



**Northwest
Technical College**

Bemidji, Minnesota

2021 Campus Crime Report

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INTRODUCTION

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.

Pursuant to the Act, the Department of Public Safety monitors criminal activity and publishes this report containing a three-year statistical history of select crimes or incidents that occur. This report is distributed to all potential students and employees. All current students, faculty and staff are sent an email that briefly describes the content of the report and also the exact Internet address where it can be found: <http://www.ntcmn.edu/myntc/wp-content/uploads/sites/9/2021/10/2021-NTC-Crime.pdf>, and it is available upon request in printed form at the One Stop and the Administrative Office, Northwest Technical College, 905 Grant Avenue SE, Bemidji, MN 56601, 218-333-6600. The report contains information regarding campus safety and security as required by the **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**.

DEPARTMENT OF PUBLIC SAFETY AUTHORITY

The Department of Public Safety at Northwest Technical College is recognized as the primary campus department responsible for providing security services for learners, faculty, staff and campus visitors. The department is comprised of full-time professional and part-time paraprofessional officers. Public Safety officers are **NOT** licensed police officers and do not possess the power of arrest as defined by Minnesota State Statute, but have been granted the authority by the College President to enforce College policy, which is not inconsistent with federal, state or local law, and to make citizens arrests when necessary.

The Bemidji Police Department provides fully licensed police protection for Northwest Technical College. The Department of Public Safety has developed a working relationship with the Bemidji Police Department that allows for immediate response to all crimes, emergencies, or requests for service generated by the campus. On occasion, the Department of Public Safety works with other law enforcement agencies such as the Beltrami County Sheriff's Department, the Minnesota Bureau of Criminal Apprehension, the Paul Bunyan Drug Task Force, the Federal Bureau of Investigation, and the Minnesota State Patrol.

It is the policy of Northwest Technical College to report all criminal activity to the Bemidji Police Department by reporting incidents directly to their office or to the Department of Public Safety. All crimes, or potential crimes, that are reported to the Department of Public Safety will be forwarded to the Bemidji Police Department. It is also the college's position that all campus community members are responsible for reporting any criminal activity they become aware of to the Department of Public Safety, Walnut Hall at Bemidji State University, 218-755-3888, or the Beltrami County Law Enforcement Center, 218-333-9111 (emergency 911).

Northwest Technical College urges all campus entities that are excluded from mandatory reporting, such as professional mental health counselors and pastoral counselors, to advise clients who are victims of crime to report those

incidents to campus or local law enforcement authorities, and to report confidential information used strictly for statistical purposes to the Department of Public Safety.

CRIME PREVENTION PROGRAMS

The Department of Public Safety offers programs to the campus community through a Campus Crime Prevention Professional. The programs are designed to inform the campus community regarding security procedures and practices, and to encourage responsibility for personal safety. The programs present personal safety, and crime prevention techniques. The programs are presented by a certified Campus Crime Prevention Professional who is a full time staff member with the Department of Public Safety. The programs can be scheduled by request by contacting the Director of Public Safety, at 218-755-3888.

FACILITIES SURVEYS

The Director of Public Safety, or a designee, along with the Facilities Services Supervisor do an annual security survey, where they examine physical security issues such as landscaping, locks, alarms, and lighting.

ACCESS TO CAMPUS FACILITIES

Access to all Northwest Technical College buildings and facilities are restricted to normal business hours, which is generally from 6:45 a.m. to 10:00 p.m. Monday through Friday during the academic year. Access during summer months and break periods may vary. Use of Northwest Technical College facilities is intended for students, faculty, staff, and authorized visitors. Persons not associated with the college may be asked to leave campus and are subject to legal process if non-compliant.

Access to the building at other hours is limited to those holding college-issued keys or through pre-arrangement with the Director of Facilities for activities approved by the President or Dean or designee. Keys are issued from the Office of the Dean.

Although the Department of Public Safety routinely patrols all campus facilities, it is impossible to maintain a continuous presence in all facilities at all times. Learners, faculty, staff and visitors are urged to take appropriate steps to insure their own personal safety. Please report suspicious individuals and activities or hazardous conditions immediately to the Department of Public Safety, 755-3888.

PERSONAL SAFETY RESPONSIBILITY

Department of Public Safety staff members are available to assist you in protecting yourself by providing regular foot and/or vehicle patrols. However, only you can protect yourself by being aware of your surroundings and taking appropriate precautions to avoid being the victim of a crime.

PROPERTY PROTECTION

- 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.

- Utilize bike racks and always lock your bike. There are several good anti-theft devices available and casehardened heavy locks and chains afford the best protection.

VEHICLE PROTECTION

- Always lock your car doors and never leave your keys in the vehicle.
- Try to park your car in well-lit areas.
- Avoid leaving property where it's visible; utilize your trunk if necessary.

PERSONAL SAFETY

- Avoid walking alone at night.
- Refrain from taking short cuts, walk where there is plenty of light and traffic.
- Avoid walking and jogging alone after dark. If you must travel alone at night, use the Department of Public Safety's Escort Service (218-755-3888) to escort you to your on-campus destination.
- Walk along well-lit routes.
- Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly for a lighted area or a group of people.
- Have your keys ready when returning to your residence hall or apartment and keep personal or valuable items concealed and close to your body.
- Watch for suspicious persons in and around University buildings or parking lots. Do not pursue them. Immediately contact the Department of Public Safety (218-755-3888).
- If you see any suspicious activity or people on or near campus, call the Department of Public Safety (218-755-3888). Do not assume the person is a visitor or University staff member that you have not seen before.

