

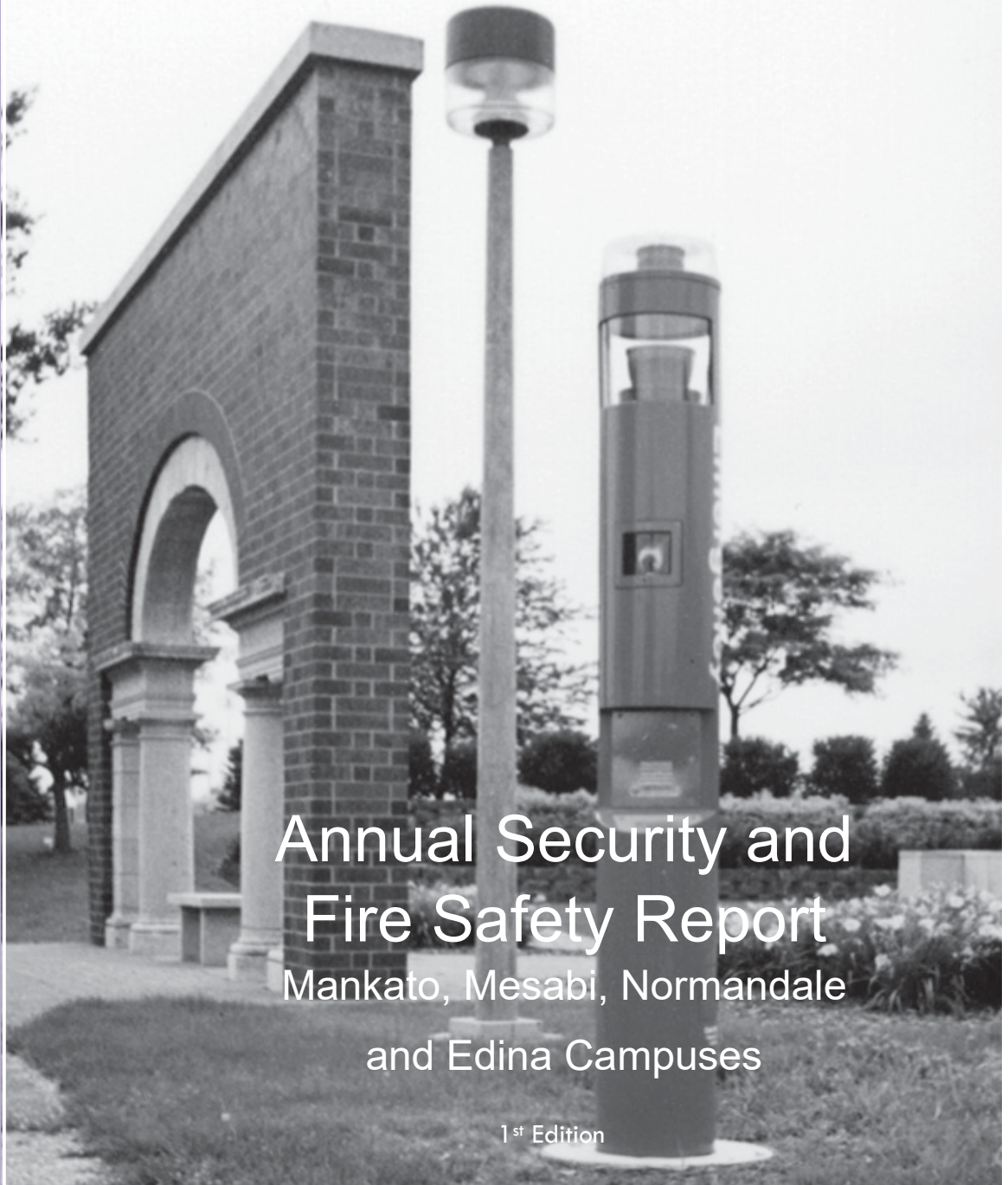


# MINNESOTA STATE UNIVERSITY

M A N K A T O



## PARTNERS IN SAFETY 2021



### Annual Security and Fire Safety Report

Mankato, Mesabi, Normandale  
and Edina Campuses

1<sup>st</sup> Edition





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

When we work together to be “partners in safety” Minnesota State Mankato can be a welcoming and safe campus for all. Let’s take care of one another, #MavFam.

A handwritten signature in black ink, appearing to read "Ed Inch".

Edward S. Inch  
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 14,000 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 over 90 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.

**2nd Edition- 10/07/2021**

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## Separate Campuses

In addition to the main campus, Minnesota State University, Mankato has three additional campuses where students attend classes:

- Mesabi Range College Programs, 1001 Chestnut St., Virginia, MN 55792
- Normandale Partnership Center, 9700 France Ave., Bloomington, MN 55431
- Graduate and Professional Education Center, 7700 France Ave., Edina, MN 55435

All policy statements contained in this report apply to all campuses unless otherwise indicated.

## Report Introduction

In 1990, Congress enacted the *Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-452)*, which amended the *Higher Education Act of 1965 (HEA)*. This act required all postsecondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998, 2000 and 2008. The 1998 amendments renamed the law the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the *Clery Act* and is in section 485(f) of the *HEA*.

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

Minnesota State University Mankato encourages all students and university community members to be fully aware of the safety issues on campus and to take action to prevent and to report illegal and inappropriate activities. Personal safety practices are the foundation of a safe community.

Pursuant to the Student Right to Know and Campus Safety Act, Minnesota State University, Mankato monitors criminal activity, publishes this report, and maintains a three-year statistical history both on campus and at off campus property or facilities owned or rented by MSU Mankato or recognized university organizations. The University will distribute a copy of and/or provide access to this report pursuant to Federal Law.

MSU Mankato has no authority to require the Mankato Department of Public Safety, any other law enforcement agency, or the Judicial Court to take any actions in connection with a reported crime. MSU Mankato encourages prosecution of all criminal violations through the criminal courts and if appropriate, through the campus conduct process for violations committed on campus by any student.

The University currently has several policies and procedures relating to campus security and safety, and it expressly reserves the right to modify them or adopt additional policies and procedures at any time without notice. Such changes may appear in successive issues of this report.

MSU Mankato also monitors and may handle cases for disciplinary purposes committed by their students at off campus locations.

## Preparing the Annual Security Report

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) requires all institutions of higher education to provide students and employees with information about their security policies and procedures and statistics on reported incidents of certain crimes ("Clery Crimes"). Minnesota State University Mankato prepares an Annual Report that complies with The Clery Act.

Minnesota State University Mankato's annual statistics include Clery Crimes that occurred within MSU's Clery geography, meaning on campus, in or on non-campus buildings or property, or on public property, as those terms are defined in the Clery Act.

