency is not required to accept a person's firearm under this paragraph. The court shall order that the person surrender all permits to carry and purchase firearms to the sheriff.

(f) A defendant who is ordered to transfer firearms under paragraph (e) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the defendant permanently transferred the defendant's firearms to the third party or agreeing to temporarily store the defendant's firearms until such time as the defendant is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the defendant to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section [624.7144](#) if the defendant gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the defendant, date of transfer, and the serial number, make, and model of all transferred firearms. The defendant shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.

(g) When a person is convicted of a stalking crime under this section, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (f). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (e) and (f) as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms.

## Safe and Positive Options

### How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” Minnesota State Mankato wants 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 ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

### Risk Reduction

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

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 make you 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 to 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 (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.

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've 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 (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## Education and Prevention Programs

Minnesota State Mankato engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating/intimate partner/relationship violence, domestic violence, sexual assault and stalking that:

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

The University's educational programming consists of primary prevention and awareness programs for all students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- a) Identifies domestic violence, dating/intimate partner/relationship violence, sexual assault and stalking as prohibited conduct;
- b) Defines what behavior constitutes domestic violence, dating/intimate partner/relationship violence, sexual assault, and stalking;
- c) Defines what behavior and actions constitute consent to sexual activity in the state of Minnesota and at Minnesota State Mankato;
- d) Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating/intimate partner/relationship violence, sexual assault, or stalking against a person other than the bystander;
- e) Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
- f) Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.
- g) Provides procedures for reporting campus sexual assault; and,
- h) Provides information on campus resources on sexual assault and organizations that support victims of sexual assault.

Minnesota State Mankato has developed an annual educational campaign consisting of presentations that include distribution of educational materials to students and new employees; providing student's online and in-person comprehensive sexual violence prevention training; participating in the fall new faculty orientation program; presenting programs throughout the year, including sessions such as: skits, clothes line projects, a residence community training program, an annual poster series and web-based training programs related to the 1B.3 Sexual Violence Policy.

Minnesota State Mankato offered the following primary and ongoing prevention and awareness programs in 2018:

<b>Name of Program</b>	<b>Date(s) Held</b>	<b>Location Held</b>	<b>Complied with Section B a-e?</b>	<b>Which Prohibited Behavior Covered?</b>
Sexual Assault Advocacy class	January - May	Classroom	a-e	SA, DoV, S, DRV
Safer Sex Carnival	February 13	Student Union	a-e	SA, DRV
Classroom presentation	February 15	Classroom	c, d	SA
Presentation to staff	February 19	Student Union	a, b, c	SA, DRV, DoV, S
Unsettled Selves Storytelling Workshop	February 23	Student Union	a	SA, DRV
Safe Zone Training	February 23, April 6, October 19	Student Union	a, b, d	SA, DRV, DoV, S



Sexual Assault Awareness Month Planning Meetings	February 27, Feb 28, March 2,	Student Union	a, b, c, d	SV, S
In-Class Presentation	March 4	Classroom	a, b, c	DRV, DoV
Unsettled Selves Spring Showcase	April 10	Student Union	a, b	SA, S
Bedroom Talk: STIs	April 10	Women's Center	a, b, c	SA, S, DRV, DoV
Catcalling and Street Harassment Event	April 11	Student Union	a, b, c	SA, S
"Wind River" Film Screening	April 11	Student Union	b, c	SA
In-Class Presentation	April 17	Classroom	b, d	SA
It Happens to Us, Too: LGBT identity and Sexual Violence and Relationship Abuse	April 17, October 30	Student Union	a - e	SA, S, DRV, DoV
Give Back the Night: Centering Men's Experiences in the Anti-Violence Movement	April 18	Community Restaurant	a-e	SA, S, DRV, DoV
Class Presentation	April 24	Conference Room	a - e	SA, S
Take Back the Night	April 24	Community Coffee Shop	a - e	SA, S, DRV, DoV
Denim Day tabling & photo	April 25	Student Union	b	SA
Orientation Peer Assistant Training	May 23	Conference Room	a - e	SA
Through Open Doors CA Training	August 14	Residence Hall	a	SA
Choose-a-Palooza	August 18	Women's Center	d	SA

Sexuality Lecture Presentation	August 18	CSU Ballroom	a, c, d	SA
In-Class Presentation	September 13	Classroom	a, b	DoV, DRV
Self-Care Workshop	September 14	Classroom	a, b	SA, DoV, DRV
In-Class Presentation	September 19	Classroom	b	SA, S
In-Class Presentation	September 19	Classroom	b	SA, S
In-Class Presentation	September 19	Classroom	b	SA, S
In-Class Presentation	September 19	Classroom	a, b	SA, S
In-Class Presentation	September 20	Classroom	a, b	SA, S
In-Class Presentation	September 25	Classroom	a, b	SA, S
Conversation Circle – Intimate Partner Violence	September 25	Women's Center	a, b, c, d, e	DoV, DRV, S
Film Screening	October 22	Student Union	a, b	DoV, DRV
Conversation Circle: What is Advocacy?	October 23	Women's Center	c, e	DoV, DRV
U-Lead Session: Healthy Relationships	October 23	Conference Room	d, e	SA
Bystander Intervention Presentation	October 24	Student Union	a-e	DoV, DRV, SA, S
Advocacy Training for Graduate Students	Various Dates throughout October - December	Student Union	a-e	DoV, DRV, SA, S
Presentation on #metoo at National Conference	November 9	Atlanta, GA	a-d	SA
Vigilance Self-Defense Training	November 19	Conference Room	a – e	SA, S
Violence-Free Zone Training	November 27	Conference Room	a - e	DoV, DRV

Transfer and New Student Orientation Resource Fair	Various dates throughout January - December	Mav Ave (hallway in Student Union) & Ballroom	a, c	SA, DoV, DRV
Orientation Consent Scenes	Various dates throughout June and July	Ballroom in Student Union	a, b, c, e	DoV, DRV, SA, S
Coordinated Campus Response Team Meetings	March 18, May 13, June 3, October 16, November 12	Conference Room in Student Union	a - e	SA, DRV, SA
Coalition to End Sexual Violence (city) Meetings	March 21, May 23, June 27, July 25, September 26, October 24	Mav Ave (hallway in Student Union) & Ballroom	a, c	SA, DoV, DRV
Sexual Assault Support Groups	September 5, 12, 19, 26, October 3, 10, 17, 24, 31, November 7, 14, 21, 28	Counseling Center Group Therapy Room	c, d	SA, S
PEACE Performances	Various dates throughout the Fall semester	Classrooms	b, c, d	SA, DRV

*DoV means Domestic Violence, DRV means Dating/Relationship Violence, SA means Sexual Assault and S means Stalking*

## Procedures for Reporting a Complaint

### Medical Care

After an incident of sexual assault, domestic violence or dating/intimate partner/relationship violence, the victim should consider seeking medical attention as soon as possible at Mayo Clinic Health System in Mankato. In Minnesota, evidence may be collected even if you chose not to make a report to law enforcement. Evidence will be collected by the hospital and released to law enforcement upon consent from the victim. The hospital must have the name of the victim to collect and hold evidence.

### Preserve Evidence

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 as may be necessary to the proof of criminal activity may be preserved. 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/relationship violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University officials or police.

### **Police Report**

Although the University 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. University Security (507-389-2111) will assist any victim with notifying local police if they so desire. Mankato Department of Public Safety may also be reached directly by calling 507-387-8700 (or 911 in Mankato), or in person at 710 South Front Street, Mankato MN 56001. Additional information about Mankato Department of Public Safety may be found online at: <http://www.mankatomn.gov/government/service-areas/public-safety>.

### **University Action**

If you have been the victim of domestic violence, dating/intimate partner/relationship violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator in the Office of Equal Opportunity and Title IX; Morris Hall 014; 507-389-2986; or online at <https://link.mnsu.edu/sexualviolencereport>. Minnesota State Mankato will provide resources to persons who have been involved in incidents of sexual assault, domestic violence, dating/intimate partner/relationship violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth in this document are intended to afford a prompt response to charges of sexual assault, domestic or dating/intimate partner/relationship 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 University Security or other law enforcement to preserve evidence in the event that the victim changes their mind at a later date.

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

Minnesota State Mankato has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating/intimate partner/relationship violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of medical, counseling and support services, and additional remedies to prevent contact between a complainant and respondent, such as housing, academic, transportation and working accommodations, if reasonably available. Students and employees should contact the Office of Equal Opportunity and Title IX at Morris Hall 014 or call 507-389-2986.

If a report of domestic violence, dating/intimate partner/relationship violence, sexual assault or stalking is reported to the University, the University will follow the procedures and standard of evidence as noted below:

### **Sexual Assault**

1. Depending on when reported (immediate vs delayed report), University will provide complainant with access/referral to medical care.
2. University will assess immediate safety needs of complainant.
3. University will assist complainant with contacting local police if complainant requests and provide complainant with contact information for local police department.
4. University will provide complainant with referrals to on and off campus confidential sources and mental health providers.
5. University will assess the need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties.
6. University will provide a "No trespass" directive to respondent if deemed appropriate.
7. University will provide complainant with referrals on how to apply for Protective Order or Harassment Restraining Order.
8. University will provide a copy of the 1B.3 Sexual Violence Policy to complainant and respondent and inform both of the timelines for inquiry, investigation and resolution.
9. University will inform the complainant and respondent of the outcome of the investigation and resolution.
10. University will 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 participating in the investigation.

Sexual assault cases are referred to the Title IX Coordinator and are determined by the Minnesota State's 1B.3 Sexual Violence Policy using the preponderance of the evidence standard.

### **Stalking**

1. University will assess immediate safety needs of complainant.
2. University will assist complainant with contacting local police if complainant requests and provide complainant with contact information for local police department.
3. University will provide complainant with referrals on how to apply for Protective Order or Harassment Restraining Order.
4. University will provide complainant with referrals to on and off campus confidential sources and mental health providers.
5. University will provide written information to complainant on how to preserve evidence.
6. University will assess the need to implement interim or long-term protective measures to protect the complainant, if appropriate.
7. University will provide a "No trespass" directive to the respondent if deemed appropriate.
8. University will provide a copy of the 1B.3 Sexual Violence Policy to complainant and respondent and inform both of the timelines for inquiry, investigation and resolution.

9. University will inform the complainant and respondent of the outcome of the investigation and resolution.
10. University will 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 participating in the investigation.

Stalking cases are referred to the Title IX Coordinator and determined under the Minnesota State's 1B.3 Sexual Violence Policy using the preponderance of the evidence standard.

### **Domestic/Dating/Intimate Partner/Relationship Violence**

1. University will assess immediate safety needs of complainant.
2. University will assist complainant with contacting local police if complainant requests and provide complainant with contact information for local police department.
3. University will provide complainant with referrals on how to apply for Protective Order or Harassment Restraining Order.
4. University will provide complainant with referrals to on and off campus confidential sources and mental health providers.
5. University will provide written information to complainant on how to preserve evidence.
6. University will assess the need to implement interim or long-term protective measures to protect the complainant, if appropriate.
7. University will provide a "No trespass" directive to the respondent if deemed appropriate.
8. University will provide a copy of the 1B.3 Sexual Violence Policy to complainant and respondent and inform both of the timelines for inquiry, investigation and resolution.
9. University will inform the complainant and respondent of the outcome of the investigation and resolution.
10. University will 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 participating in the investigation.

Domestic/dating/relationship violence cases are referred to the Title IX Coordinator and determined under the Minnesota State's 1B.3 Sexual Violence Policy using the preponderance of the evidence standard.

