



**2020 ASR (Information for 2020-2021
Academic Year)**

**Minnesota State College Southeast Annual
Campus Safety Report**

**Winona Campus
Red Wing Campus**

Table of Contents

1. Report Introduction	3
2. Reporting a Crime	4
3. Response to Reports	7
4. Voluntary Confidential Reporting	9
5. Campus Security Authority (CSA)	10
6. Daily Crime Log	12
7. Geography	13
8. Types of Crimes	15
9. Crime Statistics (2017-2019)	15
10. Emergency Notification	19
11. Emergency Response & Evacuation Procedures	23
12. Timely Warning	25
13. Crime Prevention and Educational Opportunities	26
14. Security & Access to Campus Facilities	28
15. Sexual Assault and Related Offenses	29
16. Ongoing Prevention and Awareness Campaign	39
17. Reporting an Incident of Sexual Assault	43
18. Assistance for Victims	50
19. Procedures for Campus Disciplinary Action for VAWA Offenses	56
20. Campus Sex Crimes Prevention Act	65
21. Alcohol Policy	65
22. Drug Policy	66
23. Firearms Policy	67
24. MSC Southeast Alcohol & Other Drug Education & Prevention Programs	67
25. MSC Southeast Substance Abuse Resources	68
26. Winona & Red Wing Area Substance Abuse Resources	68
27. Appendix 1 - Terms and Definitions	72
28. Appendix 2 - Clery Act Reportable Crime Terms and Definitions	74

Separate Campuses

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

Report Introduction

Minnesota State College Southeast (MSC Southeast) Security prepares an Annual Report that complies with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The Campus Security Report includes criminal reports made to Security and local law enforcement agencies with jurisdiction over MSC Southeast properties. The report includes crimes that were reported to have taken place on campus, facilities owned or rented by the institution, public property, and non-campus property as defined in the Jeanne Clery Disclosure Act. The report is prepared in cooperation with local law enforcement, Title IX Office, and Office of Academic Affairs and Student Services. Each entity provides updated information on their educational efforts and programs as required. Reported crimes will also be identified by location of occurrence.

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 (including rape, fondling incest and statutory rape), Domestic Assault, Dating Violence, Stalking, Alcohol Offenses Arrests, Drug Arrests, Weapons Arrests, Disciplinary referrals for alcohol, drug and weapons violations, and Bias Motivated Crimes

MSC Southeast 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.

MSC Southeast reports the number of arrests on campus to the extent that the institution is able to obtain such information from the Winona Police Department, Winona County Sheriff's Office, Red Wing Police Department, and Goodhue County Sheriff's Office.

Crime Classification: The Director of Security serves as the primary liaison concerning campus safety, criminal activity, and security services with all law enforcement agencies. The Director shall defer to local law enforcement professionals and/or legal professionals regarding the appropriate crime classification of incidents taking place on campus or other required reporting areas. MSC Southeast also follows the FBI Uniform Crime Report "hierarchy rule". In reports with multiple alleged crimes, only the most serious crime will be counted for statistical purposes.

MSC Southeast publishes the Annual Security Report each year by October 1. For 2020 the Department of Education granted a one-time extension until December 31, 2020 to publish the report as a response to the COVID-19 pandemic. 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 Director of Security 457-5555 or email ccichosz@winona.edu.

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

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

MSC Southeast encourages all students and institutional 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 Security Act, MSC Southeast 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 MSC Southeast or recognized university organizations. MSC Southeast will distribute a copy of and/or provide access to this report pursuant to Federal Law.

MSC Southeast has no authority to require the Winona Police Department, Winona County Sheriff's Office, Red Wing Police Department, Goodhue County Sheriff's Office, or the Judicial Court to take any action in connection with a reported crime. MSC Southeast 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.

MSC Southeast 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 or procedures at any time without notice. Such changes may appear in successive issues of this report.

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

Reporting a Crime

MSC Southeast -Winona Campus- MSC Southeast Security is in room 204-D, 1250 Homer Road, Winona, MN 55987, and phone 507-457-5555. Campus Security is the official record for all criminal reports made on campus. Students, staff and visitors are encouraged to immediately report any and all criminal activity to MSC Southeast Security or the Winona Police Department, 201 W. 3rd Street, Winona, MN 55987, phone 507-457-6368 or in case of an emergency call 911. In appropriate cases, reports will also be shared with the Dean of Students. Campus Security will assist the Winona Police Department with investigations when requested. MSC Southeast Security

is staffed Wednesday and Thursday 8:00 am-11:00 am and Monday-Thursday 5:45 pm- 9:00 pm. during the fall and spring semester when classes are in session.

Crimes should be accurately and promptly reported to the MSC Southeast Security or the appropriate police agency, when the victim of a crime elects to, or is unable to, make such a report.

MSC Southeast Security works closely with the Winona Police Department, Winona County Sheriff's Department, 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 MSC Southeast Security will be forwarded to the Winona Police Department when necessary and required by law.

MSC Southeast Security Road	507-457-5555	room 204-D, 1250 Homer
Winona Police Department	507-457-6368	201 W. 3 rd Street, Winona
Winona Police Department (Emergency)	911	
Director of Security	507-457-5555	room 204-D, 1250 Homer Road

If the victim chooses, an additional report can be filed with the appropriate local law enforcement agency. MSC Southeast 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. MSC Southeast Security or others listed above will assist the Winona Police Department with investigations as required. Depending on many factors MSC Southeast may or may not hold reports of crime in confidence and may be required by law to release information based on the events or nature of the crime. Whenever possible MSC Southeast will attempt to protect the identity of crime victims.

MSC Southeast 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 MSC Southeast within the City of Winona. The department is comprised of fulltime professional and student security guard officers. Security Guards are not licensed police officers and do not possess the power of arrest as defined by Minnesota State Statute. Security guards have been granted the authority by the Institution's President to enforce institutional policy, which is not inconsistent with federal, state, or local law to make citizens arrests when appropriate under Minnesota State Statute 629.37.

MSC Southeast-Red Wing Campus: MSC Southeast Security is in room 312, 308 Pioneer Road Red Wing, MN 55066, phone 651-764-1511. Campus Security is the official record for all criminal reports made on campus. Students, staff and visitors are encouraged to immediately report any and all criminal activity to MSC Southeast Security or the Red Wing Police Department, 430 W 6th St, Red Wing, MN 55066, phone (651) 385-3155 or in case of an emergency call 911. In appropriate cases, reports will also be shared with the Dean of Students. Campus Security will

assist the Red Wing Police Department with investigations when requested. MSC Southeast Security is staffed Monday-Thursday 4:00 pm-9:00 pm.

Crimes should be accurately and promptly reported to the MSC Southeast Security or the appropriate police agency, when the victim of a crime elects to, or is unable to, make such a report.

MSC Southeast Security works closely with the Red Wing Police Department, Goodhue County Sheriff's Department, 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 MSC Southeast Security will be forwarded to the Red Wing Police Department when necessary and required by law.

MSC Southeast Security	651-764-1511	room 312 308 Pioneer Road, Red Wing
Red Wing Police Department	651-385-3155	430 W 6th St, Red Wing
Red Wing Police Department (Emergency)	911	
Director of Security	507-457-5555	room 204-D, 1250 Homer Road-Winona

If the victim chooses, an additional report can be filed with the appropriate local law enforcement agency. MSC Southeast 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. MSC Southeast Security or others listed above will assist the Red Wing Police Department with investigations as required. Depending on many factors MSC Southeast may or may not hold reports of crime in confidence and may be required by law to release information based on the events or nature of the crime. Whenever possible MSC Southeast will attempt to protect the identity of crime victims.

MSC Southeast 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 MSC Southeast within the City of Red Wing. The department is comprised of one part-time campus security officer. Security Officers are not licensed police officers and do not possess the power of arrest as defined by Minnesota State Statute. Security officers have been granted the authority by the Institution's President to enforce institutional policy, which is not inconsistent with federal, state, or local law to make citizens arrests when appropriate under Minnesota State Statute 629.37.

MSC Southeast Security does not have any additional patrol jurisdiction other than the MSC Southeast location.

Response to Reports

MSC Southeast-Winona Campus

When alleged perpetrators are identified as students, the case may be forwarded to the Dean of Students for investigation and appropriate action. 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. In response to a call, MSC Southeast Security will take the required action, either dispatching a security guard or asking the victim to report to MSC Southeast Security to file an incident report. All reported crimes will be investigated by the institution and may become a matter of public record.

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

MSC Southeast Security Winona	507-457-5555	room 204-D, 1250 Homer Road-
Dean of Students	507-453-1420	room 124-O, 1250 Homer Road-Winona
MSC Southeast Director of Security Winona	507-457-5555	room 204-D, 1250 Homer Road-

MSC Southeast monitors and records, through local police agencies, student criminal activity at non-campus locations of student organizations officially recognized by the institution. MSC Southeast does not have any student organizations with non-campus housing facilities.

The institution normally requires a written complaint and the assistance of the complainant in the disciplinary process, unless the institution determines that there is a clear danger to the victim and/or the MSC Southeast community. Individuals reporting criminal complaints to MSC Southeast Security who wish to file a complaint with the Winona Police Department will be provided with assistance from MSC Southeast Security upon request. The Director of Security will serve as the primary liaison between MSC Southeast Security and all law enforcement agencies. Criminal reports can also be made to:

MSC Southeast Security Winona	507-457-5555	room 204-D, 1250 Homer Road-
Winona Police Department	507-457-6368	201 W. 3 rd Street, Winona
MSC Southeast Director of Security Winona	507-457-5555	room 204-D, 1250 Homer Road-

MSC Southeast-Red Wing Campus

When alleged perpetrators are identified as students, the case may be forwarded to the Dean of Students for investigation and appropriate action. 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. In response to a call, MSC Southeast Security will take the required action, either responding to the location of the incident or asking the victim to report to MSC Southeast Security to file an incident report. All reported crimes will be investigated by the institution and may become a matter of public record.

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

MSC Southeast Security	651-764-1511	room 312 308 Pioneer Road, Red Wing
Dean of Students	507-453-1420	room 213-A 308 Pioneer Rd, Red Wing
MSC Southeast Director of Security	507-457-5555	room 204-D, 1250 Homer Road-Winona

MSC Southeast monitors and records, through local police agencies, student criminal activity at non-campus locations of student organizations officially recognized by the institution. MSC Southeast does not have any student organizations with non-campus housing facilities.

The institution normally requires a written complaint and the assistance of the complainant in the disciplinary process, unless the institution determines that there is a clear danger to the victim and/or the MSC Southeast community. Individuals reporting criminal complaints to MSC Southeast Security who wish to file a complaint with the Red Wing Police Department will be provided with assistance from MSC Southeast Security upon request. The Director of Security will serve as the primary liaison between MSC Southeast Security and all law enforcement agencies. Criminal reports can also be made to:

MSC Southeast Security	651-764-1511	room 312 308 Pioneer Road, Red Wing
Red Wing Police Department	651-385-3155	430 W 6th St, Red Wing
MSC Southeast Director of Security	507-457-5555	room 204-D, 1250 Homer Road-Winona

Every effort should be made to ensure that physical evidence is maintained and protected. Immediately making reports will assist in preserving evidence. Preserve the crime scene. Do not touch any items involved in the incident. Close off the area of the incident and do not allow anyone in the crime scene until Security or police arrive.