Crimes that are included within this report include: Murder & Non-negligent Manslaughter, Manslaughter by Negligence, Aggravated Assault, Burglary, Robbery, Motor Vehicle Theft, Arson, Sexual Assault (to include rape, fondling, incest, and statutory rape), Domestic Assault, Dating Violence, Stalking, Alcohol Offenses, Drug Arrests, Weapons Arrest, Disciplinary referrals for alcohol, drug and weapons violations, and Bias Motivated Crimes (crimes committed because of a person's perceived or real race, gender, religion, sexual orientation, ethnicity or disability).

MSU Mankato will report if any of the above criminal reports are also hate crimes. These reports shall be classified according to category of prejudice including race, gender, religion, sexual orientation, ethnicity or disability.

The annual crime statistics report includes information requested and obtained from the following sources in addition to the University Security Department: Mankato Department of Public Safety, Blue Earth County Sheriff, Minnesota State Patrol, police departments in other jurisdictions where applicable (Virginia Police Department, Bloomington Police Department, , Edina Police Department, St. Louis County Sheriff Office, Hennepin County Sheriff Office), and non-police Campus Security Authorities.

"Campus Security Authorities" are defined by federal law as university officials who have "significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings." For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities. Reporting for the purposes of the Clery Act does not require initiating an investigation or disclosing identifying information about the alleged victim.

All the statistics are gathered, compiled, and reported to the University community via this report, which is published by University Security. University Security submits the annual crime statistics published in this report to the U.S. Department of Education. The statistical information gathered by the Department of Education is available to the public on its website.

Minnesota State University Mankato publishes the Annual Security Report each year by October 1. The report is distributed to all potential students on the college application form and prospective employees on the job announcement via direct link to the report. All current students, faculty and staff are sent an email that briefly describes the report and contains the exact Internet address where it can be found. Printed copies of the report are available at no cost upon request from the University Security office.

## University Security Department and Local Law Enforcement

University Security is recognized as the primary department responsible for providing security services for students, faculty, staff and campus visitors at the properties that are either owned, leased or controlled by MSU Mankato within the City of Mankato. Services provided by University Security include: campus patrol, 24/7 dispatch services, parking enforcement, emergency and non-emergency call response; monitoring cameras, card access and physical key control, cameras and blue light emergency phones. University Security staff are employees of Minnesota State Mankato; 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 is responsible for enforcement of University policies. University Security has been granted this authority by the President of the university. University Security's patrol jurisdiction includes the contiguous Mankato campus, and has jurisdiction to enforce policies at all Minnesota State Mankato owned or controlled properties.

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 non-campus 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 non-campus locations of officially recognized student organizations but is inclusive of all incidents involving the Mankato Department of Public Safety.

### **Monitoring and Recording Non-campus Crime at Officially Recognized Student Organizations**

Minnesota State Mankato does have officially recognized student organizations that have housing facilities "non-campus." 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.

### **MSU Mankato Mesabi Range College Programs – Responding Law Enforcement Agencies**

The Virginia Police Department patrols the Mesabi Range College campus and responds to calls on a 24-hour basis. Virginia PD will respond to campus and conduct investigations relative to criminal activity reported by members of the campus community. No written memorandums dealing with law enforcement officials or investigations of crimes exist between MSU Mankato and the Virginia Police Department. Members of the campus community may report criminal acts directly to the Virginia Police Department. MSU Mankato University Security will also conduct investigations and communicate those investigations and reports to law enforcement when appropriate and required by law.

### **MSU Mankato – Normandale Partnership Center – Responding Law Enforcement Agencies**

The Bloomington Police Department patrols the Normandale Community College campus and responds to calls on a 24-hour basis. Bloomington PD will respond to campus and conduct investigations relative to criminal activity reported by members of the campus community. No written memorandums dealing with law enforcement officials or investigations of crimes exist between MSU Mankato and the Bloomington Police Department. Members of the campus community may report criminal acts directly to the Bloomington Police Department. MSU Mankato University will also conduct investigations and communicate those investigations and reports to law enforcement when appropriate and required by law.

### **MSU Mankato – Graduate and Professional Education Center**

The Edina Police Department patrols 7700 France Ave, the location where the Graduate and Professional Education Center program is housed and responds to calls on a 24-hour basis. Edina PD will respond and conduct investigations relative to criminal activity reported by members of the campus community. No written memorandum dealing with law enforcement officials or investigations of crimes exist between MSU Mankato and the Edina Police Department. Members of the campus community may report criminal acts directly to the Edina Police Department. MSU Mankato University will also conduct investigations and communicate those investigations and reports to law enforcement when appropriate and required by law.

## Crime and Emergency Reporting Procedures

All faculty, staff and students who become aware of alleged criminal activity that occurs on-campus, at other University affiliated locations, at Messabi Range College, at Normandale Partnership Center, or at MSU Mankato Graduate and Professional Education Center shall report this information promptly to University Security and/or local law enforcement as detailed in the specific section for each location. 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.

**MSU Mankato Campus:** 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). University Security has dispatchers and Campus Security Officers on duty 24 hours a day, seven days a week. Other methods of contacting security to report an emergency/crime are the use of blue light emergency phones or by making a [Silent Witness Report](#). 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 (as defined in the Timely Warning section of this report) 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 upon completion of the investigation, 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.

University Security works closely with the Mankato Department of Public Safety, Blue Earth County Sheriff's Office and State and Federal agencies to track and respond to criminal activity on campus. Criminal reports and any statement relating to these reports that are made to University Security will be forwarded to the Mankato Department of Public Safety.

MSU Mankato Security	(507)389-2111	WC 222
Mankato Dept. of Public Safety	(507)387-8701	710 S. Front St., Mankato
Mankato Dept. of Public Safety (Emergency)	911	
Director of Security	(507)389-6849	WC 222

If a victim chooses, an additional report can be filed with the appropriate local law enforcement agency. University Security or others listed above can assist the complainant in completing reports. Internal reports may be shared with other departments on campus as necessary to complete an investigation and/or to ensure the safety of the campus community. University Security or others listed above will assist the Mankato Department of Public Safety with investigations as required. Depending on many factors, University Security may or may not hold reports of crime in confidence and may be required by law to release information based on the events or nature of the crime.

**MSU Mankato - Mesabi Range College Programs** – There are no security services at the Mesabi Range College. The Virginia Police Department is the official department for all criminal reports on campus. Students, university employees and visitors are encouraged to immediately report all criminal activity to the Virginia Police Department (218)748-7510.

Crimes should be accurately and promptly reported to the Virginia Police Department (218)748-7510 when the victim of a crime elects to, or is unable to, make such a report.