### **Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint, the University will assist victims of sexual assault, domestic violence, dating/intimate partner/relationship violence, and stalking and will provide each victim with a written explanation of their rights. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and

- an explanation of the procedures for institutional disciplinary action
- options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures

In Minnesota, a victim of domestic violence, dating/relationship violence, sexual assault or stalking has the rights listed in the following table:

State of Minnesota Crime Victim Rights
<p>Right To Be Notified of:</p> <ul style="list-style-type: none"> <li>• Crime victim rights.</li> <li>• Prosecution process and the right to participate in it.</li> <li>• Contents of any plea agreement.</li> <li>• Changes in court proceeding schedule when a victim has been subpoenaed or requested to testify.</li> <li>• Final disposition of the case.</li> <li>• Appeals filed by the defendant, the right to attend the oral argument or hearing, and the right to be notified of the final disposition.</li> <li>• Proposed sentence modifications for the offender, including the date, time, and location of the review and the right to provide input.</li> <li>• Release or escape of the offender from prison or custodial institution or transfer to a lower security facility.</li> <li>• Offender's petition for expungement.</li> <li>• Right to request restitution.</li> <li>• Right to apply for reparations.</li> <li>• Information on the nearest crime victim assistance program or resource.</li> <li>• Petition to civilly commit an offender, outcome of that petition, and notice of offender's possible discharge/release from civil commitment.</li> </ul> <p>Right to Protection from Harm:</p> <ul style="list-style-type: none"> <li>• Right to a secure waiting area during court proceedings.</li> <li>• Right to request that home and employment address, telephone number, and birth date be withheld in open court.</li> <li>• Right to request that law enforcement agency withhold identity from the public.</li> <li>• Protection against employer retaliation for victims and witnesses called to testify and for victims of violent crimes and their family members who take reasonable time off to attend court proceedings.</li> <li>• Tampering with a witness is a crime and should be reported.</li> </ul> <p>Right to Participate in Prosecution</p> <ul style="list-style-type: none"> <li>• Right to request a speedy trial.</li> <li>• Right to provide input in a pretrial diversion decision.</li> <li>• Right to object orally or in writing to a plea agreement at the plea presentation hearing.</li> <li>• Right to object orally or in writing to a proposed disposition or sentence.</li> <li>• Right to inform court of impact of crime orally or in writing at the sentencing hearing.</li> <li>• Right to inform court at the sentencing hearing of social and economic impact of crime on persons and businesses in the community.</li> <li>• Right to be present at the sentencing and plea presentation hearings.</li> <li>• Right to submit statement regarding decision to discharge/release offender from civil commitment.</li> </ul> <p>Right to Apply for Financial Assistance</p> <ul style="list-style-type: none"> <li>• Victims of violent crime may apply for financial assistance (reparations) from the state if they have suffered economic loss as a result of the crime.</li> <li>• Victims may request the court to order the defendant to pay restitution if the defendant is found guilty or pleads guilty.</li> <li>• Victims may request that a probation violation hearing be scheduled 60 days prior to the expiration of probation if restitution has not been paid.</li> </ul> <p>Domestic Violence, Sexual Assault, and Harassment Victims' Rights</p> <ul style="list-style-type: none"> <li>• Right to be informed of prosecutor's decision to decline prosecution or dismiss case along with information about seeking a protective or harassment order at no fee.</li> <li>• Protection against employer retaliation for victims to take reasonable time off to attend order for protection or harassment restraining order proceedings.</li> <li>• Domestic abuse victims have ability to terminate lease without penalty.</li> <li>• Sexual assault victims can make confidential request for HIV testing of a convicted offender.</li> <li>• Sexual assault victims do not have to pay the cost of a sexual assault examination</li> <li>• Sexual assault victims may not be required to undergo a polygraph examination in order for an investigation or prosecution to proceed.</li> </ul> <p><a href="https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx">https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx</a></p>



Further, Minnesota State Mankato complies with Minnesota law in recognizing orders of protection by notifying law enforcement upon learning of a violation. Orders may include Harassment Restraining Orders, Orders for Protection, No Contact order, and Domestic Abuse No Contact Order. Any person who obtains an order of protection from Minnesota or any other state should provide a copy to University Security and to the Title IX Coordinator in the Office of Equal Opportunity and Title IX. A complainant may then meet with University Security to develop a safety action plan to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: Safe Walks, special parking arrangements, changing classroom location or allowing a student to complete assignments from home. Protection from abuse orders may be available through the Blue Earth County Justice Center at 401 Carver Rd. Mankato MN 56001, 507-304-4650.

Type of Order	Rights of Victims	Institution's Responsibilities
Harassment Restraining Orders	<ul style="list-style-type: none"> <li>• Right to be informed of prosecutor's decision to decline prosecution or dismiss case along with information about seeking a protective or harassment order at no fee.</li> <li>• Protection against employer retaliation for victims to take reasonable time off to attend order for protection or harassment restraining order proceedings.</li> <li>• Domestic abuse victims have ability to terminate lease without penalty or payment.</li> <li>• Sexual assault victims can make confidential request for HIV testing of offender.</li> <li>• Sexual assault victims do not have to pay the cost of a sexual assault examination</li> <li>• Sexual assault victims may not be required to undergo a polygraph examination in order for an investigation or prosecution to proceed.</li> </ul>	<ul style="list-style-type: none"> <li>• Notify law enforcement if aware of a violation.</li> <li>• Initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating an order as it relates to a violation of the institution's policies.</li> </ul>
Orders for Protection		
No Contact Order		
Domestic Abuse No Contact Order		

Type of Order	Who can seek one	Where	Based on
Harassment Restraining Orders  (MN Statute 609.748)	A person who is a victim of harassment, the parent, guardian, or stepparent of a minor who is a victim of harassment.	In the county of residence of either party or in the county in which the alleged harassment occurred.	<p>A person who is a victim of harassment, defined as:</p> <ul style="list-style-type: none"> <li>• a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target;</li> </ul>

			<ul style="list-style-type: none"> <li>targeted residential picketing; and</li> <li>a pattern of attending public events after being notified that the actor's presence at the event is harassing to another.</li> </ul>
<p>Orders for Protection</p> <p>(MN Statute 518B.01)</p>	<p>Any family or household member personally or by a family or household member, a guardian as defined in section 524.1-201, clause (27), or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members. A minor age 16 or older may make a petition on the minor's own behalf against a spouse or former spouse, or a person with whom the minor has a child in common, if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor.</p>	<p>The court having jurisdiction over dissolution actions, in the county of residence of either party, in the county in which a pending or completed family court proceeding involving the parties or their minor children was brought, or in the county in which the alleged domestic abuse occurred.</p>	<p>In cases of domestic abuse.</p>
<p>No Contact Order</p> <p>(MN Statute 629.715)</p>	<p>A judge in determining conditions for release from custody.</p>	<p>Criminal court.</p>	<p>On its own motion or that of the prosecutor or upon request of the victim.</p>
<p>Domestic Abuse No Contact Order</p>	<p>Victim/Complainant or court.</p> <p>(MN Statute 629.75)</p>	<p>Criminal court.</p>	<p>Against a defendant in a criminal proceeding or a juvenile offender in a delinquency proceeding for domestic abuse, harassment or stalking when committed against a family or household member incident, violation of an order for</p>

			protection, or violation of a domestic abuse no contact order. (MN Statute 629.75)
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The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

## Accommodations and Protective Measures Available for Victims

University officials will change a victim's academic, living, transportation and working situations and take protective measures after an alleged sex offense, incident of domestic/dating violence or stalking if those changes are requested by the victim and are reasonably available. The University will make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to University Security or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a Safe Walk, assisting the student or employee with developing a safety action plan.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should begin by contacting the Title IX Coordinator in the Office of Equal Opportunity and Title IX (Morris Hall 014, 507-389-2986). The Office of Equal Opportunity and Title IX will manage requested changes to academic, living, transportation and/or working situations or protective measures by coordinating with respective University departments, such as: University Security, Student Affairs, Academic Affairs, and/or Human Resources.

To the extent of the victim's cooperation and consent, University offices, including Student Health Services, Counseling Center, Violence Awareness Response Program, Women's Center, University Security, Office of Equal Opportunity and Title IX, and Residential Life will work cooperatively to assist in protecting the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal University investigation of the complaint. Further, these offices will work together to protect victim privacy and to ensure confidentiality and will assist the victim with reasonable accommodations.

Victims may request that directory information on file with the University be withheld by submitting a Data Privacy Request form to the Office of the Registrar (Wigley Administration Center 132, [http://www.mnsu.edu/registrar/forms/data\\_priv.pdf](http://www.mnsu.edu/registrar/forms/data_priv.pdf), 507-389-6266).

Regardless of whether a victim has opted-out of allowing the University to share "directory information," personally identifiable information about the victim and other necessary

parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution 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. The University does not publish the name of crime victims nor house identifiable information regarding victims in the University Security departments Daily Crime Log.

## On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating/intimate partner/relationship violence, sexual assault or stalking, the University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

On Campus	Service Provider	Contact Info
Emergency	Police, Fire Dept., Ambulance University Security	911 507-389-2111
Counseling	Counseling Center	507-389-1455
Health	Health Services Health Education	507-389-6276 507-389-5689
Mental Health	Counseling Center	507-389-1455
Victim Advocacy	Women's Center Violence Awareness Response Program LGBT Center	507-389-6146 507-389-5127 507-389-5131
Legal Assistance	Student Government Student Attorney	507-389-2611
Visa and Immigration Assistance	International Student and Scholar Services Office	507-389-1281
Title IX Coordinator	Office of Equal Opportunity and Title IX	507-389-2986
Student Financial Aid	Student Financial Services	507-389-1866
Other	Office of Student Affairs Department of Residential Life Office of Human Resources Multicultural Center	507-389-2121 507-389-1011 507-389-2015 507-389-6300

Off Campus	Service Provider	Contact Info
Emergency	Police, Fire Dept., Ambulance	911
Counseling	Blue Earth County Mental Health Center	507-304-4319
Health	Blue Earth County Public Health Mayo Clinic Health System Hospital	507-304-4175 507-625-4031
Mental Health	Blue Earth County Mental Health Center South Central Crisis Center 24-Hour Crisis Line	507-304-4319 877-399-3040
Victim Advocacy	National Domestic Violence Hotline  Committee Against Domestic Abuse (CADA)	800-799-7233  507-625-3966
Legal Assistance	Southern Minnesota Regional Legal Services	888-575-2954 www.smrls.org
Visa and Immigration Assistance	U.S. Immigration and Customs Enforcement Student and Exchange Visitor Program	703-603-3400
Student Financial Aid	Federal Student Aid Information Center	800-433-3243
Other	Blue Earth County Justice Center Minnesota Relay Services Minnesota Crime Victims Reparations Board	507-304-4650 800-627-3529 888-622-8799

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating/intimate partner/relationship 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

## Determination of Violations

Whether or not criminal charges are filed, the University or a person may file a complaint under the Minnesota State's 1B.3 Sexual Violence Policy alleging that a student or employee violated the policy. Reports of all domestic violence, dating/intimate partner/relationship violence, sexual assault and stalking made to University Security will automatically be referred to the Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges.

The University's disciplinary process will include a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the Minnesota State System and institution's policies and that is transparent to the complainant and respondent. Usually, the resolution of domestic violence, dating/intimate partner/relationship violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay. Investigators and decision makers are trained annually on the issues related to domestic violence, dating/intimate partner/relationship violence, sexual assault, and stalking and taught how to conduct an investigation and decision making process that protects the safety of the victim and promotes accountability. The policies and procedures provide that:

1. The complainant and the respondent each have the opportunity to offer facts and evidence during the investigatory and decision making process;
2. The complainant and the respondent each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting;
3. The complainant and the respondent will have timely notice of investigative meetings;
4. Information related to the investigation or disciplinary process are subject to data privacy rules and laws governing disclosure;
5. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the complainant or respondent;
6. A decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the decision maker determines: "is it more likely than not that the respondent violated the University's policy(ies)";
7. The complainant and the respondent will be notified simultaneously in writing of the outcome of the decision, as well as any changes to those results or disciplinary actions at the time that such results become final; and
8. The complainant and the respondent each have the right to appeal the decision by submitting a written appeal to the Office of the President's designee and will be notified simultaneously in writing of the final outcome after the appeal is resolved.

A person alleging sexual assault, domestic violence, dating/intimate partner/relationship violence, or stalking may also utilize the complaint and investigatory procedures set forth in Minnesota State's policy against sexual misconduct which can be found online at <http://www.mnsu.edu/eotitleix/responsibilities.html> or in hard copy in the Office of Equal Opportunity and Title IX (Morris Hall 014) in order to remedy any hostile environment.

## Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating/Intimate Partner/Relationship Violence, Sexual Assault and Stalking

The following is in accordance with Minnesota State's 1B.3 Sexual Violence Policy and 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education Policy.

### 1. How to File a Disciplinary Complaint under this Policy

If you want to file a disciplinary complaint under this policy you should report the incident promptly to the Title IX Coordinator in the Office of Equal Opportunity and Title IX; Morris Hall 014; 507-389-2986; or online at <https://link.mnsu.edu/sexualviolencereport>. You can report an incident (personally or through a third-party report) even without choosing to pursue charges or have a police investigation. For some, reporting returns a feeling of personal power. Reporting can also prevent others from being sexually assaulted.

