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Annual Security & Fire Report for Calendar Year 2023

Martin Luther College
New Ulm, Minnesota

Emergency Response Plan

Student Life Office
Martin Luther College
Prepared September 2023



Martin Luther College has a total enrollment of approximately 625 on-campus students. The college also employs approximately 125 faculty and staff who work on campus.

Martin Luther College takes seriously the safety, security, and welfare of its community members. The safety and security department is dedicated to providing a safe and secure environment for all members of the college community. Martin Luther College maintains an incident reporting system that enables the college to receive reports of crimes, assess and confirm crimes, and keeps records of crimes committed on campus. The Student Life Office takes an annual accounting of crime statistics for the MLC campus, prepares a summary of those statistics, reports those statistics to the US Dept. of Education and makes those statistics available to the campus community and other interested parties in this Annual Campus Security and Annual Fire Safety report. The following information is made available to students and staff in compliance with section 485 (f) (I) (F) of the Higher Education Act as amended by the Student Right-to-Know and Campus Security Acts as well as the Violence Against Women Act. The statistics which follow indicate criminal occurrences on campus which were reported to the Vice President for Student Life.

Criminal Offenses - On Campus	2021	2022	2023
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	0	1
Fondling	2	0	1
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	1	0	1
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Criminal Offenses - On Campus Student Housing Facilities	2021	2022	2023
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	0	1
Fondling	0	0	1
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	1	0	1
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Criminal Offenses – Non-campus	2021	2022	2023
Murder/Non-negligent manslaughter	0	0	0
Manslaughter by Negligence	0	0	0

Rape	0	0	0
Fondling	0	0	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
Criminal Offenses – Public Property	2021	2022	2023
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	1	0
Fondling	0	0	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

Crimes that result from or are motivated by prejudice and bias are referred to as Hate Crimes *Categories of prejudice are: real or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, disability.*

Hate Crimes – On Campus

<i>Criminal Offense</i>	2023 Total	<i>Race or perceived 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
Rape	0	0	0	0	0	0	0	0	0
Fondling	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	1	1	0	0	0	0	0	0	0

VAWA Offenses – On Campus

	2021	2022	2023
Domestic Violence	0	0	0
Dating Violence	1	0	0
Stalking	0	0	0

VAWA Offenses – On Campus Student Housing Facilities

	2021	2022	2023
Domestic Violence	0	0	0
Dating Violence	1	0	0
Stalking	0	0	0

VAWA Offenses – Non-campus

	2021	2022	2023
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	1	0

VAWA Offenses – Public Property

	2021	2022	2023
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Arrests and Disciplinary Referrals

Arrests – On Campus	2021	2022	2023
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor Law Violations	0	0	0
Arrests – On Campus Student Housing Facilities	2021	2022	2023
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor Law Violations	0	0	0
Arrests – Non-campus	2021	2022	2023
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0
Arrests – Public Property	2021	2022	2023
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0

Liquor Law Violations	0	0	0
Disciplinary Actions – On Campus	2021	2022	2023
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	2	0	0
Liquor Law Violations	44	42	26
Disciplinary Actions – On Campus Student Housing Facilities	2021	2022	2023
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	2	0	0
Liquor Law Violations	43	40	26
Disciplinary Actions – Non-campus	2021	2022	2023
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	5	0	0
Disciplinary Actions – Public Property	2021	2022	2023
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor Law Violations	0	0	0
Total Unfounded Crimes	2021	2022	2023
	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.

Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Does not include Motor Vehicle Theft.)

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/dormitories and apartments.

The evidentiary standard used to investigate and process any of the crimes listed above is “the preponderance of evidence,” which indicates whether an incident is more likely than not to have occurred.

SAFETY AND SECURITY DEPARTMENT

The college employs student security personnel, located in the WCC Administration Office, to patrol the campus and to report incidents of suspected criminal activity to the administration, 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 following numbers:

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 college administration, student life/dormitory staff or security 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 **non-emergency** phone # is **507-233-6750** or **911 in an emergency**. The college maintains a collaborative working relationship with local law enforcement agencies (without the need for a written Memorandum of Understanding) and will cooperate with said agencies in the investigation of crimes and security/safety concerns.

Dormitories are locked at all times. Each student is given a Radio Frequency Identification (RFID) 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 after normal business hours. Dormitory entrances are under continuous video monitoring.

All contractors are required to check in with the Environmental Services Office by completing the sign in sheet located there. While a contractor is on campus, the individual(s) should wear their own company badge (preferably a company photo ID badge) and an MLC contractor badge. Contractors should be checking in with their MLC contact person before arriving on campus, or while on campus. Contractors who need vendor keys to in order to perform the work required must be authorized by the MLC contact person and will check out and return the vendor key through the Environmental Services Office.

When the contracted work is completed satisfactorily to MLC standards as agreed upon in the original work contract, the contractor will then return to the Environmental Services Office to sign out, return the contractor badge(s) and vendor keys, if checked out. For contractor and student security and well-being, dormitory

contractor work may only be performed Monday through Friday, 9:00 a.m. to 4:30 p.m. Contractors must also be escorted to the dormitory work area, and may also need to be monitored. For interior and exterior work at the MLC Early Childhood Learning Center, contractors must still check in at the Environmental Services Office.

SECURITY PRACTICES for EVERYONE

- ◆ 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. 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, safety concerns or other emergencies occurring on campus. Student Life personnel, in addition to the security department staff—and others you know and/or trust—can assist you in notifying law enforcement authorities of criminal activities. Reports received will be communicated to those responsible for responding (as listed below) and measures appropriate to the situation will be taken.

Victims or witnesses of crimes on campus may state their desire for confidentiality when reporting incidents and those receiving reports will endeavor to maintain a reporter's confidentiality, keeping in mind that the presence of a continuing danger to health and safety may mitigate the ability to maintain such confidentiality.

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
- HR Director and Staff
- Administrative Staff
- Campus Nurse
- 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. The Vice president for Student Life, with assistance from the HR/Safety Director, is responsible for developing and issuing timely warnings and emergency notifications and also for the annual disclosure of campus crime statistics.

Timely warnings are issued in an effort to mitigate danger and prevent harm, and responsible officials will strive to issue such warnings as soon as possible after receiving and assessing a report. As such, the college will immediately notify the campus community of a significant emergency or dangerous situation involving an immediate threat on the campus to the health and safety of our campus community. Efforts to confirm emergency or dangerous situations include:

- Monitoring weather reports, including emergency weather notifications issued by the national weather service
- Contacting local law enforcement agencies
- Receiving information from campus building automation and detection systems
- Receiving reports from members of the campus community

Those involved in the emergency notification and timely warning process include the college administration (president and vice presidents), the HR/Safety Director, the MLC Safety Committee, the Environmental Services Department and the Residence Hall Staff. In the event of an emergency or dangerous situation, the officials and departments noted above will use the same means (e.g., email, SMS text messaging, voice messaging, digital signage and the campus loudspeaker system) to provide follow-up information as needed. Emergency notification will not be issued if, in the professional judgment of responsible authorities, such notification would compromise efforts to assist the victim of a crime or to contain, respond to, or otherwise mitigate the emergency situation.

Emergency Response, Emergency Communication and Emergency Evacuation procedures are presented in detail in the MLC Emergency Response Plan appended to this report. In addition, this ERP lists the various tests, i.e., regularly scheduled drills, exercises and appropriate follow through activities designed for assessment and evaluation of emergency plans and capabilities, that are carried out each year on the MLC campus. A listing of these Tests appears later in this document.

Should information regarding an emergency situation on campus be pertinent to the larger community in which the campus resides, the MLC public relations department will disseminate appropriate information through local news agencies and government offices.

Records of timely warnings and emergency notifications issued are kept in the Student Life Office. Timely warnings will not mention names or other information identifying victims or witnesses. Should a victim or witness report a crime to a pastoral or professional counselor, with the intent and desire to maintain confidentiality, the college is not required to issue a timely warning.

Note about investigations and sanctions... Martin Luther College will, upon written request, disclose to the alleged victim of a crime of violence or of a non-forcible sex offense a report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crimes or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

Alcohol and Drug Policies

The College Governing Board has adopted a policy on drug and alcohol in response to former President George H. W. Bush's national drug control strategy, Congress passed legislation to require schools, colleges, and universities to implement and enforce drug prevention programs and policies as a condition of eligibility to receive federal financial assistance.

On December 12, 1989, President Bush signed the Drug-Free Schools and Communities Act Amendments of 1989 (Amendments) Public Law 101-226. Section 22 of the Amendments amends provisions for the Drug-Free Schools and Communities Act of 1986 and the Higher Education Act of 1965 to require that, as a condition of receiving funds or any other form of financial assistance under any federal program after Oct. 1, 1990, a university or college must submit certification that it has adopted and implemented a drug prevention program.

MLC Governing Board's regulations prohibit the unlawful possession, distribution, sale, and use of illegal drugs and alcohol by all faculty, staff, students, or visitors to the campus, on MLC property, and at any college sponsored events.

Martin Luther College students are prohibited from the use of illegal drugs or alcohol on campus or as a representative of the institution of campus.

In accordance with Minnesota law, the legal age of alcohol consumption is 21 years of age. Based on the standards for student conduct any student found to be engaging in underage drinking will be in violation of the code of conduct. Furthermore, there is an increased risk to safety when engaging in excessive drinking that could include public intoxication and driving under the influence, which can lead to additional violations.

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, and suspend, dismiss or sanction when appropriate. MLC is committed to a drug and alcohol-free campus for its students.

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.

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

New Ulm & Brown County ordinance regarding cannabis:

Subd. 1. No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See State Legislation Article 4, Sec. 19, Minn. Stat. 152.0263, Subd. 5, or successor statute.

The Freedom to Breathe (FTB) provisions, that Brown County has accepted, were signed into law by Governor Tim Pawlenty on May 16, 2007, to protect employees and the public from the health hazards of secondhand smoke. The FTB provisions are an expansion of the current Minnesota Clean Indoor Air Act (MCIAA).

State Laws:

Minnesota Clean Indoor Air Act (MCIAA) MN Statute 144.412 Public Policy: The purpose of sections [144.411](#) to [144.417](#) is to protect employees and the general public from the hazards of secondhand smoke and involuntary exposure to aerosol or vapor from electronic delivery devices by eliminating smoking in public places, places of employment, public transportation, and at public meetings.

Minnesota law mandated Cannabis is legal to possess, use, and grow beginning Aug. 1, 2023

This law allows a person 21 years of age or older to:

- Use, possess, or transport cannabis paraphernalia.
- Possess 2 ounces or less of cannabis flower in a public place.
- Possess 2 pounds or less of cannabis flower in a person's residence.
- Possess or transport 8 grams or less of adult-use cannabis concentrate.
- Possess or transport edible products infused with a total of 800 milligrams or less of tetrahydrocannabinol.
- Give away cannabis flower and products in an amount that is legal for a person to possess in public.

The law explicitly authorizes individuals to use adult-use cannabis flower and adult-use cannabis products:

- In a private residence, including the individual's curtilage or yard.
- On private property, not generally accessible by the public, **unless the owner of the property prohibits the use of the products.**
- On the premises of an establishment or event licensed to permit onsite consumption.

A person may not use cannabis flower, cannabis products, or hemp-derived consumer products in a manner that involves the inhalation of smoke, aerosol, or vapor at any location where smoking is prohibited under the Minnesota Clean Indoor Air Act (MCIAA).

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 depressants;

- 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.

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.

Here is an interesting and useful government website about marijuana:

<https://nida.nih.gov/publications/drugfacts/cannabis-marijuana>

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 euphorants. 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 and the Human Resources 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.
- Recovery 101 Counseling Center ([507\) 359-7101](tel:5073597101))
- 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 800-477-0466
- New Ulm Medical Clinic - (507) 217-5000
Substance Abuse Treatment Services (507) 217-5118
Psychiatric Outpatient Services (507) 217-5168.
 - Sioux Trails Mental Health Center - (507) 354-3181
 - 24-hour crisis line - 800-247-2809.
- Christian Family Solutions (WELS/ELS) 44 Good Counsel Dr, Mankato, MN 56001
 - Contact phone: ([800\) 438-1772](tel:8004381772))

Some national hotlines providing service:

- Cocaine Helpline - (877) 748-9150 The Cocaine Helpline is a 24-hour information and referral service staffed by recovering cocaine-addict counselors.
- SAMHSA’s National Helpline- 1-800-662-HELP (4357) Substance Abuse and Mental Health Services Administration
- NIDA Hotline - 800-843-4971.
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 Annual 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.

While Title IX law and “Clery” law are two separate pieces of legislation, they do intersect in regard to sexual harassment/assault, and the policies and procedures required of colleges and universities in the effort to both prevent and address these crimes and offenses can be applied to the requirements of both pieces of legislation. MLC’s 2023 Title IX policy is included in this Annual Security and Fire Report because many of the requirements of “Clery” law are addressed in this policy. Please note that new regulations for Title IX took effect in August 1st of 2024. These new regulations are in effect now, but during the year 2023 the following policy was followed.

Previous MLC Title IX Policy (effective from 2020 to 8/1/224)

Section A. Information

Within the scope of its Title IX-related policies and procedures, Martin Luther College does not restrict any rights guaranteed against government action by the U.S. Constitution, including those rights enunciated in the First and Fourth Amendments of the U.S. Constitution and the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution.

Martin Luther College will comply with Title IX regulations, policies and procedures irrespective of FERPA provisions to the contrary. Nothing in these regulations will be used to deny any individual’s rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq. or any regulations promulgated thereunder. Nothing in these regulations will deny any legal right of a parent or guardian to act on behalf of a “complainant,” “respondent,” “party,” or other individual, including the ability to file a formal complaint.

If these regulations conflict with a State or local law applicable to Martin Luther College, Title IX regulations preempt that law to the extent of the conflict, and the college will follow them accordingly.

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 Martin Luther 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 Martin Luther 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 will respond appropriately to all alleged violations of this policy about which the college has “actual knowledge.” When notice of an alleged violation is received and been communicated to the Title IX Coordinator, the college is deemed to have “actual knowledge.” 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 formal complaint and give 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 of which it has actual knowledge to the fullest extent possible under the circumstances.

Jurisdiction

According to Title IX law and regulation, a formal complaint of sexual harassment must be dismissed if:

- 1) the conduct alleged in the formal complaint would not constitute sexual-harassment, even if proven,
- 2) the conduct did not occur in a college education program or activity, or
- 3) the conduct did not occur against the person in the United States.

For purposes of this policy, **education program or activity** means locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

A Note About Reporting Violations of TIX Policy

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator (see below).

When notice of sexual harassment or allegations of sexual harassment has been given to the College’s Title IX Coordinator, Deputy Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College, the College is considered to have “actual knowledge” of the allegation or violation and, thereby, must respond promptly to Title IX sexual harassment in a manner that is not “deliberately indifferent,” which means in a way that is not clearly unreasonable in light of the known circumstances.

Title IX Coordinators

Any inquiries regarding Title IX or this policy should be directed to the Title IX Coordinator or 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 110 – Wittenberg Collegiate Center
schonejl@mlc-wels.edu
507-354-8221 ext 289
507-217-9764 mobile

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
Director of Human Resources
Wittenberg Collegiate Center - 158
wendlaae@mlc-wels.edu
507-766-4690

“Officials with Authority” are defined as the President and the Vice presidents of Martin Luther College. These officials must report any notification of alleged sexual harassment to the Title IX Coordinator and are not able to maintain confidentiality in their report.

Previous mandate: All other faculty, staff and employees can maintain confidentiality and will report an alleged violation of this policy when they have the consent of the notifying party to do so. As noted below, there are members of the campus family that have mandatory reporting obligations even while maintaining confidentiality.

Anonymous Report

A student or employee may file an anonymous complaint of sexual harassment and/or sexual violence through the [MLC Advocate site](#). The report will be filed with the college student life office and investigated as best as feasibly possible. A person may submit an anonymous report through the College’s Portal site, which can be accessed at the following URL: https://mlc-wels-advocate.symplicity.com/public_report/index.php

Law Enforcement

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.

Office for Civil Rights

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.

Online: You may file a complaint with OCR using OCR’s electronic complaint form at the following website: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

Mail or Facsimile: You may mail or send by facsimile information to the address or phone number available at [this link](#). You may use OCR's [Discrimination Complaint Form](#) or write your own letter. If you write your own letter, please include:

- ◆ The complainant's name, address and, if possible (although not required), a telephone number where the complainant may be reached during business hours;
- ◆ Information about the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required);
- ◆ The name and location (city and state) of the institution that committed the alleged discriminatory act(s); and
- ◆ A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination.

Email: You may email OCR's [Discrimination Complaint Form](#) or your own signed letter to ocr@ed.gov. If you write your own letter, please include the information identified above.

The OCR office for Minnesota is located at:
Minneapolis Civil Rights Department
350 S 5th St # 239
Minneapolis, MN 55415

Telephone: [\(612\) 673-3012](tel:6126733012)

Email: minneapolis311@minneapolismn.gov

Federal Statistical & Timely Warning 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 the VP for Student Life regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses to be 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 foster greater community safety.

Mandated federal reporters include: faculty, 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. Names of alleged victims and perpetrators may be reported with the consent of the notifying party.

Victims of sexual misconduct should also be aware that college 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 college 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.

Section B. Definitions:

- **“Complainant”**
 - “An individual who is alleged to be the victim of conduct that would constitute sexual harassment.”
 - A school must treat a person as a complainant anytime the school has notice that the person is alleged to be the victim of conduct that could constitute sexual harassment (regardless of whether the person themselves reported or a third-party reported the sexual-harassment or the complaint chooses to remain anonymous) and irrespective of whether the complainant ever chooses to file a formal complaint.
- **“Respondent”**
 - An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment
- **“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.) [Note: for a full reading of this Minnesota Statute, see appendix.]
 - d) 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.
 - e) Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
 - f) Previous relationships or prior consent cannot imply consent to future sexual acts.
 - g) In order to give consent, one must be of legal age (18).

- h) 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.
- i) 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, Ketamine, GHB, or Brundage, 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.

- **“Formal Complaint”**
 - A document filed by a complainant or signed by the TIX Coordinator alleging sexual harassment against the respondent and **requesting that the school investigate the allegation of sexual harassment.**
 - A formal complaint may be filed with the TIX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the TIX Coordinator, and by any additional method the school designates.
 - The phrase “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
 - There is no time limit or statute of limitations on a complainant’s decision to file a formal complaint, other than that the complainant must be enrolled in the school’s education program or registered to be enrolled in said program.

- **“Supportive Measures”**
 - Non-disciplinary, non-punitive individualized service is offered as appropriate, as reasonably available, and without fee or charge to the complainant (alleged victim) or the respondent (alleged perpetrator) before or after the filing of a formal complaint, or where no formal complaint has been filed.
 - All such measures are designed and intended to restore or preserve equal access to the school’s education program or activity without unreasonably burdening either party. Supportive measures are also designed to protect the safety of all parties and the school’s educational environment, and to deter continuing sexual-harassment.
 - Supportive measures may include, but are not limited to:
 - Counseling
 - Extensions of deadlines or other course related adjustments
 - Modifications of work or class schedules
 - Campus escort services
 - Mutual restrictions and contact between the parties
 - Changes in work or housing locations on campus
 - Leaves of absence
 - Increased security and monitoring of certain areas of the campus
 - Other similar measures

 - The school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school to provide the supportive measures.

- **“Sexual Assault”**
 - 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 to the victim’s use of drugs or alcohol, or the victim’s physical, mental or legal incapacity.

- **“Non-Consensual Sexual Contact*”**

- 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* “**

- 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

- **“Stalking”**

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for his/her safety or the safety of others; or
- suffer substantial emotional distress.

For the purposes of this definition of stalking—

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

The 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-
 - a. By a current or former spouse or intimate partner of the victim;
 - b. By a person with whom the victim shares a child in common;
 - c. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - d. 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
 - e. 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-
 - a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence, according to Minnesota law, includes acts covered under the definition of domestic violence.

3. 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

Section C. Title IX Formal Grievance Procedure

The Title IX grievance procedure refers to the entire length of a case from the time of the institution receiving notice/actual knowledge through the end of the appeal and its resulting sanctions. The grievance process refers to the steps following the signed formal complaint. The grievance process exists to provide a fair process that resolves complaints as equitably and accurately as possible in order to preserve and restore equal access to the institution's educational programs or activities. During the grievance process there is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process by the applicable standard of proof.

1. After Receipt of a Report or Notice of a Sexual Harassment Allegation

- TIX Coordinator will contact the *complainant* (even if that person is not the reporter) in a reasonably prompt time-frame ...
 - To explain and discuss supportive measures and their availability
 - To consider the complainant's wishes with respect to supportive measures
 - Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint (see the information below)
 - Explain to the complainant the process for filing a formal complaint and the grievance process which follows a formal complaint
- The College may remove a student respondent from the education program or activity on an emergency basis, only after:
 - Undertaking an individualized safety and risk analysis; and
 - Determining if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
 - Providing the respondent with notice and an opportunity to challenge the decision immediately following the removal while respecting all rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, as applicable.
- Place a non-student employee respondent on administrative leave during the pendency of a grievance process under existing procedures, without modifying any rights provided under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Sexual harassment is outlined in the Title IX regulations within three categories:**01. "Quid pro quo"**

- a. A benefit is directly tied to an unwelcome sexual advance
- b. Sexual harassment that involves a proposed exchange of actions

02. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies equal access to the College's education programs or activities (i.e., creates a Hostile Environment)

- a. Gender-based sexual harassment
- b. Sexual Exploitation/Sexual Misconduct occurs when a student/employee takes non- consensual or abusive sexual advantage of another.
- c. Virtual sexual harassment

03. Clery Act and Violence Against Women Act crimes

- a. Sexual assault - rape, fondling, incest, statutory rape
- b. Dating violence
- c. Domestic violence
- d. Stalking
- e. Hazing

Prohibited conduct in this policy includes harassment and discrimination, including but not limited to sexual discrimination, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct or communications of a sexual nature on the basis of sex.

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, but are not limited to: 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 he/she 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. Professor probes for explicit details, and demands that students answer, 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.

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.

2. Upon Receipt of a Formal Complaint

The TIX Coordinator must provide WRITTEN NOTICE to the parties who are known:

- Notice of the School's GRIEVANCE PROCESS
- Notice of the school's INFORMAL RESOLUTION PROCESS
- Notice of the allegations of sexual harassment including...
 - **Identities of parties** involved, if known
 - The **conduct** allegedly constituting sexual harassment
 - **Date(s) and location(s)** of alleged incidents

- Statement that the **respondent is presumed not responsible** for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process

Each party will also be notified about the following:

- They will have sufficient time to prepare a response before any meetings/interviews.
- Each party may have an Advisor of their choice, who may be, but is not required to be, an attorney, or an Advisor will be provided for them by the college, free of charge. **Each party, finally, must have an advisor throughout the grievance process.**
- The prohibited retaliation among either the Complainant, the Respondent, or parties affiliated with the Complainant or the Respondent.

If at any point during the investigation the College discovers any further allegations that were not included in the initial notice, the College will provide notice of the additional allegation details to the parties in writing.

If a case is dismissed, parties will receive a written notice of dismissal with grounds for dismissal, as well as information on how to appeal the dismissal.

3. Investigation

- The Title IX Coordinator assigns at least one (1) investigator to the case, two (2) if possible.
- The investigators interview both parties and all witnesses and collect evidence that is relevant to the case.
- The investigators write a report of findings, which is shared with both parties. The parties are allowed 10 business days to inspect the preliminary report and all evidence gathered and respond with any factual changes they want to be made.
- After factual changes and/or corrections are clarified, parties are allowed an additional 10 business days to review.
- The Investigator(s) assigned to the case will carry out an investigation without bias or prejudice. Audio recordings by investigators of any interviews are permissible as long as one individual is aware of the recording taking place. The burden of proof and responsibility for gathering evidence will rest on the College and not on either party. If multiple formal complaints arise from the same facts, the College may consolidate investigations at its discretion.
- The Complainant and Respondent, and witnesses, will be given written notice in advance of any interview with sufficient time to prepare for meaningful participation.
- As part of the investigation, the investigator(s) will seek separate interviews with the Complainant, the Respondent, and any witnesses to the greatest extent possible. To help ensure a prompt and thorough investigation, interviewees are encouraged to provide as much of the following information as possible, such as:
 - The name, department, and position/status of the person or persons in alleged violation of this policy.
 - A description of any relevant incident(s), including the date(s), location(s), and 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 discrimination, harassment, or retaliation.
- Any steps the Complainant has taken to try and stop the discrimination, harassment, or retaliation.
- Any other information the Complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.
- Any information or exculpatory evidence the Respondent believes to be relevant to the alleged discrimination, harassment, or retaliation.
- The final report is completed and parties are given 10 business days at a minimum to prepare before the live hearing.

A Note on Privileged Information

Information that is protected by doctor-patient confidentiality, marital status, attorney-client privilege, etc. shall remain protected during the Investigation and the Live Hearing unless it is voluntarily given by the party as evidence in the case.

A Note on the Conduct of Advisors during the Investigation

As noted above, each party will have an advisor of their own choosing, or if they are unable to obtain such, they will have an advisor appointed for them by the college. During the investigation, each party's advisor may accompany and be a witness to any interview or meeting held by the investigators with that party. The advisor is not allowed to participate in the interview or meeting, or interrupt it in any way, but may simply observe. Detailed training for advisors is available from the college.

A Note on Furnishing False Information

Prohibited Behavior:

- Furnishing false information to any College official, faculty/staff member, or Office;
- Furnishing false information in any College application or agreement that is required by the College no matter the time of discovery
- Knowingly bringing false charges against the student, faculty or staff member
- Knowingly providing false information during any investigation carried on by the college, e.g., investigations of academic integrity, conduct code/handbook violations, Title IX allegations.

A Note on Recording during the Investigation and Live Hearing

Audio or video recording of any proceedings are prohibited by any party other than the College throughout this process. The burden of proof and responsibility for gathering evidence will rest on the College and not on either party.

4. Live Hearing

Prior to a live hearing, a pre-hearing meeting will take place with the Title IX Coordinator, the parties, and the advisors to clarify the hearing rules. During a live hearing, the Complainant and Respondent with their Advisors will agree to be in either one room, or two separate locations connected via video and audio, so that parties can see and hear each other in real-time. Either party can request that the live

hearing occur with the parties located in separate rooms with technology enabling the Adjudicators and parties to simultaneously see and hear the party or the witness answering questions.

Live hearings will be recorded and will be made available to the parties for inspection and review.

The hearing panel will be made up of three to four adjudicators, one serving as the Lead Adjudicator.

- Live hearings allow for cross-examination of both parties and any witnesses.
- Questions are only asked by the Advisors and Adjudicators during the live hearing.
- Adjudicators determine the relevancy of each question before it is answered.
 - Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- Complainant and Advisor will appear before the panel first, the panel will ask questions, Complainant's Advisor will ask questions of the Respondent and any witnesses they wish.
- Once this is completed, the Respondent and Advisor will appear before the panel, the panel will ask questions, Respondent's Advisor will ask questions of the Complainant and any witnesses they wish.
- Advisors will be limited to asking questions that their advisee (Complainant or Respondent) wishes them to ask. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- If either party or any witness refuses to answer even one question during cross-examination, no part of their statements during the hearing or during the investigation can be used by the Adjudicators to make a determination of responsibility regarding the allegation.
 - In such a case, however, the Adjudicators cannot draw an inference about the determination regarding responsibility based **solely** on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- At the conclusion of the live hearing, the Adjudicators will meet to deliberate and come to a final determination. A written final determination (with sanctions/remedies included when the respondent is found responsible for violations) will be provided to the parties.

The Live Hearing Protocol can be found in the appendix to this policy document.

5. Determination of Responsibility

The Adjudicator panel will meet following the conclusion of the live hearing in order to reach a determination of responsibility within a reasonably prompt time frame. When they have determined if College policy/policies have been violated, they will then decide which remedies/sanctions to assign. Written notice of their determination will be sent out to the parties simultaneously. The written notice of determination will include:

- Identification of the allegations potentially constituting sexual harassment as defined in Title IX regulations and this policy
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, etc.,
- Findings of fact supporting the determination,
- Conclusions regarding the application of the College's code of conduct (specifically this policy) to the facts,
- A statement of, and rationale for, the result as to each allegation, including:
 - any disciplinary sanctions the College imposes on the respondent; and
 - whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant.

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

6. Appeal

Either party may appeal a dismissal of the allegation or a final determination of violation/no violation solely upon the following grounds:

- A procedural error in the formal grievance process
- New evidence that was not previously available
- Conflict or bias of Martin Luther College officials involved in the grievance process that impacted the outcome

To complete the appeal process:

1. Review the rationale for appeal as outlined above and write a letter or email that states clearly in the opening paragraph the reason(s) you believe an appeal is warranted. Use the following paragraph(s) to expand or substantiate the reason(s) for the appeal or grievance, including a summary of any evidence you would like to be considered in the review process.
2. Attach any supporting documentation that may be supportive to the appeal.
3. Send the appeal material to the Title IX Coordinator **within 10 business days** after receiving the findings of the Hearing Board Adjudicators. The Title IX Coordinator will forward the appeal to the appeal officer.
4. The College will notify the other party in writing when an appeal is filed and will ensure that the decision-maker(s) for the appeal is not the same person as the Adjudicator(s) that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator.
5. Both parties have the right to submit a written statement in support of, or challenging the appeal or its outcome.
6. As stated above, the determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal,

if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The **appeal form** can be found in the Appendix of this document.

7. Other Important Information

Standard of Evidence

The standard used to determine whether this policy has been violated is whether it is more likely than not that the Respondent violated this policy. This is often referred to as the "Preponderance of Evidence" standard.

Objective Evaluation of Evidence

Title IX team members will be assigned to cases after determination that they do not have a conflict of interest in the case. Team members participate in annual training on objectively evaluating evidence and avoiding bias.

Dismissal of Allegation

An allegation must be dismissed as pertaining to Title IX if it:

- Does not fall under definition of sexual harassment
- Did not occur in the college's program or activity
- Did not occur in the United States
- If at the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient.