CRIMES AND SUSPICIOUS ACTIVITY

Learners, faculty, staff, and guests of the college are encouraged to immediately report emergencies and criminal activity to the Department of Public Safety or the Bemidji Police Department (911). You can reach the Department of Public Safety by calling 218-755-3888. This number is answered all day, every day.

The dispatcher will alert on-duty public safety officers and call Bemidji Police when necessary. The Public Safety officer will respond, assist any victim, and prepare reports and other documentation for follow-up. The Public Safety officer can also assist crime victims in reporting a crime to the Bemidji Police Department and the public safety officer will report the crime to the Bemidji Police Department if the victim is unable to make such a report.

CRIME REPORTING PROCEDURES/POLICY

All learners, faculty, staff, and campus visitors are urged to report any crime they become aware of to the Department of Public Safety and/or the Bemidji Police Department, (non-emergency) 218-333-9111, (emergency) 911.

Individuals reporting to the Department of Public Safety who also elect to file a complaint with the Bemidji Police Department will be provided assistance in making that contact. If the victim is unable to make a police report, the Department of Public Safety will accurately and promptly report the incident to the Bemidji Police Department. In addition, if the Department of Public Safety becomes aware that a crime has been committed, college policy requires this information be forwarded to the Bemidji Police Department in a timely manner.

For on-campus emergencies, dial 911. Emergency services will immediately be dispatched from local agencies to your location, and that information will also be relayed to the Department of Public Safety who will also dispatch personnel to the incident location.

For off campus crimes please contact the Bemidji Police Department. The Department of Public Safety and Bemidji Police Department have a mutual working agreement and each department augments the other, within their jurisdiction, during mutual investigations. The Director of Public Safety has regular meetings with the Bemidji Police Chief to exchange ideas and discuss problems which are relevant to the college community as well as the community of Bemidji.

ACCURATE AND PROMPT CRIME REPORTING

Northwest Technical College strongly encourages accurate and prompt reporting of all crimes, especially those on or near campus, to local law enforcement and the college. Accurate and prompt crime reports allow the Department of Public Safety, the Bemidji Police Department, and others to effectively track crime patterns and alert the community. Public Safety officers are NOT sworn police officers. Public Safety officers can assist crime victims in making a police report.

CAMPUS SECURITY AUTHORITIES

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires the declaration of “Campus Security Authorities.” Campus Security Authorities are defined as, “An official of an institution who has significant responsibility for student and campus activities.” Campus Security Authorities are individuals that reports should be made to, for the purpose of making “Security Alerts” and the annual statistical disclosure. Northwest Technical College has determined that the following positions fit the criteria:

President and Vice Presidents, Faculty Advisors to student groups and organizations, Department of Public Safety employees, Deans, Student Development Officials, and other campus officials who have significant responsibilities for student and campus activities.

CONFIDENTIAL REPORTING PROCEDURES

If you are the victim of a crime, and do not wish to pursue action within the college or criminal justice systems, you should still consider making a confidential report. With your permission, the Director of Public Safety, or their designee, may file a report that documents the details of your incident without revealing your identity. With this information, the college can keep accurate records of incidents and better identify crime trends. Reports filed in this matter are counted and disclosed in the annual crime statistics for the institution, but again are entirely confidential.

CAMPUS PASTORAL AND PROFESSIONAL COUNSELORS

Campus pastoral and professional counselors, when acting as such, are not required to report crimes for inclusion in the Annual Crime Report. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform individuals being counseled of the procedures to report crimes on a voluntary basis. This would then be included in the statistics of the Annual Crime Report.

A “pastoral counselor” is an employee of the institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

A “professional counselor” is an employee of the institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification

TIMELY WARNINGS (AKA “SECURITY ALERTS”)

The Department of Public Safety will issue a Timely Warning for all Clery Act crimes reported to Campus Security Authorities or local police agencies and considered by Northwest Technical College officials to represent a serious or continuing threat to students, faculty and staff. Timely warning will not be limited to violent crimes or crimes against persons, and may include crimes against property or other types of serious or continuing threats.

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

The intent of a Timely Warning is to enable the campus community to protect themselves and will include all information that would promote safety and aid in the prevention of similar crimes or protection from specific threats.

Timely warnings will be posted on bulletin boards throughout campus, and may also be found on the web at: <https://www.bemidjistate.edu/services/public-safety/alerts/>. Timely warnings will remain posted as long as it is determined a threat exists, or will be removed after thirty days if no similar incidents occur. Anyone with information warranting a Timely Warning should report the circumstances to the Department of Public Safety, by phone (218-755-3888) or in person in the basement of Walnut Hall.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Upon confirmation of a significant emergency, or dangerous situation, involving an immediate threat to the health or safety of learners or staff occurring on campus, it is the policy of the Department of Public Safety to make every effort available to contact every learner, staff, and faculty member, unless issuing a notification will compromise the efforts to contain the emergency.