Sexual assault and some other forms of sexual misconduct can be both a criminal offense as well as a violation of the Minnesota State's 1B.3/1B.1 policies. A student or employee alleged to have engaged in a sexual assault can be prosecuted under Minnesota criminal statutes and/or disciplined under the 1B.1.1/1B.3.1 or applicable employment procedures.

Criminal proceedings and University proceedings are separate processes with independent outcomes. <http://www.minnstate.edu/board/policy/1b-03.pdf>

## **2. How the University Determines Whether This Policy will be used**

The Office of Equal Opportunity and Title IX will compare elements of a report to the 1B.1 Equal Opportunity and Nondiscrimination and 1B.3 Sexual Violence Policies and their respective procedures. Allegations of discrimination, discriminatory harassment and sexual violence shall be investigated and resolved according to Minnesota State's 1B.1 Equal Opportunity/Nondiscrimination and 1B.3 Sexual Violence Policies and their respective procedures.

## **3. Steps in the Disciplinary Process**

When the Office of Equal Opportunity and Title IX receives a report, they will first collect enough information to determine jurisdiction. If the Office of Equal Opportunity and Title IX does not have jurisdiction they will forward it to the appropriate University office/department. If the Office of Equal Opportunity and Title IX does have jurisdiction they will begin by determining interim measures to prevent unwanted contact with the alleged respondent, including, but not limited to, transfer of the complainant and/or the respondent to alternative class, or a work site or to alternative University-owned housing, if such alternatives are reasonably available. The University may summarily suspend or take other temporary measures against a student alleged to have committed a violation of this policy, in accordance with Minnesota State's 1B.3/1B.1 policies. 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. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.

Following implementation of interim measures, the Office of Equal Opportunity and Title IX will begin an investigation and formal report including: interviews, collection of additional documentation/evidence, and investigative report written and forwarded to President's designee for assignment to a decision maker.

The decision maker will determine if a Minnesota State's 1B.3/1B.1 policy violation has occurred. If no violation is found to have occurred, no discipline will be applied, and no further action will be taken unless an appeal is received and results in a revision or reversal of the decision. If the decision maker determines a Minnesota State's 1B.3/1B.1 policy violation has occurred, discipline will be determined.

## **4. Anticipated Timelines**

Usually, the resolution of domestic violence, dating/intimate partner/relationship violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay.

## **5. Decision-Making Process**

The decision maker will take into account the totality of the circumstances, including the nature and extent of the behaviors, the relationship(s) between the parties, the context in which the alleged incident(s) occurred, and other relevant factors.

## 6. Standard of Evidence

A decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the decision maker determines: “is it more likely than not that the respondent violated the University’s policy(ies)”;

## 7. Possible Sanctions

Possible sanctions for students:

- University disciplinary probation: continuance at the University but under specific conditions or required activities imposed for a specified period of time resulting from a policy violation. This is a period of observation during which time the student is expected to demonstrate a willingness and ability to strictly comply with University standards. Progressive disciplinary action will result, including suspension or expulsion, if repeat violations occur, especially during the probationary period.
- Required compliance: includes such activities as carrying out a University mandate as a condition for being admitted, continuing enrollment, or graduating from the University.
- Reassignment within the residence communities; termination of a Residential Life contract.
- Denial of the privileges of representing the University in co-curricular activities.
- Education: mandatory educational activities such as online assessment, alcohol education workshops and writing assignments that may include program fees. A “hold” can be placed on course registration to ensure timely completion of sanctions.
- University disciplinary suspension: separation from the University for a specified period of time. During the suspension period the student cannot qualify for graduation nor progress toward a degree by registering for, taking or completing classes at the University. Additionally, the student can’t participate in a University sponsored activity or be present on campus without prior approval from the Office of Student Conduct. Conditions for re-admission may be specified. Notation of suspension is made on the student’s academic transcript. The notation is removed at the end of the suspension period.
- Students may be suspended at any point in the academic year with suspension retroactive to the first day of the term in which the incident or discipline occurs.
- University disciplinary expulsion: permanent separation from the University. Notation of the expulsion is made on the student’s academic transcript.
- Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Statement of Student Responsibilities, including the completion of all sanctions imposed.

Possible sanctions for employees:

Oral reprimand, written reprimand, suspension, reduction in salary, demotion, dismissal or discharge, per applicable collective bargaining agreement or personnel plan.



## 8. Range of Protective Measures Available to a Victim Alleging Misconduct

The University may take interim measures to prevent unwanted contact with the alleged respondent, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes, or a work site or to alternative University-owned housing, if such alternatives are reasonably available.

The University may summarily suspend or take other temporary measures against a student alleged to have committed a violation of this policy, in accordance with System Procedure 1B.1.1.

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. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.

## Confidentiality

The University will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating/intimate partner/relationship violence, or stalking to the fullest extent of the law. Publicly available recordkeeping, including Clery Act reporting and disclosures, will not include personally identifying information about the victim.

## Sanctions, Discipline and Protective Measures

In all cases, investigations that result in a finding of a violation of the 1B.3 Sexual Violence Policy will lead to the initiation of disciplinary procedures against the respondent. University sanctions against students may be imposed as described in the previous “Possible Sanctions” section, upon those determined to have violated this policy. Employees who violate this policy will be subject to discipline that may include an oral reprimand, written reprimand, and suspension, reduction in salary, demotion, dismissal or discharge, per applicable collective bargaining agreement or personnel plan. In addition, sexual assault, domestic violence, dating/intimate partner/relationship violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The University may implement interim measures following the report of domestic violence, dating/intimate partner/relationship violence, sexual assault and/or stalking. The Title IX Coordinator will determine whether interim and protective measures should be implemented, and, if so, take steps to implement those measures as soon as possible. Interim and protective measures are cited in the previous “Accommodations and Protective Measures Available for Victim” section. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator’s directives and/or interim and protective measures will constitute related violations that may lead to additional disciplinary action. Interim and protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Minnesota State University, Mankato.

## Sex Offender Registry

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education

in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Information regarding sex offenders that may work or reside on campus can be found on the State Department of Corrections web site at <https://coms.doc.state.mn.us/publicregistrantsearch/> or National Sex Offender Registry at <https://www.nsopw.gov> . Additional questions may be answered by contacting the Mankato Department of Public Safety at 507-387-8700.

In Minnesota, convicted sex offenders must register with the Minnesota Bureau of Criminal Apprehension Sex Offender Registration Unit. You can link to this information, which appears on Minnesota Bureau of Criminal Apprehension Sex Offender Registration Unit website, by accessing website at <https://por.state.mn.us/>.

# Edina Campus

## Security and Local Law Enforcement

On site at Minnesota State Mankato at Edina is American Security and Investigations. American Security serves as the primary unit for supporting the personal safety of all students, employees, and visitors at Minnesota State Mankato at Edina campus. American Security employees are not certified or sworn peace officers. American Security is not a police department and personnel do not possess arrest authority. However, American Security personnel may utilize private person arrest authority pursuant to Minnesota State Statute 629.37 when appropriate. American Security personnel are active within the building and their patrol jurisdiction includes all Minnesota State University leased space within the 7700 France building. University Security at the Minnesota State Mankato main campus also assists the Minnesota State Mankato at Edina campus by taking reports of criminal activity, policy violations and other concerns. University Security can be reached by phone at 507-389-2111.

American Security works with the Edina Police Department and other law enforcement agencies as necessary. American Security works with Edina police officers who are called to campus to assist with emergencies, to investigate crimes and to make arrests. In addition to the Edina Police Department, American Security works with other County, State and Federal law enforcement agencies to respond to criminal activity when necessary. American Security personnel address, alone or in conjunction with law enforcement personnel, violators of state law, federal law and University policy. Violators of state or federal laws may be reported to local law enforcement authorities, while violations of University policies are administered under the Minnesota State Mankato Statement of Student Responsibilities or in conformance with employee bargaining unit agreements. There is no working memorandum of understanding between American Security and any law enforcement agency regarding investigation of criminal incidents at Minnesota State Mankato at Edina campus.

Monitoring and recording is done through a local police agency of criminal activity by students engaged at noncampus locations of student organizations officially recognized by the institution, including student organizations with non-campus housing facilities. This is done by the Office of Student Conduct receiving a report of names of individuals aged 18-24 arrested by the Mankato Department of Public Safety for drug and alcohol violations. Minnesota State Mankato students found on the list are subject to sanctions in accordance with the Statement of Student Responsibilities. This practice is not limited to noncampus locations of officially recognized student organizations, but is inclusive of all incidents involving the Mankato Department of Public Safety.

## Monitoring and Recording Noncampus Crime at Officially Recognized Student Organizations

Minnesota State Mankato does have officially recognized student organizations that have housing facilities "noncampus." If local law enforcement agencies are called by a citizen to respond to one of those locations, local law enforcement agencies will not typically notify University Security to respond with them and will not typically notify University Security after they have responded to inform University Security of the situation. Local law enforcement

agencies are not “required” to notify or involve University Security when they respond to a call involving private property.

## Crime and Emergency Reporting Procedures

All criminal activity occurring on Minnesota State Mankato at Edina campus shall be reported immediately to 911, 7700 France building security (American Security and Investigations) at 952-838-3660, and subsequently to University Security at 507-389-2111. It is imperative that crimes or other emergencies be reported promptly and accurately to University Security, when the victim of a crime elects or is unable to make a report, so that University officials may respond accordingly and for the purpose of making timely warning reports and annual statistical disclosures. University Security officers can take reports at the University Security department office located in Wiecking Center 222 at the Minnesota State Mankato main campus by phone at 507-389-2111 or via our website [www.mnsu.edu/security](http://www.mnsu.edu/security).

Upon receiving a report of criminal activity, University Security will consider timely warning notifications and document the incident in a case report. Case reports will be forwarded to the appropriate University officials for determination of violations or disciplinary considerations, and shared with appropriate law enforcement agencies. Reports of criminal activity received by University Security will be posted in the daily crime log, available at the University Security office in Wiecking Center 222, main campus.

## Confidential and Anonymous Reporting

Absolute confidentiality of reports made to University Security cannot be guaranteed at Minnesota State Mankato. The information provided to University Security will be protected as best as possible, but may need to be shared with other University employees or communities for consideration of violations or for the safety and wellbeing of others on campus. If you wish to remain anonymous, you may choose to do so by submitting an online Silent Witness Report (<http://www.mnsu.edu/security/silentwitnessreport.html>) and omitting contact information or other identifiable information. The Silent Witness Report may be utilized when a complainant wishes to share information for purposes of inclusion in the Annual Security and Fire Safety Report, but wishes to remain anonymous.

### *Professional and Pastoral Counselors*

Minnesota State Mankato does not have any procedure that encourages pastoral counselors and professional counselors to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

## Timely Warnings

Timely Warnings are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: major incidents of arson, murder/non negligent manslaughter, and robbery. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by University Security. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other Minnesota State Mankato community members and a Timely Warning would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the

community. Sex offenses will be considered on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by University Security. Cases involving property crimes will be assessed on a case by case basis and alerts will typically be sent if there is a discernible pattern of crime. The University Security Director or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Timely Warning is warranted. Timely Warnings may also be posted for other crime classifications and locations, as deemed necessary. Timely Warnings will be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. Timely Warning messages are typically created, authorized, and sent by University Security and the Campus Emergency Response Team (CERT).

The Director of Security (or the Director's designee) determines if there is a continuing threat to the University community. In such cases, warnings may be published through campus bulletins, email, personal safety hotline, residence hall bulletins, and the University Security website. Minnesota State Mankato has requested from local police their cooperation in informing the institution about situations reported to them that may warrant timely warnings.

## Emergency Evacuation Procedures and Policies

Minnesota State Mankato Emergency Preparedness website addresses the University's response to emergencies. Individuals, offices, and departments should familiarize themselves with information in this plan (<http://www.mnsu.edu/security/emergencies/>). While the plan does not cover every conceivable contingency situation, it does supply the basic administrative guidelines necessary to cope with most campus emergencies.

All campus administrators, especially those whose responsibilities and authority include the operational areas specified in the guides, must adhere to these guidelines. Only those University administrators responsible for directing and/or coordinating emergency operations may approve exception(s) to these crisis management procedures as required to fulfill the emergency response. The Minnesota State Mankato Emergency Preparedness Guide and the Emergency Response Guide include information regarding shelter in place and evacuation guidelines.