A case may be dismissed as pertaining to Title IX if:

- Complainant requests dismissal in writing
- Respondent is no longer a student or employee
- Or determination cannot be made due to specific circumstances, for example, circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a case is dismissed, all parties will be notified in writing of the dismissal, whether it was mandatory or discretionary, and of their right to appeal the dismissal.

Referral

The Title IX Coordinator may refer any/all of the matter for consideration under another applicable College policy or procedure (Student Conduct System, Human Resources, etc.) in the event that a complaint is dismissed for purposes of Title IX.

Consolidation of Complaints

Complaints may be consolidated if there are multiple parties with complaints and/or there are cross claims of the same allegation.

Range of Sanctions and Remedies

Any violation of this policy involving students, faculty, staff, or other employees of the College is subject to the policy and procedures as stated in this document and is not governed by any other employee or student handbook or policy. The College will take steps to prevent the recurrence of any harassment or other discrimination and to remedy the discriminatory effects on the Complainant (and others, if appropriate).

The Decision Makers will review the information gathered during the investigation process and live hearing to determine the outcome, which may include “no violation” or “in violation” and the application of one or more sanctions or remedies.

The range of potential sanctions/remedies may include, but is not limited to, one or more of the following:

- no contact order,
- campus housing restrictions,
- academic course/class/schedule restrictions,
- campus event restrictions,
- campus leadership restrictions,
- advising restrictions,
- teaching restrictions,
- probation,
- community service,
- education, training, counseling
- suspension, or expulsion.

The College also may take any other corrective action that it deems appropriate under the circumstances.

Employees and/or students who are found to have violated this policy will be subject to disciplinary action up to and including expulsion or dismissal.

Faculty and staff who are found to have violated this policy will be subject to disciplinary action up to and including discharge or termination.

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 Martin Luther College property and termination of any contractual or other arrangements.

When the College is unable to offer resolution to an alleged violation of this policy because a Complainant insists on confidentiality or for some other reason, the College will nonetheless take steps to limit the effects of any actions that violate this policy and will work to prevent any recurrence of violation.

Retaliation

Retaliation exists when action is taken against a 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, or lack thereof, in the complaint process.

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

- Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation.
- The exercise of rights protected under the First Amendment does not constitute retaliation.
- Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation as long as a policy recognizes that determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Complaints alleging retaliation may be filed with the Title IX Coordinator by signing and filing a written letter of complaint outlining the retaliatory behavior.

Training

The College will provide training for Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, as applicable, on:

- The definition of sexual harassment in § 106.30
- The scope of the recipient's education program or activity
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Materials that have been used for training purposes include:

- Jeffrey Schone, Vice President for Student Life, Title IX Coordinator - [Annual Coordinator Training](#)
- Andrea Wendland, Director of Human Resources, Deputy Title IX Coordinator, Title IX Investigator - [Annual Coordinator Training](#), [Annual Investigator Training](#)
- Mark Bauer, Director of Financial Aid, Title IX Investigator - [Annual Investigator Training](#)
- Daniel Fenske, Professor of Science, Title IX Investigator - [Annual Investigator Training](#)
- Angela Scharf, Director of Women's Services, Title IX Investigator - [Annual Investigator Training](#)
- Adjudicator training (N. Schmoller, B. Olson, E. Holzhueter, L. Kramer, J. Danell, J. Schone) - [VAWA Adjudicator Training Program](#)

Confidentiality

The College will maintain the confidentiality of the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Section D. Title IX Informal Resolution Process

The informal resolution process is a voluntary, structured interaction between involved parties (complainant and respondent) to resolve the allegations following the filing of a formal complaint and prior to a formal hearing on the allegations. Again, a request for Informal Resolution can be made at any time during the Formal Grievance Procedure up until the day of a scheduled hearing by the Title IX Hearing Panel. The informal resolution process is intended to be flexible while also providing for a full range of possible outcomes.

The following are the parameters by which an informal resolution may be conducted.

The Title IX Coordinator may offer the parties the opportunity to become involved in an informal resolution process. Likewise, either party (complainant or respondent) may petition the Title IX Coordinator in writing to offer an informal resolution process to the other party. The Title IX Coordinator is the sole administrator who determines if an Informal Resolution (hereafter IR) is appropriate given the allegations. Factors that the Title IX Coordinator may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or threat to the safety of the campus and campus family, whether the respondent is a repeat offender, and whether the Parties are participating in good faith. This determination is not subject to appeal.

The Title IX Coordinator and/or the coordinator's trained designee (hereafter facilitator) will supervise the informal resolution process. This facilitator will present the option of an Informal Resolution and proposed terms to each Party independently and in writing. All related communication will go through the facilitator. Participation in an Informal Resolution is voluntary for all Parties and requires a fully informed and signed, written consent. If either Party does not agree with the proposed terms, or is uninterested in engaging in negotiations, the party may continue with the College's formal grievance process at any time before signing the Informal Resolution Agreement.

The IR process will be voluntary for both parties and each party must submit a written request to become involved in the IR process. An informal resolution cannot be offered if the complainant is a student and the respondent is an employee.

The IR will not require the parties to confront each other or even be present in the same room. During the IR process, the allegations are presented, evidence submitted and shared, questions asked and answered, responses given and received, proposals for resolution requested and offered...all with the goal of forming an agreement enabling the parties and the institution to bring the formal complaint to conclusion. In all of the this, the facilitator will mediate and all communication will pass through him or her.

The parties may consult their advisor or have their advisor present at any time an IR meeting or interview occurs.

Confidentiality. In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Formal Complaint is confidential while the parties are participating in the informal resolution process. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. Should the Parties withdraw from the informal resolution process, information disclosed or obtained for purposes of the informal resolution process may be incorporated into the formal investigation and live hearing, provided that this information is disclosed and reviewed by the Parties under the investigatory and hearing procedures described in the Title IX Grievance Process.

Either party may withdraw, without penalty, from the IR up until a written resolution agreement is signed by both parties. If either party withdraws from the IR, the formal grievance process will resume.

The facilitator has the authority to end the resolution process if the facilitator believes that one or both parties are not operating in good faith. If this happens, the formal grievance process will resume.

Both parties and the facilitator will have an opportunity to offer proposals to become a part of the final outcome/agreement. An IR agreement may include, but is not limited to, an admission of responsibility, an admission of false allegations, housing and academic accommodations, disciplinary sanctions, counseling, involvement in an educational program appropriate to the situation, (e.g., on topics including but not limited to: consent and communication, the use of alcohol or other drugs, healthy interpersonal relationships, stress management and well-being) or other measures deemed appropriate by the Title IX Coordinator.

The facilitator and both parties must all agree to the outcome of the IR. In doing so the facilitator will write a binding agreement based upon the parties' verbal agreement with the negotiated outcome.

Separately, both parties will then be offered the opportunity to sign this IR agreement. If either party refuses to sign this agreement, the IR will be considered failed and the grievance process will resume.

A signed resolution agreement is binding on both parties. Upon signing the IR agreement, the complainant and respondent are bound by its terms and cannot elect for a formal resolution process for the conduct alleged in the formal complaint. Failure to comply with the signed agreement may result in disciplinary action for either party. Alleged violations of an Informal Resolution agreement, or allegations that the agreement was induced by fraud, misrepresentation, or any other misconduct, should be reported to the Title IX Coordinator for administrative review.

In most cases, the Informal Resolution process will be completed within thirty (30) days of receiving the signed, written request of both parties. The College, at its discretion, may extend this timeframe for good cause. Agreements reached in the Informal Resolution process are not subject to a request for review or appeal.

Retaliation against any individual that participates in an IR process is strictly prohibited and may result in disciplinary action taken against the offending party.

The College will implement an evaluative/vetting process to ensure that the Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Appendix 1. Local and Campus Advocacy Services

- **MLC College Nurse Luther**
Student Center - 118 1995
Luther Court
New Ulm, MN 56073

Kelsey Horn, RN
1-507-233-9101 or extension 101
1-507-441-1372
hornky@mlc-wels.edu
- **Wellness Walk-In**
Fireside Room, Library
1995 Luther Court
New Ulm, MN 56073
- **MLC Dorm Staff**
Monday-Thursday 7:30pm-9:30pm
- **CADA – Committee Against Domestic Abuse Brown County, Minnesota Victim Services**
4 N. Minnesota Street
New Ulm, MN 56073
24 Hour Crisis Line 1-800-477-0466 Text an Advocate 507-223-4200

CADA Office
507-233-6663

Appendix 2. Additional Resources regarding sexual harassment, assault, and violence

- **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/>
- **National Center for the Victims of Crime**
<http://www.victimsofcrime.org/>
detailed information for victims, survivors and helpers
- **Rape, Abuse and Incest National Network**
<https://www.rainn.org/resources>
- **Ways to reduce your risk of sexual assault**
<https://rainn.org/safety-prevention>
- **Valor.US**
<https://www.valor.us/>
- **Men Can Stop Rape**
[RAPE: Is a Man's Issue](https://www.menbestoprape.org/)

- **Alcohol and Sexual Assault on Campus**
<https://www.alcohol.org/effects/sexual-assault-college-campus/>
- **National Sexual Violence Resource Center**
<https://www.nsvrc.org/>
- **National Resource Center on Domestic Violence**
1-800-799-SAFE
<https://www.nrcdv.org/>
- **Sexual Assault**
<https://www.womenshealth.gov/violence-against-women/>

Appendix 3. MN Statute 609.341 DEFINITIONS

Subdivision 1. **Scope.**

For the purposes of sections [609.341](#) to [609.351](#), the terms in this section have the meanings given them.

Subd. 2. **Actor.**

"Actor" means a person accused of criminal sexual conduct.

Subd. 3. **Force.**

"Force" means the infliction, attempted infliction, or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the complainant or another, which (a) causes the complainant to reasonably believe that the actor has the present ability to execute the threat and (b) if the actor does not have a significant relationship to the complainant, also causes the complainant to submit.

Subd. 4. **Consent.**

(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.

Subd. 5. Intimate parts.

"Intimate parts" includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being.

Subd. 6. Mentally impaired.

"Mentally impaired" means that a person, as a result of inadequately developed or impaired intelligence or a substantial psychiatric disorder of thought or mood, lacks the judgment to give a reasoned consent to sexual contact or to sexual penetration.

Subd. 7. Mentally incapacitated.

"Mentally incapacitated" means that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person's agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration.

Subd. 8. Personal injury.

"Personal injury" means bodily harm as defined in section [609.02, subdivision 7](#), or severe mental anguish or pregnancy.

Subd. 9. Physically helpless.

"Physically helpless" means that a person is (a) asleep or not conscious, (b) unable to withhold consent or to withdraw consent because of a physical condition, or (c) unable to communicate nonconsent and the condition is known or reasonably should have been known to the actor.

Subd. 10. Current or recent position of authority.

"Current or recent position of authority" includes but is not limited to any person who is a parent or acting in the place of a parent and charged with or assumes any of a parent's rights, duties or responsibilities to a child, or a person who is charged with or assumes any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of or within 120 days immediately preceding the act. For the purposes of subdivision 11, "current or recent position of authority" includes a psychotherapist.

Subd. 11. Sexual contact.

(a) "Sexual contact," for the purposes of sections [609.343, subdivision 1](#), clauses (a) to (f), and [609.345, subdivision 1](#), clauses (a) to (e), and (h) to (p), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by a person in a current or recent position of authority, or by coercion, or by inducement if the complainant is under 13 years of age or mentally impaired, or

(iii) the touching by another of the complainant's intimate parts effected by coercion or by a person in a current or recent position of authority, or

(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts, or

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

(b) "Sexual contact," for the purposes of sections [609.343, subdivision 1](#), clauses (g) and (h), and [609.345, subdivision 1](#), clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts;

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(iii) the touching by another of the complainant's intimate parts;

(iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts; or

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

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

Subd. 12. Sexual penetration.

"Sexual penetration" means any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, whether or not emission of semen occurs:

(1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

(2) any intrusion however slight into the genital or anal openings:

(i) of the complainant's body by any part of the actor's body or any object used by the actor for this purpose;

(ii) of the complainant's body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under 13 years of age or mentally impaired; or

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

Subd. 13. Complainant.

"Complainant" means a person alleged to have been subjected to criminal sexual conduct, but need not be the person who signs the complaint.

Subd. 14. Coercion.

"Coercion" means the use by the actor of words or circumstances that cause the complainant reasonably to fear that the actor will inflict bodily harm upon the complainant or another, or the use by the actor of confinement, or superior size or strength, against the complainant that causes the complainant to submit to sexual penetration or contact against the complainant's will. Proof of coercion does not require proof of a specific act or threat.

Subd. 15. Significant relationship.

"Significant relationship" means a situation in which the actor is:

(1) the complainant's parent, stepparent, or guardian;

(2) any of the following persons related to the complainant by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or

(3) an adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse.

Subd. 16. Patient.

"Patient" means a person who seeks or obtains psychotherapeutic services.

Subd. 17. Psychotherapist.

"Psychotherapist" means a person who is or purports to be a physician, psychologist, nurse, chemical dependency counselor, social worker, marriage and family therapist, licensed professional counselor, or other mental health service provider; or any other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.

Subd. 18. Psychotherapy.

"Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.

Subd. 19. Emotionally dependent.

"Emotionally dependent" means that the nature of the former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to know that the former patient is unable to withhold consent to sexual contact or sexual penetration by the psychotherapist.

Subd. 20. Therapeutic deception.

"Therapeutic deception" means a representation by a psychotherapist that sexual contact or sexual penetration by the psychotherapist is consistent with or part of the patient's treatment.

Subd. 21. Special transportation.

"Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private entity or person that is intended exclusively or primarily

to serve individuals who are vulnerable adults or disabled. Special transportation service includes, but is not limited to, service provided by buses, vans, taxis, and volunteers driving private automobiles.

Subd. 22. **Predatory crime.**

"Predatory crime" means a felony violation of section [609.185](#) (first-degree murder), [609.19](#) (second-degree murder), [609.195](#) (third-degree murder), [609.20](#) (first-degree manslaughter), [609.205](#) (second-degree manslaughter), [609.221](#) (first-degree assault), [609.222](#) (second-degree assault), [609.223](#) (third-degree assault), [609.24](#) (simple robbery), [609.245](#) (aggravated robbery), [609.25](#) (kidnapping), [609.255](#) (false imprisonment), [609.498](#) (tampering with a witness), [609.561](#) (first-degree arson), or [609.582, subdivision 1](#) (first-degree burglary).

Appendix 4. Title IX Live Hearing Protocol

reviewed August, 2024

Prior to a live hearing, a pre-hearing meeting will take place with the Title IX Coordinator, the parties, and the advisors to clarify the hearing rules.

During a live hearing, the Complainant and Respondent with their Advisors will agree to be in either one room, or two separate rooms connected via video and audio, so that parties can see and hear each other in real-time. Live hearings will be recorded. The hearing panel will be made up of three to four adjudicators, one serving as the Lead Adjudicator.

- Live hearings allow for cross-examination of both parties and any witnesses.
- Statements may be made or read by the advisors to the parties, per the protocol.
- Questions are only asked by the advisors and adjudicators during the live hearing.
- Adjudicators determine the relevancy and appropriateness of each question before it is answered.
 - [Prior to the hearing parties and their advisors may submit to the TIX coordinator a list of questions they intend to ask in order to facilitate the review process. The coordinator will deliver these questions to the adjudicators for their review. This does not preclude the parties, through their advisors, from asking questions during the hearing that are not included on such a list.]
- The complainant and advisor will appear before the panel first. The advisor first, and then the hearing board, will ask questions of the respondent and any witnesses the complainant wishes to bring to the hearing.
- Once this is completed, the respondent and advisor will appear before the panel. The advisor first, and then the hearing board, will ask questions of the complainant and any witnesses the

respondent wishes to bring to the hearing.

- Advisors will be limited to asking questions that the advisee (complainant or respondent) wishes them to ask.
- If either party or any witness refuses to answer even one question during cross-examination, no part of their statements during the hearing or during the investigation can be used to determine a finding.
- The lead adjudicator has the ability to grant a brief recess to the proceedings.
- The hearing panel members, as a group, have the ability to ask for additional hearings to be scheduled, should a significant need for such arise

An Outline of the Live Hearing Format/Protocol

1. Lead adjudicator opens with:
 1. Introductions.
 2. Review of the hearing purpose, format and guidelines.
 3. Review the roles of all involved: parties, advisors, adjudicators.
2. Lead adjudicator provides a general timeline of when the adjudicators will come to a finding with rationale and sanctions, if any, and that this will be communicated to the parties in a written report.
3. The complainant and the complainant's advisor will cross-examine first.
 1. A brief opening statement will be allowed by the complainant's advisor.
 2. The complainant's advisor will ask questions of the respondent and any witnesses the complainant brings forward.
 3. The adjudicator panel will ask questions of the respondent and any witnesses the complainant brings forward.
4. The respondent and the respondent's advisor will cross-examine second.
 1. An opening statement will be allowed by the respondent's advisor.
 2. The respondent's advisor will ask questions of the complainant and any witnesses the respondent brings forward.
 3. The adjudicator panel will ask questions of the complainant and any witnesses the respondent brings forward.
5. Follow-up questions will be allowed in this order:
 1. The complainant's advisor may ask questions of the respondent.
 2. The respondent's advisor may ask questions of the complainant.
 3. The adjudicator panel may ask questions of the complainant.
 4. The adjudicator panel may ask questions of the respondent.
6. A closing statement from the complainant's advisor will be allowed.
7. A closing statement from the respondent's advisor will be allowed.
8. Lead adjudicator will close the hearing, recess, or schedule a follow-up hearing.

Appendix 5. Title IX Appeal Request Form

Your Name	
Street Address	
City, State, ZIP	
Phone	
email	

An appeal must be received by the college Title IX Coordinator within 10 days of the party’s receipt of the Hearing Board Decision. Generally, an appeal meets one or more of the following objectives:

- To bring new information that might not have been available or previously considered.
- To protest a procedural error or inconsistency, or the presence of bias in the appeal process.
- To question the appropriateness of a decision.

To complete the appeal process

1. Review the objectives above and write a letter/email that states clearly in the opening paragraph the reason(s) you believe an appeal is warranted. Use the following paragraph(s) to expand or substantiate the reason(s) for the appeal, including a summary of any evidence you would like to be considered in the review process. Attach or include this appeal letter along with this form.
2. Attach any supporting documentation (e.g. letter from a medical professional) that may be supportive of your appeal.
3. Indicate whether you would like to present your appeal in person, and whether or not you wish to have someone present with you. If you wish to present your appeal in person, please note that you will need to comply with the appeal meeting time that is set by the person considering your appeal.

____ I would like to request to present my appeal in person.

____ I would like to have someone present with me at my presentation. (Write below: name of person and relationship to you)

4. Submit the completed form and send it, along with all other documentation, to the Title IX Coordinator:

Prof. Jeffrey Schone, Vice President for Student Life
Martin Luther College
1995 Luther Ct., New Ulm, MN. 56073
schonejl@mlc-wels.edu
FAX 507-354-8225

He will date the appeal and turn it over to the Appeal Officer:
Prof. Scott Schmudlach, Vice President for Administration

By signing below, I certify that the facts set forth in this form and its attachments are complete, and I authorize investigation of the statements I have made.

Signature	
Date	

Date received by Title IX Coordinator	
---------------------------------------	--

Appendix 6. Rights of victims and perpetrators (Violence Against Women Act)

Rights of Complainants (i.e. the one alleging discrimination/harassment)

- The opportunity to speak on one's own behalf.
- The opportunity to be accompanied by an attorney or other support person who is not a fact witness to the sexual assault at any meeting with campus officials concerning the complaint or disciplinary proceeding concerning a sexual assault complaint.
- The right to file criminal charges with local law enforcement.
- The right to campus or local programming providing advocacy services.
- The right to be free from retaliation from the campus, the accused, organizations affiliated with the accused, students and other employees.
- The right to assistance from campus authorities and/or law enforcement in obtaining, securing and preserving evidence.
- The right to decide when to repeat a description of the incident.
- 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 right to request a change in classes or housing to avoid unwanted contact.
- 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 opportunity to review any information offered by the reporter with access to the description of the incident (to the greatest extent possible and consistent with FERPA and other applicable law).
- The right, at the request of the victim, providing students who reported sexual assaults to the college and choose to transfer with information about resources for victims of sexual assault to which the student is transferring.
- The right to an investigation and to be informed of the outcome of the investigation including disciplinary proceedings.
- The opportunity to appeal the outcome of the investigation.
- The right to assistance from the Crime Victims Reparations Board:
 - Minnesota Crime Victims Reparations Board
 - <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-reparations.aspx>

445 Minnesota Street, Suite 2300

St. Paul, MN 55101-1515

651-201-7300 or 1-888-622-8799

Fax: 651-296-5787

Email: dps.justiceprograms@state.mn.us

Rights of Accused Parties/Respondents

- 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 a non-attorney 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

A. 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;

B. Trainings

The College offered the following primary prevention and awareness programs for all incoming students in 2023:

Program	Date	Location	Prohibited Behavior Addressed
New Student Title IX Training	1/3/2023	WCC	DoV, DaV, S, SA
New Student Bystander Intervention Training	1/3/2022	WCC	DoV, DaV, S, SA
New Student Title IX Training	8/17-8/20/23	WCC	DoV, DaV, S, SA
New Student Bystander Intervention Training	8/17-8/20/23	WCC	DoV, DaV, S, SA
New Student Alcohol/Drug Awareness Training	8/17-8/20/23	WCC	Alcohol and Drug Awareness
Returning Student Title IX Training	9/13/2023	WCC	DoV, DaV, S, SA
Returning Student Bystander Intervention Training	9/13/2023	WCC	DoV, DaV, S, SA

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

The College offered the following primary prevention and awareness programs for all returning students in 2023: Title IX brochure outlining definitions, statistics, reporting guides, bystander intervention guide, and assistance resources.

The College offered the following primary prevention and awareness programs for all new and current employees in 2023. All programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Program	Date	Location	Prohibited Behavior Addressed
Faculty & Staff Title IX Training	Online 8/2023	WCC	DoV, DaV, S, SA
Faculty & Staff Bystander Intervention	Online 8/2023	WCC	DoV, DaV, S, SA
Faculty & Staff Clery CSA Training	Online 8/2023	WCC	DoV, DaV, S, SA
Security Title IX Training	Online 8/2023	WCC	DoV, DaV, S, SA
Security Bystander Intervention	Online 8/2023	WCC	DoV, DaV, S, SA
Security Clery CSA Training	Online 8/2023	WCC	DoV, DaV, S, SA
RA Advocacy Training	8/13-8/16/2023	LSC	DoV, DaV, S, SA
RA Title IX Training	8/13-8/16/2023	LSC	DoV, DaV, S, SA
RA Bystander Intervention	8/13-8/16/2023	LSC	DoV, DaV, S, SA
RA Clery CSA Training	8/13-8/16/2023	LSC	DoV, DaV, S, SA
RA Alcohol/Drug Awareness Training	8/13-8/16/2022	WCC	Alcohol and Drug Awareness

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, with written information about their rights and options: 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 is obligated to provide such accommodations, if the complainant requests them and if they are reasonable and 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:

<https://www.newulmmn.gov/227/Police>

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 policy included in this report. 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. Please note that the College will protect the confidentiality and personal identification of victims and other necessary parties and will do so in its recording keeping practices (the Advocate incident reporting software) and in the preparation and publication of government required crime statistics and disclosures. The College will also maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality will not impair the ability of the college to provide the accommodations or protective measures.

Incident	Institutional Procedure	Evidentiary Standard
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), the institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests and will provide complainant with contact information for local police department 4. Institution will provide complainant with referrals to on- and off-campus mental health providers 5. Institution will implement appropriate interim or long-term supportive and protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties, etc. 6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate 7. Institution will provide written instructions on how to apply for Protective Order 8. Institution will provide a copy of the Sexual Misconduct Policy (Title IX Policy) to complainant and inform the complainant regarding time frames and procedures for inquiry, investigation and resolution 9. 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 	Preponderance of evidence
Stalking	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), the institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 	Preponderance of evidence

	<ol style="list-style-type: none"> 3. Institution will assist complainant with contacting local police if complainant requests and will provide complainant with contact information for local police department 4. Institution will provide complainant with referrals to on- and off-campus mental health providers 5. Institution will implement appropriate interim or long-term supportive and protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties, etc. 6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate 7. Institution will provide written instructions on how to apply for Protective Order 8. Institution will provide a copy of the Sexual Misconduct Policy (Title IX Policy) to complainant and inform the complainant regarding time frames and procedures for inquiry, investigation and resolution 9. 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 	
Domestic Violence	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), the institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests and will provide complainant with contact information for local police department 4. Institution will provide complainant with referrals to on- and off-campus mental health providers 5. Institution will implement appropriate interim or long-term supportive and protective measures, such as housing changes, change in class schedule, "No 	Preponderance of evidence

	<p>Contact" directive between both parties, etc.</p> <ol style="list-style-type: none"> 6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate 7. Institution will provide written instructions on how to apply for Protective Order 8. Institution will provide a copy of the Sexual Misconduct Policy (Title IX Policy) to complainant and inform the complainant regarding time frames and procedures for inquiry, investigation and resolution 9. 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>Dating Violence</p>	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), the institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests and will provide complainant with contact information for local police department 4. Institution will provide complainant with referrals to on- and off-campus mental health providers 5. Institution will implement appropriate interim or long-term supportive and protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties, etc. 6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate 7. Institution will provide written instructions on how to apply for Protective Order <ol style="list-style-type: none"> 8. Institution will provide a copy of the Sexual Misconduct Policy (Title IX Policy) to complainant and inform the complainant regarding time frames and procedures for inquiry, investigation and resolution 9. 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>Preponderance of evidence</p>

Sanctions implemented in cases of domestic violence, dating violence, sexual assault and stalking include, but are not limited to the following:

- Mediated resolution
- No contact order
- Restrictions on campus involving allowable locations and times (e.g., only allowed to use cafeteria at specified times)
- Modifications to academic schedule
- Modifications to housing assignment
- Suspension for: 1 semester, 2 semesters, 3 semesters, 4 semester, 5 semesters, 6 semesters, 7 semesters, 8 semesters, 9 semesters or 10 semesters
- Dismissal
- Mandatory Counseling
- Drug and Alcohol Evaluation
- Referral to Law Enforcement

MLC's Title IX policy (included in this report) outlines many of the procedures and practices the college will follow in responding to alleged cases of dating and domestic violence, sexual assault or stalking. Nevertheless, an outline of those procedures and practices is offered below.

In cases of alleged dating violence, domestic violence, sexual assault, or stalking the college will follow a prompt, fair, and impartial process from the initial investigation to the final result, a proceeding which is/will be

A) Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;

B) Conducted in a manner that—

1. Is consistent with the institution's policies and transparent to the accuser and accused;
2. Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
3. Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and

C) Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

D) Conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

E) Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. (Advisor means any individual who provides the accuser or accused support, guidance, or advice. And while the College will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.)

F) Provide simultaneous notification, in writing, to both the accuser and the accused, of the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; (Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C.1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.)

G) Provide simultaneous notification, in writing, to both the accuser and the accused, the institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available.

H) Provide simultaneous notification, in writing, to both the accuser and the accused, of any change to the result; and when such results become final

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 a 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 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**

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.

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.

- 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.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- 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 sites.

<https://nomore.org/learn/bystander-scenarios/>

<https://www.afsc.org/sites/default/files/documents/bystander%20intervention%20infographic.pdf>

➤ **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)

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 cab 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.

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 a designee will determine whether interim interventions and supportive/protective measure should be implemented, and, if so, take steps to implement those measures as soon as possible according to the wishes of the parties individually. Examples of interim protective measures include, but are not limited to: an Martin Luther 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 supportive and 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.

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://por.state.mn.us/Home.aspx> (for information on **non-compliant** registered predatory offenders)

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/publicregistrantsearch>

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 not 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
Emergency (police/fire/rescue)	911
New Ulm Police Department	507-233-6750
Brown County Sheriff Department	507-233-6700
New Ulm Medical Center	507-217-5000
Brown County Victim Services (CADA)	507-233-6663
Office of Crime Victims Ombudsman	800-247-0390
MLC Student Life Office	507-354-8221, ext. 289
Vice President for Student Life	507-217-9764 mobile



Fire Safety Report

Kindling a fire in a residence hall is always prohibited. Minnesota Fire codes also prohibit such behavior. This prohibition includes, but is not limited to, smoking cigarettes, striking matches, lighting candles and burning incense. Grills of every sort, hot plates, space heaters, halogen lamps and other high heat producing electrical devices are also prohibited in the residence halls. [Coffee makers, microwave ovens, hair curlers and dryers, and candle warmers are permitted.] Violations of this fire safety policy will be subject to penalties that may include dismissal from the college.

Anyone who covers up or hinders the operation of a dormitory smoke detector will be subject to an automatic \$200 fine and places their enrollment at the college in jeopardy. This is a serious matter that will be dealt with in a serious way.

Each of the 4 campus residence halls features the following fire prevention and mitigation:

- Smoke detection in all rooms and hallways
- Sprinkling system throughout the building
- Fire extinguishers in hallways
- Manual/pull fire alarm system

Sunset Apts. – smoke detectors in each apartment, extinguishers in each hallway, manual/pull fire alarm system throughout the building.

Fire Drills

Planned fire drills with the local fire department occur during Fire Prevention Week every October. Four pull locations are selected and rotated through each year. The local fire department inspects each floor and building to ensure that a full evacuation is conducted, strobe lights and audible sound is active and fully functioning. A second fire drill may be planned for the following spring dependent on fire alarm activity between October and spring. The Director of Human Resources along with the fire department and MLC maintenance department, lead the drill. The Safety Committee discusses any post-drill details for improvement of policies and procedures. [Fire drills are noted in the Emergency Response Plan attached to this report.]

Residence Hall Evacuation Procedure

- Alarm Sounds
- All RAs and Supervisors in the building organize to evacuate residents
- Evacuate the Dormitory
 - RAs work to evacuate everyone from the building
 - RAs should lead students to the designated assembly area for their dormitory
 - RAs take their dorm roster with them to the assembly area and account for people
- Evacuation Assembly Areas
 - Augustana -- LSC Gymnasium
 - Concord -- LSC Gymnasium
 - Centennial -- WCC Auditorium
 - Summit -- WCC Auditorium
- Students may return to the dormitory once the alarm has been silenced and the dormitory staff has given permission

**MARTIN LUTHER COLLEGE POLICY PROHIBITING UNLAWFUL
SEX-BASED DISCRIMINATION, HARASSMENT & RETALIATION**

August 1, 2024

Forward

Within the scope of its Title IX-related policies and procedures, Martin Luther College does not restrict any rights guaranteed against government action by the U.S. Constitution, including those rights enunciated in the First and Fourth Amendments of the U.S. Constitution and the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution.