Northwest Technical College has several methods of mass notification. The Department of Public Safety is a user of Blackboard Connect, a system that both calls primary contact phone numbers of learners, staff and faculty as well as sending an instant e-mail to all campus accounts. Blackboard Connect along with Northwest Technical College’s evacuation procedures are tested independently several times a year. During Minnesota’s Severe Weather Awareness Week a full scale test of all emergency notification systems on campus is conducted.

The information collected and inputted into the Blackboard Connect system is extracted from registration records that individuals provided upon NTC entry. The Blackboard Connect system is only used for purposes of emergency communication and will not be sold or used for marketing or any purpose other than emergency communications. "Emergency communications" is defined to be communication that is vital information to help minimize any significant risk to the health and safety of the community.

Procedure

Blackboard Connect may be activated by: the Vice President for Finance & Administration, Vice President for Student Development & Enrollment, Vice President of Academic Affairs, Director of Public Safety or designees.

Blackboard Connect is tested once a semester to ensure the system is in good working order and to assist campus community members with emergency preparedness in the event of an actual emergency.

Registration

1. Learners, faculty and staff are automatically enrolled in Blackboard Connect. Individuals are responsible for providing accurate data. The University assumes no liability or responsibility for improper or outdated data.
2. Learner data is collected from E-services. Every student must assure that their information in E-services is accurate and current for successful Blackboard Connect notification. Students who would like to edit their contact information should log into [MyBSU/MyNTC](#), click on E-services, click on Account Management and then click on Address Info.
3. Faculty and staff data is collected from the BSU/NTC Portal. Faculty and staff who would like to edit their contact information should log into [MyBSU/MyNTC](#), go to Settings in the upper right corner and click on Directory/Contact Info.

Emergency Procedures Guides are distributed to all campus offices, made available via website (<https://www.bemidjistate.edu/services/public-safety/wp-content/uploads/sites/92/2014/09/Emergency-Procedures-Guide.pdf>), and are also available upon request. These guides include information on the following: 911 addresses for campus, general emergency procedures, severe weather, medical emergency, fire or smoke, mechanical/utility, crime reporting, terrorism, violent intruder, suspicious mail, hazardous materials and bomb threat. Also, all new employees are enrolled in a D2L introduction course to campus emergency procedures.

OFF-CAMPUS CRIME

All Northwest Technical College organizations that are off-campus are monitored by the Bemidji Police Department, which shares information with the Department of Public Safety.

The Department of Public Safety includes the off-campus student organizations' crime statistics in its annual report under the classification of "Non-Campus Building or Property". Currently there are no off campus student organizations recognized by the college.

PUBLIC CRIME LOG

The Department of Public Safety creates, keeps and maintains a Northwest Technical College public crime log recording all crimes reported to the Department of Public Safety. This log is located online at <https://www.ntcmn.edu/about/administration/public-safety/>

The Northwest Technical College public crime log contains information regarding the nature, date, time and general location of each crime and disposition of the crime if known for crimes that occur on campus and on public property that borders NTC. The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents reported to the Department of Public Safety. Any portion of the log that is older than 60 days will be made available within two business days of a request for public inspection. Requests for inspection can be submitted to the Director of Public Safety, Walnut Hall, 218-755-3888.

Exceptions to published crimes in the public crime log include where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, jeopardize an ongoing investigation or the safety of the individual, cause a suspect to flee or evade detection, result in the destruction of evidence in which such information may be withheld until that damage is no longer likely to occur from the release of such information.

CRIME REPORT STATISTICS: JANUARY 2018 TO DECEMBER 2020

It is the policy of Northwest Technical College that the Department of Public Safety is recognized as the office responsible for the collection and publication of crime statistics, as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Statistics in this report are gathered from the following sources: Public Safety Incident Reports, Beltrami County Law Enforcement Records, University Conduct Officials, Campus Security Authorities and Third Party Anonymous Reports.

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

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

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

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

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

Northwest Technical College public property includes adjacent streets, parking lots, sidewalks, stairwells.

Types of Crimes required Under the Clery Act (See Appendix I for Terms & Definitions):

Criminal homicide:

- Murder and non-negligent manslaughter
- Negligent Manslaughter

Sex Offenses:

Rape
Fondling
Incest
Statutory rape

Robbery
Aggravated assault
Burglary
Motor vehicle theft
Arson

Arrests and referrals for disciplinary actions, including:

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

The following table is the statistical report of crimes occurring in any of the four geographic areas described above in relation to Northwest Technical (as reported to the Department of Public Safety and/or the Bemidji Police Department). The table reflects crimes reported for the three calendar years of 2018, 2019 and 2020. The categories of crime are those required by the Clery Act. The statistics indicate the number of crimes reported, not necessarily confirmed cases and/or convictions.