Obtain a description of the offender(s), including sex, age, race, hair, clothing, and other distinguishable features. Attempt to obtain a description and license number of any vehicle involved. Note the direction taken by the offenders or vehicles and report those to Security or the police. Report as much detail as possible to ensure accurate reporting. If you are a victim of a

crime your immediate recall of the event is often the best. Write down as much information as you can remember after a crime. Keep in mind the following when attempting to recall suspects:

- Gender
- Approximate age
- Height
- Weight/build
- Description of face including eye color, hair color and hair style
- Dress/clothing
- Facial hair
- Glasses
- Distinguishing marks including scars, marks, tattoos, and a distinguishing gait if known
- Voice

MSC Southeast-Winona Campus- Responding Law Enforcement Agencies

The Winona Police Department (507-457-6302) patrols the MSC Southeast Winona campus and responds to calls on a 24-hour basis. MSC Southeast falls under the jurisdiction of the Winona Police Department who 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 MSC Southeast and the Winona Police Department. Members of the campus community may report criminal acts directly to the Winona Police Department. MSC Southeast Security will also conduct investigations and communicate those investigations and reports to law enforcement when appropriate and required by law.

MSC Southeast -Red Wing Campus- Responding Law Enforcement Agencies

The Red Wing Police Department (651) 385-3155 patrols the MSC Southeast Red Wing campus and responds to calls on a 24-hour basis. MSC Southeast falls under the jurisdiction of the Red Wing Police Department who 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 MSC Southeast and the Red Wing Police Department. Members of the campus community may report criminal acts directly to the Red Wing Police Department. MSC Southeast Security will also conduct investigations and communicate those investigations and reports to law enforcement when appropriate and required by law.

Voluntary Confidential Reporting “Report Sexual Violence”

MSC Southeast accepts voluntary confidential reporting of sexual violence or harassment by utilizing the [Report Sexual Violence Online](https://mycampuseye.com/web/EQCS) form: <https://mycampuseye.com/web/EQCS>. MSC Southeast does not accept voluntary confidential reports for other types of crime. If you are the victim of a crime and do not want to pursue action within the institutional system or the criminal

justice system, you may still want to consider making a confidential report. With your permission, a MSC Southeast Security guard can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, the MSC Southeast can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. Use the [Report Sexual Violence Online](#) form or copy and paste the following address to access the report form: <https://mycampuseye.com/web/EQCS>

Members of the campus community must be aware that reporting an incident anonymously or providing inadequate information may limit MSC Southeast in conducting an investigation or resolving an issue.

In addition to reporting crimes, concerns regarding student welfare, hate incidents, college policy violations and other concerns can be reported directly to the Dean of Students or Security.

Anonymous Reporting at the MSC Southeast-Winona campus: MSC Southeast does not currently have a mechanism for anonymous reporting except for reports involving sexual violence. The [Report Sexual Violence Online](#) form is not designed to replace the need to contact MSC Southeast Security directly with information about an emergency, crime in progress or potential harmful situation. During those situations, contact MSC Southeast Security immediately at 507-457-5555 or the Winona Police Department at 507-457-6492 or in case of an emergency call 911.

Anonymous Reporting at the MSC Southeast-Red Wing campus: MSC Southeast does not currently have a mechanism for anonymous reporting except for reports involving sexual violence. The [Report Sexual Violence Online](#) form is not designed to replace the need to contact MSC Southeast directly with information about an emergency, crime in progress or potential harmful situation. During those situations, contact MSC Southeast Security immediately at 507-457-5555 or the Red Wing Police Department at (651) 385-3155 or in case of an emergency call 911.

Campus Security Authorities (CSAs) and Reporting of Crimes

The MSC Southeast Security Department 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 MSC Southeast who have significant responsibility for student and campus activities. Those individuals who are identified as Campus Security Authorities are mandated to report to MSC Southeast Security those crimes falling within the Campus Security Act. All employees, faculty or staff who become aware of an allegation in violation of institutional policy, student code of conduct, or civil or criminal law should report the allegation to their supervisor and MSC Southeast Security.

Campus Security Authorities includes (but not limited to) the following categories of individuals at MSC Southeast and others who have a “significant responsibility for student and campus activities:” These college officials include individuals in departments such as:

- Security
- Dean of Students Office
- Faculty or Staff Advisors to Student Organizations on Campus
- Building Access Monitors
- Administrators at Branch/Satellite/Separate Campuses
- Faculty leaders of College sponsored off-campus study programs
- Title IX Coordinator
- Victim Advocates

CSA Reporting for MSC Southeast Winona campus: These individuals should not attempt to investigate but should instead report and allow MSC Southeast Security or the Winona Police Department to investigate. All persons in the MSC Southeast community are encouraged to assist in the reporting of alleged criminal activity by contacting MSC Southeast Security 507-457-5555 and/or the Winona Police Department 507-457-6302, as well as providing assistance in making the report.

It is MSC Southeast’s position that all campus community members are responsible for reporting any criminal activity they become aware of to the MSC Southeast Security located in 204-D 507-457-5555, or the *Winona Police Department 507-457-6302* or in case of an emergency call 911.

Emailing the Director of Security, Chris Cichosz, ccichosz@winona.edu is the desired crime reporting option for MSC Southeast CSAs.

CSA Reporting for MSC Southeast Red Wing campus: These individuals should not attempt to investigate but should instead report and allow MSC Southeast Security or the Red Wing Police Department to investigate. All persons in the MSC Southeast community are encouraged to assist in the reporting of alleged criminal activity by contacting MSC Southeast Security 507-457-5555 and/or the Red Wing Police Department (651) 385-3155, as well as providing assistance in making the report.

It is MSC Southeast’s position that all campus community members are responsible for reporting any criminal activity to MSC Southeast Security located in room 312, 651-764-1511, or the *Red Wing Police Department 651-385-3155* or in case of an emergency call 911.

The online [CSA Report Form](https://secure.southeastmn.edu/csa/) is the desired crime reporting option for MSC Southeast CSAs.

MSC Southeast urges all campus entities that are excluded from mandatory reporting, such as professional mental health counselors to advise clients who are victims of crime to report those incidents to campus or local law enforcement authorities. They are also encouraged to advise persons they are counseling, who are victims of crimes, that they can report crimes on a

voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. MSC Southeast does not have pastoral counselors at the Winona or Red Wing campus’

According to the Federal Register, "the function of these administrators (significant responsibility) is not to determine whether a crime took place. That is the function of the law enforcement professionals working within the criminal justice system, but with respect to these regulations to report the alleged crime, that was received in good faith, to the appropriate law enforcement personnel, either campus or local police.”

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

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

MSC Southeast-Winona Campus

MSC Southeast Director of Security	507-457-5555	room 204-D, 250 Homer Road-Winona
Dean of Students	507-453-1420	room 124-O, 1250 Homer Road-Winona
Winona Police Department	507-457-6368	201 W. 3 rd Street, Winona
Winona Police Department (Emergency)		911

MSC Southeast-Red Wing Campus

MSC Southeast Security	651-764-1511	room 312 308 Pioneer Road, Red Wing
Dean of Students	507-453-1420	room 124-O, 1250 Homer Road-Winona
Red Wing Police Department	651-385-3155	430 W 6th St, Red Wing
Red Wing Police Department (Emergency)		911
Director of Security	507-457-5555	room 204-D, 1250 Homer Road-Winona

In most cases it is possible for a CSA to fulfill his or her responsibilities while still maintaining victim confidentiality.

The online [CSA Report Form](https://secure.southeastmn.edu/csa/) is the desired crime reporting option for MSC Southeast CSAs.
<https://secure.southeastmn.edu/csa/>

Crime Log

MSC Southeast Security maintains a daily crime log that lists the identifying report 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. MSC Southeast may

temporarily withhold information only if there is clear and convincing evidence that the release of information would;

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

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

MSC Southeast does not maintain residential housing facilities for the Winona or Red Wing Campus.

MSC Southeast Winona Campus: MSC Southeast Security makes the crime log for the most recent 60-day period open to public inspection during normal business hours. When a request for any portion of the crime log older than 60 days is made MSC Southeast Security will make the requested portion of the crime log available with two business days. To make a request for the crime log contact the Director of Security at 507-457-5555 or email at ccichosz@winona.edu. The most recent 60-day crime log for the MSC Southeast-Winona campus is held at the front desk near the receptionist.

MSC Southeast Red Wing Campus: MSC Southeast Security makes the crime log for the most recent 60-day period open to public inspection during normal business hours. When a request for any portion of the crime log older than 60 days is made MSC Southeast Security will make the requested portion of the crime log available with two business days. To make a request for the crime log contact the Director of Security at 507-457-5555 or email at ccichosz@winona.edu. The most recent 60-day crime log for the MSC Southeast-Red Wing campus is held at the front desk near the receptionist.

Geography

Pursuant to the Clery Act, MSC Southeast Security monitors criminal activity and publishes this report containing a three-year statistical history of select crimes or incidents that occur. The statistics are gathered from three specific geographic areas; 1) on campus, 2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that your institution owns or controls.

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

Definitions:

On-Campus: The term “campus” means 1) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and 2) any building or property within the same reasonably contiguous geographic area identified in #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).

Student Residences: An institution that has on-campus student housing facilities must separately disclose two sets of on-campus statistics. The total number of crimes that occurred on campus, including crimes that occurred in student housing facilities. The number of crimes that occurred in on-campus student housing facilities as a subset of the total. **MSC Southeast does not maintain residential student housing.**

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: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

Types of Crimes required to be recorded Under the Clery Act (See Appendix 2 for definitions of the crimes)

Murder and Non-negligent manslaughter

Manslaughter by Negligent

Sex Offenses:

Rape

Fondling

Incest

Statutory rape

Robbery

Aggravated assault

Burglary

Motor vehicle theft

Arson

Arrests and referrals for disciplinary actions, including:

Arrests for liquor law violations, drug law violations, and illegal weapons possession.

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

Hate crimes, including:

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

Larceny-theft

Simple assault

Intimidation

Destruction/damage/vandalism of property

For each hate crime recorded an institution must identify the category of bias that motivated the crime.

For the purposes of this, the categories of bias include the victim's actual or perceived:

Race

Gender

Gender identity

Religion

Sexual orientation

Ethnicity

National origin

Disability

Dating violence

Domestic violence

Stalking

**MSC Southeast Winona CAMPUS
Crime Statistics (2017 – 2019)**

OFFENSE	YEAR	ON CAMPUS PROPERTY	PUBLIC PROPERTY	NON CAMPUS PROPERTY	TOTAL
MURDER/NON-NEGLIGENT MANSLAUGHTER	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
RAPE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
FONDLING	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
INCEST	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
STATUTORY RAPE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
ROBBERY	2019	1	0	0	1
	2018	0	0	0	0
	2017	0	0	0	0
AGGRAVATED ASSAULT	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
BURGLARY	2019	0	0	0	0
	2018	0	0	0	0
	2017	1	0	0	1
MOTOR VEHICLE THEFT	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
ARSON	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
LIQUOR LAW ARREST	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
DRUG LAW ARRESTS	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
DRUG LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
ILLEGAL WEAPONS POSSESSION	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
ILLEGAL WEAPONS POSSESSION VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0

**MSC Southeast-Red Wing Campus
Crime Statistics (2017 – 2019)**

OFFENSE	YEAR	ON CAMPUS PROPERTY	PUBLIC PROPERTY	NON CAMPUS PROPERTY	TOTAL
MURDER/NON-NEGLIGENT MANSLAUGHTER	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
RAPE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
FONDLING	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
INCEST	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
STATUTORY RAPE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
ROBBERY	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
AGGRAVATED ASSAULT	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
BURGLARY	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
MOTOR VEHICLE THEFT	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
ARSON	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
LIQUOR LAW ARREST	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
DRUG LAW ARRESTS	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
DRUG LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
ILLEGAL WEAPONS POSSESSION	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
ILLEGAL WEAPONS POSSESSION VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0

**MSC Southeast-Winona Campus
Violence Against Women Reauthorization Act (VAWA)
2017 – 2019**

OFFENSE (VAWA)	YEAR	ON CAMPUS PROPERTY	PUBLIC PROPERTY	NON CAMPUS PROPERTY	TOTAL
DOMESTIC VIOLENCE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
DATING VIOLENCE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
STALKING	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0

**MSC Southeast- Red Wing Campus
Violence Against Women Reauthorization Act (VAWA)
2017 – 2019**

OFFENSE (VAWA)	YEAR	ON CAMPUS PROPERTY	PUBLIC PROPERTY	NON CAMPUS PROPERTY	TOTAL
DOMESTIC VIOLENCE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
DATING VIOLENCE	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
STALKING	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0

Hate Crimes

MSC Southeast strives to foster a safe and healthy learning environment that embodies diversity and inclusion of all members of the MSC Southeast community. The Hate Crime statistics are separated by category of prejudice.