Martin Luther College will comply with Title IX regulations, policies and procedures irrespective of FERPA provisions to the contrary. Nothing in these regulations will be used to deny any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq. or any regulations promulgated thereunder. Nothing in these regulations will deny any legal right of a parent or guardian to act on behalf of a "complainant," "respondent," "party," or other individual, including the ability to file a formal complaint.

If these regulations conflict with a State or local law applicable to Martin Luther College, Title IX regulations pre-empt that law to the extent of the conflict, and the college will follow them accordingly.

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-based 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.

Nondiscrimination Policy Statement

Martin Luther College does not discriminate on the basis of sex and prohibits sex-based discrimination in any education program or activity that it operates, as required by Title IX, including admission and employment. Please note that Martin Luther College operates under a religious exemption authorized under the Title IX regulations, exempting Martin Luther College from those regulatory requirements that conflict with the religious confessions and convictions held by Martin Luther College and by the Wisconsin Evangelical Lutheran Synod, the church body which owns and operates Martin Luther College. Further definition/information is appended to this policy.

Notice of Nondiscrimination

The 2024 amendments to the Title IX regulations require each recipient school to prominently include all elements of its notice of nondiscrimination on its website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to people entitled to notice, or which are otherwise used in connection with the recruitment of students or employees.

Here is Martin Luther College's notice of nondiscrimination:

Martin Luther College does not discriminate on the basis of sex and prohibits sex-based discrimination in any education program or activity that it operates, as required by Title IX, including admission and employment. Please note that Martin Luther College operates under a religious exemption authorized under the Title IX regulations,

exempting Martin Luther College from those regulatory requirements that conflict with the religious confessions and convictions held by Martin Luther College and by the Wisconsin Evangelical Lutheran Synod, which owns and operates Martin Luther College.

Inquiries about Title IX may be referred to Martin Luther College's Title IX coordinator, the U. S. Department of Education's Office for Civil Rights (Telephone: 800-421-3481 FAX: 202-453-6012; Email: OCR@ed.gov), or both. Martin Luther College's Title IX coordinator is Vice President for Student Life Jeffrey Schone, Wittenberg Collegiate Center office 110, schonej@mlc-wels.edu, 507-354-8221, ext. 289.

To report information about conduct that may constitute sex discrimination or or make a complaint of sex discrimination under Title IX, please refer to <https://mlc-wels.edu/student-life/reporting-misconduct/>.

Scope of Policy

The College will apply this Policy to address all concerns relating to unlawful Sex-based Discrimination, Harassment and Retaliation. The Policy also prohibits Retaliation against anyone who Reports sex-based Discrimination, Harassment or Retaliation, makes a Complaint of such, assists, or participates or refuses to participate in any manner in a Complaint Resolution Process or other Investigation or proceeding pursuant to this Policy.

This Policy applies to incidents of unlawful Sex-based Discrimination, Harassment and Retaliation that occur in any Martin Luther's education program and activity (including curricular and co-curricular programs) and employment programs. The Policy applies to activities occurring on campus and in college-sponsored programs held in locations away from campus (including study away and study abroad programs), and other social functions or events sponsored by Martin Luther and held at other locations. This Policy also applies to any off-campus conduct, including conduct outside the United States, that interferes with the right of any Students, Employees or any other individual to participate or attempt to participate in a Martin Luther College educational program or activity.

Two Complaint Resolution Processes are described in this policy.

- One process will be used to resolve all Complaints of Sex-based Discrimination, Harassment and Retaliation that DO NOT allege sex-Based Harassment when the matter involves a Martin Luther Student (either a Student is bringing allegations of Sex-Based Harassment, accused of Sex-Based Harassment or both).
- The second process will be used to resolve all Complaints of Sex-based Discrimination, Harassment and Retaliation that DO allege sex-Based Harassment when the matter involves a Martin Luther Student (either a Student is bringing allegations of Sex-Based Harassment, accused of Sex-Based Harassment or both).
- The second Complaint Resolution Process mentioned above will be used to resolve Complaints of Sex-Based Harassment involving a Martin Luther Student (including Complaints of Sexual Assault and other forms of Sexual Misconduct, Dating Violence, Domestic Violence and Stalking). To minimize the burden on the Parties, witnesses and the College, if a Sex-Based Harassment Complaint involving a Student also includes allegations of other violations of this Policy (such as Retaliation, other forms of Sex Discrimination that are not allegations of Sex-Based Harassment) then the Complaint Resolution Process described may be used for resolving all of the allegations contained in the Complaint.

I. KEY INTERNAL AND EXTERNAL RESOURCES

A. Martin Luther Responsible Administrative Staff

Title IX Coordinator

The Title IX Coordinator is responsible for coordinating all aspects of the College's sex-based Sex-based Discrimination, Harassment and Retaliation compliance efforts. The Title IX Coordinator is knowledgeable and trained in Martin Luther's policies and procedures, as well as the College's legal obligations under state and federal laws including Title IX, the Violence Against Women Act, and the Minnesota Campus Sex-Based Harassment and Violence law. The Title IX Coordinator may delegate responsibilities and duties to deputies and other trained individuals to better serve the students, faculty, and staff of Martin Luther College and other individuals seeking to participate in its education program and activities.

The Title IX Coordinator's responsibilities include:

- Ensuring the College's compliance with all administrative requirements of Title IX, and other applicable state and federal laws;
- Advising individuals about Martin Luther's Policy and Reporting options;
- Providing assistance to Employees of the College about how to respond to Reports of unlawful Sex-based Discrimination, Harassment and Retaliation;
- Coordinating the College's response to all Complaints alleging sex-based Discrimination, Harassment or Retaliation;
- Ensuring on- and off-campus support resources are made available to individuals who Report sex-based Discrimination, Harassment or Retaliation, including individuals participating in the College's Complaint Resolution Process;
- Ensuring that pregnancy and related conditions are lawfully accommodated for prospective and current Students and Employees;
- Identifying and removing barriers to Reporting Sex-based Discrimination, Harassment and Retaliation; and
- Overseeing training, prevention and education efforts, and periodic reviews of the campus climate and culture in regard to sex-based Discrimination, Harassment and Retaliation.

The Title IX Coordinator is also responsible for:

- Conducting an initial assessment of Reports to determine whether alleged conduct falls within the scope of this Policy;
- Assessing whether a Complaint should be dismissed and/or referred to a different College process;
- Evaluating whether and how the College will proceed under this Policy in a manner that provides a prompt, thorough, fair and equitable process for the individuals involved;
- Overseeing intake and Supportive Measures for individuals who Report sex-based Discrimination, Harassment or Retaliation;
- Confirming that Supportive Measures have been offered to all Parties involved in a Report and/or Complaint Resolution Process under this Policy;
- Evaluating Supportive Measures for their effectiveness in restoring Parties' equal access to the ability to participate in or benefit from the College's educational programs and activities;
- Determining whether a matter is appropriate to proceed under an Informal Resolution Process if the Parties express interest in doing so;
- Overseeing matters proceeding under the Policy's Complaint Resolution Processes to ensure adherence to the Policy in a manner that is prompt, thorough, fair and equitable;
- Determining whether notification to the Martin Luther community is necessary to comply with Clery Act or other legal obligations; and
- Coordinating and overseeing data collection and Reporting in compliance with relevant federal and state statutes.

B. Governmental Authorities

The governmental authorities responsible for enforcing applicable federal and state laws relating to this Policy, are the following:

U.S. Department of Education / Office for Civil Rights
 Citigroup Center
 500 W. Madison Street, Suite 1475
 Chicago, IL 60661-4544
 312-730-1560 (phone)
 877-521-2172 (TDD)
 Email: OCR.Chicago@ed.gov

Minnesota Department of Human Rights
 Freeman Building
 625 Robert Street North
 Saint Paul, MN 55155
 800-657-3704 (phone)
 800-627-3529 (fax)
 800-627-3529 (TDD)
<http://mn.gov/mdhr/>
Info.MDHR@state.mn.us

II. DEFINITIONS

A. General Policy Definitions

Confidential Resources

are individuals who can receive confidential communications, defined as communications which cannot be disclosed to another person without the authorization of the individual who provided the information, unless legally authorized or required, such as when the communications involve allegations of the physical or sexual abuse of a child or vulnerable adult, or an imminent threat of serious injury to any person. Among the College's Employees, only those individuals designated by the College as Confidential Resources may receive such confidential communications without being required to Report the information they receive to the Title IX Coordinator. Martin Luther has designated 4 individuals to serve as Confidential Resources:

- Kelsey Horn, RN – MLC Health Services
- Angela Scharf – Women's Services Director
- Pastor Nathan Savage – Tutor and Dorm Supervisor
- Pastor Aaron Bush – Tutor and Dorm Supervisor

Discrimination

means an adverse or unequal treatment that unreasonably denies, unreasonably limits, or materially interferes with an individual's ability to participate in or benefit from College programs or activities.

- For an Employee or applicant for employment, prohibited Discrimination would include adverse action that interferes with an individual's hiring, promotion, job duties, or other terms and conditions of employment.
- For a Student or prospective Student, prohibited Discrimination would include any action that interferes with the Student's access to or benefits from educational programs or activities such as admission into programs or activities, grades, assignments and coursework, housing, participation on a team, program or activity, or other adverse actions.
- Discrimination against volunteers, guests, visitors and any other participants in College programs or activities is also prohibited when it is sex-based.

Employee,

for the purposes of this Policy, means a non-Student Martin Luther College Employee, including faculty and staff. Students who work for the College for work-study purposes or on a part-time basis for any other reason are not considered an Employee for purposes of this Policy. An Employee who takes classes under a College benefit program is considered an Employee, and not a Student, for purposes of this Policy.

Harassment

means unwelcome sex-based conduct that is so severe or pervasive that it interferes with an individual's participation in a College program or activity. Harassment includes verbal, physical, electronic, or other conduct directed at an individual that substantially interferes with the individual's participation in a College program or activity, including a Student's educational environment and a staff or faculty member's work environment.

- a. **Quid Pro Quo Harassment** – When submission to or rejection of sex-based harassing behavior is used, explicitly or implicitly, as the basis for decisions affecting an individual's participation in a College program or activity (including a Student's educational opportunities or a staff or faculty member's work), this is one form of prohibited sex-based Harassment, commonly referred to as "Quid Pro Quo" Harassment.
- b. **Hostile Environment Harassment** – Another form of prohibited sex-based Harassment is often referred to as "hostile environment" Harassment. This type of Harassment involves unwelcome sex-based conduct severe or pervasive enough to substantially interfere with the individual's participation in or benefit from a College program or activity. For Students, a hostile environment would substantially interfere with their ability to learn, or participate and benefit from other aspects of their educational program and activities. For faculty or staff members, a hostile environment would substantially interfere with their work environment.

Parental Status

means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) A biological parent; (2) An adoptive parent; (3) A foster parent; (4) A stepparent; (5) A legal custodian or guardian; (6) In loco parentis with respect to such a person; or (7) Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

Pregnancy or Related Conditions

means: (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Report

means information forwarded to the Title IX Coordinator alleging Sex Discrimination or Sex-Based Harassment. In most cases a Report does not initiate any action by the College beyond providing the individual alleged to have experienced harassment or discrimination with information about Supportive Measures and other resources and options for response if the individual so chooses. A Report is distinguished from a Complaint which initiates the College's Complaint Resolution Process.

Retaliation

means intimidation, threats, coercion, or Discrimination against any person by the College, a Student, or an Employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy, or because the person has Reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an Investigation or a proceeding under this Policy, including in the Informal Resolution Process, the Complaint Resolution Process, and in any other actions taken by the College under this Policy. Notwithstanding the foregoing, it is not prohibited Retaliation for Martin Luther to expect and require Employees or other persons retained by the College to provide aid, benefit, or service under the College's education program or activity to participate as a witness in, or otherwise assist with, an Investigation or proceeding under this Policy.

Required Referrals

are Employees who are not Confidential Resources and who are expected to immediately share all known details about any incident of sex-based Discrimination, Harassment or Retaliation with the Title IX Coordinator. Students who are employed with the College are also Required Referrals if they learn about an incident of sex-based Discrimination, Harassment or Retaliation as a result of their employment position.

Student

means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing educational relationship with Martin Luther College.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Reporting Party before or after the filing of a Complaint and to a Respondent if and when notified of a Complaint. Such measures are designed to provide support to each Party and to restore or preserve equal access to the College's education program or activity. Supportive Measures may include measures designed to protect the safety of each Party and the College's educational environment. Supportive Measures may not unreasonably burden a Reporting Party or Respondent.

B. Complaint Resolution Process Definitions

Advisor means a person selected by a Reporting Party or Respondent to assist that Party during a Complaint Resolution Process. An Advisor may accompany the Party to all meetings during the Complaint Resolution Process. The Advisor may also accompany the Party to all meetings conducted under an Informal Resolution Process. The Advisor may not communicate directly with process facilitators, Investigators, adjudicators or other College personnel involved in administering this Policy; however an Advisor may assist a Party with preparing statements, communications and other materials during the Complaint Resolution Process.

Adjudication means the phase of the Complaint Resolution Process where a trained Adjudicator imposes Disciplinary Sanctions and Remedies after a Respondent is found by the Investigator to have committed Discrimination, Harassment or Retaliation.

Adjudicator means a trained individual assigned by the Title IX Coordinator to reviewing all relevant and not otherwise impermissible evidence, receive questions each Party wants asked of the other party or witnesses, rule on the permissibility of questions submitted, allow for the reformulation and resubmission of questions, hold a live hearing during which the Adjudicator asks question (including those submitted by the Parties), and determines whether it is more likely than not that the Respondent is responsible for violating the Policy prohibiting sex-based Discrimination, Harassment or Retaliation. If the Adjudicator finds that the Respondent is responsible for sex-based Discrimination, Harassment or Retaliation the Adjudicator assigned by the Title IX Coordinator will determine Disciplinary Sanctions and Remedies

Appeal Adjudicator

means the trained adjudicator assigned by the Title IX Coordinator to determine any appeals following the Investigation and Adjudication phases of the Complaint Resolution Process. The appeal phase is the final phase of the Complaint Resolution Process.

Complaint

means an oral or written request to the College that objectively can be understood as a request for the College to initiate a Complaint Resolution Process to investigate and determine whether sex-based Discrimination, Harassment or Retaliation prohibited by this Policy has occurred. A Report is not the same as a complaint. Only the individual who has allegedly been subjected to sex-based Discrimination, Harassment or Retaliation can initiate a complaint.

Complaint Resolution Process

means the process used by the College to investigate, adjudicate and respond to Complaints of sex-based Discrimination, Harassment or Retaliation. The initiation of a Complaint is the first phase of the Complaint Resolution Process.

Disciplinary Sanctions

means consequences imposed on a Respondent following a determination that the Respondent violated this Policy's prohibition on sex-based Discrimination, Harassment or Retaliation. Disciplinary Sanctions are imposed following an Investigation during the Adjudication Phase of the Complaint Resolution Process.

Dismissal

refers to a review of the Complaint that the Title IX Coordinator performs to determine whether the Complaint should proceed under the Complaint Resolution Process, or be dismissed or referred to a different College office.

Informal Resolution Process

means the voluntary, structured dialogue between each Party and a trained facilitator intended to attempt to resolve

allegations of Discrimination, Harassment and/or Retaliation apart from a heightened Complaint Resolution Process. The Informal Resolution Process is intended to be flexible while providing for a full range of possible outcomes through dialogue with the facilitator. In certain circumstances Informal Resolution is not legally permissible. When each Party has expressed interest in the Informal Resolution Process, the Title IX Coordinator will determine whether Informal Resolution is appropriate for the particular matter. When permissible, the Informal Resolution Process can be utilized at any point prior to the conclusion of the Complaint Resolution Process.

Investigation

means the phase of the Complaint Resolution Process where evidence is gathered by a trained Investigator and the Parties have an equal opportunity to offer fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.

Investigator

means a trained individual assigned by the Title IX Coordinator to conduct a fair and impartial Investigation and, after gathering and reviewing all relevant and not otherwise impermissible evidence, write an investigative report summarizing all of the relevant evidence.

Notice of Allegations

means a document the Title IX Coordinator prepares after a Complaint is brought to apprise the Parties of information about the allegations, the Complaint Resolution Process and the Parties' rights

Notice of Determination

means the document that the Adjudicator prepares following the Investigation and Adjudication of the Complaint to notify the Parties whether the Adjudicator concluded that it is more likely than not that sex-based Discrimination, Harassment or Retaliation occurred. In cases where the Adjudicator has determined that a preponderance of evidence supports a finding that the Respondent committed sex-based Discrimination, Harassment or Retaliation, the Notice of Determination will also include the Disciplinary Sanctions and Remedies imposed by the Adjudicator.

Party

means a Reporting Party or Respondent.

Relevant means related to the allegations of sex-based Discrimination, Harassment or Retaliation under Investigation as part of the Complaint Resolution Process applicable under this Policy. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex-based Discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex-based Discrimination, Harassment or Retaliation occurred.

Remedies

means measures provided, as appropriate, to a Reporting Party or any other person identified as having had their equal access to the College's education program or activity limited or denied by sex-based Discrimination, Harassment or Retaliation. These measures are provided to restore or preserve that person's access to the College's education program or activity after a Complaint Resolution Process has resulted in a determination that sex-based Discrimination, Harassment or Retaliation occurred. Remedies are identified following an Investigation during the Adjudication Phase of the Complaint Resolution Process.

Reporting Party means

- a. A Student or Employee who is alleged to have been subjected to conduct that could constitute sex-based Discrimination, Harassment or Retaliation prohibited by this Policy; or
- b. A person other than a Student or Employee who is alleged to have been subjected to conduct that could constitute sex-based Discrimination, Harassment or Retaliation under this Policy and who was participating or attempting to participate in a Martin Luther education program or activity at the time of the alleged prohibited conduct.
- c. A Reporting Party who initiates a complaint may be referred to as the Complainant.

Respondent

means a person who is alleged to have violated this Policy's prohibitions against unlawful sex-based Discrimination, Harassment or Retaliation.

C. Sex Discrimination and Sex-based Harassment Definitions

Coercion or Force

means conduct, intimidation, and expressed or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that are used in order to persuade or compel someone to engage in sexual contact. Any sexual contact occurring in response to coercion or force will be presumed non-consensual. Examples of coercion or force include causing the deliberate incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other Party does not engage in sexual contact; or threatening to disclose an individual's personally sensitive information if the other Party does not engage in the sexual contact.

Consent

First, a biblical note: Consent is a government/legal term which is applied to sexual activity between individuals. The government allows adults to engage in sexual activity as long as those individuals mutually consent to said activity. God tells us something different in his word. To begin with God created human beings as male and female, as sexual beings, for the purpose of marriage. And God has provided the sexual relationship in marriage as a great gift to husbands and wives. Sexual activity outside of marriage is sinful and harmful. God also directs husbands and wives to carry on their sexual relationship in tenderness, love, and respect. Certainly the idea of mutual consent falls within this direction of God. Nevertheless, sexual activity outside of marriage – even in the context of mutual consent – is sinful and forbidden by God. For the purposes of this policy, however, we include the government's definition of consent.

According to the law, consent means words or overt actions by a person clearly and affirmatively communicating a freely-given, present agreement to engage in a particular form of sexual contact. Words or overt actions clearly communicate Consent when a reasonable person in the circumstances would believe those words or actions indicate an interest and willingness to participate in the mutually agreed-upon sexual contact. Although Consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining Consent.

All Parties to a particular form of sexual contact must provide Consent, and such Consent must be present throughout the activity. It is the responsibility of the individual who is initiating each sexual contact to obtain Consent before proceeding to engage in the sexual contact.

Even when Consent is given, it may be retracted at any time. When Consent is withdrawn, the sexual contact for which Consent was initially provided must stop immediately. Any words or overt actions can communicate withdrawal of Consent. As is the case with communicating the existence of Consent, verbal communication is usually the clearest way of communicating withdrawal of Consent.

A person can only provide Consent when that person:

- Acts freely and voluntarily, without coercion or force or otherwise feeling unduly pressured, threatened, or intimidated;
- Is informed about the nature of the sexual contact involved;
- Is not incapacitated, whether from alcohol, other drugs, or other causes, such that they cannot understand the fact, nature, or extent of the sexual contact;
- Is conscious;
- Is of legal age to Consent (16 years old in Minnesota with some exceptions for younger individuals who are close in age).
- These requirements for Consent mean that sexual contact with someone who is threatened, coerced, intimidated, uninformed, incapacitated, asleep or otherwise unconscious, or not of legal age, is, by definition, nonconsensual sexual contact.

In addition, Consent to a particular sexual contact cannot be inferred from: Consent to a different form of sexual contact; an existing or prior dating, sexual, romantic or marital relationship; silence that is not otherwise accompanied by overt actions indicating Consent; an absence of physical resistance or verbal protest; or prior sexual activity with other individuals.

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.

Incapacitation

means an individual's physical and/or mental inability to make informed, rational judgments that is known or reasonably should have been known to the individual initiating sexual contact. An individual who is incapacitated is unable to give Consent to sexual contact. States of incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to sexual contact. Regardless of their own level of intoxication, individuals who are initiating sexual contact are always responsible for obtaining Consent before proceeding. Intoxication is never an excuse for or a defense to committing sexual assault or any other Sex-Based Harassment. Use of drugs or alcohol does not diminish one's responsibility to obtain Consent or reduce one's personal accountability. The issue is whether the individual initiating sexual contact knew, or a reasonable sober person in the position of the individual initiating sexual contact should have known, that the other person was incapacitated.

Alcohol or drug use is a common cause of incapacitation. The mere use of drugs or alcohol, or even intoxication from drugs or alcohol, is not by itself proof of incapacitation. Where alcohol or drug use is involved, incapacitation is a state beyond intoxication, impairment in judgment, or drunkenness. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is incapacitated, and therefore unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of: making decisions about the potential consequences of sexual contact; appraising the nature of one's own conduct; or ability to communicate Consent or lack of Consent to engage in sexual contact.

There are common signs that should alert a reasonable sober person as to whether an individual might be incapacitated. Typical signs may include incomprehensible speech, clumsiness, difficulty walking, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know who I am?" If there is any doubt as to the level or extent of one's own or the other individual's intoxication or incapacitation, the safest course of action is to forgo or cease any sexual contact or activity.

Sex-based Discrimination

occurs when an individual is treated adversely because of that person's sex/gender. Sex-based Discrimination includes Discrimination on the basis of sex stereotypes, sex characteristics, and Pregnancy or Related Conditions. Some examples of conduct that may constitute Sex Discrimination include:

- Treating an individual adversely in any respect because of their sex/gender.
- Using epithets or slurs;
- Engaging in threatening or intimidating acts, including directing written or graphic material to an individual because of their sex/gender;
- Written, verbal or physical acts directed to an individual because of their sex/gender that purport to be jokes or pranks.

Sex-Based Harassment

is a form of Harassment prohibited by this Policy. Sex-Based Harassment means Sex-Based Harassment and other Harassment on the basis of sex that is one of the following:

- a. **Quid pro quo Sex-Based Harassment.** An Employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct; or
- b. **Hostile environment Sex-Based Harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity (i.e., creates a hostile

environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (a) the degree to which the conduct affected the Reporting Party's ability to access the College's education program or activity;
- (b) the type, frequency, and duration of the conduct;
- (c) the Parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
- (d) the location of the conduct and the context in which the conduct occurred; and
- (e) other Sex-Based Harassment in the recipient's education program or activity.

D. Sexual Misconduct

means criminal sexual behavior including any of the following:

a. **Sexual Assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime Reporting system of the Federal Bureau of Investigation. This includes the following crimes:

- i. **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.
- ii. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental incapacity.
- iii. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- iv. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of Consent.

b. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

c. **Domestic Violence** means felony or misdemeanor crimes committed by a person who:

- Is a current or former spouse or intimate partner of the victim under Minnesota law, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or Domestic Violence laws of the jurisdiction.

d. **Intimate Partner Violence** means any physical or sexual harm or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior against an individual, that may be classified as a sexual misconduct, dating violence, or domestic violence caused by:

- a current or former spouse of the individual; or
- a person in a sexual or romantic relationship with the individual.

e. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Examples of stalking behavior can include:

- Repeated, unwanted, intrusive, or frightening communications by phone, mail, text, email and/or social media;
- Repeatedly leaving or sending unwanted items or gifts;
- Following or lying in wait for a person at places such as the person's place of residence, school activities, work, or recreational places;
- Making direct or indirect threats to harm a person or a person's relatives, friends, or pets;

- Damaging or threatening to damage a person’s property;
- Excessive posting of information or spreading rumors about a person on the internet, in a public place, or by word of mouth; or
- Unreasonably obtaining personal information about a person for no legitimate purposes.

f. **Sexual Exploitation** is taking non-consensual sexual advantage of another person. Examples of sexual exploitation include, but are not limited to:

- Threatening to disclose an individual’s personal and private or perhaps embarrassing information.
- Sexual extortion;
- Observing another individual’s nudity or sexual contact, or allowing another to observe the same, without the knowledge and Consent of all Parties involved;
- Non-consensual recording or dissemination of images, photography, video, or audio recording of sexual contact or nudity;
- Creating and/or disseminating “deep fake” sexual images depicting intimate parts or sexual acts;
- Voyeurism;
- Creation, possession or dissemination of child pornography;
- Sex trafficking;
- Misleading or lying about use of contraception;
- Distributing intimate or sexual information about a person without Consent;
- Knowingly exposing or transmitting a sexually transmitted infection to another person; and
- Inducing incapacitation for the purpose of taking sexual advantage of another person.

g. **Sexual Intimidation** involves threatening another person that the perpetrator will commit a sex act against them or engaging in indecent exposure

h. **Sexual contact**

is defined as the intentional touching by an individual of another’s intimate parts (including an individual’s breasts, inner thighs, buttocks, genitals and/or groin area, whether clothed or unclothed); or the coerced touching by an individual of another’s intimate parts. Sexual contact also includes the intentional removal or attempted removal of clothing covering an individual’s intimate parts.

IV. REPORTING SEX-BASED DISCRIMINATION, HARASSMENT AND RETALIATION

A. Overview

This section addresses Reports of known or suspected incidents of sex-based Discrimination, Harassment or Retaliation, and the ways in which such Reports may be made. While Required Referrals are the only individuals required to make Reports, everyone is encouraged to Report any incident of sex-based Discrimination, Harassment or Retaliation so that those who experience such conduct can understand their options and access Supportive Measures. There are no time limitations on when a Report to the College may be made; but delaying a Report may impact the College’s ability to access evidence, investigate the claims, and/or adequately respond.

B. Who Can Report? Who Must Report?

1. **Employees / Required Referrals**

Employees of Martin Luther College who are not Confidential Resources are Required Referrals, and are expected to immediately share all known details about any incident of sex-based Discrimination, Harassment or Retaliation with the Title IX Coordinator. Students who are employed with the College, and who learn about such incidents during the course and scope of their Martin Luther College employment are also Required Referrals. Reports may be made in person, by telephone, or electronically. If possible, before obtaining information from a Reporting Party, Required Referrals should inform the Reporting Party of the Employee’s Reporting obligations and inquire

whether the Reporting Party would rather speak with a Confidential Resource.

Notwithstanding the foregoing, Employees who themselves experience Discrimination, Harassment or Retaliation are not required to Report their own experience as a Required Referral. While these employees are not required to Report such incidents, they are encouraged to Report their experience so that the College can assist them in accessing Supportive Measures and understanding their rights.

2. Students

Students are encouraged to Report known or suspected incidents of Sex-based Discrimination, Harassment and Retaliation to the Title IX Coordinator. Students are not required to Report information unless they are also a Required Referral (i.e., Student employees who learn about sex-based Discrimination, Harassment or Retaliation during the course and scope of their employment with the College).

C. What Must be Reported?

1. Reporting Sex-based Discrimination, Harassment or Retaliation

Employees making a required referral may Report to the Title IX Coordinator or member of the Equal Opportunity Team using any of the Reporting methods described below. Employees making a required referral should provide all known details including, if available, the date, time and location of the incident; the names of individuals involved and other individuals who may have witnessed the incident; and a brief description of the incident. Although Required Referrals should provide all information learned from a Reporting Party, Employees should not attempt to investigate or gather details about the incident beyond the information that the Reporting Party seeks to share. Prompt and complete Reporting will assist the College in providing timely support and assistance.

While Employees are obligated to Report any information they may have regarding Sex-based Discrimination, Harassment and Retaliation, they should respect the confidentiality of the individuals involved by not further disclosing information to other individuals without the Reporting Party's authorization.

2. Reporting Responsibilities Regarding Pregnant Students

When a Student informs any Employee of the Student's Pregnancy or Related Condition, the Employee must provide the Student with the Title IX Coordinator's contact information and inform the Student that, as the College's Title IX Coordinator, the Title IX Coordinator can coordinate support and modifications to ensure that the Student maintains equal access to the College's education program and activities, unless the Employee reasonably believes the Title IX Coordinator has already been notified. To ensure that an appropriate response is made, Employees who learn about a Student's Pregnancy or Related Condition are encouraged to contact the Title IX Coordinator for information and guidance. Employees who do so are not required to identify the Student with the Pregnancy or Related Condition.

D. To Whom May Reports be Directed?

1. Confidential Resources.

Individuals who have experienced Discrimination, Harassment or Retaliation may obtain support and other resources from Confidential Resources. Confidential Resources can also provide basic information about College, community, and, when applicable, law enforcement options.