MSU Mankato University Security works closely with the Virginia Police Department, St. Louis County Sheriff Office, and State and Federal agencies to track and respond to criminal activity on campus. Criminal reports



and any statement relating to these reports that are made to University Security will be forwarded to the Virginia Police Department when necessary and required by law.

Virginia Police Department	(218)748-7510	327 1 <sup>st</sup> St. South, Virginia, MN
Virginia Police Department Emergency	911	
MSU Mankato University Security	(507)389-2111	WC 222, Mankato, MN
MSU Mankato Director of Security	(507)389-6849	WC 222, Mankato, MN

If a victim chooses, an additional report can be filed with the appropriate local law enforcement agency. University Security or others listed above can assist the complainant in completing reports. Internal reports may be shared with other departments on campus as necessary to complete an investigation and/or to ensure the safety of the campus community. University Security or others listed above will assist the Virginia Police Department with investigations as required. Depending on many factors, University Security may or may not hold reports of crime in confidence and may be required by law to release information based on the events or nature of the crime.

There are no regularly scheduled security services offered at Mesabi Range College.

**MSU Mankato – Normandale Partnership Center** – Normandale Public Safety is located in F1250, 9700 France Ave. S., Bloomington, MN 55431, phone number (952)358-8280.

Normandale Public Safety is the official department for all criminal reports on campus. Students, university employees and visitors are encouraged to immediately report all criminal activity to the Normandale Public Safety or the Bloomington Police Department (952)563-4900. Normandale Public Safety is available Monday thru Friday 6:30 a.m. – 10:00 p.m. and Saturdays 7:00 a.m. – 5:00 p.m. There are no security services on Sundays.

Crimes should be accurately and promptly reported to the Normandale Public Safety or to the Bloomington Police Department (952)563-4900 when the victim of a crime elects to, or is unable to, make such a report. MSU Mankato University Security works closely with the Normandale Public Safety Department, Bloomington Police Department, Hennepin County Sheriff Office, and State and Federal agencies to track and respond to criminal activity on campus.

Bloomington Police Department	(952)563-4900	1800 W. Old Shakopee Rd., Bloomington, MN
Bloomington Police Department Emergency	911	
Normandale Public Safety	(952)358-8274	F1250, 9700 France Ave, Bloomington, MN
MSU Mankato Director of Security	(507)389-6849	WC 222, Mankato, MN 56001

If a victim chooses, an additional report can be filed with the appropriate local law enforcement agency. University Security or others listed above can assist the complainant in completing reports. Internal reports may be shared with other departments on campus as necessary to complete an investigation and/or to ensure the safety of the campus community. University Security or others listed above will assist the Virginia Police Department with investigations as required. Depending on many factors, University Security may or may not hold reports of crime in confidence and may be required by law to release information based on the events or nature of the crime.

**MSU Mankato Graduate and Professional Education Center** – There are no security services at the MSU Mankato Graduate and Professional Education Center. The Edina Police Department is the official department for all criminal reports on campus. Students, university employees and visitors are encouraged to immediately report all criminal activity to the Edina Police Department (952)826-1610.

Crimes should be accurately and promptly reported to the Edina Police Department (952)826-1610 when the victim of a crime elects to, or is unable to, make such a report.

MSU Mankato University Security works closely with the Edina Police Department, Hennepin County Sheriff Office, and State and Federal agencies to track and respond to criminal activity on campus. Criminal reports and any statement relating to these reports that are made to University Security will be forwarded to the Edina Police Department when necessary and required by law.

Edina Police Department	(952)826-1610	4801 W. 50 <sup>th</sup> St, Edina, MN
Virginia Police Department Emergency	911	
MSU Mankato University Security	(507)389-2111	WC 222, Mankato, MN
MSU Mankato Director of Security	(507)389-6849	WC 222, Mankato, MN

If a victim chooses, an additional report can be filed with the appropriate local law enforcement agency. University Security or others listed above can assist the complainant in completing reports. Internal reports may be shared with other departments on campus as necessary to complete an investigation and/or to ensure the safety of the campus community. University Security or others listed above will assist the Virginia Police Department with investigations as required. Depending on many factors, University Security may or may not hold reports of crime in confidence and may be required by law to release information based on the events or nature of the crime.

There are no regularly scheduled security services offered at Mesabi Range College.

### **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 want to report a crime on a voluntary, confidential basis for inclusion in the university's annual security report, 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 University policy entitled "[Crime Reporting Requirements](#)" outlines the policies and procedures students, staff and faculty should follow to report a crime.

Members of the campus community must be aware that reporting an incident anonymously or providing inadequate information may limit the University in investigating or resolving an issue.

In addition to reporting crimes, concerns regarding student welfare, hate incidents, university policy violations and other concerns can be reported anonymously through the Silent Witness Report.

### **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. They are encouraged to advise persons they are counseling, who are victims of crimes, that they can report crimes on a voluntary, confidential basis for including in the annual disclosure of crime statistics. When possible, counselors are encouraged to share non-identifiable information with University Security including the nature, date, time, and general location of an incident for purposes of including it in the crime statistics.

Crimes reported by professional counselors and pastoral counselors do not require the issuance of a Timely Warning, but, each incident will be evaluated to determine if one should be issued for the safety and security of the campus community.

## Campus Security Authorities (CSA's) and Reporting of Crimes

University Security compiles all required information and statistics for this report. Statistics are collected using incident reports and from other reporting authorities including, but not limited to, local law enforcement agencies and officials of Minnesota State University Mankato who have significant responsibility for student and campus activities. Individuals identified as a Campus Security Authority (CSA) are mandated to report to University Security those crimes falling within the Campus Security Act. All employees, faculty or staff who become aware of an allegation in violation of University policy, student code of conduct, or civil or criminal law should report the allegation to their supervisor and University Security.

Campus Security Authorities include, but are not limited to, the following categories of individuals at Minnesota State University Mankato and others who have a "significant responsibility for student and campus activities"

- Security Staff (including student staff)
- Residential Life Staff, including Community Assistants, Hall Directors, Area Directors, and Learning Community Coordinators
- Dean of Students
- Leaders in Student Affairs
- Athletic Director and Coaches (including Assistants)
- Faculty or Staff Advisors to Student Organizations on Campus
- Contract Security Officers and Event Security Officers
- Staff and Faculty in the Student Activities Office
- Administrators at Branch/Satellite/Separate Campuses
- International Programs and Services Staff
- Faculty leaders of University sponsored off-campus study programs
- Title IX Coordinator and Deputy Coordinator(s)
- Director of Student Health Center
- Victim Advocates

**CSA Reporting for All Campuses:** CSA's should not attempt to investigate crimes but should instead report and allow University Security or the police department to investigate crimes. All persons in the MSU Mankato community or in an MSU program are encouraged to assist in the reporting of alleged criminal activity by contacting University Security at (507)389-2111.