If a Hate Crime occurs where there is an incident involving larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

Note: A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assault a victim, which is a crime, because the victim is considered part of a protected class. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability, the assault is then also classified as a hate/bias crime.

MSC Southeast-Winona Campus Hate Crimes

2019: No hate crimes to report

2018: No hate crimes to report

2017: No hate crimes to report

MSC Southeast-Red Wing Campus Hate Crimes

2019: No hate crimes to report

2018: No hate crimes to report

2017: No hate crimes to report

Unfounded Crimes

MSC Southeast -Winona Campus Unfounded Crimes

2019: 0 unfounded crimes

2018: 0 unfounded crimes

2017: 0 unfounded crimes

MSC Southeast -Red Wing Campus Unfounded Crimes

2019: 0 unfounded crimes

2018: 0 unfounded crimes

2017: 0 unfounded crimes

Emergency Notification

In the interest of promoting the safety of our campus community MSC Southeast uses the Blackboard Connect Emergency Notification System (ENS). Emergency messages are sent to students and employees through an email or text message, if a cell phone number is provided, when it is determined that an incident may threaten life, safety and/or severely impact standard campus operations. The ENS is used for emergency notifications as well as severe weather notifications or school closings.

Blackboard Connect has the capability of sending emails, text messages (if a cell number is provided), as well as automated phone calls announcing an emergency.

MSC Southeast students, faculty, and staff are automatically signed up for Blackboard Connect. Students and employees can manage the phone numbers and email addresses that receive alerts, visit the [Blackboard Connect ENS](https://southeastmn.bbcportal.com/) <https://southeastmn.bbcportal.com/>

As a wireless notification system, Blackboard Connect can provide immediate emergency communication and critical information even when computers and landline telephones are compromised. Notifications are brief and clearly identified as a MSC Southeast alert. They will include information on the situation at hand, what action to take, and where to find additional information.

MSC Southeast will attempt to notify the campus as soon as possible upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, staff, and visitors occurring on campus. Warnings may only be withheld if they would compromise efforts to contain the emergency.

Members of the campus community are also encouraged to monitor their college email accounts and the college's web site (www.southeastmn.edu) in the event of an emergency or disaster for additional information and instructions. In addition, updates may be posted via college social media (Facebook and Twitter) and by press release to regional media outlets (newspapers, radio and TV).

The ENS is tested on an annual basis throughout the campus community. Representatives on campus who are responsible for disseminating this information to the campus community include the following: Chief Information Officer (CIO), and the Vice-President of Finance & Administration.

Call 911 or MSC Southeast Security (507-457-5555) if you become aware of an emergency.

Determining the Appropriate Segment or Segments of the Campus Community to Receive Emergency Notifications

Representatives on campus who are responsible for developing the message and disseminating the information to the campus community include the following: Vice-President of Finance & Administration, Chief Information Officer, and the Director of Security. Local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification.

MSC Southeast does have the capability to segment between Winona Students, Winona Faculty & Staff, Red Wing Students, Red Wing Faculty & Staff. Institution officials will distribute the notification to the affected college community segment.

Determining the Contents of the Emergency Notification

The Director of Security in concert with the Vice-President of Finance & Administration, Chief Information Officer and local first responders are responsible for issuing the emergency notification and will determine the contents of the notification. The institution has developed a wide range of template messages for the ENS addressing several different emergency situations. The individuals listed above and authorized to activate the ENS have the ability to craft and disseminate a message without the assistance of others when time is critical, and message needs to be sent immediately.

In those cases where there are no pre-determined template messages in the system, the individual authorizing the alert will develop the most succinct message to convey the appropriate information to the community.

Procedures Used to Notify the Campus Community

In the event of a situation that poses an immediate threat to members of the campus community, the institution has various methods in place for communicating information quickly. Some or all these methods of communication may be activated in the event of an emergency to all or a segment of the campus community. These methods of communication included in the ENS include:

- Text message
- Voice call
- MSC Southeast email

Face-to-face communication may be used as well to communicate emergency information.

Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the ENS

MSC Southeast Security and/or other campus first responders may become aware of a critical incident or other emergency that potentially affects the health or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to Security or upon discovery by other institutional personnel.

If the Director of Security, VP of Finance and Administration, and Chief Information Officer in conjunction with other institution administrators, local first responders, public health officials and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the MSC SOUTHEAST community, the following steps will be followed.:

1. A MSC Southeast official will verify that a legitimate emergency or dangerous situation exists, even if all of the pertinent details are not known or are available at the time.
2. MSC Southeast officials, in coordination with and at the advice of local first responders, will determine the appropriate segment(s) of the campus community to receive notification. MSC Southeast does have the ability to separate notifications between the Winona Students, Winona Faculty & Staff, Red Wing Students, and Red Wing Faculty & Staff.
3. MSC Southeast will and take into account the safety of the community, determine the content of the notification, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
4. As soon as the condition that may compromise efforts is no longer present, the institution will issue the emergency notification to the campus community.

MSC Southeast’s authorized representatives for disseminating emergency notifications include the following:

- Vice-President of Finance & Administration
- Chief Information Officer
- Director of Communications
- IT & Web Developer

Emergency Notification System	Primary Message Creator	Backup Message Creator	Authority for approving and sending messages	Primary Message Sender/Distributor	Backup Message Sender/Distributor
Star Alert/ Blackboard Connect	Chief Information Officer	Communications Director	President or designee	Chief Information Officer	Developer or Communications Director
MSC SOUTHEAST Email	Chief Information Officer	Communications Director	President or designee	Communications Director	Marketing Director, Developer
College Website	Communications Director	Developer	President or designee	Communications Director	Marketing Director, Developer
Facebook/Twitter	Communications Director	Developer, Marketing Director	President or designee	Communications Director	Marketing Director, Developer

Blackboard Connect is an opt-out system, meaning students and staff are automatically enrolled in the ENS. MSC Southeast students and staff are automatically signed up to receive ENS alerts directly via MSC Southeast email and via text message if a cellphone number has been provided.

Follow-up information will be distributed using the ENS, except in the case of a fire alarm.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties.

If there is an immediate threat to the health or safety of students or employees occurring on campus, MSC Southeast will follow its emergency notification procedures. MSC Southeast will not issue a timely warning based on the same circumstances so long as MSC Southeast follows the emergency notification procedures. However, MSC Southeast will provide adequate follow-up information to the community as needed.

MSC Southeast Winona Campus: MSC Southeast is required by policy and fire code to have evacuation and emergency operations plans in place. [Evacuation plans](http://southeastmn.edu/security/index.aspx?id=264) <http://southeastmn.edu/security/index.aspx?id=264> and [Emergency Procedures](http://www.southeastmn.edu/security/index.aspx?id=268) <http://www.southeastmn.edu/security/index.aspx?id=268> can be found posted in each classroom, and on the website.

MSC Southeast Red Wing Campus: MSC Southeast is required by policy and fire code to have evacuation and emergency operations plans in place. [Evacuation plans](http://southeastmn.edu/security/index.aspx?id=264) <http://southeastmn.edu/security/index.aspx?id=264> and [Emergency Procedures](http://www.southeastmn.edu/security/index.aspx?id=268) <http://www.southeastmn.edu/security/index.aspx?id=268>

<http://www.southeastmn.edu/security/index.aspx?id=253> can be found posted in each classroom, and on the website.

MSC Southeast also has a current Emergency Operations Plan based on the all-hazards concept, incorporating the National Incident Management System (NIMS) and coordinated with the system office and local emergency response agencies. This plan is used to respond to any level of emergency impacting MSC Southeast and outlines the responsibilities and actions necessary to protect life, property, and the environment. Some of the processes and procedures are included in this report.

MSC Southeast has also posted the [Evacuation plans](http://southeastmn.edu/security/index.aspx?id=264) [Emergency Procedures](http://southeastmn.edu/security/index.aspx?id=264) <http://www.southeastmn.edu/security/index.aspx?id=268> Winona Campus, and [Emergency Procedures](http://www.southeastmn.edu/security/index.aspx?id=253) <http://www.southeastmn.edu/security/index.aspx?id=253> Red Wing Campus documents online.

Emergency Response and Evacuation Procedures

Emergency Evacuation Procedures

The emergency evacuation procedures are tested at least once each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. MSC Southeast staff does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, MSC Southeast staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At MSC Southeast evacuation drills are used to educate and train occupants on fire safety issues specific to their building. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

General 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 alarm, evacuate to a safe location using the nearest exit, and notify MSC Southeast Winona Security (507-457-5555) or dial 911. For the MSC Southeast Red Wing Security 651-764-1511 or dial 911.

1. Remain Calm

2. Assist the physically impaired. If they are unable to exit safely, secure a safe location near an exit, and immediately inform MSC Southeast Security or the Winona Fire Department of the individual's location.
3. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
4. Make sure all personnel are out of the building.
5. Do not re-enter the building.

Shelter-in-Place Procedures –What it Means to “Shelter-in-Place”

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit. Once you have evacuated, seek shelter at another building quickly. If MSC Southeast Security, police or fire department personnel are on the scene, follow their directions.

How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, MSC Southeast Security, the local police department with jurisdiction of the locations (Winona Police Department or Red Wing Police Department), or other authorities utilizing the college’s ENS.

How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
 - -An interior room;
 - -Above ground level; and
 - -Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (College facilities staff will turn off the ventilation as quickly as possible.)

6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to MSC Southeast Security so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio, TV, monitor MSC Southeast social media accounts, MSC Southeast ENS or the college website for further instructions.
8. Make yourself comfortable.

MSC Southeast will test the emergency response and evacuation procedures annually in accordance with this policy and applicable state and federal regulations. Emergency Response tests may be announced or unannounced. Emergency response and evacuation procedures will be publicized in conjunction with at least one test per calendar year using MSC Southeast email with links to the respective policies and procedures. Results of each test will be documented and include a description of the exercise, the date, time, and whether it was announced or unannounced.

Timely Warning

In the event a crime is reported or a situation arises, within the MSC Southeast Clery Geography (On Campus, Public Property and Non-campus property), that, in the judgment of the Director of Security and in consultation with responsible authorities (VP of Finance and Administration, Chief Information Officer, Director of Human Resources, when time permits, constitutes a serious or continuing threat, a campus wide “timely warning” notice will be issued.

Incidents will be evaluated by the Director of Security or designee, on a case-by-case basis to determine if a serious or ongoing threat to the community exists. The alerts are generally written and distributed to the MSC Southeast community by the Director of Security or a designee.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger MSC Southeast community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Director of Security. 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. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson

- Other Clery crimes as determined necessary by the Director of Security, or his or her designee in his or her absence.

Timely warnings may also be posted for other crime classifications, as deemed necessary for crimes occurring on MSC Southeast Clery geography. Until the investigation of the specific act has been concluded, it can be assumed that conditions continue to exist that may pose a threat to members and guests of the community.

Factors included in determining when to issue a timely warning are the nature of the crime or threat, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

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

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

MSC Southeast Crime Prevention and Educational Opportunities

MSC Southeast Security provides a variety of crime prevention programs and services including surveillance cameras, and crime prevention brochures. For more information concerning crime prevention programs/services visit the [MSC Southeast Security](#) web page or contact the Director of Security at 507-457-5555.