At Martin Luther, Confidential Resources include the following:

- Kelsey Horn, RN – MLC Heath Services
- Angela Scharf – Women's Services Director
- Pastor Nathan Savage – Tutor and Dorm Supervisor
- Pastor Aaron Bush – Tutor and Dorm Supervisor

2. Reporting to the Title IX Coordinator

Reporting to the Title IX Coordinator does not necessarily initiate a Complaint or a Complaint Resolution Process. It can simply be an opportunity to obtain further information about options and access to available resources and Supportive Measures the College can take to sustain the Reporting Party's access to College programs and

activities. Reporting to the Title IX Coordinator provides individuals the opportunity to better understand their options and to assess whether they wish to pursue further courses of action such as initiating a Complaint and/or notifying law enforcement.

Even if Reporting Parties are not interested in or uncertain about initiating the Complaint Resolution Process, they are strongly encouraged to Report to the Title IX Coordinator so that they can better understand and readily access the Supportive Measures and other options available to them under this Policy. Reporting to the Title IX Coordinator does not obligate the Reporting Party to initiate or participate in a Complaint Resolution Process. The College will honor an individual's preferences about whether to proceed with the Complaint Resolution Process, and will only take additional measures in the rare instances when the College believes further action is legally required or absolutely necessary for safety purposes. Resources and Supportive Measures are available regardless of whether a Complaint Resolution Process is initiated.

3. Reporting to Faculty and Staff

All Employees of the College, with the exception of Confidential Resources, are Required Referrals and responsible for making Reports to the Title IX Coordinator of all known or suspected sex-based Discrimination, Harassment or Retaliation.

4. Anonymous Reporting

The College maintains an online Reporting form for any member of the Martin Luther community to anonymously Report sex-based Discrimination, Harassment or Retaliation that the Reporter has either experienced or witnessed. The information provided is forwarded to the Title IX Coordinator. The Title IX Coordinator will act upon all information received to the extent there is actionable information provided. Reports are also utilized for Reporting purposes to state and federal authorities, and used by the College to better understand the incidence of Sex-based Discrimination, Harassment and Retaliation in our community and to aid in education, prevention, and response efforts.

The College's ability to respond to an anonymous Report may be limited depending upon the information it receives. If a Reporting Party is identified in an anonymous Report, the Title IX Coordinator will contact the Reporting Party to offer information and Supportive Measures. Because a Complaint must be initiated by an individual who experienced the conduct or by the Title IX Coordinator under certain circumstances, an anonymous Complaint will not necessarily trigger the Complaint Resolution Process.

5. Reporting to law enforcement

Individuals who believe they have been a victim of criminal conduct, such as a Hate Crime or Sexual Misconduct (including Sexual Assault, Dating Violence, Domestic Violence or Stalking) are strongly encouraged to notify the Police Department. Notifying law enforcement is independent of a Report to the College. Sometimes Reporting Parties opt to only Report to the College; other times they opt only to notify law enforcement; and other times they opt to notify both.

Meetings can normally be arranged on campus or at the New Ulm Police Department depending upon the wishes of the Reporting Party. In most instances, Reporting to the police does not require filing criminal charges, and the individual Reporting to the police maintains control over whether and when criminal charges will be pursued. If the Reporting Party would like an advocate, Advisor, or parent to attend the meeting with the New Ulm Police, assistance with these arrangements will also be made.

Telephone contact information for the New Ulm Police Department:

Emergency Number: 911

Non-Emergency Number: 507-233-6750

Individuals should not assume that information Reported to College authorities will be Reported to law enforcement. Legal guidelines preclude the College from Reporting incidents of sexual violence to law enforcement without the authorization of the Reporting Party (unless such Reporting is mandated under Minnesota's child or vulnerable adult abuse and neglect statutes).

In instances where the police have been contacted about a matter involving sex-based Discrimination or Harassment that may also be crime, the College will cooperate with the New Ulm Police in obtaining, securing, and maintaining evidence.

Rights of Crime Victims in Minnesota

Minnesota law provides certain rights to individuals who Report crimes to law enforcement. These rights pertain to responsibilities of police and prosecutors when a crime is Reported. This is separate and apart from the process Martin Luther uses when a Report is made to the College. The following is a brief description of the rights guaranteed to individuals who Report crimes to law enforcement:

Notification. Individuals who Report crimes are entitled to notification of their rights including the following:

- The process for prosecuting crimes and the ability to participate in this process;
- The final results of a criminal Report (including whether the accused will be charged with a crime and prosecuted, any plea agreement reached with the accused, the outcome of a criminal trial, whether the decision at trial is being appealed, and the results of any appeal);
- The details of any plea agreement that may have been reached with the accused;
- The schedule for trial and any appeal hearings;
- Any changes sought to the sentence imposed against the offender and the right to provide input in these proceedings;
- Information regarding the offender's release or escape from custody or transfer to a lower security facility;
- Any petition by the offender for expungement of the offender's criminal records;
- The right of a victim of crime to request restitution and reparations; and
- Information on the nearby crime victim assistance resources.

Protection. Individuals who Report crimes are entitled to:

- A secure waiting area during any court proceedings;
- Request that their identity and personal information (including home and employment address, telephone number, and birth date) not be disclosed publicly or in open court;
- Protection against Retaliation by their employer for taking reasonable time off to testify, assist with the prosecution, and to attend court proceedings; and
- Protection from any Harassment, intimidation or other tampering with a witness.

Rights in Criminal Cases Involving Allegations of Domestic Violence, Sexual Assault, or Harassment. Individuals who Report crimes involving allegations of domestic violence, sexual assault or Harassment are entitled to:

- Be informed of the prosecutor's decision to decline prosecution or dismiss the case along with information about seeking a harassment restraining order at no fee;
- Protections against any Retaliation from an employer in response to taking reasonable time off to attend a court proceeding relating to a request for an order for protection or harassment restraining order;
- Terminate a lease without penalty;
- Make a confidential request for HIV testing of a convicted offender in cases of sexual assault;
- A medical forensic examination at no cost; and
- To have an Investigation and prosecution of a sexual assault case proceed without having to be subjected to a polygraph examination.

Other rights. Individuals who Report crimes are also entitled to:

- Request a speedy trial;
- Provide input in plea agreements and to object to a plea agreement, orally or in writing, before the court;
- Object orally or in writing to a proposed disposition or sentence;
- Inform the court, either orally or in writing, of the impact of the crime at the sentencing hearing; and be present at the sentencing and plea presentation hearings; and

- Be informed of any discharge or release of the offender from civil commitment and submit a statement regarding this decision.

For further information, consult the Crime Victims Bill of Rights, a publication of the Minnesota Department of Public Safety, or Minnesota Statute 611A.

E. How Can Reports be Submitted?

Martin Luther is committed to providing Reporting options through multiple avenues which are broadly accessible to all members of the Martin Luther community. Any person may Report sex-based Discrimination, Harassment or Retaliation (whether or not the person Reporting is the person alleged to be the victim of such conduct), in person, by mail, by telephone, or by email, to the Title IX Coordinator. Reports may be submitted at any time of day and at any point during the year.

Reports may be made by completing the College's on-line Reporting form which is automatically delivered to the Title IX Coordinator. Individuals can also contact the Title IX in person, by mail, telephone, or by email.

Reports may be made anonymously; however, depending upon the information provided in a Report, the College may be limited in its ability to respond.

F. Prohibition Against False Reports

The willful filing of a false Report is a violation of this Policy, as well as the Student Code of Conduct. Charging an individual with a violation of the Code of Conduct for making a materially false statement in bad faith in the course of a Report, Complaint, or Complaint Resolution Process under this Policy does not constitute Retaliation.

G. Access to Report

A person who Reports an incident to the College will be provided access to their Report upon request, consistent with state and federal laws governing privacy of and access to education records. A request for access to a Report should be made to the Title IX Coordinator.

V. INITIAL STEPS AFTER A DISCRIMINATION, HARASSMENT OR RETALIATION REPORT IS RECEIVED BY THE COLLEGE

A. Initial Contact with Title IX Coordinator

After receiving notification of conduct that may reasonably constitute sex-based Discrimination, Harassment or Retaliation, the Title IX Coordinator will promptly contact the Reporting Party to explain the options for addressing a Report.

The Title IX Coordinator will confer with the Reporting Party in order to:

- Assess the Reporting Party's safety and well-being and identify available support and assistance;
- Inform the Reporting Party about resources available at the College and in the community, the right to seek appropriate and available remedial and Supportive Measures, and how to request them;
- Inform the Reporting Party of the right to initiate the College's Complaint Resolution Process and/or the Informal Resolution Process (when applicable);
- Explain the College's prohibition against Retaliation and that the College will take prompt action in response to any act of alleged Retaliation;

- When applicable, inform the Reporting Party of the right to seek medical treatment and explain the importance of obtaining and preserving forensic and other evidence; and
- When the conduct may involve a crime, inform the Reporting Party of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order.

Generally, the options available to a Reporting Party include but are not limited to one or more of the following:

- Taking no action;
- Arranging Supportive Measures to assist the Reporting Party's full participation in the College's education programs and activities;
- Requesting that the Title IX Coordinator have a conversation with the Respondent about the Report;
- Engaging in an Informal Resolution Process with the Respondent;
- Initiating a Complaint Resolution Process under this Policy that will result in a determination of whether the Respondent is responsible for Discrimination, Harassment or Retaliation.

The Reporting Party has the right to decide whether to take any action to address the alleged conduct, whether to seek Supportive Measures, and whether to be involved in an Informal Resolution Process or a Complaint Resolution Process addressing the conduct. Under some circumstances, the Title IX Coordinator may determine that the College will initiate a Complaint and Complaint Resolution Process to address the sex-based Discrimination, Harassment or Retaliation even if the Reporting Party decides not to participate in the Complaint Resolution Process.

The College will treat the Reporting Party with dignity and will not make any suggestion that the Reporting Party is at fault for the alleged incident or that the Reporting Party should have acted in a different manner to avoid such an incident.

If an Informal Resolution Process, Complaint Resolution Process or other steps are being taken to address the concerns with a Respondent, the Title IX Coordinator will meet with the Respondent to inform them of the Report and to discuss the availability of Supportive Measures during any ensuing process.

When responding to a Report of Discrimination, Harassment or Retaliation, and throughout any Informal Resolution Process and Complaint Resolution Process, the Title IX Coordinator will treat the Reporting Party and Respondent equitably.

B. Availability of Supportive Measures

At any time after a Report of sex-based Discrimination, Harassment or Retaliation is received, the College will arrange for reasonable and appropriate Supportive Measures aimed at protecting the well-being and safety of each Party. Supportive Measures are actions taken to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other Party. They include measures designed to protect the safety of all Parties and the College's educational environment. Supportive Measures foster a comfortable and safe educational, residential and working environment.

Supportive Measures may be requested by a Reporting Party at any time after a Report is received, or by a Respondent at any time after being made aware of a Report. Supportive Measures may also be initiated by the College. Supportive Measures are available regardless of whether a Report proceeds to the Complaint Resolution Process.

Appropriate Supportive Measures will vary depending upon the particular circumstances and based on a Party's confidentiality preferences. The range of potential Supportive Measures that Martin Luther may take include:

- Access to counseling, medical, and other confidential services and assistance in setting up initial appointments on and off campus.
- A College-imposed mutual "limited-contact directive" prohibiting intentional or on-going unintentional contact between individuals.
- Assistance in petitioning a court for an order for protection / harassment restraining order.
- Making information available about and providing assistance with respect to orders for protection and harassment restraining orders, including enforcement of such orders.

- Providing campus security escorts to assure safe movement on campus.
- Rescheduling of exams or assignments.
- Providing alternative course completion options.
- Providing other academic Supportive Measures, such as tutoring.
- Assisting in setting up potential accommodations (academic, employment or otherwise) through other relevant departments.
- Changing a Student's class schedule.
- Extensions of work deadlines, work schedules, assignments, and other workplace accommodations;
- Changing campus housing arrangements and assistance with housing relocation.
- Limiting access to certain College residence halls, facilities or activities pending a Complaint Resolution Process.
- Voluntary leave of absence.
- In cases where the Reporting Party is or becomes enrolled at a different educational institution either because of a transfer, on-going studies after graduation from Martin Luther, or temporary enrollment at a different institution, the College will provide information about resources available at the Student's current institution.
- Any other measure deemed appropriate for fostering a more comfortable and safe educational, residential and/or working environment.

Supportive Measures are offered by the College based upon the information gathered during the Report or made available to the College thereafter. They are not intended to be punitive. Such measures will vary based on the particular facts and circumstances, including but not limited to the specific need expressed by the Party, the age of the individual(s) involved, the severity or pervasiveness of the allegations, any continuing effects on the other Party, whether the Reporting Party and the Respondent share the same residence hall or assigned work location.

Supportive Measures may not unreasonably burden either Party. They will be designed to protect the safety of the Parties and the educational environment and to provide support during the Complaint and Complaint Resolution Process or Informal Resolution Process. Supportive Measures will not be imposed if they have the purpose or effect of being punitive or disciplinary.

The Title IX Coordinator will maintain on-going contact with Parties and witnesses who have requested Supportive Measures. The Title IX Coordinator retains the discretion to initiate and/or modify any Supportive Measures based on all available information. A Party may challenge Supportive Measures, or failure to impose Supportive Measures or take other actions, by contacting the Title IX Coordinator to address any concerns.

The College will not disclose information about any Supportive Measures to persons other than the person to whom they apply, including informing any Party of Supportive Measures provided to another Party, unless necessary to provide the Supportive Measure or restore or preserve a Party's access to the College's education programs or activities.

C. Opportunity to Change or Challenge Supportive Measures

A Reporting Party or Respondent may contact the Title IX Coordinator to seek modification or termination of Supportive Measures if circumstances warrant change. If modification or termination of Supportive Measures is not made upon request, the Reporting Party or the Respondent may request the Title IX Coordinator to assign an impartial Employee to review their request to modify or reverse the College's decision to provide, deny, modify, or terminate any or all Supportive Measures applicable to them. Upon receipt of such request by either Party, the Title IX Coordinator will designate an impartial Employee to decide whether to grant the modification or reversal request. The impartial Employee will not be the same Employee who made the challenged decision and will be an Employee who has the authority to modify or reverse the decision. The decision will be modified or reversed if the impartial Employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with this Policy.

D. Measures for avoiding contact with other involved Parties

Martin Luther Limited-Contact Directives.

On a small campus like Martin Luther, it is not feasible to expect that certain community members can avoid any and all contact with one another; however, it is possible to impose restrictions that ensure that intentional contact will not occur, and that individuals will immediately discontinue any inadvertent contact that may occur. A limited-contact directive is a College-issued order that prohibits one or both Parties from intentionally communicating with or contacting another (either directly or indirectly). This directive further orders that if any contact is inadvertently made, the individual(s) subject to the directive will take immediate action to discontinue contact with the other individual. To request a limited-contact directive from the College, individuals should contact the Title IX Coordinator.

Law Enforcement Order for Protection/Harassment Restraining Order.

Harassment restraining orders and orders for protection are legal orders issued by a state court which forbid someone from harassing and/or making contact with another individual. A harassment restraining order is a civil court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. An order for protection is a civil court order that protects one family or household member from domestic abuse by another family or household member.

The College does not issue harassment restraining orders or orders for protection, but one can be obtained through making an application to the Brown County District Court. Paperwork to petition the court for an order for protection or harassment restraining order is available from the NewUlm Police Department. These forms may be submitted to the Court Administrator in the Brown County Courthouse, 14 S State St, New Ulm, MN 56073 during business hours. Free assistance filling out these forms is available by contacting the CADA of Brown County at 507-233-6663 (business line) or at 800-477-0466 (24/7 HelpLine) to get in touch with an advocate.

An order for protection and/or harassment restraining order can be enforced by contacting local law enforcement. An individual who obtains an order for protection and/or harassment restraining order is encouraged to forward a copy of the order to the Title IX Coordinator. Martin Luther is committed to ensuring that any such order issued by a court is fully upheld on the College's campus and at any Martin Luther-sponsored event.

E. Possible Alerts to the Martin Luther Campus

To achieve a safe and secure campus environment, all members of the campus community are encouraged to promptly Report any suspicious or criminal activity observed directly to College Security (507-359-3344) and the New Ulm Police Department (911 or 507-217-6750.) Employees (including Student employees) designated as Campus Security Authorities as defined by the Crime Awareness and Campus Security Act (Clery Act) are required to Report all known or suspected crimes to the Student Life Office for possible inclusion in the College's crime logs, campus notices, and annual campus security Report pursuant to the Clery Act. These Campus Security Authorities include Advisors to Student organizations; coaches of athletic teams; members of the College Security Team; members of the Faculty and Staff; members working for Housing; and other community members who have responsibility for Student and campus activities.

When serious crimes are Reported to a Campus Security Authority or local law enforcement that occur on campus geography and are deemed by the College to represent a serious or continuing threat to Students and Employees, College Safety and Security will issue a timely warning (Crime Alert) by email and/or text message to the campus community. The timely warning will provide general information surrounding the incident and how incidents of a similar nature might be prevented in the future. Crime Alerts are issued to the community by Campus Safety and Security when the College receives a Report of a serious crime occurring on the College's campus that:

- Is Reported to campus security authorities or local police agencies; and
- Is considered by the College to represent a serious or continuing threat to Students and Employees.

Serious crimes under the Clery Act include murder, sexual assault, robbery, burglary, and aggravated assault.

Publicly available recordkeeping, including Clery Act Reporting and disclosures such as the Annual Security Report and daily crime log, will not include names or other information that could identify individuals. All Reports of any crimes, including sexual misconduct, are available in the College's daily crime log. Individuals may contact the Student Life Office during normal business hours to review the daily crime log.

F. Instruction on the Importance of Preserving Evidence

Regardless of whether a Reporting Party decides to file a Complaint, they will be notified of the importance of preserving evidence as may be necessary to aid in a future proceeding such as if the Reporting Party decides to initiate a Complaint Resolution Process or a criminal Investigation, or the Reporting Party seeks to obtain a protective order.

G. Discuss Forensic Medical Examination with Individuals Reporting Sexual Assault

For their health and safety, to preserve their options and for other reasons, victims of sexual assault are strongly encouraged to immediately obtain medical attention and a medical forensic examination. A medical forensic examination is an exam performed by a specially-trained forensic nurse, called a Sexual Assault Nurse Examiner (or "SANE"). SANEs are contracted to work with physicians in the Emergency Department at the New Ulm Hospital. Medical forensic examinations are available to anyone who is a victim of sexual assault regardless of gender. Medical forensic examinations are conducted up to 10 days after the occurrence of a sexual assault; however, there may be circumstances that warrant an examination even after that period of time has expired.

The purpose of a medical forensic exam is to (1) assess the patient for injuries that need treatment, (2) provide medical care (including medications to prevent infections and pregnancy), and (3) document and collect evidence of sexual contact or physical trauma (including injuries on the body and genitals), trace evidence, and identifiable DNA of the perpetrator of a sexual assault. When there is suspicion or concern that a victim may have been incapacitated by drugs or alcohol during a sexual assault, the medical forensic exam may include the collection of urine and/or blood samples for toxicology testing.

Evidence and other documentation recovered from a medical forensic exam may be used to support a Report under this Policy, subject to the permission of the Reporting Party, or a police Report/criminal complaint; however, having a medical forensic exam performed does not mean that the Reporting Party must Report the incident to either the Martin Luther Title IX Coordinator, or to any law enforcement agency. That decision is entirely up to the Reporting Party.

Even if the Reporting Party is not presently considering initiating an Investigation with either the College or the police, obtaining an examination may ensure that important evidence is not lost and may therefore be useful in the future if the Reporting Party later decides to initiate the College's Complaint Resolution Process or file a police Report. Evidence recovered from a medical forensic exam is not tested unless a Reporting Party Reports to law enforcement. If a Reporting Party chooses not to Report their experience to law enforcement after receiving a medical forensic exam, the evidence collected during the exam will be stored at the Minnesota Bureau of Apprehension for at least 30 months.

Forensic evidence and other documentation collected at the New Ulm Hospital may be released to the College or Northfield Police only with the Reporting Party's written Consent or if an authorized third party provides Consent on the Reporting Party's behalf. This forensic evidence may be used to support any subsequent criminal and/or College disciplinary action.

H. Possible Emergency Removal of a Student

Regardless of whether a Complaint is filed, the College retains the right to remove a Student Respondent from the College's education program or activity on an emergency basis. Before doing so, the College will perform an individualized safety and risk analysis, evaluating whether an imminent and serious threat to the physical health or

safety of a Reporting Party, any Students, Employees, or other individual arising from the allegations of sex-based Discrimination, Harassment or Retaliation exists that justifies removal. The College will provide the Respondent with an opportunity to challenge the decision immediately following the removal.

I. Possible Administrative Leave of an Employee

The College may place an Employee or Student employee on administrative leave from employment responsibilities during the pendency of a Complaint Resolution Process.

J. The College's Commitment to Privacy When Responding to Reports

The College will respect and safeguard the privacy of individuals who Report sex-based Discrimination, Harassment or Retaliation, and the privacy of other individuals involved in the process. Consistent with the College's need to carefully assess allegations of sex-based Discrimination, Harassment or Retaliation, information will be shared with College officials who have a need to know in order to assist in the review of a Report and the determination of appropriate responses. For matters that are reviewed under the Complaint Resolution Process, information will also be shared as is required by law and as is deemed necessary for conducting a fair, impartial and thorough Complaint Resolution Process and/or Informal Resolution Process.

What is the difference between privacy and confidentiality?

Some Employees are Confidential Resources. This means that they will not share information without permission from the Reporting Party. Conversations with Confidential Resources are privileged and will not be disclosed unless permitted by the Reporting Party or unless otherwise required by law. Although there are only a few Confidential Resources on campus, all Employees who receive information from a Reporting Party, a Respondent, or others involved in the College's response to a Report of sex-based Discrimination, Harassment or Retaliation are expected to keep information private. This means that information should only be shared with other College Employees who have a need to know the information (e.g., the Title IX Coordinator). This information is not shared with others in or outside of the College without the individual's express permission or unless otherwise legally authorized.

VI. INFORMAL RESOLUTION PROCESS

A. Overview

At any time prior to reaching a determination regarding responsibility for sex-based Discrimination, Harassment or Retaliation through the Complaint Resolution Process, the Parties may choose to enter into an Informal Resolution Process. The College encourages the use of the Informal Resolution Process, recognizing that Parties' participation is entirely voluntary and will only be implemented with their full written consent in accordance with the requirements of this section.

The Title IX Coordinator has the discretion to determine whether it is appropriate to permit an Informal Resolution Process to proceed in each situation and may decline to offer the Informal Resolution Process despite one or more of the Parties' wishes. The College may decline to offer the Informal Resolution Process if, for instance, it determines that the alleged conduct would present a future risk of harm to others.

When a Report or Complaint of sex-based Discrimination, Harassment or Retaliation is resolved through an Informal Resolution Process, the Title IX Coordinator maintains authority to take steps, as appropriate, to ensure that sex-based Discrimination, Harassment or Retaliation does not continue or recur.

B. Consent by the Parties / College Approval

All Parties must provide voluntary, written consent to participate in the Informal Resolution Process. The College will

not require Parties to participate in an Informal Resolution Process, or require a Party to waive the right to Investigation and Adjudication of a Complaint as a condition of enrollment, continued enrollment, employment, continued employment, or provision of any other right.

The College may decline a request for Informal Resolution in any particular case and may terminate an ongoing Informal Resolution Process at any time. The agreement to participate in Informal Resolution and any resolution reached is subject to the agreement of the Title IX Coordinator, the Reporting Party and the Respondent.

C. Timeframe of the Informal Resolution Process

Generally, an Informal Resolution Process will be completed within 20 calendar days from the Parties' written agreement to participate in the Informal Resolution Process. This timeline may be extended if necessary, including a temporary delay or the limited extension of time for good cause. The Parties will be notified simultaneously in writing of any extension of the timeframe and the reasons for such extension.

D. Notice to the Parties

Before initiating an Informal Resolution Process, the College will provide written notice to the Parties that explains the following:

- The allegations of sex-based Discrimination, Harassment or Retaliation;
- The requirements of the Informal Resolution Process;
- The right of any Party to withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution;
- The right to resume with the Complaint Resolution Process if an agreement is not reached;
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution Process will conclude the matter and preclude either Party from initiating or resuming a Complaint arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notice that an Informal Resolution agreement is binding only on the Parties;
- What information the College will maintain from the Informal Resolution Process and whether and how the College could disclose such information for use in the Complaint Resolution Process if such a Process is initiated or resumed. In general, the College will only maintain a record of the finalized resolution agreement and, as such, will not share information with those investigating and adjudicating the Complaint Resolution process.

E. Informal Resolution Process Facilitator

The facilitator for the Informal Resolution Process will be a trained person designated by the Title IX Coordinator. A facilitator designated by the Title IX Coordinator may be an Employee or may be an external consultant. The facilitator will not be the same person as the Investigator or Adjudicator or Appeal Adjudicator in the Complaint Resolution Process.

The facilitator for an Informal Resolution Process will not have a conflict of interest or bias for or against Reporting Parties or Respondents generally or an individual Reporting Party or Respondent. The facilitator will be trained consistent with legal requirements and the process of mediation.

F. Right to an Advisor

Each Party has the right to choose and consult with an Advisor during an Informal Resolution Process. The Advisor may be any person, including an attorney, who is not otherwise a Party to the Reported incident.

G. Description of Process

The facilitator, in consultation with the Title IX Coordinator, will work with the Parties to determine a structure for the Informal Resolution Process that all Parties agree to. Working with the facilitator, the Parties generally have latitude to determine the structure of the Process. In most cases the process will entail the facilitator attempting to mediate a resolution by meeting separately with the Parties.

H. Potential Terms and Outcomes of an Informal Resolution Process

The Parties have the right to withdraw from an Informal Resolution Process at any time up until an agreement is reached and signed by the Parties. The College may also declare an impasse or discontinue the Process for any reason. If the Process concludes without a resolution reached, the Reporting Party will determine whether to move forward with a Complaint, and may initiate a Complaint Resolution Process, or continue with an existing Complaint Resolution Process.

Once the Parties have arrived at an Informal Resolution agreement and finalized the agreement, the Process is concluded, and the Parties are precluded from initiating or continuing with a Complaint Resolution Process arising from the same allegations.

The Parties generally have latitude to determine the terms and potential outcomes of an Informal Resolution agreement. The facilitator can assist the Parties in developing possible terms and outcomes. Potential terms and outcomes may include, but are not limited to:

- Restrictions on contact between the Parties;
- Restrictions on participation in College activities or programs;
- Priority in residence hall selection and/or class registration, to minimize interactions between the Parties in residential and academic settings;
- Restrictions on physical presence in certain areas;
- Required attendance at educational programs;
- Required assessment and/or counseling;
- Leave of absence from school or employment;
- Resignation of employment;
- Non-disparagement;
- Reimbursement of expenses; and
- Agreement not to sue.

At the conclusion of an Informal Resolution Process, the College will prepare and the Parties will sign an Informal Resolution agreement.

The Title IX Coordinator or their designee is responsible for ensuring that the terms of an Informal Resolution agreement are adhered to.

The College reserves the right to take other appropriate prompt and effective steps to end any sex-based Discrimination, Harassment or Retaliation and prevent its recurrence even if the matter is resolved by the Parties through an Informal Resolution Process

Records about Informal Resolution Processes will be maintained by the Title IX Coordinator, consistent with this Policy's recordkeeping provision, and will only be shared with College Employees who have a need to know. Records from an Informal Resolution Process, including statements made by the Parties during the process, will not be shared in any subsequent Complaint Resolution Process.

VII. COMPLAINT RESOLUTION PROCESS

The College has adopted this Complaint Resolution Process to provide for a prompt and equitable resolution of all Complaints of sex-based Discrimination, Harassment or Retaliation made by Students, Employees, or other individuals who are participating or attempting to participate in the College's education programs and activities. In certain circumstances a Complaint Resolution Process may also be initiated by the Title IX Coordinator.

This Complaint Resolution Process Section of the Policy is divided into three sections.

Section A) outlines general information applicable to all sex-based discrimination, harassment or retaliation complaints

Section B) outlines the phases in the process that apply to all Complaints of sex-based Discrimination, Harassment or

Retaliation except for allegations of **Sex-Based Harassment** where a Reporting Party and/or a Respondent is a **Student**.

Section B) outlines the phases in the process that will be used when the Complaint involves an allegation of Sex-Based Harassment committed by or against a Student.

*Why is there a separate Complaint Resolution Process for Sex-Based Harassment cases involving Students?
Current Title IX regulations provide additional requirements for Complaint Resolution Processes at postsecondary institutions like Martin Luther when addressing Complaints of Sex-Based Harassment involving a Student. This Complaint Resolution Process applies if a Student is a Reporting Party or Respondent. In order to comply with federal Title IX regulations, the College has a separate Complaint Resolution Process for these types of reports.*

When a Reporting Party or Respondent is both a Student and an Employee of the College, the College will make a fact-specific inquiry to determine whether the Process described in Section A or Section B will be utilized. In making this determination, the College will consider whether the Party's primary relationship with the College is as a Student or an Employee, and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

When a Complaint alleges that a College's Policy or practice discriminates on the basis of a sex or gender, the College is not considered a Respondent under these procedures. None of the rights afforded to Respondents under this Complaint Resolution Process will apply when allegations are directed at the College and a policy or practice is alleged to be discriminatory.

A. General Information Applicable to All Discrimination, Harassment or Retaliation Complaints

1. Reservation of flexibility.

The procedures set forth in the Complaint Resolution Process reflect the College's desire to respond to Reports in good faith and in a manner that promotes fairness, impartiality and prompt resolution for all Parties. The College recognizes that each case is unique and that circumstances may arise which require the College to reserve flexibility in responding to the particular circumstances. Where legally permissible, and where it is deemed impractical or impossible to follow the procedures provided in this Complaint Resolution Process, or for some other reason the College deems it preferable to utilize a different process, the College reserves the right to modify the procedure or to take other administrative action as it deems appropriate under the circumstances. Unwelcome conduct related to an individual's sex/gender that does not rise to a level of being severe, pervasive, or objectively offensive may be referred to the appropriate College official for review under the College's Code of Student Conduct (for Students), Staff Handbook (for staff), or Faculty Manual (for faculty).