All students and staff of Minnesota State Mankato at Edina campus should immediately notify University Security, local law enforcement and American Security of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an imminent or on-going threat to the health and safety of students or staff. University Security should be contacted by telephone at 507-389-2111, American Security and Investigations should be contacted at 952-838-3660, and local law enforcement should be contacted by dialing 911. Minnesota State Mankato will immediately notify the campus community at Minnesota State Mankato at Edina campus upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus. Minnesota State Mankato has various 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 Star Alert, a system that provides email and text message alerts to the campus community. Instructions on how to sign up for Star Alert messages are available at <http://www.mnsu.edu/staralert>.

In the event of a significant emergency or dangerous situation, University Security personnel will attempt to collect information to validate or confirm the threat. This may include using

CCTV cameras, communicating with 7700 France Avenue building property management, or communicating with law enforcement who will be responding directly to the affected area. Minnesota State Mankato has requested from local police their cooperation in informing the institution about situations reported to them that may warrant an emergency response.

If University Security believes that a significant emergency or dangerous situation exists, University Security personnel will activate emergency notification procedures to provide immediate notification of the threat to the University community, or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population. Typically, University Security and the Campus Emergency Response Team (CERT) on the main campus will create, authorize and send the message.

University Security will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification, unless issuing a notification will, in the professional judgment of responsible authorities, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Campus Emergency Response Team, University Security or designee will provide timely updates. Timely updates may be released via the University website, University email, or Star Alert.

Any members of the community who are interested in receiving information about emergencies on campus may monitor the University website or sign up for emergency communications via Star Alert. Instructions on how to sign up for Star Alert messages are available at <http://www.mnsu.edu/staralert>. The University Emergency Notification System (Star Alert) is tested once during spring semester and once during fall semester.

Emergency evacuation notifications may also be given by 7700 France Avenue building property management staff if they deem an emergency requiring immediate evacuation exists. Members of the campus community should contact University Security in the event of an emergency evacuation or emergency situation occurring at Minnesota State Mankato at Edina campus.

Any building evacuation drills at Minnesota State Mankato at Edina campus are coordinated through American Security and Frauenshuh property managers. In addition to educating the occupants of the building about evacuation procedures during the drills, the process also provides an opportunity to test the operation of the fire alarm system components or any other tools used during emergency situations. Testing of the alarm systems may not be done on an annual basis. Tests may be announced or unannounced. General information about the emergency response and evacuation procedures for Minnesota State University, Mankato are publicized each year in conjunction with a test of these procedures and as part of the institution's Clery Act compliance efforts (Annual Security and Fire Safety Report), and that information is available on University Security's website <http://www.mnsu.edu/safety/>. For each test University Security will document a description of the exercise, the date and time, and whether it was announced or unannounced.

### **Evacuation Procedures**

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the fire alarm, evacuate to a safe location using the nearest exit, and notify University Security.

1. Remain calm.
2. Do NOT use elevators, use the stairs.
3. Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform University Security or the responding emergency responders of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

Students receive information about evacuation and shelter-in-place procedures by e-mail at least once per year and during other educational sessions that they can participate in throughout the year. Community Advisors are trained in these procedures and act as an on-going resource for the students living in residential facilities.

### **Sheltering In Place**

Because sheltering in place may be the protective action recommendation for several emergencies with differing risks, and because sometimes the initial recommendation is to shelter in place followed by relocation, there is no single set of shelter in place procedures. Based on the type of emergency, such as tornado, hostile intruder, or hazardous material release outside, you should consult each relevant section for guidance.

Emergencies change as they progress. The questions to ask yourself are: Am I safer inside or outside? Where am I safest inside? Where am I safest outside?

The University Emergency Public Address System is typically tested on the first Wednesday of each month. The University Emergency Notification System (Star Alert) typically is tested once during spring and fall semester.

## **Security, Access and Maintenance of Campus Facilities**

### **Academic and Administrative Buildings**

Minnesota State Mankato at Edina campus is housed within a multi-tenant office building. Generally, the building is open Monday – Friday 6:00 A.M. - 9:00 P.M. and Saturday 8:00 A.M. - 1:00 P.M. During most other times, the facility is locked. Tenants of the building are able to access the building 24 hours/day with a card access card or fob which is provided to them by Frauenshuh Commercial Real Estate Group property management.

American Security and Investigations provides on-site security for the building. American Security and Investigations may be reached at 952-838-3660 and on-site property management can be reached at 651-291-3570. While on site, American Security will patrol the building and address any security or maintenance issues that arise.

While building tenants are allowed access to the building 24/7, American Security will determine an individual's need to be in the building when the building is locked. If an individual is determined not to have a need to be in the building, American Security may escort individuals out of the building, or deny access after the building is locked.

The primary function of the Minnesota State Mankato at Edina campus is for the use of the students, faculty, staff and their escorted guests and those on official business with Minnesota State Mankato. Persons unaffiliated with Minnesota State Mankato may be on campus for

other events, however persons unaffiliated with Minnesota State Mankato may be asked to leave or trespass from the Minnesota State Mankato at Edina campus if found loitering or involved in an incident.

## Security Maintenance

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. American Security regularly patrols campus and reports malfunctioning lights and other unsafe physical conditions to Frauenshuh property management for repair. Students, faculty, staff and visitors to Minnesota State Mankato at Edina should promptly report facilities and landscaping problems to Frauenshuh property management at 651-291-3570 or to American Security at 952-838-3660.

## Education Programs- Security Awareness & Crime Prevention Programs

Minnesota State Mankato offers many programs designed to inform students and employees about campus security procedures and practices. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. University Security provides brochures, flyers, pamphlets, and posters concerning various safety and security issues. University Security also provides education programs 24/7/365 through the department website ([www.mnsu.edu/security](http://www.mnsu.edu/security)). Programming includes videos on a variety of safety and emergency preparedness topics including active assailant response, protecting personal property, sexual assault, controlling behavior, stalking, self-defense, travel safety, every day safety, and fire prevention. The website also links to several resources on and off campus for a variety of safety issues.

Additionally, during new student orientations University Security participates in resource fairs and provides presentations to students and their families that discuss personal safety, emergency preparedness, University Security services that are available and University Security procedures and practices. University Security is also available to provide individualized presentations, safety education forums, programs and discussions that can be tailored to any safety topic or concern. This programming is available to all members of the Minnesota State Mankato at Edina campus community, such as student groups and faculty and employee groups. Safety education and security awareness programs can be scheduled by contacting University Security at 507-389-2111. In 2017, University Security provided approximately 50 such programs to the Minnesota State Mankato University community.

**Tabling:** Tabling events include staffing a table at resource fairs (new student orientation, transfer student orientation, international student orientation, staff/faculty resource fairs). These events are opportunities to provide safety education materials such as pamphlets and handouts, which promote ways to stay safe on campus and prevent crimes. Tabling also allows security staff to be available to answer any questions regarding crime prevention, emergency preparedness or other safety topics.

**Active Violence Training Sessions:** Active Violence Training Sessions are interactive presentation for faculty/staff. These sessions involve watching videos regarding how to stay safe during active shooter/violent offender incidents. Participants are also informed of the University's emergency response procedures and are challenged to think critically about how they might implement those procedures in their particular work spaces.



**Crime Prevention Lectures:** Crime prevention lectures are available to students, faculty and staff. Content can be tailored to the interests of the specific group requesting the lecture. Most lectures include crime prevention strategies, discussions on increasing workplace personal safety and physical security, and emergency response procedures.

**New/Transfer/International Student Orientation Student Presentation:** A presentation offered to all incoming students. The presentation is designed to increase awareness of the University Security department and services provided by them, as well offer general safety and crime prevention tips.

## Alcohol and Drug Policies

Minnesota State Mankato is committed to promoting the health and safety of its campus community through a program of alcohol education and the implementation of relevant policies. Violations of law are also violations of University policies. Minnesota State Mankato enforces both Minnesota and Federal drug laws regarding the use, possession, and sale of illegal drugs. Minnesota State Mankato also enforces Minnesota law pertaining to the use, possession, and sale of alcohol, including underage drinking laws. Minnesota State Mankato's Alcohol and Other Drugs policy can be found online at <http://www.mnsu.edu/atoz/policies>. This policy extends to:

- all facilities, grounds, and property owned, leased or controlled by the University
- all University sanctioned events
- all persons whether or not he or she is a member of the University community
- individuals of all ages, even though they may be of legal age to consume or possess alcohol

Minnesota State Mankato offers alcohol and other drug education for students through Student Health Services department at the main campus of Minnesota State University, and to faculty and staff through the Employee Assistance Program. Efforts stem from the University's recognition that misuse of alcohol or drugs imposes risk to the health and wellness of the community. Students referred through the student conduct process may be required to participate in an alcohol and drug education seminar and an online alcohol and/or marijuana education program. Students may complete alcohol screening, consultations, and referrals to community resources from Student Health Services at the Minnesota State Mankato main campus. Students may also seek short-term counseling through the University Counseling Center at Minnesota State Mankato main campus.

Student Health Services coordinates campus-wide prevention and may be contacted at 507-389-5689 or through their website (<http://www.mnsu.edu/shs>). Program development utilizes current researched prevention methods in a collaborative effort with students, faculty, staff, and the surrounding community. Specific programs include classroom presentations and Health PROs (Peers Reaching Out) peer education programming which promotes generally healthy student chemical use choices, activities to teach guidelines for the use or non-use of alcohol or other drugs. Various alcohol and drug information and general health information is available to students at no charge, as well as smoking cessation opportunities for students attempting to quit smoking. Employees are encouraged to seek assistance for alcohol and other drug use problems through the State Employee Assistance Program and may contact the Office of Human Resources at the Minnesota State Mankato main campus for information.

Minnesota State Mankato is in compliance with the federal Drug-Free Schools and Communities Act of 1989. Each year Minnesota State Mankato renews its commitment to the law with an informational e-mail to employees. The University does not condone violations of laws proscribing possession, use, or sale of alcoholic beverages and possession, use, sale, manufacture, or distribution of illegal drugs. Members of the Minnesota State Mankato community should know that violation of the laws concerning illegal drugs may lead to disciplinary action, which may include revocation of privileges, suspension or expulsion from the University in order to protect the interests of the University and the rights and safety of others. The Alcohol and Other Drug webpage specifies the prohibitions and the penalties for violations and is available at <http://www.mnsu.edu/druginfo/>.

## Crime Statistics

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law. University Security submits the annual crime statistics published in this report to the Department of Education. These statistics are also published and made available to the University community and general public via the University Security website. A hard copy of this document is available at the University Security office (main campus, Wiecking Center 222). The statistical information gathered by the Department of Education is available to the public through their website. A daily crime log is available at the University Security office (main campus, Wiecking Center 222), during regular business hours. Crime statistics are gathered from, but not limited to, the following sources: University Security, Residential Life, Office of Equal Opportunity and Title IX, Office of Student Conduct, campus security authorities, and local law enforcement agencies of on-campus, residential facilities, non-campus, and public property locations. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A request for statistical information is made on an annual basis to Minnesota State Mankato campus security authorities.

### Definition of Categories

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

**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 to commit a felony or a theft.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined 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.

**Disciplinary Referrals:** The referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

**Domestic Violence:** Felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

**Fondling:** The touching of the private body parts of another person for the purpose 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.