NORTHWEST TECHNICAL COLLEGE CRIME STATISTICS

	On-Campus			Non-Campus			Public		
	'18	'19	'20	'18	'19	'20	'18	'19	'20
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses : Forcible	0	0	0	0	0	0	0	0	0
- Rape	0	0	0	0	0	0	0	0	0
- Fondling	0	0	0	0	0	0	0	0	0
Sex Offenses : Non-Forcible	0	0	0	0	0	0	0	0	0
- Incest	0	0	0	0	0	0	0	0	0
- Statutory	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
	On-Campus			Non-Campus			Public		
	'18	'19	'20	'18	'19	'20	'18	'19	'20
Liquor Law Violations : Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations : Referrals	0	0	0	0	0	0	0	0	0
	On-Campus			Non-Campus			Public		
	'18	'19	'20	'18	'19	'20	'18	'19	'20
Drug Law Violations : Arrests	0	0	0	0	0	0	0	0	0
Drug Law Violations : Referrals	0	0	0	0	0	0	0	0	0
	On-Campus			Non-Campus			Public		
	'18	'19	'20	'18	'19	'20	'18	'19	'20
Weapon Law Violations : Arrests	0	0	0	0	0	0	0	0	0
Weapon Law Violations : Referrals	0	0	0	0	0	0	0	0	0

	On-Campus			Non-Campus			Public		
	'18	'19	'20	'18	'19	'20	'18	'19	'20
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

¹ Petty Misdemeanors including Possession of Small Amount of Marijuana and Possession of Drug Paraphernalia are no longer being reported as criminal arrest statistics, but where applicable are being reported as disciplinary referrals.

² The statistics described in this chart are compliant in accordance with the definitions used in the uniform crime reporting system of the Department of Justice and Federal Bureau of Investigation.

³ Such statistics shall not identify victims of crimes or persons accused of crimes.

Hate Crime Statistics for 2018, 2019, and 2020

The statistics below have been classified as “Hate Crimes” and are compliant in accordance with the definitions used in the Hate Crime Statistics Act. Hate crimes are defined as crimes in which the victim is intentionally selected because of their actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim. Such statistics shall not identify victims of crimes or persons accused of crimes.

2020: No (0) Hate Crimes Reported

2019: No (0) Hate Crimes Reported

2018: No (0) Hate Crimes Reported

CAMPUS ALCOHOL POLICY AND ENFORCEMENT

Northwest Technical College forbids the use (consumption), possession, manufacture, sale, transportation or furnishing of alcoholic beverages on campus. Northwest Technical College also forbids the maintenance of unlawful drinking places on campus. The prohibition of possession or consumption of alcoholic beverages on campus applies regardless of age. The only exception is authorized use for special (non-student) functions. Only the President may authorize such use.

Any alcohol related violation of law that the Department of Public Safety becomes aware of, will be referred to the Bemidji Police Department. Violations of law regarding underage consumption or possession may, and frequently do result in prosecution. Violators are also subject to fine and imprisonment. In addition to any action taken by local law enforcement authorities, persons found in violation of the campus alcohol policy will be referred to the College Conduct Officer.

CAMPUS ILLEGAL DRUG USE AND ENFORCEMENT

Northwest Technical College forbids the illegal use, possession, sale, manufacture, or distribution of drugs or actions involving drugs that may involve medical or psychological hazards to individuals, or actions involving drugs that may lead to interference with the rights and privileges of others.

Any use of drugs on campus that is a violation of law that the Department of Public Safety becomes aware of, will be referred to the Bemidji Police Department. Violations of law regarding illegal drugs may, and frequently do result in criminal prosecution. Violators are also subject to fine and imprisonment. In addition to any action taken by local law enforcement authorities, persons found in violation of the campus illegal drug policy will be referred to the University Conduct Officer.

DRUG AND ALCOHOL EDUCATION

Bemidji State University's Task Force for Student Safety and the Student Center for Health and Counseling provide ongoing alcohol prevention and education. In addition, the Student Center for Health and Counseling provides alcohol and drug education, counseling resources and treatment referrals. For more information, contact Student Health Services, Cedar Hall, 218-755-2053.

FIREARMS POLICY

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

Definitions.

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

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

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

Student. "Student" means an individual who is:

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

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

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

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

Employees.

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

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

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

Exceptions. The following are exceptions to this policy:

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

Authorized uses. This policy does not prohibit:

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

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

Referral to Law Enforcement. (Minnesota State Institution) may refer suspected violations of weapons law to appropriate law enforcement authorities, and provide access to investigative or other data as permitted by law.

Complete Minnesota State Colleges and Universities policy can be accessed at:

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

CAMPUS POLICY ON SEXUAL ASSAULT AND RELATED OFFENSES

Northwest Technical College follows the Minnesota State Colleges and Universities System's Board Policy 1B.3 Sexual Violence and System 1B.3.1 Sexual Violence Procedure. Complete MnSCU 1B.3.1 procedure can be accessed at: <https://www.minnstate.edu/board/procedure/1b03p1.html>

In support of the system policy, Northwest Technical College reaffirms the policy that sexual violence, sexual harassment, domestic and dating violence, and stalking will not be tolerated and are prohibited at Northwest Technical College. Northwest Technical College is committed to eliminating sexual violence in all forms and every effort will be made to assure that all members of the college community are provided an atmosphere free from sexual assault and harassment. This policy applies to Northwest Technical College students and employees and to others, as appropriate, where incidents of sexual violence on Northwest Technical College property have been reported.

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

Reports of sexual violence committed on Northwest Technical College property by individuals who are not students or employees are subject to appropriate actions by Northwest Technical College, including, but not limited to, pursuing criminal or civil action against them.

Allegations of discrimination or harassment are governed by Minnesota State Colleges and Universities Board Policy 1B.1.