It is Minnesota State University Mankato's position that all campus community members are responsible for reporting any criminal activity of which they become aware.

**CSA Reporting for MSU Mankato Main Campus:** CSA's should report crimes to University Security in Wiecking Center 222 or at (507)389-2111 or to the Mankato Department of Public Safety at 911.

**CSA Reporting for MSU Mankato Mesabi Range College Programs:** CSA's should report crimes to University Security at (507)389-2111 or the Virginia Police Department at (218)748-7510.

**CSA Reporting for MSU Mankato – Normandale Partnership Center:** CSA's should report crimes to Normandale Public Safety at (952)358-8274 or the Bloomington Police Department at (952)563-4900.

**CSA Reporting for MSU Mankato – Graduate and Professional Education Center:** CSA's should report crimes to University Security at (507)389-2111 or to the Edina Police Department at (952)826-1610.

Minnesota State University Mankato urges all campus entities that are excluded from mandatory reporting, such as professional mental health counselors and pastoral counselors, to advise clients who are victims of crime to report those incidents to campus or local law enforcement authorities.

It is not the CSA's responsibility to determine if a crime has occurred. CSA's should report all alleged crimes to University Security and they will work with law enforcement to determine if a crime has occurred.

Campus Security Authorities who fail to report criminal activity to University Security in a timely manner may be subject to disciplinary action by the University. All University students and staff are encouraged to assist anyone in reporting alleged criminal activity by contacting University Security to file a report.

Crimes may also be reported to the following individuals and/or organizations:

### **MSU Mankato Campus**

University Security	(507)389-2111	WC 222
Provost and Vice President	(507)389-1334	WA 315
Dean of Students	(507)389-1011	WA 228
VP for Student Affairs and Enrollment Management	(507)389-2121	WA 228
Mankato Department of Public Safety	(507)387-8701	710 S. Front St., Mankato
Mankato Department of Public Safety (Emergency)	911	
Director of Security	(507)389-6849	WC 222
Title IX Coordinator	(507)389-2986	MH 014

### **MSU Mankato Mesabi Range Programs**

Title IX Compliance Officer	(218)749-7753	S125
Counselor	(218)749-7714	L114
SSS TRIO Counselor	(218)749-7765	S114
Virginia Police Department	(218)748-7510	327 1 <sup>st</sup> St. S., Virginia, MN
Virginia Police Department (Emergency)	911	

### **MSU Mankato - Normandale Partnership Center**

University Security (MSU Mankato)	(507)389-2111	
Normandale Public Safety	(952)358-8280	F1250
Title IX Coordinator	(952)358-9187	
Dean of Students	(952)358-9462	
Bloomington Police Department	(952)563-4900	1800 W. Old Shakopee Rd., Bloomington, MN
Bloomington Police Department – Emergency	911	

## MSU Mankato - Graduate and Professional Education Center

University Security	(507)389-2111	WC 222
Provost and Vice President	(507)389-1334	WA 315
Dean of Students	(507)389-1011	WA 228
VP for Student Affairs and Enrollment Management	(507)389-2121	WA 228
Edina Police Department	(952)826-1610	4801 W. 50 <sup>th</sup> St, Edina, MN
Edina Police Department – Emergency	911	
Director of Security	(507)389-6849	WC 222
Title IX Coordinator	(507)389-2986	MH 014

## Response to Reports

A Campus Security Officer will respond to and document all relevant information in an incident report in response to a call to University Security. All reported crimes will be investigated by the University and may become a matter of public record. As required by University Security policy, criminal offenses will either be documented, and a copy of the incident report sent to the Mankato Department of Public Safety or they will be contacted for a response to campus.

When alleged perpetrators are identified as students, the case may be forwarded to the Director of Student Conduct for investigation and appropriate action or the Director of Equal Opportunity & Title IX for matters involving sexual violence and bias motivated crimes. Criminal investigation, arrest, and prosecution can occur independently and at the same time as the campus judicial process. All allegations will be investigated, if feasible.

Members of the community are helpful when they immediately report crimes or emergencies to University Security and to the following list of PRIMARY CSAs for the purposes of including them in the annual statistical disclosure and assessing them for issuing Timely Warning Notices, when deemed necessary.

### All Campuses:

MSU Mankato University Security	(507)389-2111	WC 222
Dean of Students/Director of Student Conduct	(507)389-1011	WA 228
MSU Mankato Director of Security	(507)389-6849	WC 222
MSU Mankato Title IX Coordinator	(507)389-2986	MH 014

Minnesota State University Mankato monitors and records, through local police agencies, student criminal activity at non-campus locations of student organizations officially recognized by the institution, including student organizations with non-campus housing facilities.

The University normally requires a written complaint and the assistance of the complainant in the disciplinary process, unless the university determines that there is a clear danger to the victim and/or the university community. Individuals reporting criminal complaints to University Security who wish to file a complaint with the Mankato Department of Public of Safety will be providing assistance from University Security upon request. The Director of Security will serve as the primary liaison between University Security and all law enforcement agencies.

## 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/or 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.

### Students at the Mesabi Range College and Normandale Community College campuses:

Students attending classes at the Mesabi Range College are automatically enrolled in their emergency notification system. Students attending classes at the Normandale Community College are encouraged to enroll in the Star Alert program for the college they attend classes at.

## 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 (<https://mankato.mnsu.edu/university-life/health-and-safety/university-security/emergency-preparedness/>). 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 these methods of communication may be activated in the event of an immediate threat. These methods of communication include the use of electronic and cellular communication methods such as 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>. Other methods of notification include posters on bulletin boards, the security hotline, posted on security web pages and Alertus (a message that scrolls across active computers).

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 (includes the Director, Associate Director, Campus Security Supervisors, Campus Security Officers, and Dispatchers) 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 four times annually 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 of the Emergency Response Guide 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 trespassed 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 always generally locked. 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 always be accompanied 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 always typically locked. 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.

### **Non-Campus Locations**

Non-campus locations that are not contiguous to the main Minnesota State Mankato campus such as Greek organization housing, the Strategic Partnerships Center, the Mankato Airport, and other non-campus locations where student organizations hold university affiliated programs are held are patrolled by the Mankato Department of Public Safety Police and all criminal activity is responded to and recorded by that agency. University Security obtains a list of all criminal activity that occurs at these locations and includes those statistics in the Annual Security Report.

### **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 <https://mankato.mnsu.edu/university-life/health-and-safety/university-security/>. Programming includes a variety of safety and emergency preparedness topics including active assailant response, protecting personal property, sexual assault, controlling behavior, stalking, self-defense, travel safety, everyday safety, and fire prevention. The website also links to several resources on and off campus for a variety of safety issues.

Additionally, during 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.

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 workspaces.

