



# Annual Campus Security & Fire Report for Calendar Year 2015

Martin Luther College New Ulm, Minnesota



**Martin Luther College** has a total enrollment of approximately 720 students. The college also employs approximately 110 faculty and staff who work on campus.

Martin Luther College takes seriously the safety, security, and welfare of its community members. The security department is dedicated to providing a safe and secure environment for all members of the college community. The following information is made available to students and staff in partial compliance with section 485 (f) (l) (F) of the Higher Education Act as amended by the Student Right-to-Know and Campus Security Acts. The statistics which follow indicate criminal occurrences on campus which were reported to the Vice President for Student Life.

<b>Criminal Offenses - On Campus</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex Offenses - Forcible	0		
Rape		0	0
Fondling		1	0
Sex Offenses – Non-forcible (total)	0		
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	1	1	5
Motor Vehicle Theft	0	0	0
Arson	0	0	0
<b>Criminal Offenses - On Campus Student Housing Facilities</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex Offenses - Forcible	0		
Rape		0	0
Fondling		1	0
Sex Offenses – Non-forcible	0		
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	5
Motor Vehicle Theft	0	0	0
Arson	0	0	0
<b>Criminal Offenses – Public Property</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex Offenses - Forcible	0		
Rape		0	0
Fondling		0	0
Sex Offenses – Non-forcible	0		
Incest	0	0	0
Statutory rape	0	0	0

Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

### Hate Crimes – On Campus

<i>Criminal Offense</i>	<b>2015 Total</b>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
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
Sex Offenses – Non-forcible	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

<i>Criminal Offense</i>	<b>2014 Total</b>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
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
Sex Offenses – Non-forcible	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

<i>Criminal Offense</i>	<b>2013 Total</b>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Disability</i>	<i>Ethnicity/National</i>
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							<i>Origin</i>
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0
Sex Offenses - Forcible	0	0	0	0	0	0	0
Sex Offenses – Non-forcible	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0

### Hate Crimes – On Campus Student Housing Facilities

<i>Criminal Offense</i>	<b>2015 Total</b>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
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
Sex Offenses – Non-forcible	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

<i>Criminal Offense</i>	<b>2014 Total</b>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
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
Sex Offenses – Non-forcible	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0

Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0

<i>Criminal Offense</i>	<b>2013 Total</b>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Disability</i>	<i>Ethnicity/ National Origin</i>
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0
Sex Offenses - Forcible	0	0	0	0	0	0	0
Sex Offenses – Non-forcible	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0
Destruction/damage/ vandalism of property	0	0	0	0	0	0	0

### Hate Crimes – Public Property

<i>Criminal Offense</i>	<b>2015 Total</b>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Dis- ability</i>	<i>Eth- nicity</i>	<i>National Origin</i>
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
Sex Offenses – Non-forcible	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0

<i>Criminal Offense</i>	<b>2014 Total</b>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
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
Sex Offenses – Non-forcible	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

<i>Criminal Offense</i>	<b>2013 Total</b>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Disability</i>	<i>Ethnicity/ National Origin</i>
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0
Sex Offenses - Forcible	0	0	0	0	0	0	0
Sex Offenses – Non-forcible	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0

**VAWA Offenses – On Campus**

	<b>2012</b>	<b>2013</b>	<b>2014</b>
Domestic Violence			0
Dating Violence			0
Stalking			0

VAWA Offenses – On Campus Student Housing Facilities

	2013	2014	2015
Domestic Violence		0	0
Dating Violence		0	0
Stalking		0	0

VAWA Offenses – Non-Campus

	2013	2014	2015
Domestic Violence		0	0
Dating Violence		0	0
Stalking		0	0

VAWA Offenses – Public Property

	2013	2014	2015
Domestic Violence		0	0
Dating Violence		0	0
Stalking		0	0

<b>Arrests – On Campus</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor Law Violations	0	0	0
<b>Arrests – On Campus Student Housing Facilities</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor Law Violations	0	0	0
<b>Arrests – Public Property</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor Law Violations	9	6	0
<b>Disciplinary Actions – On Campus</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor Law Violations	28	43	18
<b>Disciplinary Actions – On Campus Student Housing Facilities</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0

Liquor Law Violations	26	29	18
<b>Disciplinary Actions – Public Property</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor Law Violations	0	0	0

The definitions listed hereafter are taken from the Federal Bureau of Investigation Uniform Crime Reporting (UCR) Handbook and the Higher Education Act.

Murder: the willful (non-negligent) killing of one human being by another.

Manslaughter: a) Non-negligent manslaughter - The willful (non-negligent) killing of one human being by another. Negligent - The killing of another person through gross negligence

Sexual 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.

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

b) **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.

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

d) **Statutory Rape** is 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 control, custody or care 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 offense is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm such as apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. An unsuccessful attempt to commit murder would be classified as aggravated assault. It is not necessary that an injury result from an aggravated assault when a gun, knife or other weapon is used which could and probably would result in serious personal injury if the crime was successfully completed.

Burglary: (breaking or entering) the unlawful entry into a building or other structure with the intent to commit a felony or theft. Note that forced entry is not a required element of the offense. Thus, a burglary offense will be considered to have occurred for reporting purposes so long as the entry is unlawful, i.e., it constitutes a trespass (even if it was accomplished via an unlocked door or window). Included within this offense are unsuccessful attempts where force is employed, or where a perpetrator is frightened off while entering an unlocked door or climbing through an open window.

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.



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

On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to the institution's educational purposes. These buildings include residential halls, any building or property that is owned by the institution but controlled by another person, those frequently used by students and those that support institutional purposes such as a food or retail vendor.

Non-Campus: includes any building (or property) owned or controlled by student organizations recognized by the school; and any building or property owned or controlled by the school, that is not within the same reasonable contiguous area.

Public Property: Public property is defined as the area that is within the same reasonably contiguous geographic area of the school; or is adjacent to a facility owned or controlled by the school, and the facility is used by the school in a manner related to the institution's educational purpose.

Residence Halls: All residence buildings including resident halls and apartments.

## **SAFETY AND SECURITY DEPARTMENT**

### **Located in the WCC Administration Office...**

The college employs student security personnel to patrol the campus and to report suspected criminal activity to the dormitory staff and/or the New Ulm police department. **MLC Security Personnel do not have arrest authority.** They are on campus to provide help and assistance to the campus family and maintain the security of campus facilities.

If you are returning to campus after 10 pm and would like an escort back to your dormitory, you may make arrangements to have campus security personnel meet you at your parking lot. Please express your concerns and bring your needs to the Vice President for Student Life. In special circumstances you may call security personnel for assistance directly at the

**MLC Emergency Phone -- 507-359-3344 (press 2 for Security Phone)**  
**MLC Security Cell Phone – 507-276-4512 (Security direct line)**

Don't hesitate to call a member of the Student Life/Dormitory staff if you feel threatened or if you observe suspicious behavior. Report all security concerns as soon as possible to the Student Life Office.

The New Ulm Police Department patrols the streets and parking lots of our campus on a nightly basis and is willing to respond when security concerns arise. The police department's phone # is **507-233-6750** or **911 in an emergency.**

Dormitories are locked at all times. Each student is given a "smart" student ID card which activates the electronic door locks to the dormitories when held up to the card reader located near each dormitory entrance. Institutional buildings also operate by RFID card.

## **SECURITY DO's AND DON'Ts**

- ◆ Do not prop dormitory doors open.
- ◆ Keep money out of sight in your dorm room. Better yet, open up a bank account locally and keep your money in your bank account. If you need to keep a larger amount of money in the dormitory, please have your dormitory supervisor lock it up for you
- ◆ Keep valuables in a safe area--ask your dormitory supervisor for help.
- ◆ Avoid situations where alcohol or drugs are present.

- ♦ Be aware of your surroundings and use common sense.
- ♦ Stay in areas that are well lit at night. Walk in the company of friends. If you are returning to campus between 10 pm – 2 am (3 am on Fridays and Saturdays) and would like an escort back to your dormitory, you may make arrangements to have campus security personnel meet you at your parking lot. Please express your security concerns and bring your security needs to the Vice President for Student Life. Report all security concerns as soon as possible to the Student Life Office.
- ♦ Don't hesitate to call a member of the dormitory staff if you feel threatened or if you observe suspicious behavior.

## **COMMUNITY REPORTING RESPONSIBILITY AND INSTITUTIONAL RESPONSE**

To develop a truly safe campus, the college expects students, faculty, staff and guests to assume responsibility for their own personal safety and the security of their belongings. The college encourages you to report promptly and accurately any suspicious or criminal activities you may see. Student Life personnel, in addition to the security department staff—and others you know and/or trust—can assist you in notifying the authorities of criminal activities.

### **Report Immediately:**

- Crimes in progress
- Suspicious activities
- Medical emergencies
- Fire
- Safety hazards

### **Report these matters to:**

- Vice president for Student Life
- Dormitory Supervisors
- Dormitory Resident Assistants
- Coaches and Assistant Coaches
- Faculty Advisors
- Security Staff
- Maintenance/Custodial Personnel

Officials of Martin Luther College strive to alert students to any health or safety concern in a timely manner. In doing so, officials may make use of multiple communication methods including: email, sms text messaging, voice messaging, digital signage and the campus loudspeaker system.