When the College receives a Report involving allegations of sex-based Discrimination, Harassment or Retaliation by a third party (an individual who is not a Student, faculty, or staff member) that is outside the scope of this Complaint Resolution Process, the Title IX Coordinator may exercise discretion to determine an appropriate resolution process based on the facts and circumstances of the matter. The Title IX Coordinator will document any Report received, the process used, and the outcome. If it is determined that it is more likely than not that a third party violated this Policy, appropriate Disciplinary Sanctions may include but are not limited to: conditions upon presence on campus or at College events, no-trespass and limited-contact directives, or other steps deemed necessary to protect the Reporting Party and the campus community. Any Party with concerns about the process or outcome should consult with the Title IX Coordinator.

2. Honoring Requests Not to Initiate the Complaint Resolution Process.

The College will honor an individual's preferences about whether to proceed with the Complaint Resolution Process, and will only take additional action in extremely rare circumstances when the College believes further action is legally required. The Title IX Coordinator will make the assessment of whether further action is necessary.

3. Role of the Title IX Coordinator.

The Title IX Coordinator is a resource for all Parties participating in the Complaint Resolution Process to answer questions or address concerns. The Title IX Coordinator is available to explain the Informal Resolution Process and the Complaint Resolution Process. The Title IX Coordinator can assist Parties with changes to existing Supportive

Measures or with addressing concerns about the Complaint Resolution Process. The Title IX Coordinator will also notify (at times through the investigator) the Parties of the date, time, location, participants, and purpose of all investigative interviews at which a Party will be requested to attend with notice to provide the Party sufficient time to prepare to participate before attending the interview. The Parties will also receive notice of all meetings or proceedings relating to the Complaint Resolution Process at which the other Party or Parties will be in attendance, including any meetings with the Investigator or other College officials. During the Complaint Resolution Process the Parties can expect to receive updates from the Title IX Coordinator as appropriate and warranted. When matters are brought to the Title IX Coordinator that fall outside the scope of this Policy, the Title IX Coordinator may refer the matter to other institutional representatives.

4. Appointment of Investigator, Adjudicator and Appeal Adjudicator.

Whenever a Complaint Resolution Process commences, the Title IX Coordinator will identify an Investigator to conduct a prompt, thorough, fair, and impartial Investigation. The College may retain an external Investigator to conduct the Investigation. The Investigator has broad discretion to determine the Investigation format. The Investigator is responsible for maintaining an orderly, fair, and respectful Investigation process and has broad authority to respond to disruptive or harassing behaviors, including adjourning an investigative meeting or excluding the offending person. When the Complaint Resolution Process commences, the Title IX Coordinator will also identify the Adjudicator that will

- Receive and review the Investigative report
- Ask the Parties to submit any questions they would like asked during the hearing
- Review and rule on the permissibility of questions received
- Arrange, with the Parties and the Title IX Coordinator, for a live hearing
- Ask whatever questions the Adjudicator has for parties and witnesses, as well as those questions submitted by the Parties.
- Come to a finding of “responsible” or “not responsible” for violating the sex-based Discrimination, Harassment or Retaliation policy
- Impose any Disciplinary Sanctions and Remedies if determined that the Respondent committed sex-based Discrimination, Harassment or Retaliation.

When the Complaint Resolution Process commences, the Title IX Coordinator will also identify the Appeal Adjudicator to review any appeal by either party.

5. Training of Individuals Involved in Administering the Complaint Resolution Process.

All Investigators, adjudicators, facilitators, the Title IX Coordinator, and other persons responsible for implementing the College’s Complaint Resolution Process will be trained annually, as required by law. Training will include methods for promoting fair and impartial Complaint Resolution Process and Informal Resolution Process. All materials used to train personnel are available upon request.

6. Avoiding Bias and Conflict of Interest.

The College requires all personnel acting for the College under the Informal Resolution Process or Complaint Resolution Process to be free of any conflict of interest or bias for or against Reporting Parties or Respondents generally, or any individual Reporting Party or Respondent in the matter to which they are assigned.

If a Reporting Party or Respondent has any concern that an individual acting for the College under the Complaint Resolution Process has a conflict of interest, such concern should be Reported to the Title IX Coordinator no later than either two (2) business days after receiving the notice of the identity of the individual(s) assigned to the matter; or, in the case of a conflict of interest that arises after an individual is assigned to the matter, within two (2) business days after a conflict of interest arises. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone involved in mediating, investigating, or adjudicating a Complaint under the Complaint Resolution Process.

If the Title IX Coordinator has a conflict of interest with respect to the Complaint Resolution Process, the Deputy Coordinator will oversee the administration of this Policy with respect to the specific Report at issue.

7. Standard of Proof.

In implementing these Complaint and Investigation Processes, the College will use the preponderance of evidence

standard of proof to determine whether sex-based Discrimination, Harassment or Retaliation occurred. Applying this standard, the Adjudicator will evaluate relevant and not otherwise impermissible evidence for its persuasiveness to determine whether it is more likely than not that sex-based Discrimination, Harassment or Retaliation occurred. If the Adjudicator is not persuaded that it is more likely than not that sex-based Discrimination, Harassment or Retaliation occurred, the Investigator will issue a determination that the Respondent is not responsible for violating the Policy.

8. Burden of Proof.

The burden under the Complaint Resolution Process is on the College—not the Parties—to conduct a sufficient Investigation in accordance with this Complaint Resolution Process that gathers sufficient evidence to determine whether sex-based Discrimination, Harassment or Retaliation occurred.

9. Investigation of other policy violations.

If a Report of sex-based Discrimination, Harassment or Retaliation implicates other allegations of violations of College policy, the Title IX Coordinator will evaluate the allegations to determine whether the Investigation of sex-based Discrimination, Harassment or Retaliation and the other alleged misconduct may be appropriately investigated together under this Complaint Resolution Process.

10. Meeting with the Investigator.

The Investigator will seek to meet with all Parties during the Investigation to ask questions about the allegations and to provide the Parties an opportunity to address the allegations raised in the Complaint. Parties will be given adequate time to prepare to participate before an interview will be conducted. In addition to answering the Investigator's questions, the Parties should be prepared to provide the Investigator any evidence relevant to the Investigation, including the names of witnesses whom the Party believes should be interviewed

11. Commitment to fair treatment of all Parties.

The College seeks to ensure that all Reporting Parties and Respondents involved in the Complaint Resolution Process are treated with dignity and respect. The College strives to provide a process that is prompt, fair and impartial. Reporting Parties involved in this process should never be treated in a manner that suggests that they were at fault for, or that they should have done something differently to avoid sex-based Discrimination, Harassment or Retaliation. Respondents are presumed not responsible for the alleged sex-based Discrimination, Harassment or Retaliation until a determination regarding responsibility is made at the conclusion of the Complaint Resolution Process. If Parties have any concerns about the manner in which they are being treated throughout the Complaint Resolution Process, they should immediately report such concerns to the Title IX Coordinator.

Parties can expect the following:

- Prompt and equitable resolution of allegations of sex-based Discrimination, Harassment or Retaliation in adherence to the process and timeframes provided in the Complaint Resolution Process;
- Respect of their privacy in accordance with the Policy and legal requirements;
- Freedom from Retaliation for making a good faith Report of sex-based Discrimination, Harassment or Retaliation, or for participating in the Complaint Resolution Process;
- The opportunity to share concerns or issues about proceedings under the Complaint Resolution Process with the Title IX Coordinator;
- The opportunity to select an Advisor of choice, who may be but is not required to be an attorney, including the right to have that Advisor attend any meeting or proceeding under the Complaint Resolution Processes;
- The opportunity to challenge the Investigator, Adjudicator, Appeal Adjudicator, or Informal Resolution Process facilitator, for bias or conflict of interest;
- The opportunity to provide relevant evidence and identify witnesses during an Investigation;
- The opportunity to have timely and equal access to relevant evidence gathered during the Investigation under the Complaint Resolution Process; and
- Reasonable time to prepare in advance of any interview or other proceeding under the Complaint Resolution Processes.

12. Evaluation of Evidence.

During the Complaint Resolution Process, the College will perform an objective evaluation of all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence.

13. Inadmissible Evidence. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the College obtains that Party's or witness's voluntary, written consent for use in its Complaint Resolution Process; and
 - Evidence that relates to the Reporting Party's sexual interests or prior sexual conduct, unless evidence about the Reporting Party's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Reporting Party's prior sexual conduct with the Respondent that is offered to prove consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Reporting Party and Respondent does not by itself demonstrate or imply the Reporting Party's consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

14. Credibility Determinations.

Adjudicators will make credibility determinations based on the evidence obtained through Investigation. A person's status as a Reporting Party, Respondent, or witness will not impact credibility decisions.

15. Effect of non-participation and silence.

A Party to the Complaint Resolution Process or a witness may at any time decline to answer questions or otherwise participate in the Complaint Resolution Process. If a Party opts not to participate in the Complaint Resolution Process, the College will proceed with the process and make a determination based upon the information available. An adjudicator may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Investigator will not draw an inference about whether sex-based Discrimination, Harassment or Retaliation occurred based solely on a Party's or witness's refusal to respond to such questions.

16. Right to an Advisor of choice.

The College will provide the Parties with the same opportunities to be accompanied by an Advisor of their choice at any meeting or proceeding that occurs under an Informal Resolution Process or Complaint Resolution Process. An Advisor may be, but is not required to be, an attorney. The role of the Advisor is to provide a Party with advice and support. The College will not limit the choice or presence of the Advisor for either Party in any meeting or proceeding. If an Advisor learns of confidential information in the course of their role, they may not disclose such information other than for purpose of serving as a Party's Advisor.

Both the Reporting Party and the Respondent have the right to be assisted by an Advisor of their choice as long as the Advisor is not a Party in the case, does not have some other conflict of interest, and observes the following protocols:

- The purpose of the Advisor is to provide advice and support to a Party in the Informal Resolution Process and/or Complaint Resolution Process. The Advisor is not an advocate in either process.
- While Advisors are welcome to assist a Party in drafting communications to the Title IX Coordinator or others involved in the Informal Resolution Process or Complaint Resolution Process, the Advisor should not communicate directly with the Title IX Coordinator or other College representatives engaged in administering the Informal Resolution Process or Complaint Resolution Process.
- The Advisor may accompany their advisee to all meetings relating to the Informal Resolution Process or Complaint Resolution Process.
- Advisors may not interrupt or otherwise unduly delay the Informal Resolution Process or Complaint Resolution Process. The College will strive to accommodate Advisors' schedules; however, if an Advisor is not reasonably available to participate in the Informal Resolution Process or Complaint Resolution Process, the College reserves the right to move forward with its process in order to ensure its prompt completion.
- With the permission of their advisee, Advisors will be provided access to the same Investigation materials and evidence that is available to their advisee. This information frequently includes Student education records and

other confidential and highly sensitive information. Advisors' access to such information is conditioned upon their agreement to maintain the confidentiality of these records except when disclosure is legally authorized. Advisors may only discuss information disclosed through the Investigation process with their advisee. For example, if a Party's Advisor is a faculty member, the faculty member may not share any information obtained during the Investigation process with other members of the faculty or staff.

Violations of confidentiality or other forms of interference with the resolution procedure by the Advisor may result in disqualification of an Advisor.

The College reserves the right to disclose information about the identity of one Party's Advisor to the other Party in an Informal Resolution Process or Complaint Resolution Process.

17. Additional Support Representative.

Upon a showing of good cause, a Party may be accompanied with an additional support representative to meetings with the Title IX Coordinator, the Investigator, or other proceedings under the Complaint Resolution Process. Good cause will exist upon a showing of special circumstances warranting the participation of the additional support representative. Examples of good cause include a Party who has a disability who needs additional support as an accommodation or a Party for whom English is not their primary language who needs the support of an interpreter.

18. The College will strive to promptly complete the Informal Resolution Process and/or Complaint Resolution Process. A general timeframe for each step in the process is provided in the Informal Resolution Process and for each phase of the applicable Complaint Resolution Process. These timeframes may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the Investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, Party or a Party's Advisor, to accommodate a Party with a disability, to account for College breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the Parties, or for other legitimate reasons. In cases where extensions may be necessary, the Title IX Coordinator will notify the Parties. Extensions will be no longer than necessary. The Reporting Party and Respondent will receive written notice of any extensions that will include the reasons for the delay and the anticipated length of the delay.

19. The College will take reasonable steps to protect the privacy of the Parties and witnesses during the Complaint Resolution Process. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking with witnesses; consulting with their family members, Confidential Resources, or Advisor; or otherwise preparing for or participating in the Complaint Resolution Process. In speaking with witnesses, the Parties are prohibited from engaging in Retaliation. **The College will also take reasonable steps to prevent and address any unauthorized disclosure of information and evidence obtained solely through the Complaint Resolution Process.**

20. Waiver of Drug and Alcohol Violations.

When a Martin Luther Student, Employee or guest Reports sex-based Discrimination, Harassment or Retaliation, the College's main priority is to protect the safety and well-being of the members of our community. To do so, we need individuals who Report sex-based Discrimination, Harassment or Retaliation and those who participate in the Complaint Resolution Process to be honest and candid about the circumstance surrounding the Report. We do not want concerns about the College's Student Code of Conduct policies relating use or possession of alcohol and illicit drugs to cause individuals to either avoid Reporting or provide incomplete or inaccurate information during an Investigation. Therefore, individuals who Report sex-based Discrimination, Harassment or Retaliation, and individuals who participate as a Party or witness in an Investigation into allegations of sex-based Discrimination, Harassment or Retaliation will not be disciplined by the College for any violation of its Student Code of Conduct Policy on Alcohol and Illicit Drugs.

21. Expert Opinions.

Medical, forensic, technological or other opinions of experts may be sought by the Investigator or proffered by any of the Parties. When expert opinion information is directly related to the allegations raised in the Complaint, the Parties will be apprised of the information and provided an opportunity to submit additional expert information.

22. Responsibility to Act in Good Faith and Provide Truthful Information.

Parties and witnesses who participate in the Complaint Resolution Process are expected to act in good faith and provide truthful information in connection with the Investigation and Adjudication of the Complaint. Individuals who opt to participate in the Complaint Resolution Process are expected to act in good faith and provide truthful and accurate information during the course of the Complaint Resolution Process.

B. Complaint Resolution Process for all Sex-based Discrimination, Harassment or Retaliation Complaints Except Sex-Based Harassment Complaints Involving a Student

Martin Luther has adopted this Complaint Resolution Process to provide for the prompt and equitable resolution of Complaints of sex-based Discrimination, Harassment or Retaliation made by Students, Employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. This Complaint Resolution Process will be used to resolve all sex-based Discrimination, Harassment or Retaliation Complaints with the exception of Complaints of Sex-Based Harassment in which a Reporting Party or Respondent is a Student. Sex-Based Harassment Complaints involving a Student as a Party will be resolved using the process outlined in Section C below.

Phase 1 – Initiation of Complaint

The following people have a right to make a Complaint of sex-based Discrimination, Harassment or Retaliation requesting the College investigate and make a determination about alleged sex-based Discrimination, Harassment or Retaliation:

- A Reporting Party, which includes a Martin Luther Student or Employee who is alleged to have been subjected to conduct that could constitute sex-based Discrimination, Harassment or Retaliation; or
- A person other than a Student or Employee who is alleged to have been subjected to sex-based Discrimination, Harassment or Retaliation at a time when that individual was participating or attempting to participate in the College's education program or activity; or
- The Title IX Coordinator if it is determined that a Complaint is warranted following the analysis outlined below.

A Reporting Party is entitled to make a Complaint of Harassment only if the Reporting Party is alleged to have been subjected to the Harassment, or if the Reporting Party is the Title IX Coordinator. With respect to Complaints other than Harassment, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any College Student or Employee; and
- Any person other than a Student or Employee who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex-based Discrimination, Harassment or Retaliation.

If a Complaint is not initiated or is withdrawn, and if the Informal Resolution Process is not initiated or is terminated for any reason, the Title IX Coordinator may determine whether to initiate a Complaint of Sex-based Discrimination, Harassment or Retaliation after considering various factors including the following:

- Whether the Reporting Party requested not to proceed with initiating a Complaint;
- Reporting Party's reasonable safety concerns regarding an initiation of a Complaint;
- The risk that additional acts of Sex-based Discrimination, Harassment or Retaliation may occur if a Complaint is not initiated;
- The severity of the alleged Sex-based Discrimination, Harassment or Retaliation, including whether the Sex-based Discrimination, Harassment or Retaliation, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Sex-based Discrimination, Harassment or Retaliation and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an Employee of the College;
- The scope of the alleged Sex-based Discrimination, Harassment or Retaliation, including information suggesting a pattern, ongoing Sex-based Discrimination, Harassment or Retaliation alleged to have impacted multiple individuals;
- The availability of evidence to assist an Investigator in determining whether Sex-based Discrimination, Harassment or Retaliation occurred; and

- Whether the institution could end the alleged Sex-based Discrimination, Harassment or Retaliation and prevent its recurrence without initiating its Complaint Resolution Process.

The Title IX Coordinator may initiate a Complaint if, after considering these and other relevant factors, it is determined that the conduct alleged presents an imminent and serious threat to the health or safety of the Reporting Party or other person, or that the alleged conduct prevents the institution from ensuring equal access to its education program or activity.

If the Title IX Coordinator decides to initiate a Complaint, the institution must ensure that the Reporting Party is notified prior to doing so, and that appropriate measures are taken to address any reasonable concerns about the Reporting Party's safety or the safety of others, including by providing Supportive Measures.

Martin Luther may consolidate Complaints of Sex-based Discrimination, Harassment or Retaliation against more than one Respondent, or by more than one Reporting Party against one or more Respondents, or by one Party against another Party, when the allegations of Sex-based Discrimination, Harassment or Retaliation arise out of the same facts or circumstances.

Reporting Parties are encouraged to Report incidents of Sex-based Discrimination, Harassment or Retaliation as soon as possible; however, there is no deadline for initiating a Complaint.

Phase 2 – Notice of Allegations

Upon receipt of a Complaint and initiation of the Complaint Resolution Process, the Title IX Coordinator will provide a written Notice of Allegations that will apprise the Parties of the following:

- A summary of the procedures under the College's Complaint Resolution Process and Informal Resolution Process;
- The identity of the Parties (if known);
- The identity of the Investigator, Adjudicators, and Appeal Adjudicator;
- A summary of the information available to the College at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-based Discrimination, Harassment or Retaliation, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The Respondent is presumed not responsible for the alleged Sex-based Discrimination, Harassment or Retaliation until a decision is made during the Adjudication Phase;
- Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The Parties may have an Advisor of their choice who may be, but is not required to be, an attorney;
- That the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and any Investigation Report that the Investigator may prepare as part of the Investigation; and
- Martin Luther prohibits knowingly making false statements or knowingly submitting false information and this prohibition applies during this Complaint Resolution Process.

If, in the course of an Investigation, the College learns of additional allegations of Sex-based Discrimination, Harassment or Retaliation by the Respondent toward the Reporting Party that are not included in the Notice of Allegations previously provided or that are included in a Complaint that is consolidated, the Title IX Coordinator will notify the Parties of the additional allegations in an amended Notice of Allegations.

If the Title IX Coordinator has reasonable concerns for the safety of any person as a result of providing the Notice of Allegations, the Title IX Coordinator may reasonably delay providing this notice of allegations in order to address the safety concern appropriately. Reasonable concerns will be based on individualized safety and risk analysis and not on speculation or stereotypes.

The timeframe for forwarding the Parties a copy of the Notice of Allegations will be within five (5) business days following the Title IX Coordinator's receipt of a Complaint unless delayed as noted above.

Phase 3 – Complaint Dismissal Assessment

Within 10 business days of receipt of a Complaint, the Title IX Coordinator will review the Complaint and may dismiss or refer the matter to a different College office if:

- The College is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in a Martin Luther education program or activity and is not employed by the College;
- The Reporting Party voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, or it is determined that, without the Reporting Party's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex-based Discrimination, Harassment or Retaliation even if proven; or

In addition to the initial Complaint Dismissal Assessment, the College reserves the right to review a dismissal assessment at any time during the Complaint Resolution Process if circumstances change that may warrant dismissal. For example, if a Reporting Party voluntarily withdraws allegations, or a Respondent is no longer participating in a program or activity or employed with the College, the Title IX Coordinator may, but is not required to, determine that dismissal of the Complaint is appropriate.

Before dismissing the Complaint, the Title IX Coordinator will make reasonable efforts to clarify the allegations with the Reporting Party.

Upon dismissal, the Title IX Coordinator will promptly notify the Reporting Party of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Title IX Coordinator will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Reporting Party, or simultaneously if notification is in writing.

The Title IX Coordinator will notify the Reporting Party that a dismissal may be appealed and will provide the Reporting Party with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, the Title IX Coordinator will also notify the Respondent that the dismissal may be appealed.

The determination to dismiss a Complaint may be appealed. The determination not to dismiss a Complaint is not a decision that is subject to appeal. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, Investigator, or Adjudication Panel member, Appeal Adjudicator or had a conflict of interest or bias for or against Reporting Parties or Respondents generally or the individual Reporting Party or Respondent that would change the outcome.

If the dismissal is appealed, the Title IX Coordinator will:

- Notify the Parties of any appeal, including notice of the allegations, if a Notice of Allegations was not previously provided to the Parties;
- Include the Notice of Allegations if not previously provided to the Respondent;
- Ensure that the Appeal Adjudicator did not take part in an Investigation of the allegations or dismissal of the Complaint;
- Ensure that the Appeal Adjudicator has received annual training consistent with all legal obligations;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties of the result of the appeal and the rationale for the result within 10 business days of receipt of an appeal.

When a Complaint is dismissed, the Title IX Coordinator will, at a minimum:

- Offer Supportive Measures to the Reporting Party as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and

- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that Sex-based Discrimination, Harassment or Retaliation does not continue or recur within the College's education program or activity.

Phase 4 – Investigation

The College will conduct an adequate, reliable, and impartial Investigation of the Complaint. The Parties will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The Investigator will review all evidence gathered through the Investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Each Party will have an equal opportunity to access the evidence that is relevant to the allegations of Sex-based Discrimination, Harassment or Retaliation and not otherwise impermissible, including inculpatory or exculpatory evidence whether obtained from a Party or other source. In most instances Party and witness interviews will be recorded. The Parties will have an opportunity to review and respond to the evidence obtained through interviews and from other sources. A Party may respond to the evidence by either providing the Investigator a written response or in a meeting with the Investigator.

In some cases, the Title IX Coordinator may request the Investigator to prepare a summary of the evidence in an Investigation Report. The Investigation Report is intended to fairly summarize the relevant evidence gathered during the Investigation and identify the contested and uncontested facts relevant to the allegations at issue in the Complaint. The Investigation Report will not include any findings relating to the credibility of any Party or witnesses, and will not include any conclusion by the Investigator as to whether the Investigator believes a preponderance of the evidence supports a finding relating to a particular disputed fact or the overall Complaint of Sex-Based Harassment. In cases where an Investigation Report is prepared, the Parties will have an opportunity to respond to the Report in writing prior to the completion of the Investigation phase.

Prior to the completion of the Investigation phase, the Investigator will notify the Parties of the date upon which the Investigation will be deemed completed. This notification will be provided at least 10 calendar days prior to the end of the Investigation in order to provide the Parties sufficient time to submit all relevant and not otherwise impermissible evidence, and review and respond to the evidence. If a Party raises an issue or submits further evidence, this will not extend the 10-day period for review and comment prior to the end of the Investigation phase unless the Investigator determines that further Investigation is needed. If the Investigator determines that additional Investigation is needed, the Parties will be provided an additional 10-day period of time to review and comment on any additional evidence gathered before the Investigation phase closes.

Once the 10-day period has passed and the Investigation phase has ended, the Parties will not be permitted to introduce additional evidence absent extraordinary circumstances where the Title IX Coordinator deems it necessary in order for the College to meet its burden of conducting an Investigation that gathers sufficient evidence to determine whether Sex-based Discrimination, Harassment or Retaliation occurred.

The length of time needed to complete an Investigation can vary depending upon various circumstances such as the nature of the allegations; the number of witnesses; the volume and type of evidence to be obtained; and the timing of the Investigation in relation to College events such as exams and breaks. The College will strive to complete the Investigation Phase of the Complaint Resolution Process within 30 calendar days after an Investigation commences. The Investigation may be temporarily suspended if the Parties agree to attempt to resolve the matter through the Informal Resolution Process. If such efforts are unsuccessful because either Party withdraws from the Informal Resolution Process or the Title IX Coordinator declares an impasse, the Investigation will proceed.

Phase 5 – Adjudication

Following the completion of the Investigation phase, the Investigator will submit to the Title IX Coordinator the Investigative Report, along with all relevant and not otherwise impermissible evidence, and any other submissions of the Parties. The Title IX Coordinator will turn all of this evidentiary material to the Adjudicator who has the responsibility to make a determination whether it is more likely than not that the Respondent violated the Policy prohibiting Sex-based Discrimination, Harassment or Retaliation. After making this determination, the Adjudicator will prepare a written Notice of Decision summarizing the decision of whether Sex-based Discrimination, Harassment or Retaliation occurred and the rationale for the decision. The Notice of Decision will also provide the procedures and permissible bases for the Parties to appeal.

If the Adjudicator is not persuaded that a preponderance of evidence establishes that Sex-based Discrimination, Harassment or Retaliation occurred, whatever the quantity of the evidence is, the Adjudicator will not determine that Sex-based Discrimination, Harassment or Retaliation occurred, and will not impose any Disciplinary Sanctions on the Respondent. A Party, witness, or others participating in the Complaint Resolution Process will not be subject to any disciplinary action for making a false statement based solely on the determination there was insufficient evidence to find a Respondent responsible for Sex-based Discrimination, Harassment or Retaliation.

If there is a determination that Sex-based Discrimination, Harassment or Retaliation occurred, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of Remedies to a Reporting Party and other people the Title IX Coordinator identifies as having had equal access to the College's education program or activity limited or denied because of Sex-based Discrimination, Harassment or Retaliation;
- Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Reporting Party of any such Disciplinary Sanctions; and
- Take other appropriate prompt and effective steps to ensure that Sex-based Discrimination, Harassment or Retaliation does not continue or recur within the College's education program or activity.

The Adjudication will be completed and the Parties will be notified of the outcome reached by the Adjudicator in the Notice of Decision that will be forwarded to the Parties within 10 business days from the date the Parties are notified of the conclusion of the Investigation.

Phase 6 – Imposition of Disciplinary Sanctions and Remedies

Prior to sending the Parties the Notice of Decision, the Adjudicator will notify the Title IX Coordinator of the decision whether there is a preponderance of evidence that the Respondent committed Sex-based Discrimination, Harassment or Retaliation. Where there is a finding the Respondent committed Sex-based Discrimination, Harassment or Retaliation, the Adjudicator will review the matter and determine appropriate Remedies and Disciplinary Sanctions to be imposed and included in the Notice of Decision forwarded to the Parties.

Remedies imposed by the Adjudicator will be designed to restore or preserve the Reporting Party's equal access to Martin Luther's education programs and activities. Remedies may include continuation of some or all of the Supportive Measures that were in place prior to or during the Complaint Resolution Process. It may also include other Remedies the Adjudicator deems appropriate to restore a Reporting Party's or other individual's access to an education program or activity.

Disciplinary Sanctions imposed upon a Respondent who is found responsible for Sex-based Discrimination, Harassment or Retaliation may include a variety of institutional responses or requirements, including, but not limited to, the following:

- For Students: expulsion; suspension; disciplinary probation; restriction of privileges; required assessment or counseling; required attendance at educational programs; restitution; not being allowed to represent the College in leadership, volunteer, or paid positions; removal from campus housing; revocation of an honor or degree, and any other Disciplinary Sanctions listed in the *Code of Student Conduct* or deemed appropriate under the circumstances.
- For staff and faculty: a disciplinary warning, unpaid suspensions, suspension of promotion and salary increments, loss of prospective benefits, major fines, reduction in salary, suspension from service, suspension or withdrawal of privileges, demotion, termination of employment, and any other available Disciplinary Sanctions as specified by the faculty/staff handbooks. If the Adjudicator determines that it is more likely than not that a faculty member has violated this Policy and that dismissal may be an appropriate Disciplinary Sanction, the matter will be referred to the President, or the President's designee, for appropriate process and decision, which shall be determined and administered in a manner consistent with the faculty/staff handbook.

The propriety of any particular Disciplinary Sanction is reviewed on an individual basis based on the unique facts and circumstances. In keeping with the College's commitment to foster an environment that is safe, inclusive, and free of Sex-based Discrimination, Harassment or Retaliation, the Complaint Resolution Process provides the Adjudicator with

wide latitude in the imposition of Disciplinary Sanctions tailored to circumstances of each unique matter. The imposition of Disciplinary Sanctions is designed to eliminate Sex-based Discrimination, Harassment or Retaliation, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and legal obligations. In determining the appropriate Disciplinary Sanctions, the Adjudicator will be guided by a number of considerations, including:

- The severity, persistence or pervasiveness of the Sex-based Discrimination, Harassment or Retaliation;
- Whether the Sex-based Discrimination, Harassment or Retaliation included violence;
- The impact of the Sex-based Discrimination, Harassment or Retaliation on the Reporting Party;
- The impact or implications of the Sex-based Discrimination, Harassment or Retaliation within the Martin Luther community;
- Prior misconduct by the Respondent, including the Respondent's relevant prior disciplinary history, at Martin Luther or elsewhere;
- Whether the Respondent has accepted responsibility for the Sex-based Discrimination, Harassment or Retaliation;
- Any stated preferences of the Reporting Party;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling factors.

The Title IX Coordinator is responsible for implementation of any Remedies and Disciplinary Sanctions imposed by the Adjudicator. Disciplinary Sanctions become effective either after the time for appeal has expired, or, if a Party appeals the Investigator's decision, after the Appeal Adjudicator issues a determination affirming the Investigator's decision. If the Appeal Adjudicator's decision results in further proceedings, the Disciplinary Sanctions imposed may be modified by the Adjudicator, and will not become final until the conclusion of all further proceedings and any appeals. If the Appeal Adjudicator's decision results in reversing a determination that the Respondent engaged in Sex-based Discrimination, Harassment or Retaliation, no Disciplinary Sanctions will be imposed.

The College will not impose any Disciplinary Sanctions on a Party for Sex-based Discrimination, Harassment or Retaliation under this Policy unless the Adjudicator determines at the conclusion of a Complaint Resolution Process that the Respondent engaged in prohibited Sex-based Discrimination, Harassment or Retaliation.