Northwest Technical College 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 Northwest Technical College policies that may require separate proceedings. To further its commitment against sexual violence, Northwest Technical College provides reporting options, an investigative and disciplinary process, and prevention training as appropriate.

SEXUAL ASSAULT AND RELATED OFFENSES DEFINITIONS

Northwest Technical College: means the facilities and land owned, leased, or under the primary control of Northwest Technical College.

Employee: means any individual employed by Northwest Technical College including student workers.

Student: is defined to include all persons who:

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

5. Are not Northwest Technical College employees and are not enrolled in the institution but live in a Bemidji State University residence hall.

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

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

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

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

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

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

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

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

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

Domestic Violence: The term “domestic violence” means felony or misdemeanor crimes of violence committed—

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

Dating Violence: Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

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

Stalking: Stalking is defined as 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.

SEXUAL VIOLENCE PREVENTION PROGRAMS AND EDUCATION

To prevent sexual violence, educational efforts have been undertaken to inform employees and students of their responsibilities regarding such behavior, how to identify and eliminate potential sexual assault and harassment and what steps can be taken if instances of sexual assault and harassment are experienced.

Bemidji State University along with Northwest Technical College conducts a number of programs aimed at preventing sexual offenses to prevent domestic violence, dating violence, sexual assault, and stalking as well as making the community aware of the potential of such crimes. Due to the COVID-19 global pandemic, and with the majority of students learning primarily online, the number of in-person educational and training sessions were reduced:

- **Sexual Violence Prevention Training.** All new students and staff are required to complete the online

Sexual Violence Prevention Training program as a condition of continued enrollment for the next semester. The deadline for students to complete SVPT to avoid a registration hold is the tenth day of class. The SVPT course addresses personal violence and will provide students with critical information regarding crimes such as sexual assault, rape, dating and relationship violence, stalking, and sexual harassment.

- **Residence Hall Staff Training.** August 20, 2020. Topics covered included: what Title IX says and how it is interpreted; Title IX regulations update; forms of sexual violence, affirmative consent and when consent is not present; discrimination and harassment; where to go for information; how to submit a complaint and anonymous complaints; responsible employees; confidential support; the complaint/investigation process; discrimination and harassment and the 1B.1 policy; interim measures, investigator role, common student sanctions; parallel investigations; and saving emergency contacts to phones using keynectup.com.
- **Sexual Exploitation in Our Community.** February 12, 2020. The Minnesota Department of Health and the Northwest Regional Navigator presented on the dynamics of sex trafficking and exploitation and identified its negative impacts on our community.

In addition to the events described above, Northwest Technical College engages in other actions to prevent sexual violence. These programs include nightly security patrols of the campus, campus escorts, security alerts, and campus inspections designed to identify and correct facility and grounds deficiencies. Information on sexual violence prevention is made widely available on the Office of Diversity, Equity and Inclusion website, on bulletin boards, at workshops and is available at the Department of Public Safety.

The Student Center for Health and Counseling has a contract for services agreement with Support Within Reach (SWR) from January 2020 – January 2024. The campus has a long-standing working relationship with Support Within Reach, a local sexual violence resource center. The organization provides numerous prevention and support services resources within the community. As a part of this agreement, Support Within Reach facilitates annual sexual violence prevention and resources trainings for Campus Public Safety staff, Housing and Residential Life staff and are available for other classroom presentations. In addition, Support Within Reach will present during Sexual Responsibility Week in February of each year. Support Within Reach created a virtual support group for sexual assault survivors. Bemidji State University will provide office space, internet access, consultation with marketing strategies, training locations, and management of university services.

BSU/NTC employees engage with community organizations involved in sexual violence prevention. The Health Education Coordinator serves on the Support Within Reach Outreach Committee. In addition, the Director of the Student Center for Health and Counseling, the Title IX Coordinator, and the Civil Rights and Title IX Investigator attend monthly meetings of the Beltrami County Sexual Assault Multidisciplinary Action Response Team (B-SMART).

PROCEDURE FOR REPORTING SEXUAL ASSAULT

If you have experienced sexual violence, your first priority should be to get to a safe place. Once accomplished, you have options. You may seek medical attention from the Sanford Bemidji Hospital (218-751-5430) or the Student Center for Health and Counseling (218-755-2053) regardless of whether you report the matter to the police. The Department of Public Safety (218-755-3888) is the office of official record for reports of sexual violence, as it is for all reported law violations. Students, faculty, and staff are encouraged to contact the Department of Public Safety to report

any information regarding sexual violence. Although the Department of Public Safety also strongly encourages all members of its community to report violations of this policy to law enforcement, it is your choice whether or not to make such a report, and you have the right to decline involvement with the police. The Department of Public Safety will assist you with notifying local police if you so desire. The Bemidji Police Department may be reached directly at 218-333-9111 or in person at 613 Minnesota Avenue NW, Bemidji, MN 56601. The Department of Public Safety will also assist you in contacting the Title IX Coordinator (218-755-2010) for those that desire to file a formal complaint with that office.

Sexual assault survivors should be aware of the College's responsibility to release information regarding the fact that an assault occurred for the protection and safety of others. If the Director of Public Safety (or a designee) determines that a threat continues to exist for the campus community, information about the reported sexual assault will be reported to the community whether reported by a sexual assault survivor or through a third-party report. Taking care to protect the identity of the survivor, as much detail as possible regarding the incident will be released such as location, date, time, and information that might help identify the assailant. The Department of Public Safety will inform the campus community of the reported sexual assault by posting "Security Alerts".