## **Alcohol And Drug Policies**

The College Governing Board has adopted a policy on drug and alcohol abuse in compliance with Drug-Free Schools And Communities Amendments Act of 1989 and Public law 101-226. This policy states:

*MLC faces the same problems as other American colleges  
Drug and alcohol abuse is a sinful misuse of the body  
Underage drinking and the use of illegal drugs are sins against lawful authority.*

*The college is obligated to...  
Provide information on drug and alcohol abuse annually. Offer aid and counsel to abusers.  
Suspend, dismiss or sanction when appropriate.*

*MLC is committed to a drug and alcohol free campus for its students.*

### **Alcohol Violations**

Violation of the MLC alcohol and drug free campus policy, any underage drinking, any cases of drunkenness, or the possession, use or distribution of illegal drugs will result in one or more of the following consequences: a \$250 fine, mandatory counseling, restrictions at or dismissal from school, referral to law enforcement authorities.

## **Applicable Laws**

Selling illicit drugs is a criminal offense punishable by a fine or imprisonment, depending on the specific offense and factors such as prior convictions for similar offenses. Driving while intoxicated is against the law and can result in driver's license revocation or even imprisonment in some cases. Under Minnesota law, an individual under the age of 21 can be arrested and put in jail for purchasing or consuming alcohol.

The following is a brief overview of local, state and federal laws governing the possession, use and distribution of illicit drugs and alcohol. It is not intended to be an exhaustive or definitive statement of various laws, but rather is designed to indicate types of conduct that are against the law and the range of legal sanctions that can be imposed for such conduct.

## **Alcohol Laws**

**Local Laws:** The city of New Ulm, like many other cities, has an ordinance prohibiting the consumption of, or possession of, an open container containing an alcoholic beverage in any public place or on private property without the owner's permission.

**State Laws:** Minnesota state law provides that it is a misdemeanor if a person under the age of 21 consumes alcohol, attempts to purchase alcohol, possesses alcohol with intent to consume it, enters a licensed establishment or municipal liquor store for the purpose of purchasing or being served alcohol or misrepresents her or his age. Misdemeanors are punishable by imprisonment for up to 90 days and/or a \$700 fine. It is a gross misdemeanor to give or sell alcohol to a person under the age of 21 or to procure alcohol for an obviously intoxicated person. It also is a gross misdemeanor (punishable by imprisonment for up to 90 days and/or a \$3,000 fine) to induce a person under the age of 21 to purchase alcohol or to knowingly permit a person under 21 to use one's driver's license or other identification for the purpose of procuring alcohol. Finally, selling alcohol to a person under the age of 21 who becomes intoxicated and causes death or serious bodily harm to herself/himself or another is a felony, punishable by imprisonment in excess of one year and/or a fine in excess of \$3,000.

If an individual in Minnesota drives under the influence of drugs or alcohol, possible consequences include revocation of driving privileges, fines, imprisonment, alcohol usage monitoring, and participation in chemical usage evaluation and rehabilitation programs. If a person drives under the influence of alcohol and death or injury results, the intoxicated driver can be convicted of murder, manslaughter or battery.

## **Drug Laws**

**State Laws:** Minnesota law covers a wide range of drug offenses, including the sale or possession of various types of drugs. Penalties are harsher for sale than possession. Following is a list of the penalties that can result from the unlawful sale or possession of certain drugs:

- **Cocaine:** For a first offense, penalties range from up to 15 years in prison and/or a \$100,000 fine, to up to 30 years in prison and/or a \$1 million fine. For a second offense, the penalties range from one to 30 years in prison and/or a \$250,000 fine, to four to 40 years in prison and/or a \$1 million fine.
- **Marijuana/Hashish:** For a first offense, penalties range from a \$200 fine and participation in a drug education program to up to 30 years in prison and/or a \$1 million fine. For a second offense, penalties range from up to 90 days in prison and/or a \$700 fine, to four to 40 years in prison and/or a \$1 million fine.
- **Narcotic Drugs:** For a first offense, penalties range from up to five years in prison and/or a \$10,000 fine, to up to 30 years in prison and/or a \$1 million fine. For a second offense, penalties range from six months to 30 years in prison and/or a \$250,000 fine, to four to 40 years in prison and/or a \$1 million fine.

**Federal Laws:** In addition to state laws, federal laws prohibit the manufacture, distribution, possession with

intent to manufacture or distribute, and simple possession of certain drugs. The law sets the following sentences for first-time offenders:

- A minimum of 10 years and a maximum of life imprisonment and/or a \$4 million fine for the knowing or intentional manufacture, sale or possession with intent to sell, of large amounts of any narcotic, including heroin, morphine or cocaine (which includes crack), or of phencyclidine (PCP) or of LSD, or of marijuana (1,000 kg or more);
- Five to 40 years in prison and/or a \$2 million fine for similar actions involving smaller amounts of any narcotic (including heroin or morphine), cocaine (which includes crack), PCP or LSD, or marijuana (100 kg or more);
- A maximum of five years and/or a \$250,000 fine for similar actions involving smaller amounts of marijuana (less than 50 kg), hashish, hashish oil, PCP or LSD, or any amounts of amphetamines, barbiturates and other controlled stimulants and depressives;
- Four years in prison or a \$30,000 fine (or both) for using the mail, telephone, radio or other public or private means of communication to commit acts that violate the laws against the manufacture, sale and possession of drugs;
- One year or a \$1,000 fine (or both) for possession of any controlled substance. (The gift of a small amount of marijuana is subject to the penalties for simple possession.) Penalties may be doubled, however, when a person at least 18 years old: (1) distributes a controlled substance to a person under 21 years of age (A term of imprisonment for this offense shall not be less than one year); or (2) distributes, possesses with the intent to distribute, or manufactures a controlled substance in or on, or within 1,000 feet of the real property comprising a public or private elementary or secondary school, or a public or private college. Any attempt or conspiracy to commit one of the above federal offenses, even if unsuccessful, is punishable by the same sentence as for that offense.

In addition, persons convicted of possession or distribution of controlled substances may be ineligible for federal benefits for up to one year (in the case of conviction for possession) or up to five years (in the case of conviction for distribution). "Federal benefits" include grants, contracts and loans, including Federal Financial Aid benefits.

## **Health Risks**

Drugs and alcohol are toxic to the human body and if abused can have catastrophic health consequences. Some drugs, such as crack, are so toxic that even one experimental use can be fatal.

The following is a summary of the various health risks associated with alcohol abuse and the use of specific types of drugs. It is not intended to be an exhaustive or complete statement of all the possible health consequences of substance abuse.

## **Alcohol Use and Abuse**

Alcohol is the most widely used and abused drug in the United States. Alcohol consumption has acute effects on the body and causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts including risk-taking behavior. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol can be fatal.

## **Use of Illicit Drugs**

Drugs interfere with the brain's ability to take in, sort and synthesize information. They distort perception, which can lead users to harm themselves or others. Drug use also affects sensation and impairs memory. In addition to these general effects, specific health risks associated with particular types of drugs are discussed below.

## **Cocaine/Crack**

Cocaine use is the fastest growing drug problem in the United States. Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, increased heart and respiratory rate, and elevated body temperature.

Injecting cocaine with contaminated equipment can cause AIDS, hepatitis and other diseases. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly, thus leading to higher and higher doses to produce the desired effect.

Crack or freebase rock is a purified form of cocaine that is smoked. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia and seizures. Crack is far more addictive than heroin or barbiturates. Repeated use of crack can lead to addiction within a few days. The effects of crack are felt within 10 seconds. Continued use can produce violent behavior and psychotic states similar to schizophrenia. Cocaine in any form, but particularly in the purified form known as crack, can cause sudden death from cardiac arrest or respiratory failure.

## **Marijuana**

The physical effects of marijuana include a substantial increase in the heart rate, bloodshot eyes, a dry mouth and throat, and increased appetite. It may impair short-term memory and comprehension, alter sense of time and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Research also shows that motivation and cognition may be altered, making the acquisition of new information difficult.

When marijuana contains 2 percent THC, it can cause severe psychological damage, including paranoia and psychosis. Since the early 1980s, most marijuana has contained from 4 to 6 percent THC -- two or three times the amount capable of causing serious damage.

Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer-causing agents than tobacco smoke.

Long-term users of marijuana may develop psychological dependence and require more of the drug to get the same effect.

## **Narcotics**

Narcotics such as heroin, codeine and morphine initially produce a feeling of euphoria that often is followed by drowsiness, nausea and vomiting. Users also may experience constricted pupils, watery eyes and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma and possible death.

## **Amphetamines/other Stimulants**

Amphetamines (speed, uppers), methamphetamines and other stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils and decreased appetite. In addition, users may experience sweating, headache, blurred vision, dizziness, sleeplessness and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination and even physical collapse. An amphetamine injection causes a sudden increase in blood pressure that can result in stroke, very high fever or heart failure.