MSC Southeast Security provides assistance in presenting programs on campus safety and security. MSC Southeast Security develops and will present educational programs in the areas of crime prevention, personal safety, and ALICE-Active Shooter Response Training.

Training in ALICE-Active Shooter Response Training, emergency response, and other topics are and have been presented and can be personalized for specific groups on campus. Emergency Management training for administrators takes place on an annual basis. Self-defense seminars are provided upon request.

During the 2019 calendar year, MSC Southeast offered 1 crime prevention and security awareness program.

All crime prevention and security awareness programs encourage students and employees are encouraged to be responsible for their own security and the security of others.

Numerous safety programs can be found on the [MSC Southeast Security](#) web page. Members of the campus community who would like to arrange crime prevention, safety and/or any security related seminars may do so by contacting the Director of Security at ccichosz@winona.edu.

Type of Program	Training Takes Place	Available to whom
ALICE-Active Shooter Response Training	Spring, Summer	Students and employees
All MSC Southeast Crime Prevention Tips	Fall, Spring	Students and employees
Emergency Management System Tests	Spring	employees

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

Protect your property:

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

Protect your automobile:

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

Protect yourself at night:

- Avoid walking alone at night.
- Refrain from taking shortcuts; walk where there is plenty of light and traffic.

Protect yourself walking and jogging:

- Avoid walking and jogging alone after dark.
- Walk along well-lit routes.
- Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly for a lighted area or a group of people.
- Have your keys ready when returning to your residence or apartment and keep your personal or valuable items concealed and close to your body.

Help us protect you:

- Watch for suspicious persons in and around college buildings and in parking lots. Do not pursue them. Call Campus Security or 911 immediately.
 1. Suspicious activity:
 - (a) If you see any suspicious activity or people on or near campus, call law enforcement. Do not assume that what you observe is an innocent activity or that it has already been reported.
 - (b) Do not assume the person is a visitor or college staff member that you have not seen before.

2. Suspicious people may be:
 - (a) Loitering about at unusual hours and locations; running, especially if something of value is being carried.
 - (b) Exhibiting unusual mental or physical symptoms. Person(s) could be under the influence of drugs or otherwise needing medical or psychiatric assistance.
 - (c) Carrying property that might be suspicious, depending on the circumstances, going from room to room trying door handles.
- Report all thefts and property loss immediately to MSC SOUTHEAST Security 507-457-5555.
- Be security conscious at all times.

Security & Access to Campus Facilities (Infrastructure Security)

MSC Southeast Winona campus: Security is in room 204-D. MSC Southeast Winona campus Security is typically staffed Wednesday and Thursday 8:00 am-11:00 am and Monday-Thursday 5:45 pm- 8:00 pm during the fall and spring semester when classes are in session.

MSC Southeast Red Wing campus: Security is in room 312. MSC Southeast Security is staffed Monday-Thursday 4:00 pm-9:00 pm.

During business hours the MSC Southeast will be open to students, employees, contractors, guests, faculty, and staff. During non-business hours access to all institution facilities is by key or fob, if issued. During non-business hours and extended closings, the MSC Southeast will admit only those with prior approval from facilities or administration. MSC Southeast Security will not open any building, office, classroom, or other location that is normally locked during non-business hours unless approval is first received by an authorized person. Emergencies may necessitate changes or alterations to any established schedule.

The MSC Southeast campus is for the use of the faculty, staff, their escorted guests, and those on official business with the college. Visitors are reminded that access to campus buildings is limited to normal business hours.

Students, staff, and visitors are encouraged to report needed repairs to the MSC Southeast Facilities Department.

The following guidelines are designed to provide maximum security and protection for all concerned, and still provide convenient access to buildings. Keys are issued to authorized faculty and staff only. Exterior building doors should not be propped open when the doors are locked. Building evacuation is mandatory for all fire alarms.

MSC Southeast buildings are normally open 6:00 am to 9:00 pm Monday through Thursday and Friday 6:00 am until 6:00 pm. Buildings are locked during Saturday and Sunday.

Problems related to people in buildings after hours should be reported to MSC Southeast Security (507-457-5555) immediately.

Security staff as well as Facilities staff conduct routine patrols of campus buildings to evaluate and monitor security related matters.

MSC Southeast continuously reviews the physical security infrastructure to ensure appropriate steps are taken to maintain and enhance the safety and security of the campus. The campus works closely and routinely with the Minnesota State Emergency Preparedness and Security Specialist and the Facilities Department to evaluate campus physical security and vulnerability, programming resources to address any potential threats, vulnerabilities, or contingencies.

Sexual Assault and Related Offenses

Minnesota State College Southeast follows the Minnesota State Board [*Policy 1B.3 Sexual Violence, System Procedure 1B.3.1 Response to Sexual Violence, and System Procedure 1B.1.1 Report/Complaint of Discrimination and Harassment Investigation and Resolution.*](#)

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

This policy applies to MSC Southeast students and employees and to others, as appropriate, where incidents of sexual violence on MSC Southeast property have been reported.

Reports of sexual violence committed by a student at a location other than on MSC Southeast property are also covered by this policy. Reports of sexual violence committed by a MSC Southeast employee at a location other than MSC Southeast property are covered by this policy.

Reports of sexual violence committed on MSC Southeast property by individuals who are not students or employees are subject to appropriate actions by MSC Southeast, including, but not limited to, informing the complainant that he/she may pursue criminal or civil action.

Allegations of discrimination or harassment are governed by Minnesota State Board [*Policy 1B.1*](#)

MSC Southeast prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community. MSC Southeast does not discriminate on the basis of sex in its educational programs. Sexual harassment and sexual violence are types of sex discrimination. Sexual violence includes a continuum of conduct that includes sexual assault, dating and relationship violence, stalking, as well as aiding acts of sexual violence. As a result, MSC Southeast issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking,

whether the incident occurs on or off campus and when it is reported to a MSC Southeast official.

For detailed information about MSC Southeast's policy and procedure governing sexual violence, visit [Sexual Violence Policy & Procedure](http://www.southeastmn.edu/about_us/PoliciesAndProcedures/index.aspx?id=319#138).
http://www.southeastmn.edu/about_us/PoliciesAndProcedures/index.aspx?id=319#138

MSC Southeast Definitions

MSC Southeast follows the definitions set forth in Minnesota State Policy [1B.3](#), Sexual Violence Policy, to investigate and address complaints of sexual violence (sexual assault, non-forcible sex acts, dating and relationship violence, stalking, and aiding and abetting acts of sexual violence) regarding its employees and students. These policy definitions are as follows:

Sexual Violence: MSC Southeast policy defines sexual violence as a continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relationship violence, stalking, as well as aiding and abetting acts of sexual violence.

Dating, intimate partner, and relationship violence: MSC Southeast policy defines this as violence including physical harm or abuse, and threats of physical harm or abuse, arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota law.

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

Sexual assault: MSC Southeast policy defines sexual assault as an actual, attempted, or threatened sexual act with another person without that person's affirmative 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 codes of conduct and employee disciplinary standards. Sexual assault includes but is not limited to:

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

Stalking: MSC Southeast policy defines stalking as conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause reasonable people to fear for their safety or the safety of others or to suffer substantial emotional distress.

MSC Southeast uses affirmative consent as its standard of consent. MSC Southeast policy defines affirmative consent as 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 or resistance, or silence alone does not necessarily 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. See Minnesota State [*Policy 1B.3, part 2*](#).

Sexual Assault: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

Fondling: Is 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.

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

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

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

person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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. 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.

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

The State of Minnesota Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Domestic Violence: The State of Minnesota refers to its domestic violence statute as Domestic Assault. Domestic Assault is as follows: Whoever does any of the following against a family or household member: commits an act with intent to cause fear in another of immediate bodily harm or death; or intentionally inflicts or attempts to inflict bodily harm upon another. See Minn. Stat. [609.2242](#).

Dating Violence: The state of Minnesota does not have a definition of dating violence.

Domestic Assault: The state of Minnesota defines domestic assault as an act committed against a family or household committed with (1) the intent to cause fear in another of immediate bodily harm or death; or (2) intentionally inflicts or attempts to inflict bodily harm upon another.

Stalking: The state of Minnesota defines stalking as engaging 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. See Minn. Stat. [609.749](#).

Sexual Assault: The state of Minnesota does not specifically label or define sexual assault, but rather defines sexual contact and sexual penetration as follows:

Sexual Contact: includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

- (i) the intentional touching by the actor of the complainant's intimate parts, or
- (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by a person in a position of authority, or by coercion, or by inducement if the complainant is under 13 years of age or mentally impaired, or
- (iii) the touching by another of the complainant's intimate parts effected by coercion or by a person in a position of authority, or
- (iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts, or

- (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body.

- (b) "Sexual contact," for the purposes of sections [609.343, subdivision 1](#), clauses (g) and (h), and [609.345, subdivision 1](#), clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:
 - (i) the intentional touching by the actor of the complainant's intimate parts;
 - (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;
 - (iii) the touching by another of the complainant's intimate parts;
 - (iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts; or

 - (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body.

- (c) "Sexual contact with a person under 13" means the intentional touching of the complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

- **Sexual Penetration:** means any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, whether or not emission of semen occurs:
 - (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or
 - (2) any intrusion however slight into the genital or anal openings:
 - (i) of the complainant's body by any part of the actor's body or any object used by the actor for this purpose;
 - (ii) of the complainant's body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by a person in a position of authority, or by

coercion, or by inducement if the child is under 13 years of age or mentally impaired;
or

(iii) of the body of the actor or another person by any part of the body of the complainant or by any object used by the complainant for this purpose, when effected by a person in a position of authority, or by coercion, or by inducement if the child is under 13 years of age or mentally impaired.

The state of Minnesota criminal code sets forth that there are five degrees of criminal sexual conduct. These are defined as follows:

1. 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.

2. 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;

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.

3. 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.

4. 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.

- **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.

MSC Southeast Ongoing Prevention and Awareness Campaign

MSC Southeast engages students in a thorough online training program intended to address and reduce/prevent dating violence, domestic violence, sexual assault, and stalking.

MSC Southeast makes a concerted effort to promote information in support of reducing and eliminating sexual violence to both students and employees. This includes electronic and printed information about Title IX resources as well as information across campus from our local community resource partners. In the 2019 calendar year MSC Southeast did not offer any prevention or awareness campaigns at the College.

Primary Prevention and Awareness Programs

The College provides a primary prevention and awareness course to all incoming students and new employees at the start of each academic semester. New students and employees are automatically enrolled in this course and are required by State of Minnesota law to complete this course within 10 days of the start of the semester.

Specifically, the College offered the following **primary prevention and awareness programs** for all **incoming students** in calendar year 2019:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Sexual Violence Prevention Training for students	Continuous	Online	Sexual assault, dating and relationship violence, stalking

The College offered the following **primary prevention and awareness programs** for all **new employees** in calendar year 2019:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Sexual Violence Awareness and Prevention Training	Continuous	Online	Sexual assault, dating and relationship violence, stalking, reporting duties

Ongoing Prevention and Awareness Campaigns for MSC Southeast Winona and Red Wing Campus'

MSC Southeast did not offer any ongoing prevention or awareness campaigns in the 2019 calendar year for students or staff.

MSC Southeast did not offer programs and seminars in sexual assault, dating violence, domestic violence and stalking in 2019 for students or staff.

Health, Counseling & Wellness Services:

MSC Southeast’s Winona campus partners with Winona State University to offer physical health services at the WSU campus. MSC Southeast does not offer physical health services on the Red Wing campus. Both campuses have mental health counseling available. In Red Wing services are offered on campus by Hiawatha Valley Mental Health and in Winona services are offered on campus by a Winona State University mental health counselor. Winona State University also provides some health promotion-related programming on the Winona campus.