In addition to reporting sexual violence incidents with the Department of Public Safety, individuals may also file a complaint with the Title IX Coordinator, or provide a "third party" report. Third party reports may prevent the University and the Bemidji Police Department from actively investigating the incident, but they still help provide the Department of Public Safety and the Title IX Coordinator with an accurate understanding of the frequency of sexual violence incidents. Individuals may also file an anonymous complaint of sexual violence by completing an anonymous complaint form on the Office of Diversity, Equity and Inclusion website.

Timely and prompt reporting of a sexual assault within 120 hours is critical in collecting and preserving evidence important in proving a criminal case against the assailant. If you have experienced sexual violence, it is important that you do not bathe, douche, smoke, change clothing or clean the bed/linen/area where the assault took place so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if you 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. Even if the 120 hours have passed, you may report incidents of sexual violence at any time.

Those who experience sexual 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 investigators or police.

Filing a report with the Department of Public Safety will not obligate you to pursue prosecution, nor will it subject you to scrutiny or judgment. Filing a report will:

- Ensure that you receive the necessary medical treatment and tests, at no expense to you.
- Provide the opportunity for collection of evidence that is helpful for prosecution, and cannot be obtained later.
- Ensure you have access to free confidential counseling from counselors specifically trained in the area of sexual crisis intervention.

Counseling and medical services are available on campus at the Student Center for Health and Counseling (218-755-2053) on the BSU campus and off campus. The Department of Public Safety has information on additional resources including the Support Within Reach Sexual Violence Resource Center available to those who have experienced sexual violence.

If you are the victim of a sexual assault, Northwest Technical College encourages you to contact one or more of the following:

RESOURCES ON CAMPUS

Public Safety	218-755-3888
Title IX Coordinator	218-755-4121
Student Center for Health & Counseling	218-755-2053
Residential Life	218-755-3750

RESOURCES OFF CAMPUS

Bemidji Police Emergency	911
Bemidji Police Non-Emergency	218-333-9111
Support Within Reach Sexual Violence Resource Center	218-444-9524 or 1-800-708-2727
Sanford Hospital	218-751-5403

Each report will be taken as presented by the complainant. Appropriate criminal classifications will be determined after a review of all the facts presented.

In order to reduce contact between the person who experienced sexual violence and the alleged assailant, Northwest Technical College will, at the request of the reporting party, attempt to provide a change in classes, academic schedules, residence hall rooms, transportation or working arrangements as applicable and take other appropriate remedial measures. Northwest Technical College will provide written notice to the reporting party of these options. The options are available to victims regardless of whether the victim chooses to report the crime to law enforcement or campus authorities.

You have the right to petition for an Order for Protection (OFP) or a Harassment Restraining Order (HRO), the Department of Public Safety has information available on where to file for and request an OFP or HRO. Northwest Technical College may take actions it deems necessary or appropriate in response to all protection, restraining or no contact orders.

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 <https://dps.mn.gov> for additional information.

Northwest Technical College will provide written notification to the person who experienced sexual violence of physical health, mental health, victim advocacy and other support services available in the community as noted above as well as written explanation of his or her rights and options under Northwest Technical College Sexual Violence policy.

Northwest Technical College will take appropriate action to safeguard the person who experienced sexual violence and, at the same time, protect the rights of the alleged perpetrator.

Northwest Technical College will normally not take any disciplinary action against a member of the campus community without a written complaint and the assistance of the complainant in the disciplinary process, unless the college determines there is a clear danger to the person who experienced sexual violence or the college community.

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, Northwest Technical College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Minnesota, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

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

Further, Northwest Technical College 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 should provide a copy to the Department of Public Safety and the Office of the Title IX Coordinator. 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. An individual may then meet with the Department of Public Safety to develop a Safety Action Plan, which is a plan for campus officials and the individual to reduce risk of harm while on campus or coming to and going from campus. This plan may include, but is not limited to: escorts, changing classroom location or allowing a student to complete assignments from home, etc. Northwest Technical College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services. Protection from abuse orders may be available through the local county court at no cost.

To the extent that the person who experienced the sexual violence cooperates and consents, Northwest Technical College offices will work cooperatively to ensure that the individual'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. Additionally, personal identifiable information about the reporting party 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 individual, as defined in 42 USC 1395 (a) (20).) Further, Northwest Technical College 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.