**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 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/>.

## Firearms and Weapons Policies

**MinnState Firearms Policy 5.21 – Possession or Carry of Firearms:** can be found at: <http://www.mnscu.edu/board/policy/521.html>

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

MSU Mankato has its own policy that covers other weapons, in addition to firearms. This policy can be found on the University website: <https://www.mnsu.edu/atoz/policies/weaponsandfirearmsfinal2017.pdf>

## 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.

### Daily Crime Log

University Security maintains a daily crime log that lists the report case number, initial classification, date, time, general location, and if known, the disposition of each criminal report within two business days of being received. This information may be delayed in being placed on the daily log in cases where such disclosure is prohibited by the Minnesota Data Privacy Act or where such disclosure may jeopardize the confidentiality of the victim. Minnesota State University Mankato may temporarily withhold information only if there is clear and convincing evidence that the release of the information would:

- Jeopardize an ongoing investigation.
- Jeopardize the safety of an individual.
- Cause a suspect to flee or evade detection.
- Result in the destruction of evidence.

Minnesota State University Mankato may disclose any information withheld once the adverse effect described above is no longer likely to occur. The university can withhold only that information that would cause the adverse effect. Crime log entries include all crimes reported to University Security for the required geographic locations, not just Clery Act crimes.

**MSU Mankato Campus:** The daily crime log is combined with the campus fire log. University Security makes the crime and fire log for the most recent 60-day period open to public inspection during normal business hours and posts it on the University Security website: <https://mankato.mnsu.edu/university-life/health-and-safety/university-security/personal-safety-and-alerts/daily-crime-and-fire-log/>. When a request for any portion of the crime and fire log older than 60 days is made University Security will make the requested portion of the crime and fire log available within two business days. To make a request for the crime and fire log contact the Director of Security at (507)389-2111 or email at [sandi.schnorenberg@mnsu.edu](mailto:sandi.schnorenberg@mnsu.edu). The Daily Crime and Fire Log for the MSU Mankato campus is held at University Security located at 222 Wiecking Center.

**MSU-Mesabi Range College:** MSU Mankato does not have student residential housing on the Mesabi Range College Campus and thus does not maintain a daily fire log. Mesabi

**MSU-Normandale Community College:** MSU Mankato does not have student residential housing at the Normandale Community College Campus and thus does not maintain a daily fire log. The Public Incident Log (Daily Crime Log) is available upon request at the Normandale Public Safety Office (F1 250) during normal campus business hours.

**MSU-Graduate and Professional Education Center:** MSU Mankato does not have student residential housing at the Graduate and Professional Education Center campus and thus does not maintain a daily fire log. Any crimes that occur at this location will be included in the MSU Mankato Daily Crime Log and are available to students at this location in the same ways as listed above for the main campus.

### 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 Statistics Charts

Minnesota State University Mankato

Offense (Reported by hierarchy)	Year	On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Murder/Non-Negligent manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Sex Offense Rape	2020	3	3	0	0
	2019	4	4	0	0
	2018	4	4	0	0
Sex Offense Fondling	2020	0	0	0	0
	2019	2	1	0	0
	2018	2	1	0	0
Sex Offense Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Sex Offense Statutory Rape	2020	0	0	0	0
	2019	0	1	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	1	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	1	1	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	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

- 2020: There were no hate/bias crimes reported in 2020.
- 2019: There were no hate/bias crimes reported in 2019.
- 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.

Offense (Reported by hierarchy)	Year	On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Liquor Law Arrests	2020	5	2	0	0
	2019	1	0	0	0
	2018	9	1	0	0
Drug Law Arrests	2020	2	2	0	0
	2019	3	1	0	0
	2018	4	2	0	0
Weapons Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	2	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	494	358	0	0
	2019	507	438	0	0
	2018	268	234	0	0
Drug Law Violations Referred for Disciplinary Action	2020	13	7	0	0
	2019	10	5	0	0
	2018	105	55	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	1	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.*

\*Statistics for 2018 Liquor Law Violations Referred for Disciplinary Action were amended due to discovering uncounted incidents in Residential Life’s record keeping software. Drug Law Violations Referred for Disciplinary Action counts were amended due to discovering that non-criminal incidents were inadvertently counted.

Offense (Crimes not reported by hierarchy)	Year	On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	1	1	0	0
	2018	2	2	0	0
Dating Violence	2020	1	0	0	0
	2019	4	3	0	0
	2018	3	3	0	0
Stalking	2020	7	5	0	0
	2019	14	9	1	0
	2018	15	4	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 2018, 2018 or 2020.

## MSU Mankato - Mesabi Range College Programs

Offense (Reported by hierarchy)	Year	On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Murder/Non-Negligent manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Sex Offense Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Sex Offense Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Sex Offense Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Sex Offense Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Note: While Mesabi Range College has on-campus student housing, MSU Mankato students do not live in these facilities.

### Hate Crime Reporting

- 2020 There were no hate/bias crimes reported.
- 2019: There were no hate/bias crimes reported.
- 2018: There were no hate/bias crimes reported.

Offense (Reported by hierarchy)	Year	On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Liquor Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	2	2	0	0
Weapons Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	7	7	0	0
Drug Law Violations Referred for Disciplinary Action	2020	2	2	0	0
	2019	5	0	0	0
	2018	11	11	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	1	1	0	0
	2018	0	0	0	0

Note: While Mesabi Range College has on-campus student housing, MSU Mankato students do not live in these facilities.

Offense (Crimes not reported by hierarchy)	Year	On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Note: While Mesabi Range College has on-campus student housing, MSU Mankato students do not live in these facilities.

#### Unfounded Crimes

There were no “unfounded” crimes for 2018, 2019 or 2020.



## MSU Mankato – Normandale Partnership Center

Offense (Reported by hierarchy)	Year	On-Campus Property	Noncampus Property	Public Property
Murder/Non-Negligent manslaughter	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Manslaughter by Negligence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Sex Offense Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Sex Offense Fondling	2020	1	0	0
	2019	0	0	0
	2018	0	0	0
Sex Offense Incest	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Sex Offense Statutory Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Robbery	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Aggravated Assault	2020	0	0	0
	2019	4	0	0
	2018	1	0	0
Burglary	2020	0	0	0
	2019	1	0	0
	2018	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

There are no on-campus student housing facilities at Normandale.

### Hate Crime Reporting

- 2020 There were no hate/bias crimes reported.
- 2019: There were no hate/bias crimes reported.
- 2018: There were no hate/bias crimes reported.

Offense (Reported by hierarchy)	Year	On-Campus Property	Noncampus Property	Public Property
Liquor Law Arrests	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Drug Law Arrests	2020	0	0	0
	2019	0	0	0
	2018	1	0	0
Weapons Law Arrests	2020	0	0	0
	2019	0	0	0
	2018	1	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	1	0	0
	2019	0	0	0
	2018	1	0	0
Weapons Law Violations Referred for Disciplinary Action	2019	0	0	0
	2018	0	0	0
	2017	0	0	0

There are no on-campus student housing facilities at Normandale.