In addition to the physical effects, users report feeling restless, anxious and moody. Higher doses intensify the effects. People who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions and paranoia.

## **Barbiturates/other Depressants**

Barbiturates (downers), methaqualone (quaaludes), tranquilizers (valium) and other depressants have many of the same effects as alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence.

## Hallucinogens

Phencyclidine (PCP, angel dust) interrupts the functions of the part of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. The effects of PCP are unpredictable and can vary, but users frequently report a sense of distance and estrangement. Large doses may produce convulsions and coma, as well as heart and lung failure.

Lysergic acid (LSD, acid), mescaline and psilocybin (mushrooms) cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Psychological reactions may include panic, confusion, suspicion, anxiety and loss of control. Delayed effects or flashbacks can occur even after use has ceased.

## Designer drugs

"Designer drugs" are produced by underground chemists who attempt to avoid legal definitions of controlled substances by altering their molecular structure. These drugs can be several times stronger than the drugs they are designed to imitate. Some of the designer drugs have been known to cause permanent brain damage with a single dose. Many of the so-called designer drugs are related to amphetamines and have mild stimulant properties, but most are euphoricants. They can cause nausea, blurred vision, chills or sweating and faintness. Psychological effects include anxiety, depression and paranoia. As little as one dose can cause severe neurochemical brain damage.

## Inhalants

The immediate negative effects of inhalants (laughing gas, whippets) include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage. Deeply inhaling the vapors or using large amounts over a short time may result in disorientation, violent behavior, unconsciousness or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops.

## Drug and Alcohol Education and Counseling

The Student Life Office can provide counsel and help regarding drug and alcohol problems. The Student Life Office will also make referral for students concerned about alcohol or drug use. Employees may voluntarily request assistance in dealing with drug or alcohol issues.

The cost of treatment may be covered by health-insurance benefits. Please check the guidelines of your policy.

### Other locally available sources for assistance and counseling include:

- "United Way 2-1-1". This community service provides free and confidential information and referral. Call 2-1-1 for help with food, housing, employment, health care, counseling and more. This hotline provides information on counseling agencies, outpatient and inpatient treatment facilities for adolescents and adults, evaluation, referrals and education. Alternate number ... (800) 543-7709.
- AA Club- (507) 354-8601.

- AA Westside Group - (507) 359-2830.
- Brown County Evaluation Center (Detox) (507)-359-9111  
510 N. Front Str., New Ulm, MN 56073
- CADA of Brown County--Victim Services 507-233-6663  
CADA of Nicollet County--Victim Services 507-625-8688
- New Ulm Medical Clinic - (507) 217-5000  
Substance Abuse Treatment Services (507) 217-5118  
Psychiatric Outpatient Services (507) 217-5168.
- Cornerstone Christian Counseling Services - (507) 354-1147.
- Sioux Trails Mental Health Center - (507) 354-3181- 24 hour crisis line - 800-247-2809.
- Christian Family Solutions (WELS/ELS) 421 East Hickory Street, Suite 402 Mankato, MN 56001  
Contact phone: 800.438.1772

**Some national hotlines providing service:**

- Cocaine Helpline - (800) CoCAINE. The Cocaine Helpline is a 24-hour information and referral service staffed by recovering cocaine-addict counselors.
- NCA Information Line - (800) NCA-CALL. The National Council on Alcoholism (NCA) provides referral services to families and individuals seeking help with an alcohol or other drug problem.
- NIDA Hotline - (800) 662-HELP.  
The National Institute on Drug Abuse (NIDA) provides a confidential information and referral line that directs callers to cocaine abuse treatment centers in the local community. Free materials on drug use also are distributed upon request.

The Student Life Office seeks by a number of means to provide education on campus in regard to alcohol and drug abuse. Information is provided and accessible to all through means of the Campus Security Report posted on the college website. Flyers, posters and brochures are distributed and put on display annually in an effort to further learning about alcohol and drug abuse. In addition, an intentional and ongoing program of “conversation” about alcohol and drug issues on campus and in the community engages faculty and students alike.



# **TITLE IX/SEXUAL HARASSMENT POLICY AND PROCEDURES**

## **Applicable Federal Law**

This policy addresses the requirements of Title IX of the Education Amendments of 1972 (“Title IX”), which is a federal law that prohibits sex discrimination in federally funded education programs and activities. Title IX states as follows:

***No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.***

Discrimination on the basis of sex (i.e., sex discrimination) includes sexual harassment, sexual assault and sexual misconduct. Title IX prohibits sex discrimination in both the educational and employment settings.

## **Policy Statement**

It is the policy of the College to provide an educational, employment, and business environment free of all forms of sex discrimination, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined in this policy and as otherwise prohibited by state and federal statutes. Sexual harassment, including acts of sexual assault and sexual misconduct, is a form of sex discrimination and is prohibited at the College. The sexual harassment of College students, faculty, and staff by non-College employees and guests doing business or providing services on campus (e.g., contractors and vendors) also is prohibited by this policy. This policy applies to all College students, faculty, and staff, to other members of the Martin Luther College Community, and to contractors, consultants, and vendors doing business or providing services to the College.

## **Alleged or Suspected Violations of this Policy**

Martin Luther College is committed to investigating all possible violations of this policy about which the school knows or reasonably should know (also referred to in this policy as “alleged violations of this policy”), regardless of whether a complaint alleging a violation of this policy has been filed and regardless of where the conduct at issue occurred. The College’s ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the complainant is willing to file a complaint or to consent to an investigation, the location where the alleged or suspected conduct occurred, and the College’s access to information relevant to the alleged or suspected violation of this policy. The College is nonetheless committed to investigating all alleged and suspected violations of this policy to the fullest extent possible under the circumstances

## **Title IX Coordinators**



Any inquiries regarding Title IX or this policy should be directed to the Title IX Coordinator or his/her Deputy Coordinators identified below. These officials will be available to meet with students, faculty and employees regarding issues relating to Title IX and this policy.

***Title IX Coordinator***

The Title IX Coordinator is responsible for implementing and monitoring Title IX Compliance on behalf of the College. This includes coordination of training, education, communications, and administration of grievance procedures for the handling of complaints alleging violations of this policy.

Jeffrey L. Schone  
Vice President for Student Life  
Administration Suite – Wittenberg Collegiate Center  
[schonejl@mlc-wels.edu](mailto:schonejl@mlc-wels.edu)  
507-217-9764

***Deputy Title IX Coordinator***

The Deputy Title IX Coordinator is responsible for assisting the Title IX Coordinator in regard to implementing and monitoring Title IX compliance at the College and for notifying the Title IX Coordinator of any alleged or suspected violations of this policy and the resolution of such alleged or suspected violations, regardless of whether a complaint is filed.

Andrea E. Wendland  
Human Resources Director  
Wittenberg Collegiate Center 148  
[wendlae@mlc-wels.edu](mailto:wendlae@mlc-wels.edu)  
507/ 276-5869

**Definition and Examples of Conduct Prohibited Under this Policy**

The behaviors listed below are included to clarify *examples* of acts which would qualify as gender-based discrimination or harassment. The listing of these examples does not preclude nor set aside the College’s formal codes of conduct listed elsewhere in College publications or handbooks. Violations of the College’s codes of conduct may not constitute a violation of the Title IX/Sexual Harassment policy but would be addressed under the proper College codes as found in the student code of conduct or other applicable polices.

Prohibited conduct includes all forms of sex discrimination and sexual harassment, as well as all types of sexual assault. Sexual harassment, which includes sexual assault and sexual misconduct, may take many forms.

## 1. **Sexual Harassment**

Sexual Harassment is defined as unwelcome, gender-based verbal or physical conduct that is:

- severe, pervasive, and objectively offensive, and
- unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the College's education program and/or activities and is
- based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation

Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme. The complainant and the alleged perpetrator may be of either gender and need not be of different genders.

General examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

Specific Examples of Sexual Harassment:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office, on the exterior of a residence hall door or on a computer monitor in a public space.
- A professor engages students in discussions in class about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- Displaying or transmitting unwelcome sexually suggestive electronic content, including inappropriate e-mails or postings on social media such as Facebook, Twitter, or Instagram;
- Stalking or cyberbullying another student;
- A student grabbed another student by the hair, grabbed her breast and then laughed about it as a joke.

### **Three Types of Sexual Harassment—Legal Constructs**

A. **Hostile Environment** includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of

employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:

1. the frequency of the conduct;
2. the nature and severity of the conduct;
3. whether the conduct was physically threatening;
4. whether the conduct was humiliating;
5. the effect of the conduct on the alleged victim's mental or emotional state;
6. whether the conduct was directed at more than one person;
7. whether the conduct arose in the context of other discriminatory conduct;
8. whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
9. whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness
10. whether the speech or conduct deserves the protections of academic freedom or the 1st Amendment.

B. **Quid pro quo sexual harassment** exists when there are:

- 1) unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- 2) submission to or rejection of such conduct results in adverse educational or employment action.