Those who access the Department of Public Safety, the Title IX Office and any office involved in providing services can be assured of the following:

- Campus personnel will treat those involved with dignity;
- The college supports the privacy rights of those involved;
- The college offers fair and respectful healthcare, counseling services, or referrals to such services for those who desire them;
- Campus authorities will provide assistance to individuals in preserving materials relevant to a campus disciplinary proceeding;
- Students who have experienced a sexual violence incident or who have witnessed such an incident and who report the incident in good faith shall not be sanctioned by the university for admitting in the report to a violation of the institution's conduct policy on the personal use of drugs or alcohol;
- All sexual violence complaints will be investigated and resolved by the appropriate campus disciplinary authorities;
- Students may decide when to report a description of the incident of sexual violence;
- Students may have an advocate or attorney present with them for meetings with campus officials that are about the complaint process or disciplinary proceedings;
- Campus authorities will not suggest that students are at fault for the crimes or violations that occurred;
- Campus authorities will not suggest that students should have acted in a different manner to avoid the sexual violence;
- During and after the process of investigating a complaint and conducting a campus disciplinary procedure, campus authorities will provide assistance in shielding students from unwanted contact with the alleged assailant including transferring the student to alternative classes or alternative university-owned housing, if alternative classes or housing are available and feasible;
- The university forbids retaliation against anyone who participates in a formal investigation and the college will investigate complaints of retaliation.
- At the request of the student, the college will provide students who experienced and reported sexual violence to the institution and who subsequently choose to transfer to another postsecondary institution with information about resources for students who have experienced sexual violence at the institution to which the student is transferring;
- Students who file a complaint of sexual violence will be informed of the outcome of any campus disciplinary proceeding concerning the sexual violence complaint, consistent with the laws relating to data practices;
- Consistent with the laws governing access to student records, the college will provide a student who experienced and reported an incident of sexual violence with access to the student's description of the

incident as it was reported to the institution, including if that student transfers to another postsecondary institution;

Campus authorities will inform students who have experienced sexual violence of their rights to assistance from the office of the Crime Victim Ombudsman and the Crime Victim Reparations Board and will provide assistance in contacting these offices.

CAMPUS DISCIPLINARY ACTION, SEXUAL ASSAULT

Those who experience sexual assault or those witnessing any type of sexual violence or relationship violence are strongly encouraged to report the incident to the Department of Public Safety (218-755-3888), the Bemidji Police Department (218-333-9111), the Title IX Coordinator (218-755-2010) or the Title IX and Civil Rights Investigator (218-755-4053). The Department of Public Safety is the office of official record for reports of sexual assault, as it is in all reported law violations. A report with the Department of Public Safety can ensure that proper steps are taken to ensure the safety of the survivor as well as the safety of the campus community as a whole. Filing a report with the Department of Public Safety can also initiate the Northwest Technical College disciplinary process, and is an option for any person wishing to report a case of misconduct.

The college will normally not take any disciplinary action against a member of the campus community without a written complaint and the assistance of the complainant in the disciplinary process, unless the college determines there is a clear danger to the reporting party or the college community.

Because of laws concerning government data contained in the Minnesota Government Data Practices Act, Northwest Technical College 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.

After receiving a report/complaint, the Title IX and Civil Rights Investigator, who must receive annual investigatory training, shall take the steps listed below to insure 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, Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education, and System Procedure 1B.1.1 Report/Complaint of Discrimination/Harassment Investigation and Resolution. These steps include:

1. 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;
2. 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;
3. 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;
4. Inform the complainant, respondent, witnesses and other involved individuals of the prohibition against retaliation and reprisal;
5. Create, gather and maintain investigative documentation as appropriate;
6. 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;

7. Inform the complainant and respondent of the status of the investigation at reasonable times until final disposition of the complaint;
8. Conduct further investigation as deemed appropriate;
9. Prepare an investigation report for review by the decision-maker;
10. Take additional investigative measures as requested by the decision-maker;
11. 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;
12. Notify both the victim and the accused party in writing of the outcome of the investigation;
13. Provide the investigation report to the complainant or respondent upon request unless the information is protected under state or federal law.
14. Notify both parties of the opportunity for appeal to the president or president's designee within 10 days after notification of the decision. Grounds for appeal include, a procedural irregularity, new evidence that has become available, or a conflict of interest was discovered for either the Title IX Coordinator, Title IX and Civil Rights Investigator, or decision maker. If one party decides to appeal, the Title IX and Civil Rights Investigator will let the other party know of the appeal.

NOTE: Effective August 14, 2020, Northwest Technical College will be required to comply with recently released modifications to Title IX regulations. Over summer 2020, Northwest Technical College will be engaged in a review of its policies and procedures for responding to Title IX complaints. Once decisions have been made regarding how to comply, modifications will be made as necessary to the process outlined above.

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.

Northwest Technical College uses a preponderance of the evidence standard of evidence in determining violations of its Sexual Violence policy.

Students who are found to have violated the Sexual Violence policy could face sanctions up to and including suspension or expulsion from Northwest Technical College. Employees found to violate the policy may be disciplined up to and including termination.

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

CAMPUS DISCIPLINARY ACTION

The Northwest Technical College disciplinary process is an option for any person wishing to report a case of student misconduct or violation of the campus Code of Conduct. In order for the College to proceed with the conduct process, a written complaint (whether by the victim or a third party) must be filed with the College Conduct Officer. If the

complaint is criminal in nature, it will be forwarded to the Department of Public Safety. The Department of Public Safety will inform local law enforcement officials of the complaint. Northwest Technical College will, upon written request, disclose to the alleged victim of a crime of violence, or non-forcible sex offense, the results of any disciplinary hearing conducted by the College 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, Northwest Technical College will provide the results of the disciplinary hearing to the victim's next of kin if so requested.

CAMPUS CODE OF CONDUCT

The following information was taken directly from the Northwest Technical College Code of Conduct, which is available in its entirety from the Student Development & Enrollment, Deputy Hall, 755-2075.