- [*Health Services*](#)

Minnesota State College Southeast Affirmative Action Office

Mary Ellen Kanz Winona Campus room 128-L 507-453-2673

24 Hour Crisis Line 507-452-4453

MSC Southeast Office of Equity & Inclusion

Winona Campus- “The Roost”

Red Wing Campus- Student Affairs suite, room 210-M 507-453-1437

MSC Southeast Winona Campus Security

Room 204-D 507-457-5555

MSC Southeast Red Wing Campus Security

Room 312 651-764-1511

Bystander Intervention:

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some of the ways to be an active bystander. If you or someone else is in immediate danger, call 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt. For more information, please contact the 24-Hour Crisis Line 507-452-4453.

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

Risk Reduction

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

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.

3. **Walk with purpose.** Even if you don't know where you are going, act like you do.
4. **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cash money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and

make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

- 16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- 17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgement before doing anything you may regret later.

Reporting an incident of sexual assault, dating or relationship violence, or stalking

Procedures MSC Southeast Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported

MSC Southeast has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. MSC Southeast will make such accommodations, if the complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to pursue a campus Title IX investigation or report to local law enforcement. Students and employees should contact the Title IX Coordinator, Josiah Litant at 507-453-1420, Winona Campus 124-O. For information on referrals or resources contact the 24-Hour Crisis line 507-452-4453 to make a confidential report online use the following link. [Report Sexual Violence Online](https://mycampuseye.com/web/EOCS) form or copy and paste the following address to access the report form. <https://mycampuseye.com/web/EOCS>

If a report of domestic violence, dating violence, sexual assault or stalking is reported to MSC Southeast, below are the procedures that the institution will follow:

Incident Being Reported	Procedure Institution Will Follow
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 4. Institution will provide complainant with referrals to on and off campus mental health providers 5. Institution will assess need to implement interim or long-term protective measures, if appropriate. 6. Institution will provide the victim with a written explanation of the victim’s rights and options

	<ol style="list-style-type: none"> 7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate 8. Institution will provide written instructions on how to apply for Protective Order 9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution 10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is 11. Institution 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 assisting in the investigation
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Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate
Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate
Domestic Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

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

Complainants are encouraged to report incidents of sexual violence to law enforcement for the location where the incident occurred. Complainants are also encouraged to contact the local victim/survivor services office, counseling, and health care providers, and MSC Southeast CSAs for appropriate action.

When informed of an alleged incident of sexual violence, all MSC Southeast students and employees are urged to encourage and assist complainants, as needed, to report the incident to local law enforcement, local victim/survivor services and campus security authorities.

If you are a Victim of a Sexual Assault, Dating Violence, Domestic Violence and/or Stalking

1. Go to a safe place.
2. Call the 24-Hour Crisis line 507-452-4453 for crisis intervention and support, assistance with personal safety planning, referrals to resources, what to expect if you report the crime to the university, information about gender-based violence, and information for family and friends of victims/survivors.
3. If you have been the victim of a sexual assault, you should seek medical attention immediately regardless of whether you report the matter to the campus or the police. Victims can seek medical attention. If in Winona victims can seek medical attention at WSU Health Services IWC #222 507-457-5160 or Winona Health 855 Mankato Ave, Winona MN 507-454-3650. If in Red Wing victims can seek medical attentions at Mayo Clinic Health System 701 Hewitt Blvd. Red Wing, MN 651-267-5500. By state law, the county in which the sexual assault occurred will pay for the cost of the sexual assault exam.
4. If you have been the victim of a sexual assault, you should consider having a medical forensic exam completed. This exam will collect evidence related to the assault but does not require you to make a report to law enforcement. Evidence collected during a medical forensic exam will only be tested if a report is made to law enforcement. 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 120 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. Forensic exams can be obtained on campus at the WSU Health Center or at any local hospital. 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.

Under Minnesota law, the county in which the sexual assault or rape occurred is responsible for the cost of collecting evidence during your medical forensic examination. The county must pay regardless of whether you report to law enforcement. After your medical forensic examination has been performed, the county may be reimbursed from

your insurance with your permission. Counties must obtain your approval prior to billing your insurance. Whether or not the county uses your insurance is your choice.

Evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining Order for Protections related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Security or the Winona Police Department or Red Wing Police Department to preserve evidence if the victim changes her/his mind at a later date. WSU Health & Wellness Services also provides a SANE nurse for victims (507-457-5160). Healthcare providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease regardless of a forensic examination takes place.

5. Timely and prompt reporting of a sexual assault within 120 hours is critical in preserving evidence important in proving a criminal case against the assailant. Do not bathe, douche, use the toilet, or change clothing.
6. You may, if you choose, file a police report with the appropriate law enforcement agency. For on campus incidents contact MSC Southeast Security at 507-457-5555 or Winona Police Department (911, non-emergency 507-457-6302). For Red Wing MSC Southeast (651-764-1511) or the Red Wing Police Department (911, non-emergency (651-385-3155).
7. If you would like assistance in filing a police report in Winona MSC Southeast Security, the Title IX Coordinator or the Advocacy Center of Winona (507-452-4453) can assist you. If you need assistance in Red Wing MSC Southeast Security, the Title IX Coordinator or Hope Coalition, 321 West Ave Red Wing, MN 55066 651-388-9360 can help.
8. MSC Southeast has counselors available virtually for the Winona Campus Tuesday 9 a.m. to 5 p.m. 507-453-2700. The Red Wing campus counselor is available Tuesdays 11:15 a.m. to 1:15 p.m. virtually as well 507-453-2700. For those wishing off campus services in Winona the Advocacy Center of Winona may be contacted at 507-452-4453 (100 Latsch Square, Suite 201, Winona, MN 55987). For off campus services in Red Wing Hope Coalition, 321 West Ave Red Wing, MN 55066 651-388-9360.
9. In order to reduce contact between the victim and the alleged assailant, MSC Southeast will, at the request of the survivor, attempt to provide a change in classes, academic schedules, transportation or working arrangements as applicable and take other appropriate remedial measures. MSC Southeast will provide written notice to victims of these options. These options are available to victims regardless of whether the victim chooses to report the crime to law enforcement or campus authorities. Options for support and accommodations as well as options for reporting can be provided by: Title IX Coordinator at 507-453-1420 or 24-Hour Crisis Line 507-452-4453.
10. You have the right to petition for an Order for Protection (OFP) or a Harassment Restraining Order (HRO), the Winona Police Department or Red Wing Police Department

has information available on how to file for and request an OFP or HRO as well as the Advocacy Center of Winona in Winona, MN (507-452-4453) or the Hope Coalition in Red Wing (651-388-9360). MSC Southeast may take actions it deems necessary or appropriate in response to all protection, restraining or no contact orders.

11. You may contact the Minnesota Crime Victims Reparations Board at 651-201-7300. The Crime Victims Reparations Board provides financial help to victims and their families for losses incurred as a result of a violence crime. You may also visit the [MN Department of Public Safety](https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/default.aspx). <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/default.aspx>

MSC Southeast will provide written notification to the victim of physical, healthy, mental health, victim advocacy, legal assistance and other support services available on campus and in the community as noted above as well as written explanation of his or her rights and options under MSC Southeast's Sexual Violence Policy.

After an incident of sexual assault or domestic violence, the victim should consider seeking medical attention as soon as possible at, if in Winona, WSU Health Services (Integrated Wellness Center #222 507-457-5160 or Winona Health 855 Mankato Ave, Winona MN 507-454-3650. If in Red Wing at Mayo Clinic Health System 701 Hewitt Blvd. Red Wing, MN 651-267-5500.

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

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to MSC Southeast investigators or police. Although MSC Southeast 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. MSC Southeast will assist any victim with notifying local police if they so desire. The Winona Police Department may also be reached directly by calling 507-457-6302 or in person at 201 West 3rd St. Winona, MN. The Red Wing Police can also be reached directly by calling (651) 385-3155 or in person at 430 W 6th St, Red Wing, MN.

Evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining Order for Protections related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the Winona Police Department or Red Wing Police Department to preserve evidence if the victim changes her/his mind at a later date. MSC Southeast has an agreement with Winona State University that allows MSC Southeast students to utilize the Health & Wellness facilities of WSU. Winona State University Health & Wellness Services also provides a SANE nurse for victims (507-457-5160). Healthcare providers can still

treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease regardless of a forensic examination takes place.

Additional information about the Winona Police Department or Red Wing Police Department may be found online at their websites: [Winona Police Department](#) or [Red Wing Police Department](#).

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Josiah Litant, 507-453-1420 room 124-O, 1250 Homer Road-Winona by calling, writing, using the [Report Sexual Violence Online](#) form <https://mycampuseye.com/web/EQCS> or coming into the office to report in person if you so desire. MSC Southeast provides on and off campus resources for persons who have been victims of sexual assault, domestic violence, dating violence, or stalking. By contacting the 24-Hour Crisis Line 507-452-4453, you can ask for all options and resources available to you.

The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the institution, below are the procedures that the institution will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

When MSC Southeast Officials are informed of an alleged incident of sexual violence, shall promptly assist the complainant, as requested. MSC Southeast will:

1. Provide complainant with written information to access medical care, depending on when reported (immediate vs. delayed report).
2. Assess and address immediate safety needs of complainant.
3. Assist complainant with contacting local police if complainant requests and provide contact information for local police department.
4. Provide complainant with referrals to on and off campus mental health providers.
5. Assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties.
6. Provide a "No Trespass" directive to accused party if deemed appropriate.
7. Provide written instructions on how to apply for an Order of Protection.
8. Provide a copy of the Sexual Violence Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.
9. Ensure that both complainant and respondent are informed concurrently of the outcome of the investigation and the right to appeal.
10. Enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

If a campus investigation is initiated regarding an incident of sexual assault, dating or relationship violence, or stalking, the Title IX Coordinator shall use the investigative procedure outlined in Minnesota State Procedure [1B.1](#) to conduct the investigation. The Title IX Coordinator shall act as the designated officer for purposes of the campus investigation.

Confidentiality

In cases involving allegations of sexual assault, dating or relationship violence and/or stalking, Complainants may request that their names be kept confidential during an initial consultation or the university's investigation. The Title IX Coordinator will decide whether to accommodate such requests, but will inform the Complainant that doing so will not be possible if, in the judgment of the Title IX Coordinator and under the particular circumstances involved, it would prevent the university from providing a safe and nondiscriminatory environment for the complainant and other members of the campus community. In such cases, the Title IX Coordinator will notify the Complainant before disclosing his or her name to the Respondent or other persons. Complainants may renew requests for confidentiality during formal investigations regarding their complaints, but in such cases will be told that the university's ability to proceed with the investigation may be limited as a result. Victims may request that directory information on file with the College be withheld by contacting: MSC Southeast Registrar's Office by calling Winona: (507) 453-2730 or Red Wing: (651)385-6328.

Regardless of whether a victim has opted-out of allowing MSC Southeast 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/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. Further, MSC Southeast will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Additionally, personally identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20)). MSC Southeast does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Timely Warning Notice is issued based on a report of dating or relationship violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

In addition, if a student or employee wish to report an incident of dating or relationship violence, sexual assault or stalking to the campus, this may be done through MSC Southeast confidential reporting system by completing the [Report Sexual Violence Online](#) form.

Additionally, confidential reporting can also be made using the [Report Sexual Violence Online](#) form.

Maintenance of report/complaint procedure documentation - Data that is collected, created, received, maintained or disseminated about incidents of sexual violence will be handled in accordance with the privacy requirements of the Minnesota Statutes [Chapter 13](#) (Minnesota Government Data Practices Act), and other applicable state or federal laws.

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

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

Relevant policies for MSC Southeast can be viewed in the entirety at the following locations.