**Hate Crime:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For this document bias is a preformed negative opinion or attitude toward a group of persons based on their race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

**Rape:** Is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Stalking:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

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

**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.

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

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

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

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

**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.

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

**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.

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

**Weapon Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

## Definitions of Geography

**On-Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Non-Campus Building Or Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** Is all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

## Crime Statistic Charts

Offense (Reported by hierarchy)	Year	On-Campus Property	Public Property
Murder/Non-Negligent manslaughter	2018	0	0
	2017	0	0
	2016	0	0
Manslaughter by Negligence	2018	0	0
	2017	0	0
	2016	0	0
Sex Offense Rape	2018	0	0
	2017	0	0
	2016	0	0
Sex Offense Fondling	2018	0	0
	2017	0	0
	2016	0	0
Sex Offense Incest	2018	0	0
	2017	0	0
	2016	0	0
Sex Offense Statutory Rape	2018	0	0
	2017	0	0
	2016	0	0
Robbery	2018	0	0
	2017	0	0
	2016	0	0
Aggravated Assault	2018	0	0
	2017	0	0
	2016	0	0
Burglary	2018	0	0
	2017	0	0
	2016	0	0
Motor Vehicle Theft	2018	0	0
	2017	0	0
	2016	0	0

Offense (Reported by hierarchy)	Year	On-Campus Property	Public Property
Liquor Law Arrests	2018	0	0
	2017	0	0
	2016	0	0
Drug Law Arrests	2018	0	0
	2017	0	0
	2016	0	0
Weapons Law Arrests	2018	0	0
	2017	0	0
	2016	0	0
Liquor Law Violations Referred for Disciplinary Action	2018	0	0
	2017	0	0
	2016	0	0
Drug Law Violations Referred for Disciplinary Action	2018	0	0
	2017	0	0
	2016	0	0
Weapons Law Violations Referred for Disciplinary Action	2018	0	0
	2017	0	0
	2016	0	0

Offense (Crimes not reported by hierarchy)	Year	On-Campus Property	Public Property
Arson	2018	0	0
	2017	0	0
	2016	0	0
Domestic Violence	2018	0	0
	2017	0	0
	2016	0	0
Dating Violence	2018	0	0
	2017	0	0
	2016	0	0
Stalking	2018	0	0
	2017	0	0
	2016	0	0

\*Asterisk indicates data not collected for these years.

Note: The Edina Campus has no On-Campus Student Housing. Also, all Minnesota State Mankato non-campus crimes are included in the (main) Mankato Campus crime statistics chart.

## Hate Crime Reporting

There were no hate crimes reported for 2016, 2017 or 2018.

## Unfounded Crimes

There were no unfounded crimes for 2016, 2017 or 2018.

## Sexual Assault Policies

### Sexual Assault Awareness and Education Programs

Minnesota State University, Mankato is committed to providing campus programs to prevent sexual assault and other sex offenses. The Office of Equal Opportunity and Title IX oversees the requirement that all students enrolled in certificate and degree programs, along with Post-Secondary Enrollment Option and Concurrent Enrollment students complete training on sexual assault prevention within the first ten class days after the start of a student's first semester at the University. Additionally, Minnesota State Mankato's Violence Awareness & Response Program offers programming throughout the year to promote awareness of sexual violence -- including but not limited to, sexual harassment, acquaintance rape, and stalking. Educational programs also promote awareness of dating, intimate partner and relationship violence, and focus on consent and bystander intervention throughout the academic year. Programming includes trainings, speakers, documentary films, rallies, speak outs, and student action groups.

### Reporting Sexual Violence

To report sexual violence, you may contact University Security at 507-389-2111 or local law enforcement via 911 at any time. University Security will report sexual violence incidents to the Minnesota State Mankato's Title IX Coordinator in the Office of Equal Opportunity and Title IX (Morris Hall 014, 507-389-2986). Reports of sexual violence may also be received directly by the Title IX Coordinator. University Officials will notify law enforcement anytime that it is requested by a student.

Please remember it is essential to preserve evidence. Do not bathe, douche, use the toilet, or change clothing. Note everything about the location. If you have been sexually assaulted, it's important to seek medical attention immediately regardless of whether you report the matter to the police. Timely reporting aids in prosecution; however, sexual assaults may be reported at any time. If you believe you have been given a drug to attempt to facilitate a sexual assault, visit the closest emergency room immediately.

In cases of sexual violence reported to University Security, staff will offer to call law enforcement authorities to the victim. The victim has the option to decline to notify such authorities; however, University Security will notify law enforcement with general non-identifying information about all reported sexual crimes. University Security can notify law enforcement with identifiable information at the request of the victim.

Student complainants and student respondents have the same opportunity to have an appropriate support person or advisor of their choice present at any interview or other meeting with the Office of Equal Opportunity & Title IX, in a manner consistent with the governing procedures and applicable data practices law.

Student complainants and student respondents will be simultaneously informed of the outcome in a timely manner, as permitted by applicable privacy laws.

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

The University will, upon written request, disclose to the alleged victim of a crime of violence or non-forcible sex offense, the report on the results of a University disciplinary proceeding against a student who is the alleged perpetrator. If the victim is deceased as a result of such crime or offense, the next of kin of such victim will be treated as the victim if so requested.

## Sexual Assault, Domestic Violence, Dating/Relationship Violence, and Stalking

Minnesota State University, Mankato does not discriminate on the basis of sex in its educational programs; sexual harassment and sexual violence are types of sex discrimination. Other acts can also be considered sex discrimination and are prohibited whether sexually based or not and include dating/relationship violence, domestic violence, and stalking. As a result, Minnesota State Mankato 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/relationship violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, Minnesota State Mankato prohibits the offenses of domestic violence, dating/relationship 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 Mankato's 1B.3 Sexual Violence Policy governing sexual violence, visit <http://www.mnsu.edu/eotitleix/responsibilities.html>.

The University has established a Coordinated Community Response Team. The team consists of the Title IX Coordinator and members from Student Affairs, University Security, Student Conduct, Residential Life, Violence Awareness Response Program, Mankato Department of Public Safety, Committee Against Domestic Abuse (CADA) Representative, select faculty, and staff. The team typically meets at least two times per semester and is responsible for facilitating effective cooperation and collaboration in developing, reviewing, and revising protocols, policies and procedures for addressing sexual violence.

### Definitions

There are numerous terms used by Minnesota State Mankato in our policy and procedures.

**Consent** is defined in the Minnesota State Statute Section 609.341 as words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act. A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act. Corroboration of the victim's testimony is not required to show lack of consent.

Consent is also defined at Minnesota State Colleges and Universities (Minnesota State) System under the 1B.3 Sexual Violence Policy. Affirmative consent is informed, freely given, and mutually understood willingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. 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 does not necessarily constitute consent, and past consent of 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:** Means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
  - **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

Under the Minnesota State 1B.3 Sexual Violence Policy, Subpart B, "Sexual assault" is 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 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 of a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks or breast), or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts.
4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

In Minnesota state statutes, the phrase sexual assault is not specifically used, but would generally fall within the Criminal Sexual Conduct statutes (609.342-609.3451) of the Minnesota Criminal Code.

#### **609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE**

##### **Subdivision 1. Crime defined.**

A person who engages in sexual penetration with another person, or in sexual contact with a person under 13 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(b) the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish sexual penetration; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

#### 609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.

##### Subdivision 1. Crime defined.

A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish the sexual contact; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

#### 609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.

##### Subdivision 1. Crime defined.

A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense. Consent by the complainant is not a defense;

(c) the actor uses force or coercion to accomplish the penetration;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense;

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual penetration occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant.

#### **609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.**

##### **Subdivision 1. Crime defined.**

A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant. Consent by the complainant to the act is not a defense. In any such case, if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense;

(c) the actor uses force or coercion to accomplish the sexual contact;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(i) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense;

(1) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, the complainant is not married to the actor, and the sexual contact occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; or

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant.

#### **609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.**

##### **Subdivision 1. Crime defined.**

A person is guilty of criminal sexual conduct in the fifth degree:

(1) if the person engages in nonconsensual sexual contact; or

(2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.

For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i), (iv), and (v), but does not include the intentional touching of the clothing covering the immediate area of the buttocks. Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent.



**Dating Violence:** Means violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

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

Under Minnesota State's 1B.3 Policy, dating intimate partner 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.

In Minnesota state statutes, dating violence would generally fall within the Domestic Assault statute (609.2242) of the Minnesota Criminal Code. (This statute is provided on the following pages after the following Domestic Violence section.)

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Domestic violence would also fall within Minnesota State's 1B.3 Policy of dating, intimate partner 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.

In Minnesota state statutes, domestic violence would generally fall within the Domestic Assault statute (609.2242) of the Minnesota Criminal Code.

#### 609.2242 DOMESTIC ASSAULT

##### Subdivision 1.Misdemeanor.

Whoever does any of the following against a family or household member as defined in section 518B.01, subdivision 2, commits an assault and is guilty of a misdemeanor:

- (1) commits an act with intent to cause fear in another of immediate bodily harm or death; or
  - (2) intentionally inflicts or attempts to inflict bodily harm upon another.
- Subd. 2.Gross misdemeanor.

Whoever violates subdivision 1 within ten years of a previous qualified domestic violence-related offense conviction or an adjudication of delinquency is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 3.Domestic assaults; firearms.

(a) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, the court shall determine and make written findings on the record as to whether:

(1) the assault was committed against a family or household member, as defined in section 518B.01, subdivision 2;

(2) the defendant owns or possesses a firearm; and

(3) the firearm was used in any way during the commission of the assault.

(b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

(c) When a person is convicted of assaulting a family or household member and is determined by the court to have used a firearm in any way during commission of the assault, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(d) Except as otherwise provided in paragraph (c), when a person is convicted of a violation of this section or section 609.224 and the court determines that the victim was a family or household member, the court shall inform the defendant that the defendant is prohibited from possessing a firearm for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(e) Except as otherwise provided in paragraph (c), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1992, or a firearm if a person has been convicted on or after August 1, 2014, of domestic assault under this section or assault in the fifth degree under section 609.224 and the assault victim was a family or household member as defined in section 518B.01, subdivision 2, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section or section 609.224. Property rights may not be abated but access may be restricted by the courts. A person who possesses a firearm in violation of this paragraph is guilty of a gross misdemeanor.

(f) Except as otherwise provided in paragraphs (b) and (h), when a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247 and the court determines that the assault was against a family or household member, the court shall order the defendant to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary, unless the court prohibits the person from possessing a

firearm for the remainder of the person's life under paragraph (c). A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. A defendant may not transfer firearms to a third party who resides with the defendant. If a defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the defendant a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified by certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period imposed under this subdivision, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to a person shall comply with state and federal law. If a defendant permanently transfers the defendant's firearms to a law enforcement agency, the agency is not required to compensate the defendant and may charge the defendant a reasonable processing fee. A law enforcement agency is not required to accept a person's firearm under this paragraph. The court shall order that the person surrender all permits to carry and purchase firearms to the sheriff.

(g) A defendant who is ordered to transfer firearms under paragraph (f) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the defendant permanently transferred the defendant's firearms to the third party or agreeing to temporarily store the defendant's firearms until such time as the defendant is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the defendant to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the defendant gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the defendant, date of transfer, and the serial number, make, and model of all transferred firearms. The defendant shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.

(h) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, and the court determines that the assault was against a family or household member, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the

firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (g). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (f) and (g) as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms.

**Subd. 4.Felony.**

Whoever violates the provisions of this section or section 609.224, subdivision 1, within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

**518B.01 DOMESTIC ABUSE ACT (Relevant Sections)**

(b) "Family or household members" means:

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

**Stalking:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this definition—

- D. **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.
- E. **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- F. **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Under Minnesota State's 1B.3 Sexual Violence Policy, stalking is conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to fear for their safety or the safety of others or to suffer substantial emotional distress.

In Minnesota state statutes, stalking would generally fall within the Stalking statute (609.749) of the Minnesota Criminal Code.

#### 609.749 STALKING; PENALTIES.

##### Subdivision 1. **Definition.**

As used in this section, "stalking" means to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

##### Subd. 1a. **No proof of specific intent required.**

In a prosecution under this section, the state is not required to prove that the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted, or intimidated, or except as otherwise provided in subdivision 3, paragraph (a), clause (4), or paragraph (b), that the actor intended to cause any other result.

##### Subd. 1b. **Venue.**

(a) When acts constituting a violation of this section are committed in two or more counties, the accused may be prosecuted in any county in which one of the acts was committed for all acts in violation of this section.

(b) The conduct described in subdivision 2, clauses (4) and (5), may be prosecuted at the place where any call is made or received or, in the case of wireless or electronic communication or any communication made through any available technologies, where the actor or victim resides or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established by chapter 5B. The conduct described in subdivision 2, clause (2), may be prosecuted where the actor or victim resides. The conduct described in subdivision 2, clause (6), may be prosecuted where any letter, telegram, message, package, or other object is sent or received or, in the case of wireless or electronic communication or communication made through other available technologies, where the actor or victim resides or in the jurisdiction of the

victim's designated address if the victim participates in the address confidentiality program established by chapter 5B.

**Subd. 1c. Arrest.**

For all violations under this section, except a violation of subdivision 2, clause (7), a peace officer may make an arrest under the provisions of section [629.34](#). A peace officer may not make a warrantless, custodial arrest of any person for a violation of subdivision 2, clause (7).