C. **Retaliatory harassment** is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

## **2. Sexual Assault**

Sexual assault is a particular type of sexual harassment that includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due, for example, to the victim's use of drugs or alcohol.

*Non-Consensual Sexual Contact\* is:*

- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or woman,
- that is without consent and/or by force\*\*

\*Sexual Contact includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin,

genitals, mouth or other orifice.

**\*\*Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion.

*Non-Consensual Sexual Intercourse\* is:*

- any sexual intercourse
- however slight,
- with any object,
- by a man or woman upon a man or a woman,
- that is without consent and/or by force.

\*Intercourse includes: vaginal or anal penetration by a penis, object, tongue or finger and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact

### **3. Sexual Exploitation and Sexual Misconduct**

Sexual Exploitation and Sexual Misconduct occurs when a student/employee takes non-consensual or abusive sexual advantage of another.

Examples of sexual exploitation and sexual misconduct include, but are not limited to:

- Invasion of sexual privacy
- Prostituting another student
- Non-consensual video or audio-taping or broadcasting of sexual activity
- Engaging in voyeurism
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation
- Physical assaults of a sexual nature, such as rape, sexual assault, sexual battery, molestation, or attempts to commit these acts
- The use or display in the classroom or workplace, including electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification
- Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience.
- Sexual activity with someone whom one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated\* (e.g., by alcohol or other drug use, unconsciousness or blackout),

constitutes a violation of this policy.

\*Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction)

- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of drugs.

***Additional Applicable Definitions:***

- **Consent:** Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create clear mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
  - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
  - Previous relationships or prior consent cannot imply consent to future sexual acts.
  - In order to give consent, one must be of legal age (18).
  - In some instances, because of a person’s power/authority, or the perception thereof, one individual may not be able to give consent to a given sexual encounter. For example, one individual who supervises another may not be able to obtain consent in an intimate encounter because the other person fears they might lose their job or status if they object to some or all aspects of the encounter. Power and authority may arise from a variety of areas including one’s size, strength or reputation within the College.
  - Sexual activity with someone whom one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (e.g., by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
- **Incapacitation** is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (i.e., to understand the “who, what, when, where, why or how” of their sexual interaction).
- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including, but not limited to Rohypnol, Ketomine, GHB, or Burundanga, is prohibited, and administering one of these drugs to another student is a violation of this policy.
- **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.
  - **Coercion** is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get

consent from another. When someone makes clear to you that they do not want sex or that they do not want to go past a certain point of a sexual interaction, continued pressure beyond that point can be coercive.

- Physical resistance (e.g., pushing someone away) is a clear demonstration of non-consent. The lack of physical resistance does not imply the individual consented to the sexual activity or event.
- Use of alcohol or other drugs will never function as a defense to a violation of this policy.

### ***Reporting Incidents and Seeking Support: Confidentiality and Privacy***

Students/Employees who wish to report or discuss sexual misconduct incidents should be aware that employees on campus have different reporting responsibilities and different abilities to maintain confidentiality or privacy, depending on their roles at the College and applicable mandatory reporting laws. Confidentiality and privacy offer two different levels of protection for information a student shares. Staff who are considered confidential generally would only share information if there was imminent risk to self or others. Staff who are considered private can share information with others on a “need to know basis,” which is a lower threshold than confidential sources. More detail is provided below on who are confidential or private resources.

If unsure of someone’s duties and ability to maintain your privacy, please ask before you talk to them. They will be able to tell you, and help you make decisions about who can help you best. If your personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made to protect your privacy.

There are three options to seek support and/or to make a report. Depending on the desired outcome, a student may choose one of the following options:

- **Seek support from those who can maintain complete confidentiality**
  - A student who desires that details of the incident be kept confidential should speak with the following individuals:
    - Off-campus health professionals (e.g., New Ulm Medical Center 507-233-1000)
    - Off-campus rape crisis resources who can maintain confidentiality, 800-630-1425
    - Campus Pastor John Boeder, 507-404-0624
    - Off-campus WELS advocate Michelle Markgraf cell phone # 605-376-0350
- **Make a formal report to the College (the College will act)**

- A student/employee has the right to report the incident to the College Title IX Coordinator or Deputy Coordinator. The names and contact information for these individuals is listed above. Reporting an incident to these officials ensures that an investigation will be conducted.
  - A student/employee may make formal reports of sexual misconduct incidents to other College officials. These officials include the President, Vice presidents, and Academic Deans. The College considers these people to be responsible employees (those with supervisory responsibility or remedial authority to address sexual misconduct.) Notice to them is official notice to the institution. When any of these individuals receive a report of sexual misconduct, they will be required to take action by immediately referring the incident to the Title IX Coordinator.
  - The College takes incidents of sexual misconduct seriously when formally reported, and will investigate and resolve incidents through administrative procedures. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, and the accused individual.
- **Seek support from those who can maintain privacy, but not complete confidentiality**
    - A student can seek advice from other members of the College community not listed above. These individuals are required to report to the Title IX Coordinator that an incident occurred but are not required to tell the reporter's private, personally identifiable information unless there is cause for fear for the reporter's safety, or the safety of others. These are individuals who the College has not specifically designated as "responsible employees" for purposes of putting the institution on notice. These people include those without supervisory responsibility or remedial authority to address sexual misconduct, faculty members, advisors to student organizations, admissions officers, student activities personnel, dormitory supervisors, resident assistants, security workers and others.
    - If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you, and help you make decisions about who can help you best. If your personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made to protect your privacy.

### **Federal Statistical Reporting Obligations**

Victims of sexual misconduct should be aware that certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus security regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure

greater community safety. Mandated federal reporters include: student/conduct affairs, campus security, local police, coaches, athletic directors, residence hall staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

### **Federal Timely Warning Reporting Obligations**

Victims of sexual misconduct should also be aware that university administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

### ***Other Reporting Options – Law Enforcement and Office for Civil Rights***

Sexual misconduct incidents may always be reported to the Police Department by the victim. The College reserves the right in certain circumstances to report the incident to the Police Department.

Individuals with complaints of sexual harassment or sexual misconduct who do not feel that the school is addressing cases of sexual misconduct and discrimination also have the right to file a formal complaint with the United States Department of Education, Office for Civil Rights (OCR). Discrimination based on sex is prohibited by Title IX of the Education Amendment of 1972 and is enforced by OCR. A complaint of discrimination can be filed by ***anyone who believes that an education institution that receives Federal financial assistance has discriminated against someone*** on the basis of sex, as well as other categories such as race, color, national origin, disability, or age. The person or organization filing the complaint need not be a victim of the alleged discrimination, but may complain on behalf of another person or group. Generally, a complaint must be filed with OCR within 180 calendar days of the last act that the complainant believes was discriminatory. More information can be obtained regarding filing a complaint with OCR at the following link:

<http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>

The OCR office for Minnesota is located at:

**Chicago Office  
Office for Civil Rights  
U.S. Department of Education  
Citigroup Center  
500 W. Madison Street, Suite 1475**



**Chicago, IL 60661-4544**

**Telephone: 312-730-1560**

**FAX: 312-730-1576; TDD: 800-877-8339**

**Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)**

### ***Investigation of Reported Violations***

Although there is no specific time limit for reporting a suspected violation of this policy, an employee or student who believes that he or she has been subjected to conduct that violates this policy is encouraged to report such as soon as possible after the alleged act of discrimination, harassment, sexual assault, sexual misconduct or retaliation to discuss the available options for proceeding. The victim of sexual assault also may choose to file a criminal complaint against the alleged perpetrator with law enforcement. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College's investigation, but the College will commence its own investigation as soon as is practicable under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

The Title IX Coordinator (or designee) will conduct an investigation either alone or with one or more other College officials as deemed appropriate by the College. The investigation will be completed within sixty (60) days of the filing of a complaint or the date on which the College becomes aware of a suspected violation of this policy unless the College determines in its discretion that more time is required to complete the investigation. As part of the investigation, the Title IX Coordinator (or designee) will seek to interview the complainant and the accused and other witnesses as indicated. To help ensure a prompt and thorough investigation, complainants are encouraged to provide as much of the following information as possible:

- The name, department, and position of the person or persons allegedly causing the sex discrimination, sexual harassment, sexual assault, sexual misconduct or retaliation.
- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the complainant's academic standing, educational benefits or opportunities, position of employment, salary, employee benefits, promotional opportunities, or other terms or conditions of employment.
- The names of other students or employees who might have been subject to the same or similar sex discrimination, sexual harassment, or retaliation.
- Any steps the complainant has taken to try to stop the discrimination, harassment, or retaliation.
- Any other information the complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

The accused also is encouraged to provide as much information as possible in connection with the investigation.

The College reserves the right to suspend or place on immediate administrative leave any member of the campus community accused of violating this policy, or to take any other interim measures the College deems appropriate, pending the outcome of an investigation and/or disciplinary proceedings. Such interim measures can include, but are not limited to, placing an employee on paid or unpaid administrative leave, removing a student from campus housing and/or current classes, suspending a student's enrollment, modifying course schedules, and issuing a "no contact" order.