Any student found to have committed or to have attempted to commit the following misconduct in circumstances falling under the jurisdiction of this code may be subject to the disciplinary sanctions outlined in Article III:

1. Acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty;
 - b. Furnishing false information to any college official, faculty member, or office;
 - c. Forgery, alteration, or misuse of any college document, record, or instrument of identification.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other college activities, including its public service functions on or off campus, or of other authorized non-college activities when the conduct occurs on college premises.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
4. Attempted or actual theft of and/or damage to property of the college or property of a member of the college community or other personal or public property, on or off campus.
5. Hazing.
6. Failure to comply with directions of college officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Unauthorized possession, duplication or use of keys to any college premises or unauthorized entry to or use of college premises.
8. Violation of any college or board policy, rule, or regulation published in hard copy or available electronically on the college or Minnesota State Website.
9. Violation of any federal, state or local law.
10. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.

11. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by college or Minnesota State regulations), public intoxication, or violation of Board Policy 5.18 and System Procedure 5.18.1 on Alcoholic Beverages and Controlled Substances on Campus. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on college premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
13. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the college and/or infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
14. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college sponsored or supervised functions.
15. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by, or participated in by, the college or members of the academic community. Disorderly conduct includes but is not limited to: any unauthorized use of electronic or other devices to make an audio or video record of any person while on college premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
16. Any violation of the College Computer Use Policy or Board Policy 5.22 and System Procedure 5.22.1 on Acceptable Use of Computers and Information Technology Resources (see NTC Policy 5200-1-01).
17. Abuse of the student conduct system, including but not limited to:
 - a. Failure to obey the notice from a student conduct panel or college official to appear for a meeting or hearing as part of the student conduct system;
 - b. Falsification, distortion, or misrepresentation of information before a student conduct panel;
 - c. Disruption or interference with the orderly conduct of a student conduct panel proceeding;
 - d. Institution of a student conduct code proceeding in bad faith;
 - e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system;
 - f. Attempting to influence the impartiality of a member of a student conduct panel prior to, and/or during the course of the student conduct panel proceeding;
 - g. Harassment (verbal or physical) and/or intimidation of a member of a student conduct panel prior to, during, and/or after a student conduct code proceeding;
 - h. Failure to comply with the sanction(s) imposed under the Student Code;
 - i. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

18. Engaging, individually or in concert with others, in sexual misconduct; i.e. nonconsensual physical conduct of a sexual nature including but not limited to domestic violence, dating violence, stalking, sexual physical abuse, rape or any other form of sexual assault, or threat of sexual violence.

Note: Consent does not exist when acts are committed by force, intimidation, coercion, or through use of authority, or the victim's mental or physical incapacity even if that lack of capacity is chemically self-induced. The expectation is that consent is clear and mutual.

19. Discrimination/Harassment. (In compliance with Minnesota State policy 1B.1 and procedure 1B1.1, a separate investigative and decision making process has been established at Bemidji State University for review of complaints of discrimination and/or harassment.

C. Violation of Law and College Discipline

College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the administrator. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

CAMPUS SEX CRIMES PREVENTION ACT

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under State law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers services or is a student.

The Minnesota Bureau of Criminal Apprehension administers a predatory offender registration and tracking program. Any questions regarding the program may be directed to the Criminal Assessment Program at 888-234-1248 or 651-603-6748. Information regarding this program can be found at the following website:

<https://por.state.mn.us/Home.aspx>

In addition, information regarding registered sex offenders may be obtained through the Minnesota Department of Corrections at 651-642-0200. An offender locator, for offenders that have the highest risk for re-offense, can be accessed from the Minnesota Department of Corrections website: <https://mn.gov/doc/>

APPENDIX I – TERMS AND DEFINITIONS

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon (or displays weapon in a threatening manner) or by

means likely to produce death or great bodily harm (e.g. victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness).

Arson

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

Burglary

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

Consent

Consent is informed, freely given and mutually understood. 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, and the condition was known or would be known to a reasonable person, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

Criminal Homicide – Negligent Manslaughter

The killing of another person through gross negligence.

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

Dating and Relationship Violence

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

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

Drug Law Violations

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

Intimidation

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

Larceny-Theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another person.

Liquor law Violations

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

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

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

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

Murder and Non-Negligent Manslaughter

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

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

Robbery

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

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

Sexual Assault

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

1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as “date rape” or “acquaintance rape.” This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.
2. Involvement in any sexual act when the victim is unable to give consent.

3. The intentional touching or coercing, forcing, or attempting to coerce or force another to touch an unwilling person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).
4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

Simple Assault

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

Sex Offenses – Defined

Forcible Sex Offenses

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

Reported offenses may include:

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

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

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

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

Sex Offenses, Non-forcible.

Unlawful, non-forcible sexual intercourse. Reported offenses may include:

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

- **Statutory Rape** - non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

Sexual Violence

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

Stalking

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

Weapons Law Violations

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

Visit the Department of Public Safety

website at:

<https://www.bemidjistate.edu/services/public-safety/>



*Note: Northwest Technical College is committed to a policy of nondiscrimination in employment and education opportunity. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activity in a local commission as defined by law. Inquiries regarding compliance, rights and other information may be addressed to the Affirmative Action Officer/Americans with Disabilities Coordinator at 218-755-4121.