**Subd. 2. Stalking crimes.**

A person who stalks another by committing any of the following acts is guilty of a gross misdemeanor:

(1) directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;

(2) follows, monitors, or pursues another, whether in person or through any available technological or other means;

(3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;

(4) repeatedly makes telephone calls, sends text messages, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;

(5) makes or causes the telephone of another repeatedly or continuously to ring;

(6) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;

(7) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties; or

(8) uses another's personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the person.

For purposes of this clause, "personal information" and "sexual act" have the meanings given in section [617.261, subdivision 7](#).

**Subd. 3. Aggravated violations.**

(a) A person who commits any of the following acts is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

(1) commits any offense described in subdivision 2 because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section [363A.03](#), age, or national origin;

(2) commits any offense described in subdivision 2 by falsely impersonating another;

(3) commits any offense described in subdivision 2 and possesses a dangerous weapon at the time of the offense;

(4) stalks another, as defined in subdivision 1, with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section [609.415](#), or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(5) commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim.

(b) A person who commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

**Subd. 4. Second or subsequent violations; felony.**

(a) A person is guilty of a felony who violates any provision of subdivision 2 within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency, and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) A person is guilty of a felony who violates any provision of subdivision 2 within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency, and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

**Subd. 5. Pattern of stalking conduct.**

(a) A person who engages in a pattern of stalking conduct with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) For purposes of this subdivision, a "pattern of stalking conduct" means two or more acts within a five-year period that violate or attempt to violate the provisions of any of the following or a similar law of another state, the United States, the District of Columbia, tribe, or United States territories:

(1) this section;

(2) sections [609.185](#) to [609.205](#) (first- to third-degree murder and first- and second-degree manslaughter);

(3) section [609.713](#) (terroristic threats);

- (4) section [609.224](#) (fifth-degree assault);
  - (5) section [609.2242](#) (domestic assault);
  - (6) section [518B.01, subdivision 14](#) (violations of domestic abuse orders for protection);
  - (7) section [609.748, subdivision 6](#) (violations of harassment restraining orders);
  - (8) section [609.605, subdivision 1](#), paragraph (b), clauses (3), (4), and (7) (certain trespass offenses);
  - (9) section [609.78, subdivision 2](#) (interference with an emergency call);
  - (10) section [609.79](#) (obscene or harassing telephone calls);
  - (11) section [609.795](#) (letter, telegram, or package; opening; harassment);
  - (12) section [609.582](#) (burglary);
  - (13) section [609.595](#) (damage to property);
  - (14) section [609.765](#) (criminal defamation);
  - (15) sections [609.342](#) to [609.3451](#) (first- to fifth-degree criminal sexual conduct); or
  - (16) section [629.75, subdivision 2](#) (violations of domestic abuse no contact orders).
- (c) Words set forth in parentheses after references to statutory sections in paragraph (b) are mere catchwords included solely for convenience in reference. They are not substantive and may not be used to construe or limit the meaning of the cited statutory provision.

**Subd. 6. Mental health assessment and treatment.**

- (a) When a person is convicted of a felony offense under this section, or another felony offense arising out of a charge based on this section, the court shall order an independent professional mental health assessment of the offender's need for mental health treatment. The court may waive the assessment if an adequate assessment was conducted prior to the conviction.
- (b) Notwithstanding sections [13.384](#), [13.85](#), [144.291](#) to [144.298](#), [260B.171](#), or [260C.171](#), the assessor has access to the following private or confidential data on the person if access is relevant and necessary for the assessment:
- (1) medical data under section [13.384](#);
  - (2) welfare data under section [13.46](#);
  - (3) corrections and detention data under section [13.85](#);
  - (4) health records under sections [144.291](#) to [144.298](#); and
  - (5) juvenile court records under sections [260B.171](#) and [260C.171](#).



Data disclosed under this section may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law.

(c) If the assessment indicates that the offender is in need of and amenable to mental health treatment, the court shall include in the sentence a requirement that the offender undergo treatment.

(d) The court shall order the offender to pay the costs of assessment under this subdivision unless the offender is indigent under section [563.01](#).

**Subd. 7. Exception.**

Conduct is not a crime under this section if it is performed under terms of a valid license, to ensure compliance with a court order, or to carry out a specific lawful commercial purpose or employment duty, is authorized or required by a valid contract, or is authorized, required, or protected by state, federal, or tribal law or the state, federal, or tribal constitutions. Subdivision 2, clause (2), does not impair the right of any individual or group to engage in speech protected by the federal, state, or tribal constitutions, or federal, state, or tribal law, including peaceful and lawful handbilling and picketing.

**Subd. 8. Stalking; firearms.**

(a) When a person is convicted of a stalking crime under this section and the court determines that the person used a firearm in any way during commission of the crime, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(b) Except as otherwise provided in paragraph (a), when a person is convicted of a stalking crime under this section, the court shall inform the defendant that the defendant is prohibited from possessing a firearm for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(c) Except as otherwise provided in paragraph (a), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1996, of a stalking crime under this section, or to possess a firearm if the person has been convicted on or after August 1, 2014, of a stalking crime under this section, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a firearm in violation of this paragraph is guilty of a gross misdemeanor.

(d) If the court determines that a person convicted of a stalking crime under this section owns or possesses a firearm and used it in any way during the commission of the crime,

it shall order that the firearm be summarily forfeited under section [609.5316, subdivision 3](#).

(e) Except as otherwise provided in paragraphs (d) and (g), when a person is convicted of a stalking crime under this section, the court shall order the defendant to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. A defendant may not transfer firearms to a third party who resides with the defendant. If a defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the defendant a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period imposed under this subdivision, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to a defendant shall comply with state and federal law. If a defendant permanently transfers the defendant's firearms to a law enforcement agency, the agency is not required to compensate the defendant and may charge the defendant a reasonable processing fee. A law enforcement agency is not required to accept a person's firearm under this paragraph. The court shall order that the person surrender all permits to carry and purchase firearms to the sheriff.

(f) A defendant who is ordered to transfer firearms under paragraph (e) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the defendant permanently transferred the defendant's firearms to the third party or agreeing to temporarily store the defendant's firearms until such time as the defendant is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the defendant to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section [624.7144](#) if the defendant gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the defendant, date of transfer, and the serial number, make, and model of all transferred firearms. The defendant shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.

(g) When a person is convicted of a stalking crime under this section, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court

shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (f). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (e) and (f) as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms.

## Safe and Positive Options

### How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” Minnesota State Mankato wants 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 ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

### Risk Reduction

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

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 make you 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 to 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 (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.

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've 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 (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## Education and Prevention Programs

The University's educational programming consists of primary prevention and awareness programs for all students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- a) Identifies domestic violence, dating/intimate partner/relationship violence, sexual assault and stalking as prohibited conduct;
- b) Defines what behavior constitutes domestic violence, dating/intimate partner/relationship violence, sexual assault, and stalking;
- c) Defines what behavior and actions constitute consent to sexual activity in the state of Minnesota and at Minnesota State Mankato;
- d) Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating/intimate partner/relationship violence, sexual assault, or stalking against a person other than the bystander;

- e) Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
- f) Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.
- g) Provides procedures for reporting campus sexual assault; and,
- h) Provides information on campus resources on sexual assault and organizations that support victims of sexual assault.

Minnesota State Mankato has developed an annual educational campaign consisting of presentations that include distribution of educational materials to students and new employees; providing student's online and in-person comprehensive sexual violence prevention training; participating in the fall new faculty orientation program; presenting programs throughout the year, including sessions such as: skits, clothes line projects, a residence community training program, an annual poster series and web-based training programs related to the 1B.3 Sexual Violence Policy.

Minnesota State Mankato offered the following primary and ongoing prevention and awareness programs in 2018:

<b>Name of Program</b>	<b>Date(s) Held</b>	<b>Location Held</b>	<b>Complied with Section B a-e?</b>	<b>Which Prohibited Behavior Covered?</b>
Sexual Assault Advocacy class	January - May	Classroom	a-e	SA, DoV, S, DRV
Safer Sex Carnival	February 13	Student Union	a-e	SA, DRV
Classroom presentation	February 15	Classroom	c, d	SA
Presentation to staff	February 19	Student Union	a, b, c	SA, DRV, DoV, S
Unsettled Selves Storytelling Workshop	February 23	Student Union	a	SA, DRV
Safe Zone Training	February 23, April 6, October 19	Student Union	a, b, d	SA, DRV, DoV, S
Sexual Assault Awareness Month Planning Meetings	February 27, Feb 28, March 2,	Student Union	a, b, c, d	SV, S
In-Class Presentation	March 4	Classroom	a, b, c	DRV, DoV
Unsettled Selves Spring Showcase	April 10	Student Union	a, b	SA, S
Bedroom Talk: STIs	April 10	Women's Center	a, b, c	SA, S, DRV, DoV

Catcalling and Street Harassment Event	April 11	Student Union	a, b, c	SA, S
"Wind River" Film Screening	April 11	Student Union	b, c	SA
In-Class Presentation	April 17	Classroom	b, d	SA
It Happens to Us, Too: LGBT identity and Sexual Violence and Relationship Abuse	April 17, October 30	Student Union	a - e	SA, S, DRV, DoV
Give Back the Night: Centering Men's Experiences in the Anti-Violence Movement	April 18	Community Restaurant	a-e	SA, S, DRV, DoV
Class Presentation	April 24	Conference Room	a - e	SA, S
Take Back the Night	April 24	Community Coffee Shop	a - e	SA, S, DRV, DoV
Denim Day tabling & photo	April 25	Student Union	b	SA
Orientation Peer Assistant Training	May 23	Conference Room	a - e	SA
Through Open Doors CA Training	August 14	Residence Hall	a	SA
Choose-a-Palooza	August 18	Women's Center	d	SA
Sexuality Lecture Presentation	August 18	CSU Ballroom	a, c, d	SA
In-Class Presentation	September 13	Classroom	a, b	DoV, DRV
Self-Care Workshop	September 14	Classroom	a, b	SA, DoV, DRV
In-Class Presentation	September 19	Classroom	b	SA, S
In-Class Presentation	September 19	Classroom	b	SA, S
In-Class Presentation	September 19	Classroom	b	SA, S

In-Class Presentation	September 19	Classroom	a, b	SA, S
In-Class Presentation	September 20	Classroom	a, b	SA, S
In-Class Presentation	September 25	Classroom	a, b	SA, S
Conversation Circle – Intimate Partner Violence	September 25	Women's Center	a, b, c, d, e	DoV, DRV, S
Film Screening	October 22	Student Union	a, b	DoV, DRV
Conversation Circle: What is Advocacy?	October 23	Women's Center	c, e	DoV, DRV
U-Lead Session: Healthy Relationships	October 23	Conference Room	d, e	SA
Bystander Intervention Presentation	October 24	Student Union	a-e	DoV, DRV, SA, S
Advocacy Training for Graduate Students	Various Dates throughout October - December	Student Union	a-e	DoV, DRV, SA, S
Presentation on #metoo at National Conference	November 9	Atlanta, GA	a-d	SA
Vigilance Self-Defense Training	November 19	Conference Room	a – e	SA, S
Violence-Free Zone Training	November 27	Conference Room	a - e	DoV, DRV
Transfer and New Student Orientation Resource Fair	Various dates throughout January - December	Mav Ave (hallway in Student Union) & Ballroom	a, c	SA, DoV, DRV
Orientation Consent Scenes	Various dates throughout June and July	Ballroom in Student Union	a, b, c, e	DoV, DRV, SA, S
Coordinated Campus Response	March 18, May 13, June 3,	Conference Room in	a - e	SA, DRV, SA



Team Meetings	October 16, November 12	Student Union		
Coalition to End Sexual Violence (city) Meetings	March 21, May 23, June 27, July 25, September 26, October 24	Mav Ave (hallway in Student Union) & Ballroom	a, c	SA, DoV, DRV
Sexual Assault Support Groups	September 5, 12, 19, 26, October 3, 10, 17, 24, 31, November 7, 14, 21, 28	Counseling Center Group Therapy Room	c, d	SA, S
PEACE Performances	Various dates throughout the Fall semester	Classrooms	b, c, d	SA, DRV

*DoV means Domestic Violence, DRV means Dating/Relationship Violence, SA means Sexual Assault and S means Stalking*

## Procedures for Reporting a Complaint

### Medical Care

After an incident of sexual assault, domestic violence or dating/intimate partner/relationship violence, the victim should consider seeking medical attention as soon as possible at Fairview Southdale Hospital in Edina, Minnesota. In Minnesota, evidence may be collected even if you chose not to make a report to law enforcement. Evidence will be collected by the hospital and released to law enforcement upon consent from the victim. The hospital must have the name of the victim to collect and hold evidence.