### ***Disciplinary Actions for Violations of this Policy***

Students who are found to have violated this policy will be subject to disciplinary action, up to and including expulsion or dismissal in accordance (i) with the provisions of any applicable Student Code of Conduct (or other comparable policy); and (ii) with the additional provisions set forth in the "Grievance Procedures" section of this policy. Faculty and staff who are found to have violated this policy will be subject to disciplinary action, up to and including discharge or termination in accordance (i) with any applicable policies or procedures governing disciplinary action against faculty and staff and; (ii) with the additional provisions set forth in the "Grievance Procedures" section of this policy, to the extent these additional provisions are applicable. Guests and other third parties who are found to have violated this policy will be subject to corrective action deemed appropriate by the College, which may include removal from the campus and termination of any applicable contractual or other arrangements. In instances where the College is unable to take disciplinary action in response to a violation of this policy because a complainant insists on confidentiality or for some other reason, the College will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

### ***Retaliation***

Retaliation exists when action is taken against a complainant or participant in the complaint process that (i) adversely affects the individual's employment or academic status; and (ii) is motivated in whole or in part by the individual's participation in the complaint process.

### ***Prohibition Against Retaliation***

No individual who makes a complaint alleging a violation of this policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action, up to and including expulsion/dismissal for students and termination/dismissal for faculty and staff.

### ***Confidentiality***

To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this policy will be observed, provided that it does not interfere with the College's ability to conduct an investigation and take any corrective action deemed appropriate.

### ***Grievance Procedures***

All incidents of sexual harassment, sexual assault, and sexual misconduct, as well as any acts of prohibited retaliation, should be reported as outlined above. The College will promptly and equitably investigate and resolve all suspected and alleged violations of this policy. The College reserves the right to take steps to protect the complainant as deemed necessary during the pendency of the investigation and resolution process (e.g., allowing for a change in academic situation, issuing a "no contact" order to the accused, etc.). Any such interim steps will be taken in a manner that minimizes the burden on the complainant to the extent possible.

### ***Investigation and Resolution Process***

The investigation and resolution process typically includes the following elements, which may be modified to fit the circumstances of a particular case:

- Although there is no specific time limit for reporting a suspected violation of this policy, an employee or student who believes that he or she has been subjected to conduct that violates this policy is encouraged to contact Title IX Coordinator as soon as possible after the alleged act of discrimination, harassment, or retaliation occurs in order to discuss the available options for proceeding.
  - The Title IX Coordinator (or his/her designee) will conduct an investigation either alone or with one or more other school officials as deemed appropriate by the College. The investigation will be completed within sixty (60) days of the filing of a complaint or of the date on which the College becomes aware of a suspected violation of this policy unless the College determines that more time is required to complete the investigation.
  - Within seven (7) days of the conclusion of the investigation, both the complainant and the accused will be informed in writing of the outcome of the investigation, including whether there has been a determination that this policy has been violated. This written notice will be issued concurrently to the complainant and the accused.
- If there is a finding that this policy has been violated, the College will take appropriate corrective action to eliminate the policy violation, prevent the recurrence of the violation, and address the discriminatory effects of the violation.

Additional procedural protections include the following:

- **Standard for Determining Responsibility.** The standard used to determine whether this policy has been violated is whether it is more likely than not that the accused violated this policy. This is often referred to as a “preponderance of the evidence” standard.
- **Rights of Complainants and Accused Parties; Timing of Resolution.** Complainants and accused parties shall be provided with the following in connection with any investigative proceeding used to reach a decision regarding whether any violation of this policy has occurred. The College will endeavor to conclude any proceeding and notify the parties of the outcome within thirty (60) days after the investigation and resolution process commences unless the College determines that more time is required.

### ***Rights of Complainants***

- The opportunity to speak on one’s own behalf.
- The opportunity to be accompanied by an advisor or support person from the campus community.
- The opportunity to present witnesses who can speak about the alleged conduct at issue.
- The opportunity to present other evidence on one’s own behalf.
- The opportunity to review any information offered by the alleged perpetrator (to the greatest extent possible and consistent with FERPA or other applicable law).
- The right to be informed of the outcome of the investigation.
- The opportunity to appeal the outcome of the investigation.

### ***Rights of Accused Parties***

- The right to a written explanation of the alleged violations of this policy;
- The opportunity to speak on one’s own behalf;
- The opportunity to be accompanied by an advisor or support person from the campus community;
- The opportunity to present witnesses who can speak about the alleged conduct at issue;
- The opportunity to present other evidence on one’s own behalf;
- The opportunity to review any information offered by the complainant (to the greatest extent possible and consistent with FERPA or other applicable law).
- The right to be informed of the outcome of the investigation; and
- The opportunity to appeal the outcome of the investigation

### ***Notification of Outcome***

After the conclusion of the investigation and determination of finding, the College will provide written notification to the complainant party and the alleged perpetrator involved of the outcome (i.e., whether a violation of this policy has occurred) within seven (7) calendar days after the conclusion of any determination of finding, unless the school determines that additional time is required. This notice shall be issued contemporaneously to both parties to

the extent practicable. The College will also disclose to the complainant information about any sanctions or corrective actions taken that relate directly to the complainant (e.g., a “no contact” order).

### ***Right to Appeal***

Once written notification of the resolution has been received, the parties involved will have the opportunity to appeal the findings. The desire to appeal should be submitted in writing to the Title IX Coordinator within seven calendar days. Appeals shall follow the appeal procedure found in the Student Handbook. The only acceptable basis for an appeal is 1) new evidence not previously available or 2) a violation of the procedure outlined in this policy. Appeals will be heard by the Vice President for Administration or his designee.

### ***Immunity for Victims and Witnesses***

The College community encourages the reporting of conduct code violations and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to College officials or participate in grievance processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College may offer victims and witnesses immunity from policy violations related to the reported incident. While serious violations cannot be overlooked, the College reserves the right to waive lesser charges (such as violations of the alcohol policy, for example) in cases that involve sexual misconduct.

#### Additional Resources regarding sexual harassment, assault, and violence

Kelsey Horn, an RN employed by the MLC Student Health Office, is a trained advocate for victims of sexual harassment and assault. Her office is located in the Luther Student Center and her phone number is **605-690-3059**

A WELS Sexual Assault Advocate, Michelle Markgraf, lives and works in Sioux Falls, SD and can be reached at **605-376-0350**

NATIONAL SEXUAL ASSAULT HOTLINE **1-800-656-HOPE**  
(operated by RAINN—the Rape, Abuse and Incest National Network)

MINNESOTA COALITION AGAINST SEXUAL ASSAULT  
<http://www.mncasa.org/>

About Sexual Violence  
<http://www.mncasa.org/about.html>

Minnesota Statutes Pertaining to Sexual Violence  
[http://www.mncasa.org/svji\\_legal\\_links.html](http://www.mncasa.org/svji_legal_links.html)

Seek Help – Community Services  
<http://www.mncasa.org/seek.cfm>  
(select help by county – particularly Brown & Nicollet Counties)

NATIONAL CENTER FOR THE VICTIMS OF CRIME  
<http://www.victimsofcrime.org/>  
(detailed information for victims, survivors and helpers)

RAPE, ABUSE AND INCEST NATIONAL NETWORK <http://www.rainn.org/>

*Ways to reduce your risk of sexual assault*  
<http://www.rainn.org/get-information/sexual-assault-prevention>

*Effects of Sexual Assault*  
<http://www.rainn.org/get-information/effects-of-sexual-assault>

*Aftermath of Sexual Assault*  
<http://www.rainn.org/get-information/aftermath-of-sexual-assault>

*Recovering from Sexual Assault*  
<http://www.rainn.org/get-information/sexual-assault-recovery>

#### ADDITIONAL RESOURCES

California Coalition Against Sexual Assault  
<http://calcasa.org/>

HOPE (peer education group that addresses health issues on campus)  
Website: <http://www.wm.edu/so/hope>

Masculinity and Violence Issues  
<http://www.xyonline.net/category/article-content/violence>

Men Against Sexual Violence  
<http://www.menagainstsexualviolence.org/>

Men Can Stop Rape  
<http://www.mencanstoprape.org>

National Sexual Violence Resource Center  
<http://www.nsvrc.org/>

National Resource Center on Domestic Violence  
<http://www.nrcdv.org/>  
Hotline: 1-800-799-SAFE

One in Four (national rape prevention peer organization)

<http://www.oneinfourusa.org/>

U.S. Department of Justice

<http://www.ovw.usdoj.gov/sexassault.htm>

### **Sexual Assault: For more information**

Violence ([www.center4research.org/2010/04/surviving-sexual-assault/](http://www.center4research.org/2010/04/surviving-sexual-assault/))

Alcohol and Sexual Assault ([www.athehealth.com/practitioner/ceduc/alc\\_assault.html](http://www.athehealth.com/practitioner/ceduc/alc_assault.html))

Rape ([www.rainn.org/statistics](http://www.rainn.org/statistics))

Sexual Assault (<http://www.womenshealth.gov/violence-against-women/> )

Victims of sexual harassment, rape, or violence may receive assistance outside the college through the Crime Victims Reparations Board and the Office of the Crime Victim Ombudsman. Contact with these agencies may be made through Brown County Victim Services by calling 507-233-6664.