- [Minnesota State Sexual Violence Policy](#)
- [Minnesota State Sexual Violence Procedures](#)
- [Minnesota State Report/Complaint of Discrimination/Harassment Investigation and Resolution](#)

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

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

In Minnesota, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

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

Further, MSC Southeast complies with Minnesota law in recognizing Orders of Protection and Harassment Restraining Orders. Any person who obtains an order of protection from Minnesota or any reciprocal state (Under VAWA’s full faith and credit provision, every state must recognize and enforce protection orders issued in other states, as if issued in the enforcing state) should provide a copy to MSC Southeast Security and the Office of the Title IX Coordinator. A complainant may then meet with MSC Southeast Security and the Title IX Coordinator to develop a Safety Action Plan, which is a plan for campus officials and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.).

MSC Southeast cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services. MSC Southeast can assist in completing the necessary paperwork for an Order of Protection, No Contact Order or Harassment Restraining Order. The protection orders may be available through Winona County Court Administration or the Goodhue County (Red Wing) Court Administration at no cost. MSC Southeast may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused.

Type of Order	Who Can File For One	Where to go for assistance	Criteria for Order
Order for Protection (OFP) Domestic Abuse	<ul style="list-style-type: none"> • Spouses • Former Spouses • Parents and Children • Persons related by blood • Persons who live together or who have lived together in the past • Persons who have a child in common, even if they have 	Visit the Winona County Courthouse 171 West 3 rd St. Winona, MN or the Goodhue County (Red Wing) Courthouse 454 West Sixth Street Red Wing, MN 55066 District Court staff will help you complete the paperwork (Affidavit and Petition) needed to ask for a temporary "ex parte" Order for	<ul style="list-style-type: none"> • physical harm, bodily injury, or assault; • the infliction of fear of imminent physical harm, bodily injury, or assault; or • terroristic threats, within the meaning of section 609.713.

	<p>not been married or lived together</p> <ul style="list-style-type: none"> • Persons who have an unborn child in common • Persons involved in a significant romantic or sexual relationship 	<p>Protection. You are called the "Petitioner" and the person you are filing against is called the "Respondent."</p> <p>Josiah Litant, Title IX Coordinator, room 124-O, 1250 Homer Road-Winona can assist students in completing and filing OFP's and harassment orders.</p> <p>Winona Advocacy Center 507-452-4453</p> <p>Red Wing: Hope Coalition 651-388-9360</p> <p>24-Hour Crisis Line 507-452-4453</p>	<p>subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.</p>
<p>Harassment Restraining Order (HRO)</p>	<p>Anybody who does not fall under the criteria for the Order for Protection.</p>	<p>To file a Harassment Restraining Order, you must first fill out a Court Administration form titled "Petitioner's Affidavit and Petition for Harassment Restraining Order."</p> <p>You may pick up a copy of this form from the Winona County Court Administration, or download it from the Minnesota Court System's web site. Provide as many details as possible on the form, and return it to Court Administration.</p> <p>Winona: Advocacy Center of Winona 507-452-4453</p>	<p>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.</p>

		Red Wing: Hope Coalition 651-388-9360 24-Hour Crisis Line 507- 452-4453	
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*Criteria for Order reflects Minnesota Statutes

Accommodations and Protective Measures Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, MSC Southeast provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

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

At the victim's request, and to the extent of the victim's cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus police 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 safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, or for assistance in requesting such accommodations, a victim should speak with the Dean of Students (for students) or the Director of Human Resources (for employees).

To the extent of the victim’s cooperation and consent, MSC Southeast offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal investigation of the complaint. If reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement.

Resources for victims (On-Campus) Winona and Red Wing

Health	MSC Southeast Health & Wellness	507-457-5160
Counseling & Mental Health	MSC Southeast Counseling-	507-457-5330
	Red Wing	651-385-6309
Victim Resources	24-Hour Crisis Line	507-452-4453
Visa and Immigration Assistance	Director of Admissions	507-453-2700
Reporting Resources	Title IX Coordinator-Josiah Litant	507-453-1420
	MSC Southeast Security	507-457-5555
Financial Aid	MSC Southeast Financial Aid	507-453-2710
Department of Education	US Department of Education www.ed.gov	1-800-872-5327

Off Campus Resources- Winona Campus

Counseling & Mental Health	Counseling Associates LLC	507-452-5033
	Hiawatha Valley Mental Health	507-454-4341
Health	Winona Health	507-454-3650
Victim Services and Advocacy	Women’s Resource Center	507-452-4453
Legal Assistance	Refer to Winona phonebook	MSC SOUTHEAST does not endorse or recommend a particular representative for legal assistance
Visa and Immigration Assistance	International Services	507-457-5303
Law Enforcement	Winona Police Department	911, non-emergency 507-457-6302

Off Campus Resources-Red Wing

Counseling & Mental Health	Hiawatha Valley Mental Health	651-327-2270
Health	Mayo Health System	651-385-3260
Victim Services and Advocacy	Hope Coalition	1-800-519-6690
Legal Assistance	Refer to the Red Wing phonebook	MSC Southeast does not endorse or recommend a particular representative for legal assistance
Visa and Immigration Assistance	Director of Admissions	507-453-2700
Law Enforcement	Red Wing Police Department	911, non-emergency (651) 385-3155

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

[Minnesota Coalition Against Sexual Assault](#)
[Rape, Abuse and Incest National Network](#)
[Department of Justice](#)
[Department of Education, Office of Civil Rights](#)

Maintenance of report/complaint procedure documentation - Data that is collected, created, received, maintained or disseminated about incidents of sexual violence will be handled in accordance with the privacy requirements of the Minnesota Statutes [Chapter 13](#) (Minnesota Government Data Practices Act), and other applicable state and federal laws.

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

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

Relevant policies for MSC Southeast can be viewed in the entirety at the following locations.

- [Minnesota State Sexual Violence Policy](#)
- [Minnesota State Sexual Violence Procedures](#)
- [Minnesota State Report/Complaint of Discrimination/Harassment Investigation and Resolution](#)

The institution does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request at the Registrar's Office 651-385-6328.

Procedures for Campus Disciplinary Action for VAWA Offenses

Reporting an incident of sexual assault, dating or relationship violence, or stalking

Victims of sexual assault or those witnessing any type of sexual violence or relationship violence are strongly encouraged to report the incident to MSC Southeast Security, Winona Police Department, Red Wing Police Department, Title IX Coordinator, or others mentioned in this section. A report with MSC Southeast can ensure that proper steps are taken to ensure the safety of the survivor as well as the safety of the campus community. Filing a report with MSC Southeast can also initiate the MSC Southeast disciplinary process and is an option for any person wishing to report a case of misconduct.

The MSC Southeast disciplinary process includes a prompt, fair and impartial investigation, and resolution process. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. Furthermore, each policy provides that:

Investigations and disciplinary procedures will be conducted by MSC Southeast officials who, at a minimum, receive training on how to conduct an investigation and decision-making process, as well as disciplinary procedures that protects the safety of victims and promotes accountability. MSC Southeast officials who conduct investigations and disciplinary procedures will not have any bias or conflict of interest toward either the accuser or the accused.

MSC Southeast will normally not take any disciplinary action against a member of the campus community without a complaint and the assistance of the complainant in the disciplinary process, unless MSC Southeast determines there is a danger to the victim or the MSC Southeast community.

Because of laws concerning government data contained in the Minnesota Government Data Practices Act, MSC Southeast cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged or confidential communications with licensed health care professionals or similar professionals.

Procedures used in response to a complaint of sexual violence complainants avoid requiring complainants to follow any plan of action, to prevent the possibility of re-victimization. The process will be respectful of the needs and rights of individuals involved and they will be treated with dignity. It is never assumed or suggested that the complainant or victim was at fault for the sexual assault or should have behaved differently to prevent the assault.

The process will be consistent with these policies and transparent to the complainant and the respondent. Student complainants and respondents will have the same opportunity to have an appropriate support person or advisor present at any interview or hearing, in a manner consistent

with the governing procedures and applicable data practices law. Employees have the right to representation consistent with the appropriate collective bargaining agreement or personnel plan. All procedures will be conducted in accordance with applicable due process standards and privacy laws.

For MSC Southeast to proceed with an investigation a complaint (whether by the victim or a third party) must be filed with the Title IX Office. Reports made to MSC Southeast Security will be forwarded to the Title IX Office. After receiving a report/complaint, the Affirmative Action Office, who receive annual investigatory training, shall take the steps listed below to ensure a prompt, fair, and impartial process following Minnesota State Colleges and Universities Board Policy 1B.3 Sexual Violence and System Procedure 1B.3.1 Sexual Violence Procedure.

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. Conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings. Both the complainant and respondent are allowed to have an advisor accompany them through the process. The advisor, however, will not be allowed to participate in questioning involving a student;
4. MSC Southeast will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited in that the advisor may only consult and advise his or her advisee but may not speak for the advisee during any meeting or hearing;
5. The accuser and the accused will be notified simultaneously, in writing, of any initial, interim and final decision(s) of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.
7. Investigate the complaint without identifying the complainant if, in the judgment of the designated officer, this would increase the likelihood of satisfactory resolution of the complaint;
8. The past sexual history of the complainant and respondent shall be deemed irrelevant except as that history may directly relate to the incident being considered;

9. Inform the complainant, respondent, witnesses and other involved individuals of the prohibition against retaliation and reprisal;
10. Create, gather and maintain investigative documentation as appropriate;
11. Disclose appropriate information to others only on a need to know basis consistent with state and federal law; and provide a data privacy notice (Tennessee warning) in accordance with state law;
12. Inform the complainant and respondent of the status of the investigation at reasonable times until final disposition of the complaint;
13. Conduct further investigation as deemed appropriate by the designated officer; prepare an investigation report for review by the decision-maker or for a title 14 hearing as outlined in the college and Minnesota State policies;
14. Take additional investigative measures as requested by the decision-maker or hearing officer;
15. Provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
16. Notify both the victim and the accused party in writing of the outcome of the investigation;
17. Provide the investigation report to the complainant or respondent upon request unless the information is protected under state or federal law.

MSC Southeast will attempt to complete an investigation and issue a written response within 60 days after a complaint is made unless reasonable cause for delay exists. MSC Southeast will notify the complainant and respondent if the written response is not expected to be issued within the 60-day period.

The complainant and the respondent may appeal the decision of the decision-maker. An appeal must be filed in writing with the president or designee within ten (10) business days after notification of the decision. During the pendency of the appeal, disciplinary or corrective action taken as a result of the decision shall be enforced. In addition, in cases involving sanctions of suspension for ten (10) days or longer, students shall be informed of their right to a contested case hearing under Minnesota Statutes, Chapter 14.

MSC Southeast uses a preponderance of the evidence standard of evidence in determining violations of its VAWA policies.

Sanctions may be imposed if a finding has been made that sexual violence has occurred. The appropriate sanction will be determined on a case by case basis taking into account the severity of the behavior, the nature of the relationship between the parties, the respondent's prior disciplinary history, and any other factors as appropriate. Possible sanctions for students include, but are not limited to: mandatory completion of sexual violence awareness and prevention programming,

issuance of no contact orders, suspension or expulsion from MSC Southeast, etc. Possible disciplinary actions for employees include, but are not limited to oral reprimand, written reprimand, suspension, or termination of employment.

During and upon completion of the complaint process, the complaint file shall be placed in a secure location (Affirmative Action Office). Access to the data shall be in accordance with the respective collective bargaining agreement or personnel plan, the Minnesota Data Practices Act, the Family Educational Rights and Privacy Act or other applicable law.

Sanctions: MSC Southeast may, at any time during the report/complaint process, reassign or place on administrative leave an employee alleged to have violated [*Minnesota State Board of Trustee Policy 1B.3*](#), in accordance with the procedures in [*Minnesota State Board of Trustee Policy 1B.1.1*](#). Such action must be consistent with the applicable collective bargaining agreement or personnel plan.