Phase 7 – Appeal

A Party wishing to appeal a decision by the Investigator may do so by submitting a written letter of appeal to the Title IX Coordinator within three (3) business days of when the Notice of Decision was sent to the Parties. The letter of appeal should state the grounds for appeal. The non-appealing Party will have an opportunity to review and respond to the letter of appeal. A non-appealing Party's response to an appeal must be received within three (3) business days of the Party's notice of the appeal. The Title IX Coordinator will provide the Notice of Decision, the appeal letters, and any other information relevant to the appeal to the Appeal Adjudicator for review.

The identity of the Appeal Adjudicator and instructions on how to appeal will be included in the Adjudicator's Notice of Decision. The Appeal Adjudicator will not be the Title IX Coordinator, the Investigator, or any other individual who had previous involvement in the matter. If a Reporting Party or Respondent has any concern about bias or conflict of interest of the Appeal Adjudicator, such concern should be Reported to the Title IX Coordinator no later than two (2) business days after receiving the notice of the identity of the Appeal Adjudicator in the Notice of Decision.

Either or both Parties may contest the Adjudicator's determination regarding responsibility on any one or more of the following grounds:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available during the Investigation; and
- The Title IX Coordinator, Investigator, or the Adjudicator had a conflict of interest or bias for or against Reporting Parties or Respondents generally or the individual Reporting Party or Respondent that would change the outcome.

In reviewing any appeal, the Appeal Adjudicator has the ability to affirm the Adjudicator's decision, overturn the Adjudicator's decision, or remand the matter for further Investigation and Adjudication. The Appeal Adjudicator will simultaneously issue to both Parties a written decision describing the result of the appeal and the rationale for the result within five (5) business days after receipt of all appeal documents.

The Complaint Resolution Process will end and the decision will become final upon either of the following:

- The deadline for an appeal expiring without either Party submitting a written notice of appeal; or
- If a Party appeals the Investigator's decision, upon the conclusion of the appeal.

C. Complaint Resolution Process for Sex-Based Harassment Complaints Involving a Student Reporting Party and/or Respondent

Martin Luther has adopted this Complaint Resolution Process to provide for the prompt and equitable resolution of Sex-Based Harassment Complaints made by Students, Employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. This Complaint Resolution Process will be used to resolve all Sex-Based Harassment Complaints in which a Student is either a Reporting Party, a Respondent or both. Sex-Based Harassment Complaints that do not include a Student as a Party will be resolved using the process outlined in Section B above.

Phase 1 – Initiation of Complaint

The following people have a right to make a Complaint requesting the College investigate and make a determination about alleged Sex-Based Harassment involving a Student:

- A Reporting Party, which includes a Martin Luther Student or Employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment; or
- A person other than a Student or Employee who is alleged to have been subjected to Sex-based Discrimination, Harassment or Retaliation at a time when that individual was participating or attempting to participate in the College's education program or activity; or
- The Title IX Coordinator if it is determined that a Complaint is warranted following the analysis outlined below.

If a Complaint is not initiated or is withdrawn, and if the Informal Resolution Process is not initiated or is terminated for any reason, the Title IX Coordinator may determine whether to initiate a Complaint of Sex-Based Harassment after considering various factors including the following:

- Whether the Reporting Party requested not to proceed with initiating a Complaint;
- Reporting Party's reasonable safety concerns regarding an initiation of a Complaint;
- The risk that additional acts of Sex-Based Harassment may occur if a Complaint is not initiated;
- The severity of the alleged Sex-Based Harassment, including whether the Sex-Based Harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Sex-Based Harassment and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an Employee of the institution;
- The scope of the alleged Sex-Based Harassment, including information suggesting a pattern, ongoing Sex-Based Harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist an Investigator in determining whether Sex-Based Harassment occurred; and
- Whether the institution could end the alleged Sex-Based Harassment and prevent its recurrence without initiating its Complaint Resolution Process.

The Title IX Coordinator may initiate a Complaint if, after considering these and other relevant factors, it is determined that the conduct alleged presents an imminent and serious threat to the health or safety of the Reporting Party or other person, or that the alleged conduct prevents the institution from ensuring equal access to its education program or activity.

If the Title IX Coordinator decides to initiate a Complaint, the institution must ensure that the Reporting Party is notified prior to doing so, and that appropriate measures are taken to address any reasonable concerns about the Reporting Party's safety or the safety of others, including by providing Supportive Measures.

Martin Luther may consolidate other Complaints of Sex-Based Harassment and other Sex-based Discrimination, Harassment or Retaliation against more than one Respondent, or by more than one Reporting Party against one or more Respondents, or by one Party against another Party, when the allegations of each Complaint arise out of the same facts or circumstances.

Reporting Parties are encouraged to Report incidents of Sex-Based Harassment as soon as possible; however, there is no deadline for initiating a Complaint.

Phase 2 – Notice of Allegations

Upon receipt of a Complaint and initiation of the Complaint Resolution Process, the Title IX Coordinator will provide a written Notice of Allegations that will apprise the Parties of the following:

- A summary of the procedures under the College’s Complaint Resolution Process and Informal Resolution Process;
- The identity of the Parties (if known);
- The identity of the Investigator, Adjudication Panel members, and Appeal Adjudicator;
- A summary of the information available to the College at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The Respondent is presumed not responsible for the alleged Sex-Based Harassment until a decision is made during the Adjudication Phase;
- Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The Parties may have an Advisor of their choice who may be, but is not required to be, an attorney;
- That the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and any Investigation Report that the Investigator may prepare as part of the Investigation; and
- Martin Luther prohibits knowingly making false statements or knowingly submitting false information during this Complaint Resolution Process.

If, in the course of an Investigation, the Title IX Coordinator learns of additional allegations of Sex-Based Harassment by the Respondent toward the Reporting Party that are not included in the Notice of Allegations previously provided or that are included in a Complaint that is consolidated, the Title IX Coordinator will notify the Parties of the additional allegations in an amended Notice of Allegations.

If the Title IX Coordinator has reasonable concerns for the safety of any person as a result of providing the Notice of Allegations, the Title IX Coordinator may reasonably delay providing this notice of allegations in order to address the safety concern appropriately. Reasonable concerns will be based on individualized safety and risk analysis and not on speculation or stereotypes.

The timeframe for forwarding the Parties a copy of the Notice of Allegations will be within five (5) business days following the Title IX Coordinator’s receipt of a Complaint.

Phase 3 – Complaint Dismissal Assessment

Within 10 business days of receipt of a Complaint, the Title IX Coordinator will review the Complaint and may dismiss or refer the matter to a different College office if:

- The College is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in a Martin Luther education program or activity and is not employed by the College;
- The Reporting Party notifies the Title IX Coordinator in writing of the Reporting Party’s voluntary withdrawal of any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and determines that, without the Reporting Party’s withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex-Based Harassment even if proven; or

- The Title IX Coordinator determines the conduct alleged in the Complaint, even if proven, would not constitute Sex-Based Harassment.

In addition to the initial Complaint Dismissal Assessment, the Title IX Coordinator reserves the right to review a dismissal assessment at any time during the Complaint Resolution Process if circumstances change that may warrant dismissal. For example, if a Reporting Party voluntarily withdraws allegations, or a Respondent is no longer participating in a program or activity or employed with the College, the Title IX Coordinator may, but is not required to, determine that dismissal of the Complaint is appropriate.

If dismissal of a Complaint is based on the Reporting Party's voluntary withdrawal of the Complaint, the Reporting Party must provide the Title IX Coordinator notice of the withdrawal of the Complaint in writing.

Before dismissing the Complaint, the Title IX Coordinator will make reasonable efforts to clarify the allegations with the Reporting Party.

Upon dismissal, the Title IX Coordinator will promptly notify the Reporting Party in writing of the basis for the dismissal. If the dismissal occurs before the Respondent has been notified of the allegations, then the written notice of dismissal will only be provided to the Reporting Party. If the dismissal occurs after the Respondent has been notified of the allegations, then the Title IX Coordinator will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Reporting Party, or simultaneously if notification is in writing.

The Title IX Coordinator will notify the Reporting Party that a dismissal may be appealed and will provide the Reporting Party with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, the Title IX Coordinator will also notify the Respondent that the dismissal may be appealed.

The determination to dismiss a Complaint may be appealed. The determination not to dismiss a Complaint is not a decision that is subject to appeal. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, Investigator, or Adjudicator had a conflict of interest or bias for or against Reporting Parties or Respondents generally or the individual Reporting Party or Respondent that would change the outcome.

If the dismissal is appealed, the Title IX Coordinator will:

- Notify the Parties of any appeal, including notice of the allegations, if a Notice of Allegations was not previously provided to the Parties;
- Include the Notice of Allegations if not previously provided to the Respondent;
- Ensure that the Appeal Adjudicator did not take part in an Investigation of the allegations or dismissal of the Complaint;
- Ensure that the Appeal Adjudicator has received annual training consistent with all legal obligations;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties of the result of the appeal and the rationale for the result within 10 business days of receipt of an appeal.

When a Complaint is dismissed, the Title IX Coordinator will, at a minimum:

- Offer Supportive Measures to the Reporting Party as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that Sex-Based Harassment does not continue or recur within the College's education program or activity.

Phase 4 – Investigation

The College will conduct an adequate, reliable, and impartial Investigation of the Complaint. The Parties will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The Investigator will review all evidence gathered through the Investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Each Party will have an equal opportunity to access the evidence that is relevant to the allegations of Sex-Based Harassment and not otherwise impermissible, including inculpatory or exculpatory evidence whether obtained from a Party or other source. Party and witness interviews will be recorded, and the Parties will have an opportunity to review and respond to the evidence obtained through interviews and from other sources. A Party may respond to the evidence by either providing the Investigator a written response or in a meeting with the Investigator.

In some cases, the Title IX Coordinator may request the Investigator to prepare a summary of the evidence in an Investigation Report. The Investigation Report is intended to fairly summarize the relevant evidence gathered during the Investigation and identify the contested and uncontested facts relevant to the allegations at issue in the Complaint. The Investigation Report will not include any findings relating to the credibility of any Party or witnesses, and will not include any conclusion by the Investigator as to whether the Investigator believes a preponderance of the evidence supports a finding relating to a particular disputed fact or the overall Complaint of Sex-Based Harassment. In cases where an Investigation Report is prepared, the Parties will have an opportunity to respond to the Report in writing prior to the completion of the Investigation phase.

The Investigator will provide each Party, upon request, information about the statements and evidence gathered from the other Party or Parties and witnesses, including access to the recordings of all Party and witness interviews. Access to these recordings will be provided with sufficient time for the Party to have a reasonable opportunity to identify questions the Party would like the Adjudicator to ask each Party and witness during the Adjudication Phase.

The Investigator will also provide each Party an opportunity to pose questions that the Investigator will ask during future meetings with the other Parties and witnesses. The Investigator will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of a Party or witness will not be permitted. The Investigator will give a Party an opportunity to clarify or revise a question that the Investigator determines is unclear or harassing. If the Party sufficiently clarifies or revises the question, the question will be asked.

To afford the Parties an adequate opportunity to respond to evidence and pose questions to other Parties and witnesses, it is likely that the Investigator will meet with Parties and witnesses multiple times throughout the course of an Investigation.

Prior to the completion of the Investigation phase, the Investigator will notify the Parties of the date upon which the Investigation will be deemed completed. This notification will be provided at least 10 calendar days prior to the end of the Investigation in order to provide the Parties sufficient time to submit all relevant and not otherwise impermissible evidence; review and respond to the evidence; and to ensure the Parties have had an opportunity to pose questions and follow-up questions to be asked of another Party and witnesses. If a Party raises an issue or submits further evidence, this will not extend the 10-day period for review and comment prior to the end of the Investigation phase unless the Investigator determines that further Investigation is needed. If the Investigator determines that additional Investigation is needed, the Parties will be provided an additional 10-day period of time to review and comment on any additional evidence gathered before the Investigation phase closes. Once the 10-day period has passed and the Investigation phase has ended, the Parties will not be permitted to introduce additional evidence absent extraordinary circumstances where the Title IX Coordinator deems it necessary in order for the College to meet its burden of conducting an Investigation that gathers sufficient evidence to determine whether Sex-based Discrimination, Harassment or Retaliation occurred.

The length of time needed to complete an Investigation can vary depending upon various circumstances such as the nature of the allegations; the number of witnesses; the volume and type of evidence to be obtained; and the timing of the Investigation in relation to College events such as exams and breaks. The College will strive to complete the Investigation Phase of the Complaint Resolution Process within 30 calendar days after an Investigation commences. The Investigation may be temporarily suspended if the Parties agree to attempt to resolve the matter through the

Informal Resolution Process. If such efforts are unsuccessful because either Party withdraws from the Informal Resolution Process or the College declares an impasse, the Investigation will proceed.

Phase 5 – Adjudication and Hearing

Following the completion of the Investigation phase, the Investigator will submit to the Title IX Coordinator the Investigation Report, along with all relevant and not otherwise impermissible evidence, and any other submissions of the Parties. The Title IX Coordinator will turn all of this evidentiary material to the Adjudicator who has the responsibility to make a determination whether it is more likely than not that the Respondent violated the Policy prohibiting Sex-based Discrimination, Harassment or Retaliation.

Live Hearing

Prior to a live hearing, a pre-hearing meeting will take place with the Title IX Coordinator, the parties, and the advisors to clarify the hearing rules. During a live hearing, the Complainant and Respondent with their Advisors will agree to be in two separate locations connected via video and audio, so that parties can see and hear each other in real-time. Live hearings will be recorded and will be made available to the parties for inspection and review.

The hearing panel will be presided over by the Adjudicator. Live hearings allow for cross-examination of both parties and any witnesses.

- Only the Adjudicator may ask questions during the live hearing.
- The Adjudicator will ask parties to submit ahead of time any questions they want asked of the other Party or any witnesses. This gives the Adjudicator time to vet the questions as to their permissibility and relevancy.
 - Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.
- Reporting Party and Advisor will appear before the Adjudicator first, the Adjudicator will ask questions of the Respondent and any witnesses assembled for the hearing.
- Once this is completed, the Respondent and Advisor will appear before the Adjudicator, the Adjudicator will ask questions of the Reporting Party and any witnesses assembled for the hearing.
- The Adjudicator cannot draw an inference about the determination regarding responsibility based **solely** on a Party’s or witness’s absence from the live hearing or refusal to answer questions.

A Note on Recording during the Investigation and Live Hearing

Audio or video recording of any proceedings are prohibited by any party other than the College throughout this process. The burden of proof and responsibility for gathering evidence will rest on the College and not on either party.

After making a determination, the Adjudicator will prepare a written Notice of Decision to notify the Parties simultaneously of the determination whether Sex-Based Harassment occurred.

The Notice of Decision will include the following:

- A description of the alleged Sex-Based Harassment;
- Information about the policies and procedures that the Adjudicator used to evaluate the allegations;
- The Adjudicator’s evaluation of the relevant and not otherwise impermissible evidence leading to a determination whether Sex-Based Harassment occurred; and
- The College’s procedures and permissible bases for the Parties to appeal.
- When the Adjudicator finds that Sex-Based Harassment occurred, the Notice of Decision will also include any Disciplinary Sanctions the Adjudicator imposes on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided to the Reporting Party, and, to the extent appropriate, other Students identified to be experiencing the effects of the Sex-Based Harassment.

If the Adjudicator is not persuaded that a preponderance of evidence establishes that Sex-Based Harassment occurred,

whatever the quantity of the evidence is, the Adjudicator will not determine that Sex-Based Harassment occurred, and will not impose any Disciplinary Sanctions on the Respondent.

The Notice of Decision will be forwarded to the Parties by the Title IX Coordinator within 10 business days of the conclusion of the Live Hearing.

A Party, witness, or others participating in the Complaint Resolution Process will not be subject to any disciplinary action for making a false statement based solely on the determination there was insufficient evidence to find a Respondent responsible for Sex-Based Harassment.

If there is a determination that Sex-Based Harassment occurred, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of Remedies to a Reporting Party and other people the Title IX Coordinator identifies as having had equal access to the College's education program or activity limited or denied as a result of Sex-Based Harassment;
- Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Reporting Party of any such Disciplinary Sanctions; and
- Take other appropriate prompt and effective steps to ensure that Sex-Based Harassment does not continue or recur within the College's education program or activity.

Phase 6 – Imposition of Disciplinary Sanctions and Remedies

Remedies enacted will be designed to restore or preserve the Reporting Party's equal access to Martin Luther's education programs and activities. Remedies may include continuation of some or all of the Supportive Measures that were in place prior to or during the Complaint Resolution Process. It may also include other Remedies deemed appropriate to restore a Reporting Party's or other individual's access to an education program or activity.

Disciplinary Sanctions imposed upon a Respondent who is found responsible for Sex-Based Harassment may include a variety of institutional responses or requirements, including, but not limited to, the following:

- For Students: expulsion; suspension; disciplinary probation; restriction of privileges; required assessment or counseling; required attendance at educational programs; restitution; not being allowed to represent the College in leadership, volunteer, or paid positions; removal from campus housing; revocation of an honor or degree, and any other Disciplinary Sanctions listed in the Code of Student Conduct or deemed appropriate under the circumstances.
- For staff and faculty: a disciplinary warning, unpaid suspensions, suspension of promotion and salary increments, loss of prospective benefits, major fines, reduction in salary, suspension from service, suspension or withdrawal of privileges, demotion, termination of employment, and any other available Disciplinary Sanctions as specified by the *Martin Luther Faculty/Staff Handbook* as applicable.
- If the Adjudication Panel determines that it is more likely than not that a faculty member has violated this Policy and that dismissal may be an appropriate Disciplinary Sanction, the matter will be referred to the President, or the President's designee, for appropriate process and decision, which shall be determined and administered in a manner consistent with the Faculty Handbook.

The propriety of any particular Disciplinary Sanction is reviewed on an individual basis based on the unique facts and circumstances. In keeping with the College's commitment to foster an environment that is safe, inclusive, and free of Sex-Based Harassment, the Complaint Resolution Process provides wide latitude in the imposition of Disciplinary Sanctions tailored to circumstances of each unique situation.

The imposition of Disciplinary Sanctions is designed to eliminate Sex-Based Harassment, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and legal obligations. In determining the appropriate Disciplinary Sanctions, the Adjudicator will be guided by a number of considerations, including:

- The severity, persistence or pervasiveness of the Sex-Based Harassment;
- Whether the Sex-Based Harassment included violence;
- The impact of the Sex-Based Harassment on the Reporting Party;
- The impact or implications of the Sex-Based Harassment within the Martin Luther community;

- Prior misconduct by the Respondent, including the Respondent's relevant prior disciplinary history, at Martin Luther or elsewhere;
- Whether the Respondent has accepted responsibility for the Sex-Based Harassment;
- Any stated preferences of the Reporting Party;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling factors.

The Title IX Coordinator is responsible for implementation of any Remedies and Disciplinary Sanctions imposed. Disciplinary Sanctions become effective either after the time for appeal has expired, or, if a Party appeals the decision, after the Appeal Adjudicator issues a determination affirming the decision. If the Appeal Adjudicator's decision results in further proceedings, the Disciplinary Sanctions imposed will not become final until the conclusion of all further proceedings and any appeals. If the Appeal Adjudicator's decision results in reversing a determination that the Respondent engaged in Sex-Based Harassment, no Disciplinary Sanctions will be imposed.

Phase 7 – Appeal

A Party wishing to appeal a decision by the Investigator may do so by submitting a written letter of appeal to the Title IX Coordinator within three (3) business days of when the Notice of Decision was sent to the Parties. The letter of appeal should state the grounds for appeal. The non-appealing Party will have an opportunity to review and respond to the letter of appeal. A non-appealing Party's response to an appeal must be received within three (3) business days of the Party's notice of the appeal. The Title IX Coordinator will provide the Notice of Decision, the appeal letters, and any other information relevant to the appeal to the Appeal Adjudicator for review.

The identity of the Appeal Adjudicator and instructions on how to appeal will be included in the Notice of Decision. The Appeal Adjudicator will not be the Title IX Coordinator, the Investigator, or any other individual who had previous involvement in the matter. If a Reporting Party or Respondent has any concern about bias or conflict of interest of Appeal Adjudicator, such concern should be Reported to the Title IX Coordinator no later than two (2) business days after receiving the notice of the identity of the Appeal Adjudicator in the Notice of Decision.

Either or both Parties may contest the determination regarding responsibility on any one or more of the following grounds:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available during the Investigation; and
- The Title IX Coordinator, Investigator, or Adjudicator had a conflict of interest or bias for or against Reporting Parties or Respondents generally or the individual Reporting Party or Respondent that would change the outcome.

In reviewing any appeal, the Appeal Adjudicator has the ability to affirm the finding, overturn the finding, or remand the matter for further Investigation and Adjudication. The Appeal Adjudicator will simultaneously issue to both Parties a written Appeal Decision describing the result of the appeal and the rationale for the result within five (5) business days after receipt of all appeal documents.

The Complaint Resolution Process will end and the decision will become final upon either of the following:

- The deadline for an appeal expiring without either Party submitting a written notice of appeal; or
- If a Party appeals the Investigator's decision, upon the conclusion of the appeal.

VIII. RECORDKEEPING

The College will maintain for a period of seven (7) years, records of the following:

- Each Report of Sex-Based Harassment and all Supportive Measures offered and provided in response;
- Each Investigation conducted under the Complaint Resolution Process including any determination regarding responsibility and any recordings or transcripts of witness interviews under the Complaint Resolution Process
- Any Disciplinary Sanctions imposed on a Respondent, and any Remedies provided to a Reporting Party designed to restore or preserve equal access to the College's education program or activity;
- Any appeal and the result;
- Any informal resolution and the result; and

- All materials used to train Title IX Coordinator, Investigators, Adjudication Panel members, Appeal Adjudicators, and Informal Resolution Process facilitators. These training materials are publicly available upon request to the Title IX Coordinator.

IX. POLICY REVIEW

A. Ongoing internal Policy review

This Policy is maintained by the Title IX Coordinator's Office and subject to ongoing review and improvement. The Title IX Coordinator's Office will review this Policy on an annual basis.

B. External recourse

Nothing in this Policy or Complaint Resolution Process is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint with the United States Department of Education, Office for Civil Rights (OCR). Any individual who has made a Report of Sex-based Discrimination, Harassment or Retaliation and/or initiated the Complaint Resolution Process, and who believes the College's response did not comply with this Policy and the College's legal obligations, or who otherwise believes they have been discriminated against, may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education. The OCR office that oversees institutions in Minnesota, including Martin Luther, is:

U.S. Department of Education

Office for Civil Rights

Citigroup Center

500 W. Madison Street, Suite 1475

Chicago, IL 60661-4544

Tel: 312.730.1560

TDD: 877.521.2172

Email: OCR.Chicago@ed.gov

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MARTIN LUTHER COLLEGE

[MLC EMERGENCY RESPONSE PLAN]

This plan describes how an organization will react and respond to emergencies or natural disasters. The Plan informs employees of appropriate procedures to follow during a fire, evacuation or other emergencies. This plan also describes how to restore operations.

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INTRODUCTION

1.0 Purpose

Martin Luther College (MLC) is committed to the protection of its students, employees, children in childcare, visitors and contract personnel during emergencies such as tornadoes, fires, and other campus emergencies. When emergencies occur, our Emergency Response Plan (ERP) is initiated. An ERP is a clear statement of the organization policy regarding the program. This ERP is in place to ensure student, staff, faculty, children, and visitor safety during emergencies that occur during regular hours and after-hours. It provides a written document detailing and organizing the actions and procedures to be followed by all in the case of an emergency.

The Occupational Safety and Health Administration's (OSHA) Emergency Action Plan (EAP) requirements, found at [29 CFR 1910.38\(a\)](#), require MLC to have a written emergency action plan. This plan applies to all operations where students, faculty, staff and children may encounter an emergency. The EAP communicates to students, faculty, staff, and families of ECLC children, policies and procedures to follow in a specific emergency. This written plan is available, upon request, to employees, their designated representatives, and any OSHA officials who ask to see it. The EAP for a specific emergency is hosted within the ERP, as the ERP describes other necessary components such as Disaster Recovery Plan (DRP), Business Continuity Plan (BCP), training, and recordkeeping.

MLC Administration may modify procedures as necessary and the ERP serves as a guide. For purposes of this document, this plan applies to the entities owned and operated by MLC, such as the Early Childhood Learning Center (ECLC) and the Betty Kohn Fieldhouse (BKF) unless specifically noted otherwise within the Plan.

The Director of Human Resources, Safety Committee, and MLC Administration will participate in any post-incident critique regarding the emergency. The Plan will be reviewed annually within Safety Committee meetings.

2.0 Responsibilities

Each MLC member and community organization plays a crucial role in an emergency. Any MLC member, faculty, staff, student, and families of ECLC children are welcome and encouraged to report concerns or hazards to the Director of Human Resources or MLC Administration. MLC is dedicated to ensuring that the campus and ECLC are safe environments and are free from hazards.

The specific EAP identifies notifying authorities, law enforcement, Administration and Human Resources including how campus and ECLC occupants will be notified by Administration and Human Resources.

For example, calling the MLC Emergency Hotline (507-359-3344) gives options for reaching MLC Administration, Human Resources, Maintenance and/or Security. Be prepared to provide the description, location of the activity, nearest door number and campus entry point.

- Press “1” for maintenance emergencies. The maintenance worker on duty will address the concern or put the caller in contact with someone who can.
- Press “2” for security or safety concerns. During the business day, the phone is monitored by the Student Life office; after hours, a security team member will respond.
- **Press “3” for all other emergencies. This provides immediate access to Administration and Human Resources.**

MLC will react and respond appropriately, depending on the emergency. This may include evacuation, sheltering in place, relocating individuals, ceasing operations or portions of operations, and the like.

In the event of an evacuation, it is critical that rescue personnel know whether people are trapped in the building. Equally important is that rescue personnel not endanger themselves if everyone has been successfully evacuated. Department supervisors, division chair members, or a member in charge will be responsible for accounting for faculty, staff, students, children in childcare, and others. Refer to the specific [emergency action plan](#) for additional details and [Appendix F. Accounting for Occupants](#).

MLC Emergency Operations Center (EOC) Assignees

These assignees fully support the Plan and should be working with local law enforcement, fire department, emergency medical services, and any other agency to work through a campus or ECLC emergency with the community. This list may expand as emergencies may differ.

Refer to [Appendix A. Emergency Contacts](#).

A responsible party will provide prompt notification to the Director of Public Relations, if necessary depending on the emergency. Together with Administration, the Director of Public Relations will be designated as the individual with the authority to answer questions from media or other sources and will provide official responses for campus updates, news releases, and general inquiries. Publications should be reviewed by the Writer, Editor and Director of Public Relations before released. The Director of Public Relations will determine the Joint Information Center (JIC) for media releases as necessary. Administration, the EOC, and the Director of Human Resources will identify duties as required by the Plan.

MLC Emergency Operations Center Assistants

These individuals will be responsible for assisting the EOC assignees. Duties may include administering first aid, identifying emergency contacts, answering phones, directing individuals to tasks, assignments or locations, taking direction from Administration or other persons in charge, assigning volunteers to appropriate work, etc.

Refer to [Appendix A. Emergency Contacts](#).

City of New Ulm Emergency Contacts

Director of Human Resources will assist with City of New Ulm Emergency Management Committee EOC contacts. Refer to [Appendix A. Emergency Contacts](#).

MLC Administration Contacts

These individuals are responsible for campus operation including oversight of all policies and procedures. Refer to [Appendix A. Emergency Contacts](#).

MLC Department Contacts

Each department has a director, division chair, or supervisor responsible for the department operations, including implementation of policies and procedures. Refer to [Appendix A. Emergency Contacts](#).

Safety Committee

This committee identifies vital plans that need to be communicated due to the possibility of occurrence. The committee should discuss the possible incidents that involve faculty, staff, students, childcare center, children, parents, visitors, independent contractors, community members, etc. The committee should as necessary, include the local medical center, emergency room, emergency medical services, city and county officials, police department, fire department, etc.

These individuals will be responsible for assisting the EOC assignees. Duties may include administering first aid, identifying emergency contacts, answering phones, directing individuals to tasks, assignments or locations, taking direction from Administration or other persons in charge, assigning volunteers to appropriate work, etc.

Refer to [Appendix A. Emergency Contacts.](#)

Campus Medical Response Team

This team is certified with First Aid, CPR, and AED training, and assists the campus in medical emergencies until medical professionals arrive. The team is trained and educated on the Plan, and serves as a resource for other members of the campus.

Refer to [Appendix A. Emergency Contacts.](#)

Early Childhood Learning Center (ECLC) Medical Response Team

This team is certified with First Aid, CPR, and AED training, and assists the Early Childhood Learning Center in medical emergencies until medical professionals arrive. The team is also trained and educated on the Plan and serves as a resource for other members of the ECLC building and property.

Refer to [Appendix A. Emergency Contacts.](#)

EMERGENCY ACTION PLAN

3.0 Fire

3.1 This section will be activated in the event of a fire alarm activation or a fire discovered.

3.2 Any employee or student who encounters a visitor or an individual who is physically disabled should direct or assist him or her to take appropriate actions. **DO NOT USE ELEVATORS.**

3.3 For your information, each office and classroom is equipped with an evacuation and information map. This map shows you the location of the nearest exit, fire extinguisher, and door number. The map provides other useful information.

3.4 Any faculty, staff, student or visitor who becomes aware of a fire should immediately activate the building fire alarm system.

3.5 The fire alarm system will notify all building occupants that a fire emergency exists. This notification is accomplished with an audible alarm and visible flashing strobe light. The fire alarm system will contact the New Ulm Fire Department, and the Maintenance on-call worker through the fire monitoring company.

3.6 The Plan mandates that the building should be completely and totally evacuated. All faculty, staff, students, children, and visitors will regard any activation of a fire alarm as a true fire emergency unless there has been previous notification of the fire alarm system testing.

3.7 The person activating the fire alarm shall dial 9-1-1 from a cellular phone while evacuating the building, or when in a safe place. Advise the dispatcher that the call is from the MLC campus or ECLC, and the location of the fire. Be prepared to provide the address, building name, nearest door number, and/or campus entry point. Avoid building abbreviations.