CADA of Brown County--Victim Services 507-233-6663

CADA of Nicollet County--Victim Services 507-625-8688

**24 Hour Safeline 1-(507) 625-7233**

**Crisis Line 1-800-477-0466**

CADA website -- <http://www.inspire-hope.org/>

#### **MN Crime Victims Reparations Board and the Office of Crime Victims Ombudsman:**

1821 University Avenue North

N465 Griggs-Midway Building

St. Paul, MN 55104

Phone: 1-800-247-0390]

MLC will not, and cannot by law, retaliate against you in any way for reporting instances of sexual harassment, rape, or violence. Any faculty, staff, or students of MLC who retaliate against persons making complaints will be subject to disciplinary action by the college, even if the original complaint is not upheld. Such discipline may include suspension or termination.

#### **If you have been assaulted...**

...remember that **it is not your fault**. Don't hesitate to reach out – Martin Luther College, area law enforcement and health care providers offer resources and people to help you every step of the way. You are not alone ... here are some important first steps to take.

- **Find a safe environment** away from the assailant. Ask a trusted friend to stay with you for moral support.
- **Focus on taking care of yourself** and your best interests.
- **Report the assault** to police—IF THAT IS WHAT YOU DESIRE—by calling 911 or the New Ulm Police Department at 233-6750.
  - Reporting the assault does not commit you to filing charges, and you can decide at any time not to pursue the case. You may request a male or female officer.
  - For a student who wishes his/her assault to be handled in a private, confidential manner, it is preferred that the student contact the Campus Pastor.
  - Although a person or agency that is a mandatory reporter must disclose an alleged assault, the personal identity of the alleged victim can remain confidential. Please review questions of confidentiality in the Title IX policy detailed above.

- **Preserve the evidence of the assault.** Bathing, showering, brushing your teeth or hair, eating, drinking or going to the bathroom may destroy evidence. If you must change your clothes, put the clothes you were wearing during the attack in a **paper** bag to give to the police.
  - Write down all the details you can recall about the assault and the assailant.
  - Write down the names of any witnesses who might be able to help.
  
- **Go to the emergency room**
  - Ask the hospital to conduct a rape kit exam to preserve forensic evidence.
  - If you suspect you were drugged, ask that a urine sample be collected.
  
- **Even if you believe that you will never report the assault, still consider:**
  - Getting medical attention. Even with no physical injuries, it is important to determine the risks of STDs and the possibility of pregnancy.
  - Calling the following hotline for free, confidential counseling, 24 hours a day:
    - National Sexual Assault Hotline, operated by RAINN—the Rape, Abuse and Incest National Network—1-800-656-HOPE

### **Education regarding rape, violence and harassment**

The Student Life Office makes use of local resources to provide training and education regarding procedures for contacting law enforcement, for evidence preservation, and for obtaining counseling and support. Training and educational programming is offered to all new and incoming students, faculty and staff on a yearly basis by the Student Life Office.



# Sexual Assault, Stalking, Domestic Violence and Dating Violence

Martin Luther College does not discriminate on the basis of sex in its educational programs, and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Martin Luther College 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 school official. In this context, Martin Luther College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a safe campus environment for all members of the college community.

For a complete copy of Martin Luther College's policy governing sexual misconduct, see the Title IX policies previously documented in this report or visit:

<http://mlc-wels.edu/student-life/title-ix-policy/current-title-ix-policy/view>

## A. Definitions

There are numerous terms used by Martin Luther College in our policy and procedures.

**CONSENT** is defined in MINNESOTA as

- (a) "Consent" means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
  - (b) A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act.
  - (c) Corroboration of the victim's testimony is not required to show lack of consent.
- (Minnesota Statute 609.341 DEFINITIONS, subdivision 4.)

**SEXUAL ASSAULT:** "Sexual assault" means 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** 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 non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**STATUTORY RAPE** is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

The MINNESOTA State Statutes list the following definitions and criminal sexual misconduct categories on the Legislature's website.

See: <https://www.revisor.mn.gov/statutes/?id=609.341>

**DOMESTIC VIOLENCE:** The term "domestic violence" means

1) Felony or misdemeanor crimes of violence committed-

- (i) By a current or former spouse or intimate partner of the victim;
- (ii) By a person with whom the victim shares a child in common;
- (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (iv) 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
- (v) 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.

2) For the purposes of complying with the requirements of this section and Minnesota Statute section 518B.01, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Information on MINNESOTA Statutes regarding Domestic Abuse and Violence can be found at on the legislative website at <https://www.revisor.mn.gov/statutes/?id=518B.01>

**DATING VIOLENCE:** The term "dating violence" means violence committed by a person

1) who is or has been in a social relationship of a romantic or intimate nature with the victim and 2) the existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

- (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (ii) Dating violence, according to Minnesota law, includes acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and applicable Minnesota law any incident meeting this definition is considered a crime for the purposes of Clery Act

reporting.

MINNESOTA Statutes treat Dating Violence under the heading of Domestic Abuse and Violence.

**STALKING:**The term "stalking" means

1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to...

- (i) fear for his or her own safety or the safety of others; or
- (ii) suffer substantial emotional distress.

2) For the purposes of this definition—

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

3) For the purposes of complying with the requirements of this section and applicable Minnesotat law, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

MINNESOTA Statutes regarding stalking can be accessed on the legislative website at <https://www.revisor.mn.gov/statutes/?id=609.749>

## **B. Education and Prevention Programs**

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that...

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

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- a) Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b) Defines behavior which constitutes domestic violence, dating violence, sexual assault, and stalking using definitions provided both by the Department of Education as well as Minnesota law;
- c) Defines what behavior and actions constitute consent to sexual activity in the State of MINNESOTA and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;
- d) Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- e) Provides information on risk reduction. Risk reduction means supplying options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- f) Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The College has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation;

The College offered the following primary prevention and awareness programs for all incoming students in 2015:

Program	Date	Location	Prohibited Behavior Addressed
New Student Title IX Training	1/10/2015	WCC	DoV, DaV, S, SA
New Student Bystander Intervention Training	1/10/2015	WCC	DoV, DaV, S, SA
New Student Title IX Training	8/21/2015	WCC	DoV, DaV, S, SA
New Student Bystander Intervention Training	8/21/2015	WCC	DoV, DaV, S, SA
New Student Alcohol/Drug Awareness Training	8/21/2015	WCC	Alcohol and Drug Awareness

- DoV = Domestic Violence, DaV = Dating Violence, SA = Sexual Assault and S = Stalking

The College offered the following primary prevention and awareness programs for all new

employees in 2015:

Program	Date	Location	Prohibited Behavior Addressed
Faculty & Staff Title IX Training	5/19/2015 and 8/3/2015	WCC	DoV, DaV, S, SA
Faculty & Staff Bystander Intervention	5/19/2015 and 8/3/2015	WCC	DoV, DaV, S, SA
Faculty & Staff Clery CSA Training	5/19/2015 and 8/3/2015	WCC	DoV, DaV, S, SA
Security Title IX Training	8/24/2015	WCC	DoV, DaV, S, SA
Security Bystander Intervention	8/24/2015	WCC	DoV, DaV, S, SA
Security Clery CSA Training	8/24/2015	WCC	DoV, DaV, S, SA
RA Advocacy Training	8/14/2015	LSC	DoV, DaV, S, SA
RA Title IX Training	8/15/2015	LSC	DoV, DaV, S, SA
RA Bystander Intervention	8/15/2015	LSC	DoV, DaV, S, SA
RA Clery CSA Training	8/16/2015	LSC	DoV, DaV, S, SA
RA Alcohol/Drug Awareness Training	8/15/2015	WCC	Alcohol and Drug Awareness

o DoV = Domestic Violence, DaV = Dating Violence, SA = Sexual Assault and S = Stalking

The College offered the following ongoing awareness and prevention programs for students in 2014:

Program	Date	Location	Prohibited Behavior Addressed
Bystander Intervention Training	2/25/2015	WCC	DoV, DaV, S, SA

o DoV = Domestic Violence, DaV = Dating Violence, SA = Sexual Assault and S = Stalking

The College offered the following ongoing awareness and prevention programs for employees in 2014:

Program	Date	Location	Prohibited Behavior Addressed
Bystander Intervention Training	2/25/2015	WCC	DoV, DaV, S, SA

o DoV = Domestic Violence, DaV = Dating Violence, SA = Sexual Assault and S = Stalking

### **C. Procedures for Reporting a Complaint**

The University 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, physical and mental health resources, 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, regarding housing, academic scheduling, transportation and working accommodations, if reasonably available. The College will make such accommodations, if the complainant requests them and if they are reasonable available, regardless of whether the complainant chooses to report the crime to local law enforcement. Students and employees should contact the Vice president for Student Life regarding accommodations.