Offense (Crimes not reported by hierarchy)	Year	On-Campus Property	Noncampus Property	Public Property
Arson	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Domestic Violence	2020	1	0	0
	2019	1	0	0
	2018	1	0	0
Dating Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Stalking	2020	1	0	0
	2019	1	0	0
	2018	1	0	0

There are no on-campus student housing facilities at Normandale.

#### Unfounded Crimes

There were no “unfounded” crimes for 2018, 2019 or 2020.

## MSU Mankato Graduate and Professional Education Center

Offense (Reported by hierarchy)	Year	On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Murder/Non-Negligent manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Sex Offense Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Sex Offense Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Sex Offense Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Sex Offense Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

There are no on-campus student housing facilities at this location.

### Hate Crime Reporting

- 2020 There were no hate/bias crimes reported.
- 2019: There were no hate/bias crimes reported.
- 2018: There were no hate/bias crimes reported.

Offense (Reported by hierarchy)	Year	On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Liquor Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

There are no on-campus student housing facilities at this location.

Offense (Crimes not reported by hierarchy)	Year	On-Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

There are no on-campus student housing facilities at this location.

#### Unfounded Crimes

There were no “unfounded” crimes for 2018, 2019 or 2020.

# 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 are 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. Do not ignore it.
- If time allows, 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.
- Plan to assist others who are unable to evacuate on their own. Even if it is a temporary disability, plan 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 help.
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 2019
Carkoski Commons (Attached Dining Facility) 600 Maywood Ave.	X	X		X	X		1
Crawford Residence Community 700-740 Maywood Ave.	X	X		X	X	X	4
Julia A. Sears Residence Community 540 West Rd.	X		X	X	X	X	4
Margaret R. Preska Residence Community 450 North Ellis Ave.	X		X	X	X	X	4
McElroy Residence Community 400-424 North Ellis Ave.	X	X		X	X	X	4
Stadium Heights Residence Community 701, 711, 721, 731, 741, 751, 761 Heron Rd.				X	X	X	4
Stadium Heights Residence Community 705 Heron Rd.			X	X	X	X	4

<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

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
Carkoski 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	1:20AM	Cooking fire	0	0	\$100-999

2019								
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.	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.	2	1	04/15/2019	8:36 PM	Cooking fire	0	0	\$100-999
Julia Sears 540 West Rd.		2	04/30/2019	10:51 PM	Cooking fire	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.	2	1	01/21/2019	6:10 PM	Electronics fire	0	0	\$100-999
McElroy 400-424 North Ellis Ave.		2	10/23/2019	5:50 PM	Cooking fire	0	0	\$100-999
Stadium Heights 701-761 Heron Rd.	0	0	N/A	N/A	N/A	0	0	N/A

2020								
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.	0	0	N/A	N/A	N/A	0	0	N/A
Crawford 700-740 Maywood Ave.	1	1	2/18/2020	12:49 AM	Cooking fire	0	0	\$0-99
Julia Sears 540 West Rd.	2	1	09/17/2020	10:35 PM	Cooking fire	0	0	\$0-99
Julia Sears 540 West Rd.	--	2	12/31/2020	6:38 PM	Cooking fire	0	0	\$100-999
Margaret R. Preska 450 North Ellis Ave.	1	1	05/21/2020	5:23 PM	Cooking fire	0	0	\$0-99
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

## 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 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 Assault Policies

## Sexual Assault Awareness and Education Programs

Minnesota State University, Mankato is committed to providing programs to prevent sex offenses. The Office of Equal Opportunity and Title IX oversees the requirement that all students enrolled in one or more courses are mandated to take a sexual assault course within the first ten class days after the start of a student's first semester of classes. Minnesota State Mankato 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 promote awareness of intimate partner violence and dating violence. Minnesota State Mankato focuses 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. 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 is 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.

University Security will report sexual violence incidents to the Minnesota State Mankato Title IX Coordinator in the Office of Equal Opportunity & 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.

Student complainants and student respondents have the same opportunity to have an appropriate support person or advisor present at any interview or hearing, in a manner consistent with the governing procedures and applicable data practices law.

Student complainants and student respondents will be simultaneously informed of the outcome of disciplinary proceedings 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 considering 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 and 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 misconduct, visit <http://www.mnsu.edu/eotitleix/titleix/sexualviolence.html>.

The University has established a Coordinated Community Response Team consisting of members from Student Affairs, University Security, Student Conduct, the Title IX Coordinator, Residential Life, Violence Awareness Response Coordinator, Mankato Department of Public Safety, Committee Against Domestic Abuse (CADA) Representative, as well as select faculty and staff.

The team typically meets quarterly 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 state of Minnesota's state statute code 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.

Affirmative Consent is also defined at Minnesota State Mankato under the 1B.3 Sexual Violence Policy: Consent is informed, freely given, and mutually understood willingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. It is the responsibility of the person who wants to engage in sexual activity to ensure that the other person has consented to engage in the sexual activity. Consent must be present throughout the entire sexual activity and can be revoked at any time. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. A lack of protest, absence of resistance, or silence alone does not constitute consent, and past consent to sexual activities does not imply ongoing future consent. The existence of a dating relationship between the people involved or the existence of a past sexual relationship does not prove the presence of, or otherwise provide the basis for, an assumption of consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

The definition of affirmative consent will be used when conducting University investigations of sexual assaults.

**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 Minnesota State system's 1B.3 Sexual Violence Policy, "Sexual assault" means an actual, attempted, or threatened sexual act with another person without that person's consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under Minnesota State student conduct codes and employee disciplinary standards. Sexual assault includes but is not limited to:

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

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 as follows:

#### 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; 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.

(p) the actor is a peace officer, as defined in section 626.84, and the officer physically or constructively restrains the complainant, or the complainant does not reasonably feel free to leave the officer's presence. Consent by the complainant is not a defense. This paragraph does not apply to any penetration of the mouth, genitals, or anus during a lawful search.

#### 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;
- (j) 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.
- (p) the actor is a peace officer, as defined in section 626.84, and the officer physically or constructively restrains the complainant, or the complainant does not reasonably feel free to leave the officer's presence. Consent by the complainant is not a defense. This paragraph does not apply to any penetration of the mouth, genitals, or anus during a lawful search.

#### **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.

According to Minnesota State system's 1B.3 Policy, 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, 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 system's 1B.3 Policy of dating and relationship violence. Dating, and relationship violence includes physical harm or abuse, and threats of physical harm or abuse, arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota state law.