### Preserve Evidence

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 as may be necessary to the proof of criminal activity may be preserved. 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/relationship violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University officials or police.

### Police Report

Although the University 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. University Security (507-

389-2111) will assist any victim with notifying local police if they so desire. Edina Police Department may also be reached directly by calling 952-826-1610 (or 911 in Edina), or in person at 4801 West 50<sup>th</sup> Street Edina, MN 55424. Additional information about the Edina Police Department may be found online at: <https://www.edinamn.gov/274/Police>

## University Action

If you have been the victim of domestic violence, dating/intimate partner/relationship violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator in the Office of Equal Opportunity and Title IX; Morris Hall 014; 507-389-2986; or online at <https://link.mnsu.edu/sexualviolencereport>. Minnesota State Mankato will provide resources to persons who have been involved in incidents of sexual assault, domestic violence, dating/intimate partner/relationship violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth in this document are intended to afford a prompt response to charges of sexual assault, domestic or dating/intimate partner/relationship 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 University Security or other law enforcement to preserve evidence in the event that the victim changes their mind at a later date.

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

Minnesota State Mankato has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating/intimate partner/relationship violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of medical, counseling and support services, and additional remedies to prevent contact between a complainant and respondent, such as housing, academic, transportation and working accommodations, if reasonably available. Students and employees should contact the Office of Equal Opportunity and Title IX at Morris Hall 014 or call 507-389-2986.

If a report of domestic violence, dating/intimate partner/relationship violence, sexual assault or stalking is reported to the University, the University will follow the procedures and standard of evidence as noted below:

### Sexual Assault

11. Depending on when reported (immediate vs delayed report), University will provide complainant with access/referral to medical care.
12. University will assess immediate safety needs of complainant.
13. University will assist complainant with contacting local police if complainant requests and provide complainant with contact information for local police department.
14. University will provide complainant with referrals to on and off campus confidential sources and mental health providers.

15. University will assess the need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties.
16. University will provide a “No trespass” directive to respondent if deemed appropriate.
17. University will provide complainant with referrals on how to apply for Protective Order or Harassment Restraining Order.
18. University will provide a copy of the 1B.3 Sexual Violence Policy to complainant and respondent and inform both of the timelines for inquiry, investigation and resolution.
19. University will inform the complainant and respondent of the outcome of the investigation and resolution.
20. University will 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 participating in the investigation.

Sexual assault cases are referred to the Title IX Coordinator and are determined by the Minnesota State’s 1B.3 Sexual Violence Policy using the preponderance of the evidence standard.

### Stalking

11. University will assess immediate safety needs of complainant.
12. University will assist complainant with contacting local police if complainant requests and provide complainant with contact information for local police department.
13. University will provide complainant with referrals on how to apply for Protective Order or Harassment Restraining Order.
14. University will provide complainant with referrals to on and off campus confidential sources and mental health providers.
15. University will provide written information to complainant on how to preserve evidence.
16. University will assess the need to implement interim or long-term protective measures to protect the complainant, if appropriate.
17. University will provide a “No trespass” directive to the respondent if deemed appropriate.
18. University will provide a copy of the 1B.3 Sexual Violence Policy to complainant and respondent and inform both of the timelines for inquiry, investigation and resolution.
19. University will inform the complainant and respondent of the outcome of the investigation and resolution.
20. University will 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 participating in the investigation.

Stalking cases are referred to the Title IX Coordinator and determined under the Minnesota State’s 1B.3 Sexual Violence Policy using the preponderance of the evidence standard.

### Domestic/Dating/Intimate Partner/Relationship Violence

11. University will assess immediate safety needs of complainant.

12. University will assist complainant with contacting local police if complainant requests and provide complainant with contact information for local police department.
13. University will provide complainant with referrals on how to apply for Protective Order or Harassment Restraining Order.
14. University will provide complainant with referrals to on and off campus confidential sources and mental health providers.
15. University will provide written information to complainant on how to preserve evidence.
16. University will assess the need to implement interim or long-term protective measures to protect the complainant, if appropriate.
17. University will provide a "No trespass" directive to the respondent if deemed appropriate.
18. University will provide a copy of the 1B.3 Sexual Violence Policy to complainant and respondent and inform both of the timelines for inquiry, investigation and resolution.
19. University will inform the complainant and respondent of the outcome of the investigation and resolution.
20. University will 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 participating in the investigation.

Domestic/dating/relationship violence cases are referred to the Title IX Coordinator and determined under the Minnesota State's 1B.3 Sexual Violence Policy using the preponderance of the evidence standard.

## Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint, the University will assist victims of sexual assault, domestic violence, dating/intimate partner/relationship violence, and stalking and will provide each victim with a written explanation of their rights. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action
- options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures

In Minnesota, a victim of domestic violence, dating/relationship violence, sexual assault or stalking has the rights listed in the following table:

State of Minnesota Crime Victim Rights
<p><b>Right To Be Notified of:</b></p> <ul style="list-style-type: none"> <li>• Crime victim rights.</li> <li>• Prosecution process and the right to participate in it.</li> <li>• Contents of any plea agreement.</li> <li>• Changes in court proceeding schedule when a victim has been subpoenaed or requested to testify.</li> <li>• Final disposition of the case.</li> <li>• Appeals filed by the defendant, the right to attend the oral argument or hearing, and the right to be notified of the final disposition.</li> <li>• Proposed sentence modifications for the offender, including the date, time, and location of the review and the right to provide input.</li> <li>• Release or escape of the offender from prison or custodial institution or transfer to a lower security facility.</li> <li>• Offender's petition for expungement.</li> <li>• Right to request restitution.</li> <li>• Right to apply for reparations.</li> <li>• Information on the nearest crime victim assistance program or resource.</li> <li>• Petition to civilly commit an offender, outcome of that petition, and notice of offender's possible discharge/release from civil commitment.</li> </ul> <p><b>Right to Protection from Harm:</b></p> <ul style="list-style-type: none"> <li>• Right to a secure waiting area during court proceedings.</li> <li>• Right to request that home and employment address, telephone number, and birth date be withheld in open court.</li> <li>• Right to request that law enforcement agency withhold identity from the public.</li> <li>• Protection against employer retaliation for victims and witnesses called to testify and for victims of violent crimes and their family members who take reasonable time off to attend court proceedings.</li> <li>• Tampering with a witness is a crime and should be reported.</li> </ul> <p><b>Right to Participate in Prosecution</b></p> <ul style="list-style-type: none"> <li>• Right to request a speedy trial.</li> <li>• Right to provide input in a pretrial diversion decision.</li> <li>• Right to object orally or in writing to a plea agreement at the plea presentation hearing.</li> <li>• Right to object orally or in writing to a proposed disposition or sentence.</li> <li>• Right to inform court of impact of crime orally or in writing at the sentencing hearing.</li> <li>• Right to inform court at the sentencing hearing of social and economic impact of crime on persons and businesses in the community.</li> <li>• Right to be present at the sentencing and plea presentation hearings.</li> <li>• Right to submit statement regarding decision to discharge/release offender from civil commitment.</li> </ul> <p><b>Right to Apply for Financial Assistance</b></p> <ul style="list-style-type: none"> <li>• Victims of violent crime may apply for financial assistance (reparations) from the state if they have suffered economic loss as a result of the crime.</li> <li>• Victims may request the court to order the defendant to pay restitution if the defendant is found guilty or pleads guilty.</li> <li>• Victims may request that a probation violation hearing be scheduled 60 days prior to the expiration of probation if restitution has not been paid.</li> </ul> <p><b>Domestic Violence, Sexual Assault, and Harassment Victims' Rights</b></p> <ul style="list-style-type: none"> <li>• Right to be informed of prosecutor's decision to decline prosecution or dismiss case along with information about seeking a protective or harassment order at no fee.</li> <li>• Protection against employer retaliation for victims to take reasonable time off to attend order for protection or harassment restraining order proceedings.</li> <li>• Domestic abuse victims have ability to terminate lease without penalty.</li> <li>• Sexual assault victims can make confidential request for HIV testing of a convicted offender.</li> <li>• Sexual assault victims do not have to pay the cost of a sexual assault examination</li> <li>• Sexual assault victims may not be required to undergo a polygraph examination in order for an investigation or prosecution to proceed.</li> </ul> <p><a href="https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx">https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx</a></p>

Further, Minnesota State Mankato complies with Minnesota law in recognizing orders of protection by notifying law enforcement upon learning of a violation. Orders may include

Harassment Restraining Orders, Orders for Protection, No Contact order, and Domestic Abuse No Contact Order. Any person who obtains an order of protection from Minnesota or any other state should provide a copy to University Security and to the Title IX Coordinator in the Office of Equal Opportunity and Title IX. A complainant may then meet with University Security to develop a safety action plan to reduce risk of harm while on the Edina campus or coming and going from campus. This plan may include, but is not limited to: Safe Walks, special parking arrangements, changing classroom location or allowing a student to complete assignments from home. Protection from abuse orders may be available through the 4th District Court Self-Help Center on the Public Service Level (2nd floor) of the Hennepin County Govt. Center in downtown Minneapolis (300 South 6th Street Minneapolis, MN 55487, telephone 612-348-3164).

Type of Order	Rights of Victims	Institution's Responsibilities
Harassment Restraining Orders	<ul style="list-style-type: none"> <li>• Right to be informed of prosecutor's decision to decline prosecution or dismiss case along with information about seeking a protective or harassment order at no fee.</li> <li>• Protection against employer retaliation for victims to take reasonable time off to attend order for protection or harassment restraining order proceedings.</li> <li>• Domestic abuse victims have ability to terminate lease without penalty or payment.</li> <li>• Sexual assault victims can make confidential request for HIV testing of offender.</li> <li>• Sexual assault victims do not have to pay the cost of a sexual assault examination</li> <li>• Sexual assault victims may not be required to undergo a polygraph examination in order for an investigation or prosecution to proceed.</li> </ul>	<ul style="list-style-type: none"> <li>• Notify law enforcement if aware of a violation.</li> <li>• Initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating an order as it relates to a violation of the institution's policies.</li> </ul>
Orders for Protection		
No Contact Order		
Domestic Abuse No Contact Order		

Type of Order	Who can seek one	Where	Based on
Harassment Restraining Orders  (MN Statute 609.748)	A person who is a victim of harassment, the parent, guardian, or stepparent of a minor who is a victim of harassment.	In the county of residence of either party or in the county in which the alleged harassment occurred.	A person who is a victim of harassment, defined as: <ul style="list-style-type: none"> <li>• a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target;</li> </ul>

			<ul style="list-style-type: none"> <li>targeted residential picketing; and</li> <li>a pattern of attending public events after being notified that the actor's presence at the event is harassing to another.</li> </ul>
<p>Orders for Protection</p> <p>(MN Statute 518B.01)</p>	<p>Any family or household member personally or by a family or household member, a guardian as defined in section 524.1-201, clause (27), or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members. A minor age 16 or older may make a petition on the minor's own behalf against a spouse or former spouse, or a person with whom the minor has a child in common, if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor.</p>	<p>The court having jurisdiction over dissolution actions, in the county of residence of either party, in the county in which a pending or completed family court proceeding involving the parties or their minor children was brought, or in the county in which the alleged domestic abuse occurred.</p>	<p>In cases of domestic abuse.</p>
<p>No Contact Order</p> <p>(MN Statute 629.715)</p>	<p>A judge in determining conditions for release from custody.</p>	<p>Criminal court.</p>	<p>On its own motion or that of the prosecutor or upon request of the victim.</p>
<p>Domestic Abuse No Contact Order</p>	<p>Victim/Complainant or court.</p> <p>(MN Statute 629.75)</p>	<p>Criminal court.</p>	<p>Against a defendant in a criminal proceeding or a juvenile offender in a delinquency proceeding for domestic abuse, harassment or stalking when committed against a family or household member incident, violation of an order for</p>

			protection, violation of a domestic abuse no contact order. (MN Statute 629.75)
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The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

## Accommodations and Protective Measures Available for Victims

University officials will change a victim's academic, living, transportation and working situations and take protective measures after an alleged sex offense, incident of domestic/dating violence or stalking if those changes are requested by the victim and are reasonably available. The University will make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to University Security or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a Safe Walk, assisting the student or employee with developing a safety action plan.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should begin by contacting the Title IX Coordinator in the Office of Equal Opportunity and Title IX (Morris Hall 014, 507-389-2986). The Office of Equal Opportunity and Title IX will manage requested changes to academic, living, transportation and/or working situations or protective measures by coordinating with respective University departments, such as: University Security, Student Affairs, Academic Affairs, and/or Human Resources.