After an incident of sexual assault and domestic/dating violence, the complainant should consider seeking medical attention as soon as possible at the New Ulm Medical Center. In MINNESOTA, evidence may be collected even if you chose not to make a report 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 96 hours so that evidence may be preserved which could 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 health care providers can treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease even if victims do not opt for forensic evidence collection.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents—all of which could be useful in an investigation.

Although the college 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. The College will assist any victim with notifying local police if they so desire. The New Ulm Police Department may also be reached directly by calling 507-233-6750, or by visiting the Law Enforcement Center located at 15 South Washington Street in New Ulm. Additional information about the New Ulm Police Department may be found online at:

<http://www.ci.new-ulm.mn.us/index.asp?SEC={2B5FFE3E-A341-4163-9B0F-B18A90F2B108}>

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly and have rights and protections when doing so. Reporting options are listed in a previous section of this document detailing the college's Title IX policy. Please note that the people you choose to report to may have differing responsibilities in regard to maintaining either your privacy or your full confidentiality. Again, this is explained fully in the

Title IX. The College will provide both on-and-off campus resources to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures and sanctions to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with campus officials or law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

The chart below details the procedures the College will follow and the evidentiary standard the College will use should a report of domestic violence, dating violence, sexual assault or stalking be received.

Incident	Institutional Procedure	Evidentiary Standard
Sexual Assault	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), the institution will provide complainant with access to medical care</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist complainant with contacting local police if complainant requests and will provide complainant with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to on- and off-campus mental health providers</li> <li>5. Institution will implement appropriate interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties</li> <li>6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> <li>7. Institution will provide written instructions on how to apply for Protective Order</li> <li>8. Institution will provide a copy of the Sexual Misconduct Policy (Title IX Policy) to complainant and inform the complainant regarding time frames for inquiry, investigation and resolution</li> <li>9. Institution will inform the complainant of the outcome of the investigation, whether or not</li> </ol>	Preponderance of evidence

	<p>the accused will be administratively charged and what the outcome of the hearing is</p> <p>10. 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</p>	
Stalking	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests and will provide complainant with contact information for local police department</li> <li>3. Institution will provide instructions on how to apply for Protective Order</li> <li>4. Institution will provide information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long- term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>	Preponderance of evidence
Domestic Violence	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests and will provide complainant with contact information for local police department</li> <li>3. Institution will provide instructions on how to apply for Protective Order</li> <li>4. Institution will provide information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long- term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>	Preponderance of evidence
Dating Violence	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> </ol>	Preponderance of evidence



	<ol style="list-style-type: none"> <li>2. Institution will assist complainant with contacting local police if complainant requests and will provide complainant with contact information for local police department</li> <li>3. Institution will provide instructions on how to apply for Protective Order</li> <li>4. Institution will provide information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long- term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>	
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## **Minnesota Law Pertaining to Domestic Violence, Dating Violence and Stalking**

### **611A.02 NOTIFICATION OF VICTIM SERVICES AND VICTIMS' RIGHTS.**

#### ***Subdivision 1. Victim services.***

The commissioner of corrections, in cooperation with the executive director of the Crime Victims Reparations Board, shall develop a plan to provide victims with information concerning victim services in the geographic area where the crime occurred. This information shall include, but need not be limited to, information about available victim crisis centers, programs for victims of sexual assault, victim witness programs, elderly victims projects, victim assistance hotlines, incest abuse programs, and domestic violence shelters and programs.

The plan shall take into account the fact that some counties currently have informational service systems and victim or witness services or programs.

This plan shall be presented to the appropriate standing committees of the legislature no later than February 1, 1984.

#### ***Subd. 2. Victims' rights.***

(a) The Office of Justice Programs in the Department of Public Safety shall develop two model notices of the rights of crime victims.

(b) The initial notice of the rights of crime victims must be distributed by a peace officer to each victim, as defined in section [611A.01](#), at the time of initial contact with the victim. The notice must inform a victim of:

- (1) the victim's right to apply for reparations to cover losses, not including property losses, resulting from a violent crime and the telephone number to call to request an application;
- (2) the victim's right to request that the law enforcement agency withhold public access to data revealing the victim's identity under section [13.82, subdivision 17](#), paragraph (d);
- (3) the additional rights of domestic abuse victims as described in section [629.341](#); (*this statute is included below*)
- (4) information on the nearest crime victim assistance program or resource;
- (5) the victim's rights, if an offender is charged, to be informed of and participate in the prosecution process, including the right to request restitution; and
- (6) in homicide cases, information on rights and procedures available under sections [524.2-803](#), [524.3-614](#), and [524.3-615](#).

(c) A supplemental notice of the rights of crime victims must be distributed by the city or county attorney's office to each victim, within a reasonable time after the offender is charged or petitioned. This notice must inform a victim of all the rights of crime victims under this chapter.

***Subd. 3. Notice of rights of victims in juvenile court.***

(a) The Office of Justice Programs in the Department of Public Safety shall develop a notice of the rights of victims in juvenile court that explains:

- (1) the rights of victims in the juvenile court;
- (2) when a juvenile matter is public;
- (3) the procedures to be followed in juvenile court proceedings; and
- (4) other relevant matters.

(b) The juvenile court shall distribute a copy of the notice to each victim of juvenile crime who attends a juvenile court proceeding, along with a notice of services for victims available in that judicial district.

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an order for protection from domestic abuse. The order could include the following:

- (1) an order restraining the abuser from further acts of abuse;

- (2) an order directing the abuser to leave your household;
- (3) an order preventing the abuser from entering your residence, school, business, or place of employment;
- (4) an order awarding you or the other parent custody of or parenting time with your minor child or children; or
- (5) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

Further, Martin Luther College complies with MINNESOTA law in recognizing orders of protection by adhering to the following guidelines:

- Any person—faculty, student or staff—who obtains an order of protection should provide a copy of said order to the Vice president for Student Life
- A complainant may then meet with the Vice president for Student Life to develop a Safety Action Plan, which is a plan for college personnel 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, special housing arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.

The College cannot apply for a legal order for 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.

The MINNESOTA Judicial Branch website posts the following information:

### **What is Domestic Abuse under Minnesota law**

Minnesota has a law called the **Domestic Abuse Act**, which is found at [MN Statutes, Ch. 518B](#). That law defines **domestic abuse** as one of the following acts committed by a **family or household member** against another family or household member:

- infliction of physical harm, bodily injury, or assault;
- infliction of *fear* of imminent physical harm;
- terroristic threats ([MN Statutes § 609.713](#));
- acts of criminal sexual conduct (MN Statutes Sections [609.342](#), [609.343](#), [609.344](#), [609.345](#), [609.3451](#));
- interference with an emergency call ([MN Statutes § 609.78](#)).

A **family or household member** is one of the following:

- spouse or former spouse;
- persons involved in a significant romantic or sexual relationship;
- parents and children;
- persons related by blood;

- persons living together or who have lived together in the past;
- persons who have or had a child in common (born or in utero), regardless of whether they were living together or ever married.

## How to get a court Order for Protection

### Get Help from an Advocate

If you want to ask the court for an **Order for Protection (OFP)** from domestic abuse, we suggest that you try to get help from an domestic abuse advocate who knows the process and can support you through all of the steps. The [MN Coalition for Battered Women](#) has a statewide online directory of advocacy agencies.

### Fill Out OFP Forms Packet

You do not have to use an advocate. If you choose to ask for an OFP on your own, the MN Judicial Branch does publish [OFP Forms Packets](#) on its website. If you are the person asking for an OFP, you are called the "**Petitioner**" in the case, and the other party is called the "**Respondent**." There are instructions with the OFP Forms Packets that explain how to fill out the forms. An OFP can be requested "on behalf of" minor children as well.

### Privacy of Information

Generally, court files are open to the public, with some exceptions for safety or other confidential issues. When you fill out your forms, if you do not want the Respondent to know your address, or if you do not want your address to be part of the public court file, **you do not have to write your address in the Petition form**. You may give it to the Court separately on a different form in the OFP Forms Packet. However, you are responsible for telling the Court that you do not want your address to be part of the public file if that is what you want.

## What is Harassment under Minnesota law

Regardless of the relationship between the parties, under [MN Statutes § 609.748](#), **harassment** is defined as:

- a single incident of physical or sexual assault;
- **repeated** incidents (more than one) 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 (*e.g.*, repeated phone calls, following a person, repeatedly coming to the Petitioner's home after having been asked not to do so);
- targeted residential picketing; OR
- a pattern of attending public events after being notified that their presence is harassing to another

### Who can file?

The Petitioner does not have to have had a personal relationship with the Respondent. An adult can ask the court (petition) for an order for themselves or on behalf of their minor children if there have been incidents of harassment against their children.

The Respondent could be any adult(s) or juvenile(s) alleged to have engaged in harassment, **OR** an organization alleged to have sponsored or promoted harassment.