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

#### 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 system'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 her or his 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 as follows:

#### 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 hand billing 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.

The Mankato Department of Public Safety follows Minnesota State Statutes in the enforcement of dating violence, domestic violence, sexual assault and stalking. They also follow the definition of consent as outlined in state statute.

## 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.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, call 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, and 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, <https://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 do not know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably is not 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. Do not allow yourself to be isolated with someone you do not trust or someone you do not 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. Do not leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
12. Do not accept drinks from people you do not 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, do not drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they have had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately (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. Do not feel obligated to do anything you do not 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 do not 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 do not 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 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 engages in educational programming to prevent domestic violence, dating/intimate partner/relationship violence, sexual assault and stalking. 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 University, 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/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 sexual violence, including, dating/intimate partner/relationship violence, sexual assault, and stalking; 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 consent and respect 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 2020:

Name of Program	Date(s) Held	Location Held	Complied with Section B a-e?	Which Prohibited Behavior Covered?
Support Group sessions for students	Feb. 12, Feb. 19, Feb. 26, March 5, March 12, March 19, March 26, April 2, April 9	Zoom	b, c	SA, DRV, DoV
Sexual Violence Prevention Training	January 8	D2L	a-h	S, SA, DRV, DoV
New CA Training SV Response Training	January 8	Classroom	a-h	S, SA, DRV, DoV
Transfer Student Orientation	January 10	Tabling	a, b, f, g, h	S, SA, DRV, DoV
Presentations in classrooms	January 10, January 30, March 28, April 14, April 20	Virtual and in-person classrooms at MSU	a, d	S, SA, DRV, DoV
Athletics NCAA Compliance	January 13	Classroom	a-h	S, SA, DRV, DoV
CESV Meetings	Jan 22	Virtually	a - d	DRV, SA
KSP Presentation	February 4	Classroom	a-h	S, SA, DRV, DoV
KSP Presentation	February 5	Classroom	a-h	S, SA, DRV, DoV
KSP Presentation	February 6	Classroom	a-h	S, SA, DRV, DoV
KSP Presentation	February 7	Classroom	a-h	S, SA, DRV, DoV
Decisionmaker Training	February 20	Classroom	a-h	S, SA, DRV, DoV
SAAM Planning Meetings	February 27, March 13, March 27	Virtually	a, d, e	DRV, DoV, S
Conversation Circles	Feb. 24, March 25, April 22, Nov 26, Dec. 6	Women's Center & virtual	a, b, c	DoV, DRV
Security Presentation	March 11	Classroom	a, b, c, f	S, SA, DRV, DoV
Podcast Episodes	April 7, April 14, April 21, April 28, May 5, May 12, May 19, May 26, June 9, June 16, June 23, June 30, August 24, September 15, September 29, October 20, October 27, November 17	Released virtually	a, b, d	S, SA, DoV, DRV
Take Back the Night	April 24	Virtual	a - e	SA, S
Denim Day	April 29	Virtual	a	SA
Violence Free Zone Training	April 29	Virtual	a - d	SA, S
Sexual Violence Prevention Training	May 18	Virtual	a-h	S, SA, DRV, DoV
Sexual Violence Prevention Training	June 1	Virtual	a-h	S, SA, DRV, DoV
EOTIX General Overview	June 1	Virtual	a, b, f, g, h	S, SA, DRV, DoV
EOTIX General Overview	June 12	Virtual	a, b, f, g, h	S, SA, DRV, DoV
Resource Fair	July 14	Tabling	a, b, f, g, h	S, SA, DRV, DoV
Resource Fair	July 21	Tabling	a, b, f, g, h	S, SA, DRV, DoV
Diversity & Inclusion/EEO & Title IX/Accessibility Resources Presentation	August 19	Classroom	a, b, f, g, h	S, SA, DRV, DoV
Diversity & Inclusion/CEO	September 1	Classroom	a, b, f, g, h	S, SA, DRV, DoV

Athletics NCAA Compliance	September 24	Classroom	a-h	S, SA, DRV, DoV
KSP Presentation	November 10	Classroom	a-h	S, SA, DRV, DoV
Practicum in Student Affairs	November 10	Classroom	a, b, f, g, h	S, SA, DRV, DoV
Coordinated Campus Response Team Meeting	February 17  April 13, September 24,	Virtual	a - c	SA, S

*“DoV” means Domestic Violence; “DRV means Dating/Relationship Violence; “SA” means Sexual Assault; and “S” means Stalking*

Programming in 2020 was significantly less due to COVID 19 restrictions and most activities were either halted or held virtually.

## Procedures for Reporting a Complaint

### Medical Care

After an incident of sexual assault and 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 507-344-4863 (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/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 <http://www.mnsu.edu/eotitleix/titleix/report.html>. 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 allegations 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, Intimate Partner and Relationship 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 need to implement interim or long-term protective and/or supportive measures, such as housing changes, change in class schedule, and a "No Contact" directive between both parties.
6. University will provide complainant with referrals on how to apply for Protective Order or Harassment Restraining Order.
7. 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.
8. University will inform the complainant and respondent of the outcome of the investigation and resolution.
9. 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 University'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 need to implement interim or long-term protective and/or supportive measures, such as housing changes, change in class schedule, and a "No Contact" directive between both parties.
7. 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.



8. University will inform the complainant and respondent of the outcome of the investigation and resolution.
9. 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 University'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 need to implement interim or long-term protective measures, such as housing changes, change in class schedule, and a "No Contact" directive between both parties.
7. 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.
8. University will inform the complainant and respondent of the outcome of the investigation and resolution.
9. 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/intimate partner/relationship violence cases are referred to the Title IX Coordinator and determined under the University'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 and/or supportive measures; and
- an explanation of the procedures for institutional disciplinary action; and
- 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/intimate partner/relationship violence, sexual assault or stalking has the rights listed in the following table:

## State of Minnesota Crime Victim Rights

### Right To Be Notified of:

- Crime victim rights.
- Prosecution process and the right to participate in it.
- Contents of any plea agreement.
- Changes in court proceeding schedule when a victim has been subpoenaed or requested to testify.
- Final disposition of the case.
- Appeals filed by the defendant, the right to attend the oral argument or hearing, and the right to be notified of the final disposition.
- Proposed sentence modifications for the offender, including the date, time, and location of the review and the right to provide input.
- Release or escape of the offender from prison or custodial institution or transfer to a lower security facility.
- Offender's petition for expungement.
- Right to request restitution.
- Right to apply for reparations.
- Information on the nearest crime victim assistance program or resource.
- Petition to civilly commit an offender, outcome of that petition, and notice of offender's possible discharge/release from civil commitment.