MSC Southeast may summarily suspend or take other temporary measures against a student alleged to have committed a violation of [*Minnesota State Board of Trustee Policy 1B.3*](#), in accordance with [*Minnesota State Board of Trustee Policy 1B.1.1*](#) or [*Minnesota State Board of Trustee Policy 3.6*](#).

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

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

During and upon completion of the complaint process, the complaint file shall be placed in a secure location in the Title IX Office. Access to the data shall be in accordance with the respective collective bargaining agreement or personnel plan, the Minnesota Data Practices Act, the Family Educational Rights and Privacy Act or other applicable law.

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

If a complainant no longer desires to pursue a complaint through MSC Southeast proceeding, MSC Southeast reserves the right to investigate and resolve the complaint as it deems appropriate. MSC Southeast reserves discretion whether to pursue alleged violations of policy under appropriate circumstances, including, but not limited to, a determination that an effective investigation is not feasible because of the passage of time, or because the respondent is no longer a student or employee of MSC Southeast.

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

Procedure for employees, students and individuals who are both an employee and student - Employees. If the respondent is an employee, the investigation and disciplinary decision-making shall be conducted pursuant to the procedures outlined in Board Procedure 1.B.1.1 except that use of the optional “Personal Resolution” described in Part 3. Subpart B. should not be encouraged in dealing with allegations of sexual violence due to the seriousness of the conduct.

Reports can be filed with the following agencies/individuals at MSC Southeast (Winona & Red Wing Campus’) regarding sexual assaults, stalking, harassment, dating violence and other related incidents:

Title IX	507-453-1420	room 124-O, 1250 Homer Road-Winona
Director of Security	507-457-5555	204-D 1250 Homer Road-Winona
Red Wing Security	651-764-1511	room 312 308 Pioneer Road, Red Wing

Parallel Proceedings

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

Complainants’ rights: are as follows:

1. Complainants have the right to file criminal charges with local law enforcement officials in any sexual assault case
2. They have all of the rights under the crime victims bill of rights, [*Minn. Stat. §§ 611A.01 – 611A.06*](#), including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety
3. Complainants are afforded the availability of prompt assistance from campus

Official Is, upon request, in notifying the appropriate campus investigating authorities and law enforcement officials, and, at the direction of law enforcement authorities, assistance in obtaining, securing, and maintaining evidence in connection with a sexual violence incident

4. Campus Security Authorities will assist in preserving for a sexual violence complainant, materials relating to a campus disciplinary proceeding
5. Complaints of incidents of sexual violence made to campus security authorities must be promptly and appropriately investigated and resolved
6. Upon a sexual assault complainant's request, MSC Southeast will take action to prevent unwanted contact with the alleged assailant, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes, or to a work site or to alternative college-owned housing, if such alternatives are available and feasible. Any accommodations or protective measures provided to the victim will be maintained in confidence, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
7. Upon the request of the complainant, students who report sexual assaults to MSC Southeast and subsequently chose to transfer to another college or university will be provided with information about resources for victims of sexual assault at the college or university to which the complainant is transferring.

MSC Southeast's Sexual Violence Policy, [Minnesota State 1B.3](#), applies to students and employees equally. The process by which a student or employee initiates an investigation as well as the investigation procedure utilized are the same regardless of whether Complainant or Respondent is a student or employee.

1. *How to File a Disciplinary Complaint Under this Policy*

To initiate a campus Title IX investigation related to a complaint of sexual assault, dating or relationship violence, or stalking, a report should be made either by:

Reporting the incident to the Title IX Coordinator at josiah.litant@southeastmn.edu or 507-453-1420; or Reporting the incident to Security at (507) 457-5555. Any sexual violence report made to campus security will be forwarded to the Title IX Coordinator

2. *How MSC Southeast Determines Whether This Policy will be Used*

When a report of sexual violence has been received, the Title IX Coordinator or other Designated Officer shall determine whether the College has jurisdiction over the parties or if the allegations made fall within the Sexual Violence Policy. If it is determined that the College lacks jurisdiction under the policy, the Title IX Coordinator will direct the Complainant to report the incident to the appropriate office, or law enforcement department and will provide assistance to do so, if requested.

3. *Steps in the Disciplinary Process*

The Title IX Coordinator shall:

- a.) meet with the complainant and respondent to explain the process and review their options

- b.) assign an investigator to conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
- c.) inform the witnesses and other involved individuals of the prohibition against retaliation;
- d.) direct the investigator to create, gather and maintain investigative documentation as appropriate;
- e.) disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice in accordance with state law; and
- f.) handle all data in accordance with applicable federal and state privacy laws.

4. *Anticipated Timelines*

The College shall complete the investigative process and issue a written response within 60 days after a complaint is made unless reasonable cause for delay exists. The Title IX Coordinator shall notify the complainant and respondent if the written response is not expected to be issued within the 60-day period. The college must meet any applicable shorter time periods, including those provided in the applicable collective bargaining agreement.

5. *Decision-Making Process*

The Title IX Coordinator shall:

- a) Prepare an investigation report.
- b) Refer the matter for a formal hearing.

1. **Formal Hearing.** Formal hearings for Title IX sexual harassment complaints will be conducted by the Office of Administrative Hearings pursuant to the rules for administrative hearings. If either the complainant or respondent does not have an advisor for the formal hearing, the college must provide an advisor without fee or charge to the complainant or respondent. The colleges shall maintain a roster of advisors for this purpose. The role of the advisor for the respondent is to conduct cross-examination on behalf of the respondent. At the conclusion of the formal hearing, the administrative law judge will issue a written recommendation for a final decision made by the college decision-maker.
2. **Decision-maker.** After receiving the report and recommendation prepared by the administrative law judge, the decision-maker shall:
 - a. Decide whether the policy has been violated; and
 - b. On appropriate sanctions if the policy has been violated;
 - c. Issue a written determination that must include:
 1. identification of the allegations potentially violating this policy;
 2. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearing help;
 3. findings of fact supporting the determination;
 4. conclusions regarding application of the policy to the facts;
 5. a statement of, and rationale, for the result as to each allegation, including determination regarding responsibility, any disciplinary sanctions the college

imposes on the respondent, and whether remedies designed to restore or preserve equal access to the college's education program or activity will be provided by the college to the complainant; and

6. the college's procedures and permissible bases for the complainant and respondent to appeal.

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

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

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

6. *Standard of Evidence*

MSC Southeast utilizes the preponderance of the evidence standard when determining whether or not behavior by a student or employee is in violation of the [*Sexual Violence Policy*](#).

7. *Possible Sanctions*

MSC Southeast may, at any time during the report/complaint process, reassign or place on administrative leave an employee alleged to have violated [*Minnesota State Board of Trustee Policy 1B.3*](#), in accordance with the procedures in [*Minnesota State Board of Trustee Policy 1B.1.1*](#). Such action must be consistent with the applicable collective bargaining agreement or personnel plan.

MSC Southeast may summarily suspend or take other temporary measures against a student alleged to have committed a violation of [*Minnesota State Board of Trustee Policy 1B.3*](#), in accordance with [*Minnesota State Board of Trustee Policy 1B.1.1*](#) or [*Minnesota State Board of Trustee Policy 3.6*](#).

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

In 2019 sanctions for violations included suspension and expulsion.

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

8. *MSC Southeast Protective Measures Available to a Victim Alleging Misconduct*

The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to a MSC Southeast order of no contact, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by MSC Southeast.

9. *How MSC Southeast Determines Whether This Policy will be Used*

The Title IX Officer will make the determination if a complaint will be processed under this policy.

Disclosure to Victims of Crimes of Violence or Sexual Violence

MSC Southeast will disclose to the alleged victim of a crime of violence, including sexual violence, the results of any investigation by MSC Southeast against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, MSC Southeast will provide the results of the disciplinary hearing to the victim's next of kin, if so requested. Requests can be made to the Title IX Coordinator, Josiah Litant josiah.litant@southeastmn.edu or 507-453-1420.

Filing an Appeal: The complainant or the respondent may appeal the decision of the decision-maker. An appeal must be filed in writing with the president or designee within ten (10) calendar days after notification of the decision. The appeal must state specific reasons why the complainant or respondent believes the decision or sentence were improper. In a complaint

against a president or other official who reports directly to the chancellor, an appeal may be considered by the chancellor whether or not the chancellor served as the decision-maker. In addition, for a formal Title IX complaint, both the complainant and respondent may appeal a dismissal of a formal complaint.

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

Campus Sex Crimes Prevention Act

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, section 121 of the Adam Walsh Child Protection and Safety Act of 2006, and the Family Educational Rights and Privacy Act of 1974, the MSC Southeast Security provides a link to the Minnesota Sex Offender Registry. This act requires institutions of higher education issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

Information regarding individuals on the registered sex offenders' list can be obtained from the Winona Police Department, 201 W. 3rd Street, Winona, MN 55987, 507-454-6100, and from the [Minnesota Department of Corrections Predatory Offender](https://coms.doc.state.mn.us/PublicRegistrantSearch/) website or type in the url: <https://coms.doc.state.mn.us/PublicRegistrantSearch/>

Information regarding individuals on the registered sex offenders' list can be obtained from the Red Wing Police Department, 430 W 6th St, Red Wing, MN 55066, 507-454-6100, and from the [Minnesota Department of Corrections Predatory Offender](https://coms.doc.state.mn.us/PublicRegistrantSearch/) website or type in the url: <https://coms.doc.state.mn.us/PublicRegistrantSearch/>

Alcohol Policy

<https://www.southeastmn.edu/Policies700.aspx>

In order to comply with Federal law, including, but not limited to, the Drug-Free Schools and Communities Act (34 CFR Part 86), the Drug-Free Workplace Act (34 CFR Part 85) and the Campus Security Act, MSC Southeast will adopt and implement a policy which is designed to prevent abuse of alcohol and the use of controlled substances.

Compliance with State Law MSC Southeast prohibits unlawful use, possession, production, manufacture, and/or distribution of alcohol and other drugs and controlled substances.

Except as provided in this policy, the possession, use, sale or distribution of alcoholic beverages and 3.2% malt liquor at MSC Southeast sponsored events on or off campus is prohibited.

Student violations to this policy will be directed to the Dean of Students Office (507-453-1420) to be addressed. Faculty and staff violations to this policy will be directed to the Director of Human Resources (507-453-2673) to be addressed. Guest violations to this policy will be directed to the Director of Security (507-457-5555) to be addressed.

- It is illegal for any person under the age of 21 to possess or attempt to purchase any alcoholic beverage.
- It is illegal for any person to sell, barter, furnish, or give alcoholic beverages to a person under age 21.
- It is illegal for any person under the age of 21 to enter a licensed premise for the purpose of purchasing or being served any alcoholic beverage.
- It is illegal for any person to misrepresent their age through false documents or to lend their identification to someone for the purpose of purchasing or using alcoholic beverages.
- It is illegal for any person under the age of 21 to drive with any amount of alcohol in their system.

The Winona Police Department or the Red Wing Police Department has primary responsibility for the enforcement of State underage drinking laws and MSC Southeast will cooperate with local law enforcement agencies when requested to do so.

Drug Policy

<https://www.southeastmn.edu/Policies700.aspx>

In order to comply with Federal law, including, but not limited to, the Drug-Free Schools and Communities Act (34 CFR Part 86), the Drug-Free Workplace Act (34 CFR Part 85) and the Campus Security Act, Minnesota State College Southeast will adopt and implement a policy which is designed to prevent abuse of alcohol and the use of controlled substances.

Compliance with State Law Minnesota State College Southeast prohibits unlawful use, possession, production, manufacture, and/or distribution of alcohol and other drugs and controlled substances.