3.8 All occupants will immediately evacuate the building in a calm and orderly manner utilizing the posted evacuation routes to at least 50 ft. away from the building. Know in advance a secondary evacuation route. **DO NOT USE ELEVATORS.**

- If directed, proceed to evacuation assembly area(s) listed or as otherwise directed by Administration and/or Human Resources. Refer to the appendix for evacuation sites [on campus](#) and/or [off-campus](#).

Building		Assembly Area
Betty Kohn Fieldhouse (BKF)		MLC
Boiler House		WCC (auditorium)
Chapel of the Christ		LSC (gymnasium)
Dormitories	Augustana Hall	LSC (gymnasium)
	Centennial Hall	WCC (auditorium)
	Concord Hall	LSC (gymnasium)
	Summit Hall	WCC (auditorium)
Early Childhood Learning Center (ECLC)		Highland Regency or MLC
Library		WCC (auditorium)
Luther Student Center (LSC) (Cafeteria, Union, Gymnasium, Fitness Center, Bookstore)		WCC (auditorium)
Music Center and Music Hall		WCC (auditorium)
Music Hall		WCC (auditorium)
Wittenberg Collegiate Center (WCC) (Old Main, Link, Academic Building, Auditorium)		LSC (gymnasium)

3.9 Occupants may collect their valuables (purse, coat, etc.), if nearby, and should turn off lights and close all doors upon leaving.

3.10 ECLC will utilize evacuation cribs for infants, leading ropes for toddlers, and pre-primary children will follow in a line as directed by the ECLC Director, Lead Teacher, or designee.

3.11 Building occupants should not attempt to extinguish the fire unless properly trained.

3.12 Once in the assembly area, remain calm. The professor, supervisor, member in charge or self-appointed designee should take a headcount to account for employees, students, children, visitors, etc. Utilization of printed class rosters or department rosters is useful as a quick tool. Be aware of your surroundings and the other people that are around you.

3.13 If medical attention is needed, call 9-1-1 to report the type of emergency, address, location, nearest door number, and /or campus entry point. If you are able to remove the individual safely, do so carefully. Refer to [section 12.0 Medical Emergency](#).

3.14 Notification to the campus should happen immediately after authorities have been contacted, or while authorities are being contacted. Call the MLC Emergency Hotline (507-359-3344). An emergency Public Address and/or electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information.

- A repeated PA notification may come in the form of a *tone* then repeated announcement pertaining to the activity and instructions.

3.15 No employee should leave the assembly area, to either re-enter the building or leave the campus or ECLC, until advised to do so by the New Ulm Fire Department, Administration, Human Resources, or designee.

3.16 Administration, Human Resources, or designee will provide information to the New Ulm Police Department, New Ulm Fire Department, or any other emergency response agencies on the scene. This information may include, but is not limited to:

- Location of the fire.
- Name and location of disabled individuals requiring evacuation assistance.
- Status of the evacuation, personnel missing that may still be in the building.
- Special hazards associated with the building.

3.17 DO NOT RE-ENTER THE BUILDING UNTIL FIRE OFFICIALS GIVE THE APPROVAL.

- If alarm activation is due to a planned or unplanned drill, occupants may not re-enter the building until Environmental Services, Dormitory Staff, and/or Human Resources gives authorization. Environmental Services and the Safety Committee will utilize group messaging to determine re-entry. The Safety Committee will then ensure all affected building evacuees are informed of re-entry status.

3.18 Upon approval by authorities, Administration, Human Resources or designee, will provide further instructions and information via the Public Address and/or electronic message system. A responsible party will provide prompt notification to Public Relations.

3.19 Notification will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.

3.20 If necessary, the Vice Presidents and Human Resources in consultation with the President may decide to cease operations.

3.21 Human Resources and Financial Services will process property damage with the campus insurance carrier. Administration and Human Resources will implement alternatives to continue operations.

3.22 Any flammable items should be properly stored in accordance with [safety management plans](#). Portable space heaters are not allowed, unless authorized by Human Resources and Maintenance.

3.23 Fire extinguisher use and types:

- Individuals in areas who generally have fire extinguisher usage will be properly trained annually with online training, in-person training, and hands-on training as necessary, in correspondence with respective [safety management plans](#).
 - Proper training includes the PASS method.
 - Individuals or areas of fire extinguisher usage includes: Science Professors, Maintenance workers, Custodial workers, Grounds workers, Security workers, Dormitory Supervisors, Resident Assistants, ECLC workers, Events workers.
- Class A: ordinary combustibles, such as wood, paper, some plastics, and textiles. (75 feet or less travel)
- Class B: flammable liquid and gas fires such as oil, gasoline, etc. (30 to 50 feet or less travel)
- Class C: live electrical equipment (travel rating as part of an ABC extinguisher)
- Class D: combustible metals, such as magnesium, sodium, etc. (75 feet or less travel)
- Class K: cooking media (fats, grease, and oils) in commercial cooking sites such as restaurants. (30 feet or less travel)



3.23 Small fuel spills require action. Absorb spill with cat litter or other absorbent. Let it dry. Once dry, the fumes have evaporated and the danger is gone. The material can be swept up and disposed of. If the spill is from a leaking gas tank, the vehicle should be towed to prevent ignition. Large fuel spills require fire department involvement.

- Laboratory spills should follow the [Chemical Hygiene Management Plan](#).

4.0 Severe Weather

4.1 This section should be activated in the event of a severe weather situation occurring or expected to occur at the addresses impacting MLC property, and/or the county in which MLC property resides.

Martin Luther College	1995 Luther Court, New Ulm, MN 56073	Brown County, MN
MLC Early Childhood Learning Center	405 N. Highland, New Ulm, MN 56073	Brown County, MN
MLC Betty Kohn Fieldhouse	1800 Boettger Rd., New Ulm, MN 56073	Brown County, MN
MLC Luther Interpretive Trail (LITES)	2122 Center St., New Ulm, MN 56073	Brown County, MN

4.2 Any employee or student who encounters a visitor or an individual who is physically disabled should direct or assist him or her to take appropriate actions.

4.3 For your information, each office and classroom is equipped with an evacuation and information map. This map shows you the location of the nearest severe weather shelter, exit, and door number. The map provides other useful information.

4.4 Martin Luther College has various weather notification systems located around campus. These systems will be activated by the National Weather Service to announce any watches or warnings. Locations with weather radios should have battery backup.

- Administration, the receptionist, Human Resources, Environmental Services Department, dormitory staff, Early Childhood Learning Center, and others will monitor provided weather radios and notify Human Resources and/or Administration of any warnings or precautions to take.
- Athletics will monitor area weather with a variety of weather notification systems, and will carry a portable battery operated weather radio for duplication. Athletics will react appropriately for indoor and outdoor gaming events.
- Additionally, any employee who becomes aware of a severe weather warning will immediately notify Administration and Human Resources.

4.5 An automated electronic message will provide notification to the campus along with pertinent information. This National Weather Service rebroadcast notification will advise all campus-building occupants of the type of watch (tornado) or warning (thunderstorm or tornado) and precautions to take.

- A repeated Public Address (PA) notification may come in the form of a *tone* then repeated announcement pertaining to the activity and instructions.

4.6 Once occupants have been notified of a **THUNDERSTORM WARNING**, stay indoors and take no other steps, unless instructed, and be prepared if conditions deteriorate.

4.7 Once occupants have been notified of a **TORNADO WATCH**, this means the conditions are favorable for a tornado to occur. Take no other steps, unless instructed, and be prepared if conditions deteriorate.

4.8 Once occupants have been notified of a **TORNADO WARNING**, they should gather their valuables, if nearby, and take cover in the nearest Severe Weather Shelter. Shelter areas are marked with signage and/or signage that directs you to the nearest shelter area. Refer to the appendix for listed severe weather shelters.



Building	Severe Weather Shelter
Betty Kohn Fieldhouse (BKF)	Storage 113, Men's Locker Rooms C & D, Women's Bathroom near the entryway
Boiler House	Breakroom
Chapel	Basement
Dormitories (Augustana, Centennial, Concord, Summit)	Basement hallways Basement interior windowless rooms
Early Childhood Learning Center (ECLC)	Pre-primary restrooms x 2, Toddler nap room and Toddler restroom, South main restroom closest to the Toddler room
Library	Lower level interior windowless rooms (008 Starbooks, 017 Basement Conference Room, 022 Curriculum Room, restrooms)
Luther Student Center (LSC)	Upper first floor restrooms, Basement hallways, Basement restrooms, Locker rooms (men's, women's & visitor)
Music Center	Hall in front of the band room
Music Hall	No adequate shelter, get to nearest shelter elsewhere
Wittenberg Collegiate Center (WCC)	First-floor men's restroom by HR Catacomb rooms - WCC 175 or WCC 177
WCC - Link	First-floor restrooms closest to Old Main
WCC - Old Main	Basement hallway by Print Shop (overflow areas are the lower level basement and Mission Advancement storage room)

4.9 All doors and windows should be closed upon exiting; this includes office, classroom, and dormitories. Building occupants should take cover in identified Severe Weather Shelters until the expiration of the alert. Be mindful that the National Weather Service may extend the expiration time of the alert.

4.10 When in the Severe Weather Shelter, everyone should sit facing an interior wall, elbows to knees and with hands over the back of their heads. Do your best to remain calm.

4.11 Once in the Severe Weather Shelter, the professor, supervisor, member in charge or self-appointed designee should take a headcount to account for employees, students, children, visitors, etc. Utilization of printed class rosters or department rosters is useful as a quick tool. Be aware of your surroundings and the other people that are around you.

4.12 The expiration date and time of the National Weather Service alert is the “all-clear”. These alerts may be extended. Do not leave the shelter until the expiration of the alert.

4.13 If it is unsafe to get to a campus Severe Weather Shelter, the [National Weather Service recommends during a Tornado:](#)

- The safest place to be is an underground shelter, basement or safe room.
- If no underground shelter or safe room is available, a small, windowless interior room or hallway on the lowest level of a sturdy building is the safest alternative.
- Mobile homes are not safe during tornadoes or other severe winds.
- If you are caught outdoors, seek shelter in a basement, shelter or sturdy building.
- If you cannot quickly walk to a shelter, immediately get into a vehicle, buckle your seat belt and try to drive to the closest sturdy shelter. If you see large objects flying past while you are driving, pull over and park. You now have two choices:
 - Stay in the car with the seatbelt on. Put your head down below the windows, covering with your hands and a blanket if possible.
 - If you can safely get noticeably lower than the level of the roadway, in a deep ditch, for instance, exit your car and lie in that area, covering your head with your hands.

4.14 Once notified of a **WINTER WEATHER WARNING**, individuals should use caution when outdoors and stay away from snow removal equipment. If the winter weather warning is severe, you may receive electronic notifications.

- If possible, individuals should walk indoors to commute to the desired destination.
- Canceling of classes or closing operations is rare due to the largely residential population, but is the determination of the President and/or Vice President, in consultation with Human Resources. Please refer to the [Student Handbook](#), [Employee Handbook](#), and [Undergraduate Faculty Handbook](#) as resources.

4.15 If property damage or the situation is causing a life-threatening event, call 9-1-1 immediately. Be prepared to give your name, description, and location of the incident taking place so that trained emergency rescue can quickly get to the scene. Provide nearest door number and campus entry point if possible. Do your best to contact a campus representative, such as a professor, supervisor or member in charge to inform them of the situation and location.



4.16 If medical attention is needed, call 9-1-1 to report the type of emergency, address, location, nearest door number, and /or campus entry point. If you are able to remove the individual safely, do so carefully. Refer to [section 12.0 Medical Emergency](#).

4.17 Once the all clear is given by the National Weather Service through the expiration of the notice, Administration, Human Resources or designee, may provide further instructions and information via the Public Address and/or electronic message system, if necessary. A responsible party will provide prompt notification to the Director of Public Relations.

4.18 Notification will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.

4.19 If necessary, the Vice Presidents and Human Resources in consultation with the President may decide to cease operations.

4.20 Human Resources and Financial Services will process property damage with the campus insurance carrier. Administration and Human Resources will implement alternatives to continue operations.

5.0 Utility Interruption

5.1 This section should be activated in the event of a utility outage.

5.2 Any employee or student who encounters a visitor or an individual who is physically disabled should direct or assist him or her to take appropriate actions.

5.3 For your information, each office and classroom is equipped with an evacuation and information map. This map shows you the location of the nearest exit, fire extinguisher, severe weather shelter, first aid kit, and door number. The map provides other useful information.

5.4 Employees will become aware of outages by the obvious absence of that particular utility.

- No lights, computers not working – Electric
- Toilets won't flush, drinking fountains not working – Water
- Building won't warm up during winter – Steam or Gas
- Building won't cool in summer – Electric or Chilled water
- Internet and/or telephone outage – Elevator phones, fire alarm monitoring, etc.

5.5 The person should contact the supervisor, responsible department and call the MLC Emergency Hotline (507-359-3344).

5.6 While a power interruption does not usually cause emergencies within a facility or injuries to its employees, hazards can be created by outages. The Director of Human Resources in conjunction with MLC Administration will determine the appropriate course of action. A responsible party will provide prompt notification to Public Relations, if necessary depending on the emergency. The possible safety issues include:

- Dangers from tripping and injuries due to lights being out.
- Persons trapped in elevators.
- Dangers of extreme heat and cold.
- Inability to contact responders if an emergency occurs while telephones are out.
- Sanitation problems due to no water.
- Impact on labs and classroom instruction.

5.7 If a person is trapped in an elevator, call 9-1-1; then call the MLC Emergency Hotline (507-359-3344). Be prepared to provide the description, location of the activity, nearest door number and campus entry point.

- The person in the elevator can use the emergency help button(s) to call 9-1-1 through the call help button or fire button.

5.8 If evacuation is necessary or other instruction is to be given, as determined by MLC Administration and/or Human Resources, an emergency Public Address and/or electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information. A responsible party will provide prompt notification to Public Relations, if necessary depending on the emergency. Evacuate the area by referring to [section 3.0 Fire](#).

- A repeated PA notification may come in the form of a *tone* then repeated announcement pertaining to the activity and instructions.

5.9 The professor, supervisor, member in charge or self-appointed designee should take a headcount to account for employees, students, children, visitors, etc. Utilization of printed class rosters or department rosters is useful as a quick tool. Be aware of your surroundings and the other people that are around you.

5.10 Administration, Human Resources or designee, will provide further instructions and information via the Public Address and/or electronic message system.

5.11 If necessary, the Vice Presidents and Human Resources in consultation with the President may decide to cease operations.

5.12 Human Resources and Financial Services will process property damage with the campus insurance carrier. Administration and Human Resources will implement alternatives to continue operations.

6.0 Hazardous Materials

6.1 This section should be activated in the event of a hazardous material incident that could have an impact on the campus. Examples of hazardous materials may include, but are not limited to:

- Explosives
- Gases (ex. propane, butane, chlorine, anhydrous ammonia)
- Flammable Liquids (ex. petroleum, crude oil, ethanol)
- Flammable Substances (ex. molten sulfur, pure sodium)
- Oxidizing Substances (ex. ammonium nitrate, sodium chlorate, hydrogen peroxide)
- Toxic & Infectious Substances (ex. molten phenol, toluene diisocyanate)
- Radioactive Materials (ex. nuclear materials)
- Corrosives (ex. sodium hydroxide, sulfuric acid)

6.2 Any employee or student who encounters a visitor or an individual who is physically disabled should direct or assist him or her to take appropriate actions.

6.3 For your information, each office and classroom is equipped with an evacuation and information map. This map shows you the location of the nearest exit, fire extinguisher, severe weather shelter, first aid kit, and door number. The map provides other useful information.

6.4 Hazardous material incidents can occur inside a campus building, outside on campus or in the surrounding area and could affect the MLC campus. Local media will broadcast warnings over the radio to communicate that a hazardous materials incident has occurred. The National Weather Service will broadcast similar warnings over NOAA Weather Radios. Community sirens may sound, notifying people within hearing range to listen to the media.

6.5 Together with local authorities, MLC Administration and/or Human Resources will determine the course of action. A responsible party will provide prompt notification to Public Relations. An emergency Public Address and/or electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information.

- A repeated PA notification may come in the form of a *tone* then repeated announcement pertaining to the activity and instructions.

6.6 Dependent on the hazardous material emergency, individuals may be notified to lockdown or evacuate. Refer to [section 3.0 Fire](#), [section 10.0 Lockdown](#), or the appendix for evacuation sites on campus and/or off-campus.

6.7 If in lockdown, keep classroom or office secure until police arrive and provide further instructions or you receive information via the Public Address and/or electronic message system.

6.8 The professor, supervisor, member in charge or self-appointed designee should take a headcount to account for employees, students, children, visitors, etc. Utilization of printed class rosters or department rosters is useful as a quick tool. Be aware of your surroundings and the other people that are around you.

6.9 Administration, Human Resources or designee, will provide further instructions and information via the Public Address and/or electronic message system.

6.10 If necessary, the Vice Presidents and Human Resources in consultation with the President may decide to cease operations.

6.11 Human Resources and Financial Services will process property damage with the campus insurance carrier. Administration and Human Resources will implement alternatives to continue operations.

7.0 Workplace Violence / Terrorism

7.1 This section should be activated in the event of any type of workplace violence or act of terrorism.

7.2 Any employee or student who encounters a visitor or an individual who is physically disabled should direct or assist him or her to take appropriate actions.

7.3 For your information, each office and classroom is equipped with an evacuation and information map. This map shows you the location of the nearest exit, fire extinguisher, severe weather shelter, first aid kit, and door number. The map provides other useful information.

7.4 Building occupants will become aware of a violent act by the sounds of an explosion, gunfire, scuffling, or by observation of events that could only be intentional acts of violence. The person(s), who observe these life-threatening acts, should immediately seek shelter, call 9-1-1; and then call the MLC Emergency Hotline (507-359-3344). Be prepared to provide the description, location of the activity, nearest door number and campus entry point.

7.5 Different types of workplace violence require different actions. Workplace violence is any physical assault, threatening or intimidating behavior, or verbal abuse occurring in the work setting.

Examples of workplace violence and guidance:

- **Robbery, mugging, shoplifting:** cooperate with the individual committing the act, then call 9-1-1; and follow 7.4.
- **Trespassing:** if able to do so, get to a safe location, follow 7.4 and refer to section [19.0 Restraining Order](#), if there is a degree of emergency, call 9-1-1.
- **Beatings, stabbings:** if able to do so, get to a safe location, call 9-1-1, follow 7.4 and if able, refer to [12.0 Medical Emergency](#).
- **Suicides, near-suicides:** refer to section [13.0 Suicide](#)
- **Shooting, gunfire, use of any weapon:** refer to section [9.0 Intruder / Active Shooter](#) and [section 10.0 Lockdown](#)
- **Assault, rape:** refer to section [15.0 Sexual Assault / Rape](#)
- **Assault, infliction of bodily or physical harm, or threats of:** get to a safe location, if able to do so, call 9-1-1, follow 7.4 and if able, refer to [12.0 Medical Emergency](#).
- **Stalked, followed:** if able to do so, get to a safe location, follow 7.4 and refer to the [Employee Handbook](#) or [Student Handbook](#) for reporting options, if there is a degree of emergency, call 9-1-1.
- **Psychological trauma, obscene actions or language, intimidation, harassment of any nature, sworn at or shouted at:** if able to do so, get to a safe location, follow 7.4 and refer to the [Employee Handbook](#) or [Student Handbook](#) for reporting options, if there is a degree of emergency, call 9-1-1.
- **Explosion, bomb, or threats of:** evacuate the area, call 9-1-1, follow 7.4, refer to section [8.0 Bomb Threat / Explosion / Suspicious Package](#).
- **Fire, arson:** evacuate the area, call 9-1-1, follow 7.4, refer to section [3.0 Fire](#).
- **Toxic or irritant gas or chemical:** refer to section [6.0 Hazardous Materials](#).
- **Hostage situation:** if able to do so, get to a safe location, call 9-1-1, follow 7.4, take no chances to endanger the life of any hostage.
- **Destroying property, throwing objects:** if able to do so, get to a safe location, follow 7.4 and refer to section [11.0 Demonstration / Protest](#), section [18.0 Fight / Disturbance](#), section [20.0 Vandalism / Hate Crime](#), if there is a degree of emergency, call 9-1-1.

7.6 Notification to the campus should happen immediately after authorities have been contacted, or while authorities are being contacted. An emergency Public Address and/or electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information.

- A repeated PA notification may come in the form of a *tone* then repeated announcement pertaining to the activity and instructions.

7.7 If in lockdown mode, remain calm, keep classroom or office secure until police arrive and provide further instructions or you receive information via the Public Address and/or electronic message system.

7.8 If medical attention is needed, call 9-1-1 to report the type of emergency, address, location, nearest door number, and /or campus entry point. If you are able to remove the individual safely, do so carefully. Refer to [section 12.0 Medical Emergency](#).

7.9 The professor, supervisor, member in charge or self-appointed designee should take a headcount to account for employees, students, children, visitors, etc. Utilization of printed class rosters or department rosters is useful as a quick tool. Be aware of your surroundings and the other people that are around you.

7.10 Once the situation has been resolved, a New Ulm Police Officer or MLC official will provide instructions. Administration, Human Resources or designee, will provide further instructions and

information via the Public Address and/or electronic message system. A responsible party will provide prompt notification to Public Relations.

7.11 Notification will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.

7.12 If necessary, the Vice Presidents and Human Resources in consultation with the President may decide to cease operations.

7.13 Human Resources and Financial Services will process property damage with the campus insurance carrier. Administration and Human Resources will implement alternatives to continue operations.

8.0 Bomb Threat / Explosion / Suspicious Package

8.1 This section should be activated in the event of a bomb threat, explosion or suspicious package.

8.2 DO NOT:

- Use two-way radios or cellular phones. Radio signals have the potential to detonate a bomb.
- Use electronic communication through air-waves (i.e. WiFi)
- Touch or move a suspicious package.

8.3 Any employee or student who encounters a visitor or an individual who is physically disabled should direct or assist him or her to take appropriate actions.

8.4 For your information, each office and classroom is equipped with an evacuation and information map. This map shows you the location of the nearest exit, fire extinguisher, severe weather shelter, first aid kit, and door number. The map provides other useful information.

8.5 A person may become aware of a bomb threat by a telephone call, email, letter, or a person. A suspicious package may be received or left in a building unattended (do not move the package). If there is a degree of emergency – call 9-1-1; then call the MLC Emergency Hotline (507-359-3344). Be prepared to provide the description, location of the activity, nearest door number and campus entry point.

- If the activity occurs over the phone, utilize the [bomb threat checklist](#) and attempt to have another individual call 9-1-1. If possible, do not hang up on the caller.
- **Do not use two-way radios, cellular phones or air-waves as stated in point 8.2.**

8.6 Together with local authorities, MLC Administration and/or Human Resources will determine the course of action. A responsible party will provide prompt notification to Public Relations. An emergency Public Address and/or electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information.

- A notification may come in the form of an air horn or if safe to do so, may come in the form of a repeated PA notification with a *tone* then repeated announcement pertaining to the activity and instructions.

8.7 If the decision is to evacuate, or if an explosion occurs refer to [section 3.0 Fire](#).

8.8 The professor, supervisor, member in charge or self-appointed designee should take a headcount to account for employees, students, children, visitors, etc. Utilization of printed class rosters or department rosters is useful as a quick tool. Be aware of your surroundings and the other people that are around you.

8.9 Occupants should remain calm and should not touch any suspicious or unfamiliar objects.

8.10 Once the situation has been resolved, a New Ulm Police Officer or MLC official will provide instructions. Administration, Human Resources or designee, will provide further instructions and information via the Public Address and/or electronic message system.

8.11 If medical attention is needed, call 9-1-1 to report the type of emergency, address, location, nearest door number, and /or campus entry point. **Do not use two-way radios, cellular phones or air-waves as stated in point 8.2.** If you are able to remove the individual safely, do so carefully. Refer to [section 12.0 Medical Emergency](#).

8.12 Notification, when it is safe to do so, will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.

8.13 If necessary, the Vice Presidents and Human Resources in consultation with the President may decide to cease operations.

8.14 Human Resources and Financial Services will process property damage with the campus insurance carrier. Administration and Human Resources will implement alternatives to continue operations.

8.15 Refer to the [bomb threat checklist](#).

9.0 Intruder / Active Shooter

9.1 This section should be activated in the event of a suspicious or armed intruder.

9.2 Any employee or student who encounters a visitor or an individual who is physically disabled should direct or assist him or her to take appropriate actions.

9.3 For your information, each office and classroom is equipped with an evacuation and information map. This map shows you the location of the nearest exit, fire extinguisher, severe weather shelter, first aid kit, and door number. The map provides other useful information.

9.4 If you encounter someone in your building who is behaving in a way that seems suspicious to you to the degree of an emergency, such as trying to hide, or entering unauthorized offices or areas, or carrying a gun or weapon – call 9-1-1; then call the MLC Emergency Hotline (507-359-3344). Be prepared to provide the description, address, location of the activity, nearest door number and/or campus entry point.

9.5 If an armed or threatening intruder comes into your building or on the premises call 9-1-1 immediately and take protective actions - **RUN – HIDE – FIGHT**. Be prepared to notify the dispatcher of your name, where you are calling from, and the description and location of the intruder, if known.

- **RUN** – If it is safe to do so. The first course of action should be to run out of the building and move far away until you are in a safe location. Avoid elevators. Take others with you but do not stay if they refuse to go. Do not leave in a vehicle. Let a responsible person know where you are.

- If you are outside, in a large auditorium, gymnasium, chapel, cafeteria or other space with no immediate access to take shelter, you should **RUN**.

9.6 Notification to the campus should happen immediately after authorities have been contacted, or while authorities are being contacted. An emergency Public Address and/or electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information. A responsible party will provide prompt notification to the Director of Public Relations.

- A repeated PA notification may come in the form of a *tone* then repeated announcement pertaining to the activity and instructions.

9.7 ALICE stands for Alert, Lockdown (hide), Inform, Counter (fight), and Evacuate (run). The acronym is not the procedural steps during an event. Individuals should choose the best option available based on the most trustworthy current information available. If you make a decision to hide, but then more information is available and you feel you can safely evacuate, you can always change your plan based on the new information.

9.8 If the intruder / active shooter is localized on the premises and running is not your best option, or if you do not have enough information to make an educated decision to evacuate, individuals should follow hard lockdown procedures. This includes visualization of the intruder / active shooter, or if hearing shots fired:

- **HIDE** - If you are not able to leave immediately, lock all doors and barricade with heavy furniture by using [ALICE training](#) methods.
- DO NOT UNLOCK THE DOOR FOR ANYONE.
- Close the windows and put the blinds down but be prepared to break a window for evacuation purposes, if able based on floor level.
- Do not draw attention to yourself; turn off lights, silence all electronic devices, turn off radios and computers to avoid drawing attention with light or noise.
 - Most silenced electronic devices still vibrate, turn off vibration.
- Stay out of open areas and be as quiet as possible.
- Try to find a place where no one can see you. Hide under your desk or table and do not move or make any motion. Cupboards, windowless rooms, and cubicles are all good places. You may need to tip the desks to create a shelter.
- Do not huddle together in a corner but instead disperse yourself through the room to distract the intruder should the intruder break into the room.
- Get into the nearest room if you are not in one.
- If you are in the bathroom and if a door stop is available, use a doorstop to shim the bathroom door shut to keep it as secure as possible. Be prepared to fight if the intruder gains entry.
- Do not talk or make any movements. Try not to laugh, cry, cough, or sneeze.
- Stay calm. Trust only those in authority or the response team.
- Be prepared to FIGHT with any object that is available.

9.9 If you come into contact with the intruder / active shooter, whether that is because the intruder gained access to your classroom, office or space, or if you come into contact in an open space, such as a hallway or other space that limits your ability to RUN or HIDE, plan to FIGHT back.

- **FIGHT** - As a group, attack the intruder by throwing chairs, books, book bags, and physically tackle and disarm the intruder by using [ALICE training](#) methods. Push the weapon away but do not pick it up as the police may think you are the intruder. Keep the intruder under control until police arrive. Call 9-1-1.

- 9.10 Wait for instructions from Law Enforcement. You may have to exit the room and building with your hands empty and in the air. Law Enforcement may not know who the dangerous person(s) is/are. Law Enforcement from neighboring counties will be called to the scene including off-duty officers. This means some officers would be in street clothes but will have their badge with them.
- 9.11 The professor, supervisor, member in charge or self-appointed designee should take a headcount to account for employees, students, children, visitors, etc. Utilization of printed class rosters or department rosters is useful as a quick tool. Be aware of your surroundings and the other people that are around you.
- 9.12 If the fire bell rings, do not come out of hiding as it could be the offender attempting to lure you out of hiding. If you smell smoke, or there is a real fire, then it may be necessary to evacuate. Follow evacuation procedures.
- 9.13 Keep classroom or office secure until police arrive and provide further instructions or you receive information via the Public Address and/or electronic message system.
- In a real situation, the New Ulm Police Department and member of MLC would clear each room and building. This means that an “All Clear” announcement is not broadcast.
- 9.14 Do not attempt to rescue anyone if it will further endanger the persons within the secured area. If severe medical attention is needed, refer to [section 12.0 Medical Emergency](#) and inform medical services of your location and need for assistance.
- 9.15 Once the situation has been resolved and your area cleared, a member of law enforcement or MLC official will unlock the door and provide you with instructions.
- 9.16 If medical attention is needed, call 9-1-1 to report the type of emergency, address, location, nearest door number, and /or campus entry point. If you are able to remove the individual safely, do so carefully. Refer to [section 12.0 Medical Emergency](#).
- 9.17 Notification will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.
- 9.18 If necessary, the Vice Presidents and Human Resources in consultation with the President may decide to cease operations.
- 9.19 If an active shooter / intruder is localized to the MLC campus, the Early Childhood Learning Center should cease all outdoor activity and enter a soft lockdown until further instruction is given.
- 9.20 If an active shooter / intruder is localized at a local school or business, Martin Luther College and ECLC will continue operations until notified by law enforcement that other actions should be taken.
- 9.21 Human Resources and Financial Services will process property damage with the campus insurance carrier. Administration and Human Resources will implement alternatives to continue operations.