### Right to Protection from Harm:

- Right to a secure waiting area during court proceedings.
- Right to request that home and employment address, telephone number, and birth date be withheld in open court.
- Right to request that law enforcement agency withhold identity from the public.
- 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.
- Tampering with a witness is a crime and should be reported.

### Right to Participate in Prosecution

- Right to request a speedy trial.
- Right to provide input in a pretrial diversion decision.
- Right to object orally or in writing to a plea agreement at the plea presentation hearing.
- Right to object orally or in writing to a proposed disposition or sentence.
- Right to inform court of impact of crime orally or in writing at the sentencing hearing.
- Right to inform court at the sentencing hearing of social and economic impact of crime on persons and businesses in the community.
- Right to be present at the sentencing and plea presentation hearings.
- Right to submit statement regarding decision to discharge/release offender from civil commitment.

### Right to Apply for Financial Assistance

- 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.
- Victims may request the court to order the defendant to pay restitution if the defendant is found guilty or pleads guilty.
- Victims may request that a probation violation hearing be scheduled 60 days prior to the expiration of probation if restitution has not been paid.

### Domestic Violence, Sexual Assault, and Harassment Victims' Rights

- 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.
- Protection against employer retaliation for victims to take reasonable time off to attend order for protection or harassment restraining order proceedings.
- Domestic abuse victims have ability to terminate lease without penalty.
- Sexual assault victims can make confidential request for HIV testing of a convicted offender.
- Sexual assault victims do not have to pay the cost of a sexual assault examination
- Sexual assault victims may not be required to undergo a polygraph examination in order for an investigation or prosecution to proceed.

<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>

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 & 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.</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> <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>
Orders for Protection  (MN Statute 518B.01)	Any family or household member personally or by a family or household member, a guardian as defined in section 524.1-201, clause (26), or, if the court finds that it is in the best interests of the minor, by a	The court having jurisdiction over dissolution actions, in the county of residence of either party, in the county	In cases of domestic abuse.

	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.	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.	
No Contact Order (MN Statute 629.715)	A judge in determining conditions for release from custody.	Criminal court.	On its own motion or that of the prosecutor or on request of the victim.
Domestic Abuse No Contact Order	Victim/Complainant or court. (MN Statute 629.75)	Criminal court.	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 protection, violation of a domestic abuse no contact order. (MN Statute 629.75)

The University may issue an institutional no contact order if deemed appropriate or at the request of the complainant or respondent. 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 respondent (student, employee, etc.) and will impose sanctions if the respondent is found responsible for violating the no contact order.

#### Accommodations and Protective and Supportive Measures Available for Victims

University officials will change a victim's academic, living, transportation and working situations and take protective and/or supportive measures after an alleged sex offense, incident of domestic/intimate partner/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 and/or supportive 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 and/or supportive measures, a victim should begin by contacting the Title IX Coordinator in the Office of Equal Opportunity & Title IX (Morris Hall 014, 507-389-2986). The Office of Equal Opportunity & Title IX will manage requested changes to academic, living, transportation and/or working situations or protective and/or supportive 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, Women's Center, University Security, Office of Equal Opportunity & 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 and/or supportive measures. The University does not publish the name of crime victims nor house identifiable information regarding victims in the University Security department's Daily Crime Log.

### On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating 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	Violence Awareness Response Program	507-389-5127
Victim Assistance	Women's Center LGBT Center	507-389-6146 507-389-5131
Legal Assistance	MSSA Student Attorney	507-389-2611
Visa and Immigration Assistance	ISSS Office	507-389-1281
Title IX Coordinator	Office of Equal Opportunity & 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	507-389-2121 507-389-1011 507-389-2015

	Multicultural Center	507-389-6300
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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 system's 1B.3 Sexual Violence Policy and/or the 1B1. Equal Opportunity and Non-discrimination in Employment and Education Policy alleging that a student or employee violated the University's policies. 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 appropriate procedures, which is transparent to the complainant and respondent. The investigative process and issuance of a response to a complaint/report of domestic violence, dating/intimate partner/relationship violence, sexual assault and stalking complaints shall be made in a timely manner after a complaint/report is made, unless reasonable cause for delay exists. Written notice shall be provided to the complainant and the respondent if the written response is not expected to be issued within a timely manner. 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 appropriate decision-making process.



2. The complainant and the respondent each have the opportunity to be advised by an advisor of their choice, 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, with the exception of the formal hearing process;
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 whether it is “more likely than not” that the respondent violated System and/or University 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 policies and procedures that address sexual misconduct which can be found online on the [Equal Opportunity and Title IX website](#) 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 Violence, Sexual Assault and Stalking

The following is an 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 Report/Complaint of Discrimination/Harassment Investigation and Resolution Procedure or 1B.3.1 Response to Sexual Violence and Title IX Harassment Procedure or applicable employment procedures. Criminal proceedings and University proceedings are separate processes with independent outcomes. <https://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, harassment and sexual violence shall be investigated and resolved according to Minnesota State system’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 for addressing the allegations. 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 actions and protective/supportive

measures to prevent unwanted contact with the alleged respondent, including, but not limited to, transfer of the complainant and/or the respondent to an alternative class, or a work site or to alternative University-owned housing if such alternatives are available and feasible. 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 system 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 actions and protective/supportive measures, the Office of Equal Opportunity and Title IX will begin an investigation and formal report including but not limited to: interviews, collection of additional documentation/evidence, and a written investigative report.

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**

The investigative process and issuance of a response to a complaint report of domestic violence, dating/intimate partner/relationship violence, sexual assault and stalking shall be made in a timely manner after a complaint/report is made, unless reasonable cause for delay exists. Written notice shall be provided to the complainant and the respondent if the written response is not expected to be issued in a timely manner.

#### **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 whether it is "more likely than not that the respondent violated System and/or University 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 cannot 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, or termination per applicable collective bargaining agreement or personnel plan.

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

The University may take interim actions and/or protective/supportive 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 available and feasible.

The University may summarily suspend or take other temporary measures against a student alleged to have committed a violation of these policies, in accordance with System Procedure 1B.1.1 or 1B.3.1, whichever is deemed appropriate.

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/Supportive Measures**

In all cases, investigations that result in a finding of more likely than not that a violation of the 1B.3 Sexual Violence Policy or 1B.1 Equal Opportunity/Non-discrimination 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 for students, upon those determined to have violated this policy. Employees who violate this policy will be subject to discipline as described in the previous "Possible Sanctions" section for employees. 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 actions and/or protective/supportive 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 actions and/or protective/supportive measures should be implemented, and, if so, take steps to implement those actions and/or measures as soon as possible. Interim and protective/supportive measures are cited in the previous "Accommodations and Protective and Supportive 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 actions and protective/supportive measures will constitute related violations that may lead to additional disciplinary action. Interim action and protective/supportive 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/>.