**NOTE:** A "**harassment restraining order**" is a matter handled in **civil** court and is brought by an individual seeking protection. A "**no contact order**" is a type of order usually issued by a judge in **criminal** court that orders the criminal defendant not to have contact with someone.

## How to get a Harassment Restraining Order

If you believe that someone is harassing you, you may ask the court for a Harassment Restraining Order. This order can help:

- prevent further harassment,
- order the Respondent not to contact you and your family at any time, and
- allow police to arrest the Respondent without a warrant for violations of the order

A victim does **not** have to report the harassment to the police to ask for a court order. Depending on the facts, there may be a [filing fee](#) to start a harassment case, which may be waived if you qualify based on low-income for a [fee waiver \(IFP\)](#). See [Forms & Instructions to Ask for a Harassment Restraining Order](#)

If you start a case, you are called the "**Petitioner**" and the person who committed the acts is called the "**Respondent**."

Where to file?

**You can start a Harassment case in the [District Court](#) of the county where:**

- you or the Respondent lives, **OR**
- the harassment occurred;

**You must write details in your petition form about how:**

- the Respondent has physically or sexually assaulted you (only one incident is required); **OR**
- the Respondent has done acts, words, or gestures on at least two different days, **AND** the actions have caused, or were intended to cause, **substantial adverse effect** upon your safety, security or privacy

**STEP 1:** Complete your [Petition for Harassment Restraining Order forms](#) and take them to the courthouse to be filed either where you or the Respondent lives, or where the harassment has occurred.

**STEP 2:** A "signing judge" will review your Petition forms and will decide if a Harassment Restraining Order should be issued and whether a hearing will be required.

The Judge will sign an order that does one of three things:

- **Dismissal** - meaning that the incidents you described in your papers do not rise to the level of harassment. In order to re-file, there will need to be a new incident or incidents that you believe are harassment.
- **Denial** - meaning that a temporary order is **not** granted, but you may request a hearing to present your case to the judge.
- **Harassment Restraining Order** - meaning that a two-year order is granted without a hearing.

**STEP 3:** You may [request a hearing](#) in writing within 45 days of an order being signed by the judge. The Respondent may [request a hearing](#) in writing within 45 days of being served with an order.

## **How to respond to a Harassment Order**

If someone obtained a temporary order for harassment against you and you want to respond or ask for a hearing, you can download [Request for a Hearing form \(#HAR301\)](#). **IMPORTANT: There is a deadline to ask for a hearing.** Carefully read all court documents and follow the instructions. You might also want to [talk to a lawyer](#) about your legal rights and options

The College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, college 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 college investigation of the complaint. For example, 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 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. Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The College does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log, in print or online. Victims may request that directory information on file be removed from public sources by requesting such from the MLC Academic Services Office located in the Wittenberg Collegiate Center Link.

Please refer to the College's Title IX Policy for a listing of resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking.

## How to be an Active and Intervening Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm.

Individuals may not always know what to do even if they want to help. Below is a list of ways to be an active bystander. If you or someone else is in immediate danger you are always able to dial 911 for emergency assistance.

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, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on- or off-campus resources listed in this document for support in seeking health services, counseling, or legal assistance.

Practical information on bystander intervention can be accessed at the following site. Three short video lessons can teach you how to identify potentially violent situations and how to intervene in order to prevent that violence from occurring.

<https://speakout.worldsecurystems.com/courses/3-how-to-intervene-as-a-bystander>

## Risk Reduction

With no intent to “victim blame” and recognizing that only rapists are responsible for rape, the following are strategies to reduce one's risk of being sexually assaulted or harassed (taken from the Rape, Abuse, & Incest National Network-- [www.rainn.org](http://www.rainn.org))

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.

8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the US).
11. Don't drink illegally or to excess.
12. 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.
13. 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.
14. 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.
15. If you suspect that you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can administer the correct tests (you will need a urine test and possibly others).
16. 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.
  - 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 discreetly. Your friends or family can then come to get you or help you leave.
  - d. 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?
  - e. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## **E. Adjudication of Violations**

Reports of all domestic violence, dating violence, sexual assault and stalking received by college officials will automatically be referred to the Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges.

The College disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days



of the report, however the proceedings time frame allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Those investigating and resolving allegations are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and resolution process that protects the safety of the victim and promotes accountability. The Title IX Policy documented previously in this report outlines the investigation and resolution procedures that the College will follow in regard to allegations of Sexual Assault, Stalking, Domestic Violence and Dating Violence. Institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused.

For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code and will subject the violator to discipline up to and including dismissal from school. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Vice president for Student Life or his/her 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 College order of no contact, residence hall relocation, 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 Vice president for Student Life'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 the College.

\*Applicable law requires that, when taking such steps to separate the complainant and the accused, the College must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

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



## **SEX OFFENDER NOTIFICATION**

The Federal Campus Sex Crimes Prevention Act, effective October 28, 2002, requires institutions of

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

The Minnesota Bureau of Criminal Apprehension administers a predatory offender registration and tracking program. Any questions about the program may be directed to the Criminal Assessment Program at 1-888-234-1248 or 651-603-6748. Information regarding the program can be found at the following website:

<https://dps.mn.gov/divisions/bca/bca-divisions/investigations/pages/predatory-offender-registrations.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://coms.doc.state.mn.us/Level3/search.asp>



## **MISSING STUDENT POLICY**

The purpose of this policy is to establish procedures for the college's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008.

This policy applies to students who reside in campus housing, including off-campus apartment units leased by the college for student residents.

For purposes of this policy, a student may be considered to be a "missing student" if the student's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student's welfare.

### **I. Procedures for designation of confidential emergency contact information**

Students will be given the opportunity during each semester to designate an individual or individuals to be contacted by the college no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student. This information will be maintained confidentially and will be available only to the Vice President for Student Life or his designee.

In the event a student who is under the age of 18 and is not emancipated is determined to be missing pursuant to the procedures set forth below, the college is required to notify a custodial parent or guardian, in addition to the student's designated contact, no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

### **II. Official notification procedures for missing students**

a. Any individual on campus who has information that a residential student may be a missing student must notify the Student Life Office as soon as possible and in no event, later than 24 hours after determining that

the student is missing

Note: In order to avoid jurisdictional conflicts when an off-campus and/or commuter student is believed to be missing, the reporting person should immediately notify local law enforcement authorities. The Student Life Office will assist external authorities with these investigations as requested.

b. The Student Life Office will gather all essential information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.

If the above actions are unsuccessful in locating the student or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), no later than 24 hours after the Student Life Office determines that a residential student is missing:

- i. the Student Life Office will contact the appropriate local law enforcement agency to report the student as a missing person and the local law enforcement agency will take charge of the investigation; and
- ii. the Vice President for Student Life will notify the emergency contact (for students 18 and over) or the emergency contact and the parent/guardian (for students under the age of 18) that the student is believed to be missing.

### III. Campus communications about missing students

In cases involving missing students, law enforcement personnel are best situated to provide information to the media that is designed to elicit public assistance in the search for a missing student. Therefore, all communications regarding missing students will be handled by outside law enforcement authorities, who may consult with the college's Student Life Office. All inquiries to the college regarding missing students, or information provided to any individual at the college about a missing student, shall be referred to the Student Life Office, which shall refer such inquiries and information to law enforcement authorities.

Prior to providing the Martin Luther College community with any information about a missing student, the Student Life Office shall consult with local law enforcement authorities to ensure that communications do not hinder the investigation.

## GENERAL PHONE NUMBERS

MLC Security Department cell phone	507-276-4512	
MLC Emergency Number	507-359-3344	Press option 2 for security
Emergency (police/fire/rescue)	911	
New Ulm Police Department	507-233-6750	
Brown County Sheriff's Department	507-233-6700	
New Ulm Medical Center	507-217-5000	
Brown County Victim Services	507-233-6663	
Brown County Crime Victim Specialist	507-233-6665	
Office of Crime Victims Ombudsman	800-247-0390	
MLC Student Life Office	507-354-8221, ext. 289	



# Fire Report

## Fires – On Campus Student Housing Facilities

Facility	Address	Number of Fires			Status	Action
		2013	2014	2015		
Augustana Hall	1995 Luther Ct	0	0	0	Updated	
Centennial Hall	1995 Luther Ct	0	0	0	Updated	
Concord Hall	1995 Luther Ct	0	0	0	Updated	
Summit Hall	1995 Luther Ct	0	0	1	Updated	

## Fires – Off Campus Student Housing Facilities

Facility	Address	Number of Fires			Status	Action
		2013	2014	2015		
Sunset Apartments	1610 Sunset Ave.	0	0	0	Updated	

## Fires – Summary

Facility	2013			2014			2015		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Augustana Hall	0	0	0	0	0	0	0	0	0
Centennial Hall	0	0	0	0	0	0	0	0	0
Concord Hall	0	0	0	0	0	0	0	0	0
Summit Hall	0	0	0	0	0	0	0	0	0
Sunset Apartments #s 202, 203, 208, 215, 217, 250, 252	0	0	0	0	0	0	1	0	0