To the extent of the victim's cooperation and consent, University offices, including Student Health Services, Counseling Center, Violence Awareness Response Program, Women's Center, University Security, Office of Equal Opportunity and Title IX, and Residential Life will work cooperatively to assist in protecting the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal University investigation of the complaint. Further, these offices will work together to protect victim privacy and to ensure confidentiality and will assist the victim with reasonable accommodations.

Victims may request that directory information on file with the University be withheld by submitting a Data Privacy Request form to the Office of the Registrar (Wigley Administration Center 132, [http://www.mnsu.edu/registrar/forms/data\\_priv.pdf](http://www.mnsu.edu/registrar/forms/data_priv.pdf), 507-389-6266).



Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution 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. The University does not publish the name of crime victims nor house identifiable information regarding victims in the University Security departments Daily Crime Log.

## On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating/intimate partner/relationship violence, sexual assault or stalking, the University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

<b>Mankato Campus</b>	<b>Service Provider</b>	<b>Contact Info</b>
Emergency	Police, Fire Dept., Ambulance University Security	911 507-389-2111
Counseling	Counseling Center	507-389-1455
Health	Health Services Health Education	507-389-6276 507-389-5689
Mental Health	Counseling Center	507-389-1455
Victim Advocacy	Women's Center Violence Awareness Response Program LGBT Center	507-389-6146 507-389-5127 507-389-5131
Legal Assistance	Student Government Attorney	507-389-2611
Visa and Immigration Assistance	International Student and Scholarship Services Office	507-389-1281
Title IX Coordinator	Office of Equal Opportunity and Title IX	507-389-2986
Student Financial Aid	Student Financial Services	507-389-1866
Other	Office of Student Affairs Department of Residential Life Office of Human Resources Multicultural Center	507-389-2121 507-389-1011 507-389-2015 507-389-6300

<b>Off Campus</b>	<b>Service Provider</b>	<b>Contact Info</b>
Emergency	Police, Fire Dept., Ambulance	911
Counseling	Hennepin County Mental Health Center	612-596-9438
Health	Hennepin County Public Health Hennepin County Medical Center Fairview Southdale Hospital in Edina, MN	612-348-3925 612-873-3000 952-924-5000
Mental Health	Hennepin County Mental Health Center Canvas Health Crisis Center 24-Hour Crisis Line	612-596-9438 800-273-8255
Victim Advocacy	National Domestic Violence Hotline  Cornerstone Advocacy (24 hours)	800-799-7233  952-884-0330
Legal Assistance	Mid-Minnesota Legal Aid	612-334-5970
Visa and Immigration Assistance	U.S. Immigration and Customs Enforcement Student and Exchange Visitor Program	703-603-3400
Student Financial Aid	Federal Student Aid Information Center	800-433-3243
Other	Hennepin County Sheriff's Office Minnesota Relay Services Minnesota Crime Victims Reparations Board	612-348-3744 800-627-3529 888-622-8799

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating/intimate partner/relationship 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

## Determination of Violations

Whether or not criminal charges are filed, the University or a person may file a complaint under the Minnesota State's 1B.3 Sexual Violence Policy alleging that a student or employee violated the policy. Reports of all domestic violence, dating/intimate partner/relationship violence, sexual assault and stalking made to University Security will automatically be referred to the Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges.

The University's disciplinary process will include a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the Minnesota State System and institution's policies and that is transparent to the complainant and respondent. Usually, the resolution of domestic violence, dating/intimate partner/relationship violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay. Investigators and decision makers are trained annually on the issues related to domestic violence, dating/intimate partner/relationship violence, sexual assault, and stalking and taught how to conduct an investigation and decision making process that protects the safety of the victim and promotes accountability. The policies and procedures provide that:

21. The complainant and the respondent each have the opportunity to offer facts and evidence during the investigatory and decision making process;
22. The complainant and the respondent each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting;
23. The complainant and the respondent will have timely notice of investigative meetings;
24. Information related to the investigation or disciplinary process are subject to data privacy rules and laws governing disclosure;
25. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the complainant or respondent;
26. A decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the decision maker determines: "is it more likely than not that the respondent violated the University's policy(ies)";
27. The complainant and the respondent will be notified simultaneously in writing of the outcome of the decision, as well as any changes to those results or disciplinary actions at the time that such results become final; and
28. The complainant and the respondent each have the right to appeal the decision by submitting a written appeal to the Office of the President's designee and will be notified simultaneously in writing of the final outcome after the appeal is resolved.

A person alleging sexual assault, domestic violence, dating/intimate partner/relationship violence, or stalking may also utilize the complaint and investigatory procedures set forth in Minnesota State's policy against sexual misconduct which can be found online at <http://www.mnsu.edu/eotitleix/responsibilities.html> or in hard copy in the Office of Equal Opportunity and Title IX (Morris Hall 014) in order to remedy any hostile environment.

## Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating/Intimate Partner/Relationship Violence, Sexual Assault and Stalking

The following is in accordance with Minnesota State's 1B.3 Sexual Violence Policy and 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education Policy.

### 1. How to File a Disciplinary Complaint under this Policy

If you want to file a disciplinary complaint under this policy you should report the incident promptly to the Title IX Coordinator in the Office of Equal Opportunity and Title IX; Morris Hall 014; 507-389-2986; or online at <https://link.mnsu.edu/sexualviolencereport>. You can report an incident (personally or through a third-party report) even without choosing to pursue charges or have a police investigation. For some, reporting returns a feeling of personal power. Reporting can also prevent others from being sexually assaulted.

Sexual assault and some other forms of sexual misconduct can be both a criminal offense as well as a violation of the Minnesota State's 1B.3/1B.1 policies. A student or employee alleged to have engaged in a sexual assault can be prosecuted under Minnesota criminal statutes and/or disciplined under the 1B.1.1/1B.3.1 or applicable employment procedures. Criminal proceedings and University proceedings are separate processes with independent outcomes. <http://www.minnstate.edu/board/policy/1b-03.pdf>

### 2. How the University Determines Whether This Policy will be used

The Office of Equal Opportunity and Title IX will compare elements of a report to the 1B.1 Equal Opportunity and Nondiscrimination and 1B.3 Sexual Violence Policies and their respective procedures. Allegations of discrimination, discriminatory harassment and sexual violence shall be investigated and resolved according to Minnesota State's 1B.1 Equal Opportunity/Nondiscrimination and 1B.3 Sexual Violence Policies and their respective procedures.

### 3. Steps in the Disciplinary Process

When the Office of Equal Opportunity and Title IX receives a report, they will first collect enough information to determine jurisdiction. If the Office of Equal Opportunity and Title IX does not have jurisdiction they will forward it to the appropriate University office/department. If the Office of Equal Opportunity and Title IX does have jurisdiction they will begin by determining interim measures to prevent unwanted contact with the alleged respondent, including, but not limited to, transfer of the complainant and/or the respondent to alternative class, or a work site or to alternative University-owned housing, if such alternatives are reasonably available. The University may summarily suspend or take other temporary measures against a student alleged to have committed a violation of this policy, in accordance with Minnesota State's 1B.3/1B.1 policies. 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. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.

Following implementation of interim measures, the Office of Equal Opportunity and Title IX will begin an investigation and formal report including: interviews, collection of additional documentation/evidence, and investigative report written and forwarded to President's designee for assignment to a decisionmaker.

The decisionmaker will determine if a Minnesota State's 1B.3/1B.1 policy violation has occurred. If no violation is found to have occurred, no discipline will be applied, and no further action will be taken unless an appeal is received and results in a revision or reversal of the decision. If the decisionmaker determines a Minnesota State's 1B.3/1B.1 policy violation has occurred, discipline will be determined.

#### **4. Anticipated Timelines**

Usually, the resolution of domestic violence, dating/intimate partner/relationship violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay.

#### **5. Decision-Making Process**

The decisionmaker will take into account the totality of the circumstances, including the nature and extent of the behaviors, the relationship(s) between the parties, the context in which the alleged incident(s) occurred, and other relevant factors.

#### **6. Standard of Evidence**

A decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the decision maker determines: "is it more likely than not that the respondent violated the University's policy(ies)";

#### **7. Possible Sanctions**

Possible sanctions for students:

- University disciplinary probation: continuance at the University but under specific conditions or required activities imposed for a specified period of time resulting from a policy violation. This is a period of observation during which time the student is expected to demonstrate a willingness and ability to strictly comply with University standards. Progressive disciplinary action will result, including suspension or expulsion, if repeat violations occur, especially during the probationary period.
- Required compliance: includes such activities as carrying out a University mandate as a condition for being admitted, continuing enrollment, or graduating from the University.
- Reassignment within the residence communities; termination of a Residential Life contract.
- Denial of the privileges of representing the University in co-curricular activities.
- Education: mandatory educational activities such as online assessment, alcohol education workshops and writing assignments that may include program fees. A hold can be placed on course registration to ensure timely completion of sanctions.
- University disciplinary suspension: separation from the University for a specified period of time. During the suspension period the student cannot qualify for graduation nor progress toward a degree by registering for, taking or completing classes at the University. Additionally, the student can't participate in a University sponsored activity or be present on campus without prior approval from the Office of Student Conduct. Conditions for re-admission may be specified. Notation of suspension is made on the student's academic transcript. The notation is removed at the end of the suspension period.

- Students may be suspended at any point in the academic year with suspension retroactive to the first day of the term in which the incident or discipline occurs.
- University disciplinary expulsion: permanent separation from the University. Notation of the expulsion is made on the student's academic transcript.
- Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Statement of Student Responsibilities, including the completion of all sanctions imposed.

Possible sanctions for employees:

Oral reprimand, written reprimand, suspension, reduction in salary, demotion, dismissal or discharge, per applicable collective bargaining agreement or personnel plan.

## **8. Range of Protective Measures Available to a Victim Alleging Misconduct**

The University may take interim measures to prevent unwanted contact with the alleged respondent, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes, or a work site or to alternative University-owned housing, if such alternatives are reasonably available.

The University may summarily suspend or take other temporary measures against a student alleged to have committed a violation of this policy, in accordance with System Procedure 1B.1.1.

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. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.

## **Confidentiality**

In all cases, investigations that result in a finding of a violation of the 1B.3 Sexual Violence Policy will lead to the initiation of disciplinary procedures against the respondent. University sanctions against students may be imposed as described in the previous "Possible Sanctions" section, upon those determined to have violated this policy. Employees who violate this policy will be subject to discipline that may include an oral reprimand, written reprimand, and suspension, reduction in salary, demotion, dismissal or discharge, per applicable collective bargaining agreement or personnel plan. In addition, sexual assault, domestic violence, dating/intimate partner/relationship violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The University may implement interim measures following the report of domestic violence, dating/intimate partner/relationship violence, sexual assault and/or stalking. The Title IX Coordinator will determine whether interim and protective measures should be implemented, and, if so, take steps to implement those measures as soon as possible. Interim and protective measures are cited in the previous "Accommodations and Protective Measures Available for Victim" section. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or interim and protective measures will constitute related violations that may lead to additional disciplinary action. Interim and protective measures imposed may be temporary pending the results of

an investigation or may become permanent as determined by Minnesota State University, Mankato.

## Sex Offender Registry

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Information regarding sex offenders that may work or reside on campus can be found on the State Department of Corrections web site at <https://coms.doc.state.mn.us/publicregistrantsearch/> or National Sex Offender Registry at <https://www.nsopw.gov> . Additional questions may be answered by contacting the Edina Police Department at 952-826-1610.

In Minnesota, convicted sex offenders must register with the Minnesota Bureau of Criminal Apprehension Sex Offender Registration Unit. You can link to this information, which appears on Minnesota Bureau of Criminal Apprehension Sex Offender Registration Unit website, by accessing website at <https://por.state.mn.us/>.