Student violations to this policy will be directed to the Dean of Students Office (507-453-1420) to be addressed. Faculty and staff violations to this policy will be directed to the Director of Human Resources (507-453-2673) to be addressed. Guest violations to this policy will be directed to the Director of Security (507-457-5555) to be addressed.

Any sale or sharing of prescription drugs is prohibited.

The Winona Police Department and the Red Wing Police Department have primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

State and Federal Laws

The manufacture, possession, use, distribution, or sale of cocaine (powered cocaine and crack), narcotics, hallucinogens, marijuana, and the various individual drugs in these categories are illegal by Minnesota and Federal Law based on the Controlled Substances Act.

Students who are found in violation of this policy will; a) have the drugs and/or paraphernalia confiscated by staff or security; b) be referred to the Dean of Students and may face the possibility of legal action as local law enforcement may be notified. In addition, students found guilty of illegal drug use may lose their federal financial aid.

Firearms Policy

<https://www.southeastmn.edu/Policies700.aspx>

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

No person is permitted to carry or possess a firearm on MSC Southeast property except as provided in this policy. No vehicle owned, leased, or otherwise under the control of MSC Southeast be used to store or carry a firearm, except as authorized for purposes under this policy.

Employees are prohibited from possessing or carrying a firearm while acting in the course and scope of their employment, either on or off MSC Southeast property, regardless of whether the employee has a permit to carry a firearm, except as otherwise provided in this policy.

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

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

MSC Southeast Alcohol & Other Drug Education & Prevention Programs

www.southeastmn.edu/wellness

In compliance with the Drug Free Schools and Communities Act, MSC Southeast publishes information regarding the College's sanctions for violations of federal, state, and local laws and related College policy. A complete description is provided in the College's annual notification to students and employees, and is available online at: <http://www.southeastmn.edu/Policies700.aspx>

Reducing Alcohol Availability

MSC Southeast restricts alcohol on campus. MSC Southeast president has the authority to approve the use of alcohol at specific special events on campus or at college sponsored events off campus with rare exceptions.

The illegal use, possession, distribution, manufacture or sale of any controlled substance, drugs, or alcoholic beverages is prohibited for individual students and/or student organizations at College events on or off-campus and on travel status when representing MSC Southeast (e.g., as a member of athletic team, sports club, Student Senate, student organizations and groups, member of a MSC Southeast group, delegation, etc.).

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

MSC Southeast's alcohol and other drug policy is comprehensive in scope, the policy clarifies expectations for students off-campus, prohibits disruptive use of alcohol (aimed at student drinking off-campus and causing problems on-campus), and restricts alcohol advertising, among other areas addressed.

MSC Southeast Substance Abuse Resources

Winona State University: Health, Counseling & Wellness Services, 507-457-5160, Integrated Wellness Complex 222 offers medical care and counseling services.

Health Promotion Office, 507-457-5619, Integrated Wellness Complex 138
Offers confidential substance use assessments and educational courses.

Winona and Red Wing Area Substance Abuse Resources

Winona Health, 507-454-3650

Primary care, behavioral health and emergency care services offered.

Hiawatha Valley Mental Health Center, 507-454-4341 (Winona), 651-327-2270 (Red Wing)

Behavioral health care agency with both outpatient and residential services.

Common Ground MN, 507-281-0023

Behavioral health care agency offering individual and group based mental health treatment for substance use disorders.

Crisis Response, Southeast Minnesota, 1-844-274-7472

Crisis helpline for adults, children, youth and families in southeast Minnesota. Available 24/7

Substance Use Health Risks

For more complete information on the health effects of substances please visit:

<https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.

Alcohol – Alcohol can cause disruptions in mood and behavior, cardiomyopathy, arrhythmias, stroke, high blood pressure, liver diseases such as fibrosis, steatosis, hepatitis, cirrhosis; pancreatitis, increase cancer risk for mouth, lung, heart, throat, liver and breast cancer. Alcohol is addictive and can cause death.

Cocaine - A powerfully addictive stimulant drug made from the leaves of the coca plant native to South America. Can cause narrowed blood vessels; enlarged pupils; increased body temperature, heart rate, and blood pressure; headache; abdominal pain and nausea; euphoria; increased energy, alertness; insomnia, restlessness; anxiety; erratic and violent behavior, panic attacks, paranoia, psychosis; heart rhythm problems, heart attack; stroke, seizure, and coma.

MDMA/Molly/Ecstasy - A synthetic, psychoactive drug that has similarities to both the stimulant amphetamine and the hallucinogen mescaline. MDMA is an abbreviation of the scientific name *3, 4-methylenedioxy-methamphetamine*. Can cause lowered inhibition; enhanced sensory perception; confusion; depression; sleep problems; anxiety; increased heart rate and blood pressure; muscle tension; teeth clenching; nausea; blurred vision; faintness; chills or sweating; sharp rise in body temperature leading to liver, kidney, or heart failure and death

Methamphetamine - An extremely addictive stimulant amphetamine drug. Can cause Increased wakefulness and physical activity; decreased appetite; increased breathing, heart rate, blood pressure, temperature; irregular heartbeat. Other effects include: anxiety, confusion, insomnia, mood problems, violent behavior, paranoia, hallucinations, delusions, weight loss, severe dental problems (“meth mouth”), and intense itching leading to skin sores from scratching.

Marijuana - THC is the psychoactive chemical in this plant. It can cause increased heart and pulse rate, increased appetite, an altered sense of time, impaired memory and decreased concentration, reaction time and coordination.

Synthetic Cannabinoids - A wide variety of herbal mixtures containing man-made cannabinoid chemicals related to THC in marijuana but often much stronger and more dangerous. Sometimes misleadingly called “synthetic marijuana” and marketed as a “natural,” “safe,” legal alternative to marijuana. Can cause increased heart rate; vomiting; agitation; confusion; hallucinations, anxiety, paranoia; increased blood pressure and reduced blood supply to the heart; and heart attack.

Synthetic Cathinones/Bath Salts - An emerging family of drugs containing one or more synthetic chemicals related to cathinone, a stimulant found naturally in the khat plant. Examples of such chemicals include mephedrone, methylone, and 3, 4-methylenedioxypropylone (MDPV). Can cause increased heart rate and blood pressure; euphoria; increased sociability and sex drive; paranoia, agitation, and hallucinations; psychotic and violent behavior; nosebleeds;

sweating; nausea, vomiting; insomnia; irritability; dizziness; depression; suicidal thoughts; panic attacks; reduced motor control; and cloudy thinking.

Hallucinogens - This classification of psychoactive drugs include LSD, Psilocybin, Ketamine, Saliva, Peyote, PCP, and other amphetamine based derivatives. Use of these drugs can create visual hallucinations, altered perception of one's own body, agitation, paranoia, and hyperactivity.

Heroin - An opioid drug made from morphine, a natural substance extracted from the seed pod of the Asian opium poppy plant. Can cause euphoria; warm flushing of skin; dry mouth; heavy feeling in the hands and feet; clouded thinking; alternate wakeful and drowsy states; itching; nausea; vomiting; slowed breathing and heart rate. Other health effects: collapsed veins; abscesses (swollen tissue with pus); infection of the lining and valves in the heart; constipation and stomach cramps; liver or kidney disease; pneumonia.

Prescription Opioids - Pain relievers with an origin similar to that of heroin. Opioids can cause euphoria and are often used nonmedically, leading to overdose deaths. Can cause pain relief, drowsiness, nausea, constipation, euphoria, confusion, slowed breathing, and death.

Prescription Sedatives - Medications that slow brain activity, which makes them useful for treating anxiety and sleep problems. Can cause Drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, and slowed breathing.

Prescription Stimulants - Medications that increase alertness, attention, energy, blood pressure, heart rate, and breathing rate. May cause increased alertness, attention, energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages. High doses can lead to dangerously high body temperature and irregular heartbeat; heart failure; and seizures.

Solvents/Inhalants - Solvents, aerosols, and gases found in household products such as spray paints, markers, glues, and cleaning fluids; also nitrites (e.g., amyl nitrite), which are prescription medications for chest pain. This activity brings about a feeling of lightheadedness, euphoria, loss of appetite, forgetfulness, headache, nausea, flush, dizziness and possibly death by heart or respiratory failure.

Tobacco - Plant grown for its leaves, which are dried and fermented before use. Can greatly increase risk of cancer, especially lung cancer when smoked and oral cancers when chewed. Other effects include: chronic bronchitis; emphysema; heart disease; leukemia; cataracts; pneumonia.

Lockdowns

A lockdown is an emergency course of action ordered by a person or persons in command, such as law enforcement, MSC Southeast administration, etc. to contain a problem or incident within the area of origin by controlling the movement of people. When considering a lockdown of

campus facilities, campus authorities will consider the severity and urgency of the problem or threat and the imminent danger to persons on the campus.

When a lockdown is ordered members of the campus community are encouraged to take appropriate action immediately. MSC Southeast may use several different options in making notification to the campus community.

Appendix 1

Definitions

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

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

Pistol. Means a weapon as defined in Minnesota Statutes section [624.712, subd. 2](#)

Employee. "Employee" means any individual employed by MSC Southeast, including student workers.

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

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

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

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

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

Employees.

1. Prohibition. Employees are prohibited from possessing or carrying a firearm while acting in the course and scope of their employment, either on or off campus property, regardless of whether the employee has a permit to carry a firearm, except as otherwise provided in this policy.

Appendix 1 continued

2. Employee reporting responsibility. An employee with a reasonable basis for believing an individual is in possession of or carrying a firearm in violation of this policy has a responsibility to report the suspected act in a timely manner, unless doing so would subject the employee or others to physical harm. Reports should be made to the official designated in the applicable policy included in this report. This policy shall not prohibit prompt notification to appropriate law enforcement authorities when an immediate threat to personal safety exists. Employees shall not make reports of a suspected violation knowing they are false or in reckless disregard of the truth.

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

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

Exceptions. The following are exceptions to this policy:

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

Authorized uses. This policy does not prohibit:

1. Lawful possession or carry related to an academic use or use at a campus shooting range, such as law enforcement programs, approved in writing by the college or university president; or
2. Transport of an unloaded firearm directly between a parking area or parking facility and the location authorized for its use, or transport of an unloaded firearm directly between a parking area or parking facility and a storage facility provided by the college or university.
3. Possession or carry of a pistol by a visitor who has a lawful permit to carry a pistol pursuant to Minnesota Statutes section [624.714, subd. 1a](#) (Minnesota State [Policy 5.21 Possession or Carry of Firearms](#)).
4. Possession or carry of a firearm by a licensed peace officer under Minnesota Statutes section [626.84, subd. 1\(c\)](#) or by a qualified law enforcement officer pursuant to 18 United States Code section 926B ([see related documents below](#)), when possession or carry is otherwise authorized by law.

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

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

Appendix 2

Clery Act Reportable Crime Terms & Definitions

Murder and Non-negligent Manslaughter: the willful (non-negligent) killing of one human being by another. Any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.

Manslaughter by Negligence: the killing of another person through gross negligence. Any death caused by the gross negligence of another.

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

- **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling:** Is 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.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

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

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

Burglary: The unlawful entry of a structure to commit a felony or a theft.

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

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.

Clery Act Reportable Hate Crimes

Hate Crimes: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias, under the Clery Act, are race, religion, sexual orientations, gender, gender identity, ethnicity, national origin, disability.

- **Larceny-Theft:** the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- **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.
- **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.
- **Destruction/Damage/Vandalism of Property:** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Violence Against Women Act (VAWA) Offenses

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

Appendix 2 continued

the relationship. 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.

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

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or

anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Arrests and Disciplinary Referrals for Violation of Weapons, Drug Abuse and Liquor Laws

Arrest: Persons processed by arrest, citation or summons.

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

Drug/Narcotic 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.

Alcohol 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.

Weapons 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.