10.0 Lockdown

- 10.1 This section should be activated in the event of an active shooter, intruder, bomb threat or some other localized emergency.

10.2 Any employee or student who encounters a visitor or an individual who is physically disabled should direct or assist him or her to take appropriate actions.

10.3 For your information, each office and classroom is equipped with an evacuation and information map. This map shows you the location of the nearest exit, fire extinguisher, severe weather shelter, first aid kit, and door number. The map provides other useful information.

10.4 If you encounter someone in your building, receive a note or a phone call that seems suspicious to you, to the degree of an emergency – call 9-1-1; then call the MLC Emergency Hotline (507-359-3344). Be prepared to provide the description, address, location of the activity, nearest door number and/or campus entry point.

- If the suspicious activity is someone on our premises, please be prepared to provide a description, address, and location of the activity.
- If the activity occurs over the phone, utilize the [bomb threat checklist](#) and attempt to have another individual call 9-1-1. If possible, do not hang up on the caller.
- If the activity is a note or a suspicious package, refer to [section 8.0 Bomb Threat / Explosion / Suspicious Package](#).

10.5 MLC Administration and/or Human Resources will determine if a hard or soft lockdown will be issued based on the activity and the campus. A responsible party will provide prompt notification to the Director of Public Relations. An emergency Public Address and/or electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information.

- A repeated PA notification may come in the form of a *tone* then repeated announcement pertaining to the activity and instructions.

10.6 Individuals should go into hiding and follow the instructions for a soft or hard lockdown.

10.7 Lock the door however you can. This can be accomplished by putting a chair against the door, or using a key. Make sure you can still escape quickly in case there is a fire or other dangerous situations in the area where you are locked down. **DO NOT UNLOCK THE DOOR FOR ANYONE.**

- MLC policy is that all classroom doors should be locked and closed at all times so that individuals do not need to enter the hallway to lock the door during an emergency.
- All non-classroom areas should pre-lock the doors and/or utilize the 'anti-latch device' and go into hiding.

10.8 **Soft lockdown:** In a soft lockdown, you can continue your classroom activity at a moderate to soft level but keep the door locked with window shades pulled and closed.

10.9 **Hard lockdown:** In a hard lockdown you must do anything to make it look like nobody is inside, keep the door locked.

- Lock all doors and depending on the emergency, barricade with heavy furniture.
- Depending on the emergency, you may need to tip the desks to create a shelter.
- **DO NOT UNLOCK THE DOOR FOR ANYONE.**
- Close the windows and put the blinds down.
- Do not draw attention to yourself; turn off lights, silence all electronic devices, turn off radios and computers to avoid drawing attention with light or noise.
 - Most silenced electronic devices still vibrate, turn off vibration.
- **During a bomb threat, do not use two-way radios, cellular phones, or air-waves as stated in point 8.2.**

- Stay out of open areas and be as quiet as possible.
- Try to find a place where no one can see you. Hide under your desk or table and do not move or make any motion. Cupboards, windowless rooms, and cubicles are all good places.
- In an active shooter / intruder lockdown, do not huddle together in a corner but instead disperse yourself through the room to distract the intruder should the intruder break into the room.
- Get into the nearest room if you are not in one.
- If you are in the bathroom and if a door stop is available, use a doorstop to shim the bathroom door shut to keep it as secure as possible. If an active shooter / intruder event be prepared to fight if the intruder gains entry.
- Do not talk or make any movements. Try not to laugh, cry, cough, or sneeze.
- Stay where you are until someone comes around and unlocks the door for you.
- Depending on the emergency, you may need to be prepared to FIGHT.

10.10 Stay calm. Trust only those in authority or the response team.

10.11 The professor, supervisor, member in charge or self-appointed designee should take a headcount to account for employees, students, children, visitors, etc. Utilization of printed class rosters or department rosters is useful as a quick tool. Be aware of your surroundings and the other people that are around you.

10.12 If the fire bell rings, do not come out of hiding as it could be the offender attempting to lure you out of hiding. If you smell smoke, or there is a real fire, then it may be necessary to evacuate. Follow evacuation procedures.

10.13 Keep classroom or office secure until police arrive and provide further instructions or you receive information via the Public Address and/or electronic message system.

- In a real situation, the New Ulm Police Department and member of MLC would clear each room and building. This means that an "All Clear" announcement is not broadcast.

10.14 Do not attempt to rescue anyone if it will endanger the persons within the secured area.

10.15 Once the situation has been resolved, a New Ulm Police Officer or MLC official will unlock the door and provide you with instructions. A responsible party will provide prompt notification to the Director of Public Relations.

10.16 If medical attention is needed, call 9-1-1 to report the type of emergency, address, location, nearest door number, and /or campus entry point. If you are able to remove the individual safely, do so carefully. Refer to [section 12.0 Medical Emergency](#).

10.17 Notification will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.

10.18 If necessary, the Vice Presidents and Human Resources in consultation with the President may decide to cease operations.

10.19 If a hard or soft lockdown is localized to the MLC campus, the Early Childhood Learning Center should cease all outdoor activity and enter a soft lockdown until further instruction is given.

10.20 If a hard or soft lockdown is localized at a local school or business, MLC and ECLC will continue operations until notified by law enforcement that other actions should be taken.

10.21 Refer to the [bomb threat checklist](#).

11.0 Demonstration / Protest

11.1 This section will be activated in the event of a civil disturbance or demonstration. This could include an active protest or a silent protest.

11.2 MLC personnel will become aware of an active protest by the sounds of shouting, aggravation, yelling or by the type of conversation being had. MLC personnel will become aware of a silent protest with signage, refusal to participate, and individuals informing MLC of such activity.

11.3 Any employee or student who encounters a visitor or an individual who is physically disabled should direct or assist him or her to take appropriate actions.

- If a situation occurs at a sporting event or other campus event, these actions should be taken:
 - Remove the affected organization from the area (i.e. who is in the spotlight – teams, etc.).
 - Remove any other responsible party from the area (i.e. referees, coordinators, etc.).
 - MLC Administration or designee will determine the course of action, suspension or cancelation of the event.

11.4 For your information, each office and classroom is equipped with an evacuation and information map. This map shows you the location of the nearest exit, fire extinguisher, severe weather shelter, first aid kit, and door number. The map provides other useful information.

11.5 Should a disturbance occur, to the degree of an emergency, creating a threat or if a protest becomes violent, potentially violent or confrontational, or damage to property, call 9-1-1; then evacuate the area and call the MLC Emergency Hotline (507-359-3344). Be prepared to provide the description, location of the activity, nearest door number and campus entry point.

11.6 Most campus demonstrations are peaceful and people not involved should attempt to carry on business as usual. Avoid provoking or obstructing demonstrators.

- Protesting of the National Anthem such as sitting, raising of the fist, kneeling; make a note but make no action.
- Protesting with signage may be allowed, but keep vigilant as anything profane should be removed.

11.7 Peaceful demonstrations and protests may still be reported to local law enforcement by calling the New Ulm Police Department Dispatch line; 507-233-6750.

11.8 Together with local authorities, MLC Administration and/or the Human Resources will determine the course of action. An emergency Public Address and/or electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information. A responsible party will provide prompt notification to Public Relations.

- A repeated PA notification may come in the form of a *tone* then repeated announcement pertaining to the activity and instructions.

11.9 If the notification includes sheltering in place, refer to [section 10.0 Lockdown](#). If the notification includes evacuation, refer to [section 3.0 Fire](#).

11.10 Such types of demonstrations may include [Section 18.0 Fight / Disturbance](#), [Section 19.0 Restraining Order](#) and/or [Section 20.0 Vandalism / Hate Crime](#). Refer to these sections for more detailed responses.

11.11 If medical attention is needed, call 9-1-1 to report the type of emergency, address, location, nearest door number, and /or campus entry point. If you are able to remove the individual safely, do so carefully. Refer to [section 12.0 Medical Emergency](#).

11.12 The professor, supervisor, member in charge or self-appointed designee should take a headcount to account for employees, students, children, visitors, etc. Utilization of printed class rosters or department rosters is useful as a quick tool. Be aware of your surroundings and the other people that are around you.

11.13 Remain calm, keep classroom or office secure until police arrive and provide further instructions or you receive information via the Public Address and/or electronic message system.

11.14 Administration, Human Resources or designee, will provide further instructions and information via the Public Address and/or electronic message system.

11.15 Notification will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.

11.16 If necessary, the Vice Presidents and Human Resources in consultation with the President may decide to cease operations.

11.17 Human Resources and Financial Services will process property damage with the campus insurance carrier. Administration and Human Resources will implement alternatives to continue operations.

12.0 Medical Emergency

12.1 This section will be activated for any injury or illness that requires more than simple first aid. Upon assessing the situation, proceed with 12.2 and/or 12.3.

12.2 For your information, each office and classroom is equipped with an evacuation and information map. This map shows you the location of the nearest exit, fire extinguisher, severe weather shelter, and door number. The map provides other useful information such as AED, first aid kit, and Epi-pen locations.

12.3 If ambulance services are required or requested, Call 9-1-1 – remain calm and stay on the line with the dispatcher or Emergency Medical Service (EMS) if necessary to provide medical attention by listening and following directions until an EMT arrives. Be prepared to provide a description of the emergency, the specific location of the activity including nearest door number, campus entry point, the condition of the individual, if there are any other conditions present, etc.

12.4 Notify other individuals on campus, if available to do so, and request for assistance from the Campus Medical Response Team. Call the Campus Nurse (Ext 101 or 507-233-9101) and call the MLC Emergency Hotline (507-359-3344).

12.5 The Medical Response Team email notification initiated by a trained and authorized individual may provide notification to the Campus Medical Response Team.

12.6 Provide comfort to the individual but do not move them, unless directed to do so by a medical professional.

12.7 If possible, ask multiple people to stand outside, one person should stand near the door entry where EMS was instructed to go. Other individuals should monitor other campus entry points. When EMS arrives,

meet the EMTs, and guide them to the individual. Do not use building abbreviations. For example, if directing to WCC, say “Wittenberg Collegiate Center”.

12.8 Secure the area with assistance from others by preventing non-essential people from accessing the scene or witnessing a traumatic event.

12.9 If the individual refuses ambulance services, that is their right.

12.10 Once the EMTs have arrived at the scene, allow them to provide necessary attention to the individual and assist as directed by the EMT.

12.11 Notification will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.

13.0 Suicide

13.1 This section should be activated in the event of an attempted, threatened, or committed suicide. For attempted suicide, continue with 13.2. For completion of suicide, skip to 13.9.

ATTEMPT

13.2 Take all threats seriously.

13.3 If it is safe to do so, call the Vice President for Student Life (507-217-9764), Campus Pastor (507-404-0624), Director of Women’s Services (507-276-7468), Dormitory Supervisors, the Campus Nurse (Ext 101 or 507-233-9101), and call the MLC Emergency Hotline (507-359-3344).

13.4 Call 9-1-1 if the situation becomes dangerous and it is safe to do so. Be prepared to provide a description of the emergency, the specific location of the activity, nearest door number, campus entry point, the condition of the individual, if there are any other conditions present, etc.

13.5 If it is safe to do so, remain calm and intervene as appropriate to prevent the completion of suicide. If the situation becomes threatening or harmful to you, remove yourself safely and get to a secure location. If you have not notified law enforcement or other MLC officials, do so immediately.

13.6 If it is safe to do so, talk to, distract, deescalate, or obtain assurance from the person that the individual will not harm or further harm himself or herself. If self-destructive actions have already taken place, call 9-1-1 and direct someone else to seek medical assistance while waiting for authorities or medical services to arrive. Refer to [section 12.0 Medical Emergency](#).

13.7 **DO NOT LEAVE THE INDIVIDUAL ALONE** unless your own personal safety is at risk.

13.8 If possible, ask someone to stand outside of the nearest door entry where EMS and authorities were instructed to go, meet the EMTs and authorities, and guide them to the individual. Next steps are in 13.10.

COMPLETION

13.9 Call 9-1-1. Be prepared to provide the specific location of the activity, nearest door number, campus entry point, the condition of the individual, if there are any other conditions present, etc. Refer to [section 12.0 Medical Emergency](#), if applicable to the situation. Continue to 13.10.

APPLICABLE TO BOTH ATTEMPT AND COMPLETION

13.10 Secure the area with assistance from others by preventing non-essential people from accessing the scene or witnessing a traumatic event.

13.11 Once the EMTs and authorities have arrived at the scene, allow them to provide necessary attention to the individual and control the scene.

13.12 Call the Vice President for Student Life (507-217-9764), Campus Pastor (507-404-0624), Director of Women's Services (507-276-7468), Dormitory Supervisors, the Campus Nurse (Ext 101 or 507-233-9101), and call the MLC Emergency Hotline (507-359-3344).

13.13 The Vice-President of Student Life, or designee, should contact the individual's emergency contacts and assist in ensuring the safety of the individual and others. This may include the Campus Pastor for counseling. A responsible party will provide prompt notification to Public Relations.

13.14 Notification will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.

13.15 If necessary, the Vice Presidents and Human Resources in consultation with the President may decide to cease operations.

13.16 Human Resources and Financial Services will process property damage with the campus insurance carrier. Administration and Human Resources will implement alternatives to continue operations.

14.0 Pandemic / Biological Threats

14.1 This section should be activated in the event of a pandemic or biological threat. For specific pandemic and biological threats such as COVID-19, please refer to the [MLC COVID-19 Preparedness Plan](#) in addition to this section.

14.2 Any employee or student who encounters a visitor or an individual who is physically disabled should direct or assist him or her to take appropriate actions.

14.3 This type of event will be recognized or realized by the Centers for Disease Control and Prevention (CDC), MLC Campus Nurse or some other medically established reputable organization.

14.4 Together with local authorities and medical professionals, MLC Administration, Campus Nurse and/or Human Resources will determine the course of action. A responsible party will provide prompt notification to Public Relations. An emergency Public Address and/or electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information.

- A repeated PA notification may come in the form of a *tone* then repeated announcement pertaining to the activity and instructions.

14.5 MLC will follow recommendations and instructions as set forth by medical professionals. This may include isolated work zones, incubation or quarantined zones, reassignment to other duties or locations, telecommuting, ceasing operations or other business continuance plan.

14.6 For the duration of the emergency, personal contact between members of the isolation and incubation or quarantined zones is prohibited.

14.7 The MLC Campus Nurse will work with local and county medical professionals or public health agencies as needed to set up a Point of Dispensing (POD) within 12 hours of notice. A POD is specifically designed to mass dispense vaccinations, antibiotics, and/or other prophylaxis countermeasures to a designated at-risk population or geographical area within a critical time to minimize the infectious agent in response to a biological, chemical, or other health threat.

14.8 A POD will only be activated if school is in session to help alleviate the local POD's from treating our MLC students, faculty and staff.

14.9 Mass dispensing is a clinical process and includes the critical health functions of education, screening, triage, and dispensing to varying number of the MLC population.

14.10 MLC's POD location is the Luther Student Center (LSC) Gymnasium.

- Registration and greeting would occur in the LSC lobby and student union area and move into the gymnasium.
- Individuals will pass through an education area while moving through the dispensing line.
- Registration forms will be reviewed prior to dispensing.
- Mass dispensing will take place in the gymnasium.
- Post education will be provided when exiting the dispensing line.

14.11 The Campus Nurse will ensure that other medical professionals, such as a pharmacist, doctor, and nurses, are available for training of volunteers and staffing.

14.12 Administration, Human Resources or designee, will provide further instructions and information via the Public Address and/or electronic message system.

14.13 Notification will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.

14.14 If necessary, the Vice Presidents and Human Resources in consultation with the President may decide to cease operations.

14.15 Human Resources and Financial Services will process property damage with the campus insurance carrier. Administration and Human Resources will implement alternatives to continue operations.

15.0 Sexual Assault / Rape

15.1 This section should be activated in the event of a sexual assault or rape while also following Title IX and Clery Law policies and procedures. Refer to [Title IX Policy](#).

15.2 Cooperate with the victim and ensure victim safety such as shielding the victim from unwanted contact up to and including assisting in transferring the victim to alternate classes or housing.

15.3 The victim may choose to:

- Seek support from those who can maintain complete confidentiality.
- Make a formal report to the college (the college will act).
- Seek support from those who can maintain privacy, but not complete confidentiality.
- Report the incident anonymously.

15.4 The victim reserves the right to report incidents to law enforcement. If the victim wishes to do so or if the safety of the individual is at stake, call local law enforcement at 507-233-6750.

15.5 Make every attempt to preserve any physical evidence of the assault:

- Do not change the victim's clothing. If they must change, place their old clothes in a paper bag.
- Do not wash or clean any part of the clothing.
- Do not have the victim take a shower, bathe, or clean up.
- Do not apply medication or cosmetics.
- Do not move, or destroy anything in the area where the offense took place.

15.6 If medical attention is needed, call 9-1-1 to report the type of emergency, address, location, nearest door number, and /or campus entry point. Refer to [section 12.0 Medical Emergency](#).

15.7 Notification will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.

15.8 The MLC Title IX Coordinator and/or Deputy Coordinator will investigate the reported information as best as feasibly possible through Title IX reporting requirements and report for federal purposes within the Clery Act. The investigation will provide determination and findings.

15.9 The individuals who are found to have violated the Title IX policy will be subject to disciplinary action, up to and including termination of employment, or dismissal of student status.

16.0 Parental Custody

16.1 This section should be activated in the event of a parental custody dispute.

16.2 Building occupants will become aware of a dispute by the sounds of shouting, aggravation, yelling or type of conversation being had.

16.3 Not all parental custody situations require MLC action. Most situations are amicable and are dealt with outside of MLC property.

16.4 If a situation escalates between two parents, an MLC official (e.g. MLC Administration, Human Resources, ECLC Director, department supervisor or designee) should politely request the parents to remove themselves from MLC property and resume their conversation elsewhere. If the safety of one of the individuals is at risk to the degree of an emergency, call 9-1-1 and refer to [section 19.0 Fight / Disturbance](#).

16.5 MLC wishes to remain impartial in parental custody disputes and should not show favoritism towards one party or the other. Showing favoritism can be as simple as nodding your head or apologizing for a situation of which you have no control.

16.6 In the event that a parent poses a physical threat, verbal threat or some other emergency upon MLC or the ECLC, the respondent of such activity should report it immediately by calling the MLC Emergency Hotline (507-359-3344). If there is a concern for safety, call 9-1-1. Be prepared to provide the description, location of the activity, nearest door number and campus entry point.

16.7 If 16.6 is the case, MLC Administration and/or Human Resources will determine the course of action. A responsible party will provide prompt notification to Public Relations. An emergency Public Address and/or electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information. Refer to [section 7.0 Workplace Violence / Terrorism](#).

- A repeated PA notification may come in the form of a *tone* then repeated announcement pertaining to the activity and instructions.

16.8 If necessary, Administration, Human Resources or designee, will provide further instructions and information via the Public Address and/or electronic message system.

17.0 Kidnapping / Lost or Missing Person

17.1 This section should be activated in the event of a kidnapping, lost or missing person.

17.2 MLC will become aware of a kidnapping or missing person either through physically seeing a person being taken, being told of a person being taken, being told a person is lost or missing, or through roster verification and realizing the person is missing.

17.3 It is important to know the difference between missing and lost. MLC Administration, Dormitory Supervisors and/or Human Resources must distinguish the emergency quickly. Example, a simple question such as asking a parent/guardian if they know if their child is somewhere in the facility, or if they simply lost sight of them and cannot locate them. If the person is known to be on campus, utilize the Public Address system to page the individual. A responsible party will provide prompt notification to Public Relations.

LOST OR MISSING PERSON ON CAMPUS

17.4 If it is determined that the person is missing on campus and is not simply lost on campus, call 9-1-1; then call the MLC Emergency Hotline (507-359-3344).

17.5 The incident location or entire campus will restrict all entry and exit from campus or the location until the missing person is found.

17.6 An emergency Public Address and/or electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information.

- A repeated PA notification may come in the form of a *tone* then repeated announcement pertaining to the activity and instructions.

17.7 Be prepared to give a description of the activity that has taken place and an accurate and detailed description and/or photo of the person missing. The description should include physical features and clothing. This includes gender, race, age, eye and hair color, height, weight, clothing, shoes, distinguishing characteristics, the location last seen, etc.

17.8 Individuals may be assigned to restrict entry and exit at strategic campus entry and exit points.

17.9 MLC officials and assigned MLC individuals will be physically searching for the missing person.

17.10 If the missing person is found and appears to have been merely lost, reunite the individual with their parent/guardian or notify their parent/guardian.

17.11 If the missing person is a child and found accompanied by someone other than a parent or legal guardian, MLC Administration, Human Resources or designee shall attempt to delay the individual's departure without putting the child, employees, or others at risk or in harm's way. Law enforcement should be notified and provided with a detailed description of the person accompanying the child. A responsible party will provide prompt notification to Public Relations.

17.12 If the missing person is not found in a reasonable time, call 9-1-1. Law Enforcement will be relied on for proper protocol regarding missing persons and abducted children. MLC will comply and be of assistance as needed. Continue to 17.18.

LOST OR MISSING STUDENT OFF-CAMPUS

17.13 If an MLC affiliated person is missing and appears to not be on campus, activate this section of the Plan by notifying the Vice President for Student Life.

17.14 The Vice President for Student Life will interview the dormitory supervisors, resident assistants, dormitory roommate, campus nurse, campus pastor, faculty advisor, peers and other students, faculty, and staff affiliated with the individual missing.

17.15 If the interviews indicate a degree of emergency, the Vice President for Student Life will call 9-1-1 and contact emergency contacts of the individual missing.

17.16 Law Enforcement will be relied on for proper protocol regarding missing persons and abducted children. MLC will comply and be of assistance as needed. Continue to 17.18.

KIDNAPPING

17.17 If it is determined that a person (child, student, adult) has been taken, call 9-1-1. Law Enforcement will be relied on for proper protocol regarding missing persons, kidnapping and abducted children. MLC will comply and be of assistance as needed. Continue to 17.18.

FOR ALL TYPES

17.18 Upon locating the person, if medical attention is needed refer to [section 12.0 Medical Emergency](#) and/or allow authorities and medical professionals to take charge.

17.19 Notification will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.

17.20 If necessary, Administration, Human Resources or designee, will provide further instructions and information via the Public Address and/or electronic message system.

18.0 Fight / Disturbance

- 18.1 This section will be activated in the event of a fight or disturbance.
- 18.2 Any employee or student who encounters a visitor or an individual who is physically disabled should direct or assist him or her to take appropriate actions.
- 18.3 If you witness a fight or disturbance in progress, summon assistance immediately. This may be through calling local authorities or contacting dormitory supervisors, depending on the issue.
- 18.4 If authorities have been contacted, loudly inform the crowd that law enforcement has been called.
- 18.5 Attempt to separate onlookers such as students or others and direct them not to encourage the event.
- 18.6 In case of weapons or extremely violent behavior, call 9-1-1 and allow escape for the suspect.
- 18.7 When deescalating an event, work together with other members in charge or local authorities.
- 18.8 When the event has been deescalated, attempt to keep the parties separate.
- 18.9 Provide direction to onlookers or students what to do such as informing onlookers not to encourage or participate, to remove themselves, and/or direction provided by law enforcement. Speak firm and loud to be heard, but not to further aggravate the situation.
- 18.10 If an individual is assaulted, follow policies and procedures as outlined in the [Student Handbook](#), [Employee Handbook](#), and [Title IX](#) and Clery Law reporting, and/or other campus procedures. Do your best to recall specifics of the incident, who was present, names, location, etc.
- 18.11 Ensure that the victim or parties are in a safe place and do your best to have someone with them.
- 18.12 If medical attention is needed, call 9-1-1 to report the type of emergency, address, location, nearest door number, and /or campus entry point. If you are able to remove the individual safely, do so carefully. Refer to [section 12.0 Medical Emergency](#).
- 18.13 Remain calm and assure onlookers, students and others that action and procedures are being conducted as trained and to wait for further instruction.
- 18.14 If necessary, an emergency Public Address and/or electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information. A responsible party will provide prompt notification to Public Relations.
- 18.15 Notification will be provided regarding counseling services available, either on-campus or local services, applicable to the person(s) and situation.
- 18.16 If necessary, the Vice Presidents and Human Resources in consultation with the President may decide to cease operations.

19.0 Restraining Order

19.1 This section will be activated in the event of a restraining or harassment order, or trespass notice.

19.2 Administration and/or Human Resources will become aware of a harassing, hostile or threatening individual through communication from employees and students.

19.3 Administration through coordination with Human Resources, may file for a trespass notice, harassment order or restraining order to proactively ensure that MLC is a safe environment free from hazards for employees, students and visitors.

19.4 The electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information.

19.5 If the subject(s) in which the trespass notice, harassment order or restraining order was filed against violates such order, refer to [section 7.0 Workplace Violence / Terrorism](#) and [section 9.0 Intruder / Active Shooter](#).

20.0 Vandalism / Hate Crime

20.1 This section will be activated in the event of campus vandalism or hate crime.

20.2 Administration and/or Human Resources will become aware of campus vandalism or hate crime through communication from employees and students, or by visually witnessing the vandalism.

20.3 Administration and/or Human Resources, in coordination with law enforcement, will investigate and request witnesses to come forward with information. Proper reporting for Clery Law will be followed.

20.4 The electronic notification initiated by a trained and authorized individual will provide notification to the campus along with pertinent information.

20.5 Human Resources and Financial Services will process property damage with the campus insurance carrier. Administration and Human Resources will implement alternatives to continue operations

DISASTER RECOVERY PLAN

Upon any emergency, whether or not listed in this guide, the Emergency Operation Center (EOC) will gather to de-escalate the emergency and provide necessary information. Administration and Human Resources is responsible for gathering this team, communicating to the campus and interested parties, as well as determining the proper course of action.

The campus is encouraged to seek support from the city's emergency management committee, if necessary. Refer to [section 2.0 Responsibilities](#) for detailed EOC information and other responsible persons.

Administration, Human Resources, and respective departments will establish appropriate measures to ensure information security. The Director of Information Technology, in collaboration with Administration and Human Resources, will establish appropriate measures to ensure computer system security.

Martin Luther College will establish counseling service information and notify the campus of counseling services available for employees and students. MLC will refer any non-MLC student or non-employee to local counseling services available.

The Director of Human Resources, Safety Committee, MLC Administration and any other active participant in the emergency will participate in any post-incident critique regarding the emergency. The post-incident meeting will enable the campus to proactively work through future emergencies and amend the Plan accordingly.

BUSINESS CONTINUITY PLAN

The Vice Presidents and Director of Human Resources in consultation with the President may determine that ceasing operations, or an alternative to continuing operations, is appropriate for a determined time frame for the entire campus or portions of campus.

Administration, Human Resources or designee, will provide further instructions and information via the Public Address and/or electronic message system.

TRAINING AND RECORDKEEPING

General Safety Protocol Training

The Safety Committee, MLC Administration, Executive Assistants in the Administration Office along with the Receptionists and Human Resources Generalist are trained periodically on the Plan and the role their position or office assumes. Human Resources conducts the training.

09/12/2017	09/14/2017	09/22/2017	04/16/2021	Summer 2024		
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Campus training with faculty, staff and/or students regarding the Plan and specific topics contained. The Director of Human Resources conducts the training.

03/14/2018	03/21/2019	08/24/2019	Online with SafeColleges and every two years thereafter			
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Fire Drills and Annual Inspections

Planned fire drills with the local fire department occur during Fire Prevention Week every October. Four pull locations are selected and rotated through each year. The local fire department inspects each floor and building to ensure that a full evacuation is conducted, strobe lights and audible sound is active and fully functioning. A notice to employees is through the newsletter (i.e. announced). A second fire drill may be planned for the following spring dependent on fire alarm activity between October and spring. The Director of Human Resources along with the fire department and MLC maintenance department, lead the drill. The Safety Committee discusses any post-drill details for improvement of policies and procedures.

10/06/2015	LSC, WCC, Old Main, Link
10/11/2016	Library, WCC, Old Main, Link
10/10/2017	LSC, WCC, Old Main, Link
10/08/2018	Music Center, WCC, Old Main, Link
03/19/2019	Library, WCC, Old Main, Link
03/19/2019	Dormitories
10/09/2019	LSC, WCC, Old Main, Link
11/04/2019	Concord Hall and Augustana Hall
11/12/2019	Summit Hall
11/13/2019	Centennial Hall
10/06/2020	Educational Fire Safety video from MnDPS
10/06/2021	LSC, WCC, Old Main, Link
10/19/2021	Dormitories
03/28/2022	Dormitories
10/08/2022	Concord Hall and Augustana Hall
10/12/2022	Music Center, Music Hall, WCC, Old Main, Link
10/18/2022	Summit Hall
11/03/2022	Centennial Hall
10/11/2023	Library, WCC, Old Main, Link
10/23/2023	Dormitories
03/13/2024	Summit Hall, Centennial Hall
Fall 2024	LSC, WCC, Old Main, Link
Fall 2024	Dormitories

Annually, the fire suppression system including fire sprinklers, fire panels and alarm monitoring are inspected. The inspection reports are maintained within the Environmental Services Department and Human Resources.

Fire panel & alarm monitoring

	Chapel	ECLC	WCC, Link, & Old Main	Library	LSC	Augustana & Concord	Centennial	Summit	BKF
2015	08/05/2015	08/05/2015	08/04/2015	08/04/2015	08/06/2015	08/03/2015	08/05/2015	08/06/2015	N/A
2016	08/10/2016	08/10/2016	08/11/2016	08/09/2016	08/10/2016	08/10/2016	08/09/2016	08/09/2016	N/A
2017	07/31/2017	08/03/2017	08/03/2017	08/01/2017	08/01/2017	07/31/2017	08/01/2017	08/01/2017	N/A
2018	08/16/2018	08/16/2018	08/16/2018	08/16/2018	08/16/2018	08/16/2018	08/16/2018	08/16/2018	N/A
2019	08/16/2019	08/16/2019	08/16/2019	08/16/2019	08/16/2019	08/16/2019	08/16/2019	08/16/2019	N/A
2020	08/21/2020	08/21/2020	08/21/2020	08/21/2020	08/21/2020	08/21/2020	08/21/2020	08/21/2020	N/A
2021	12/12/2021	12/21/2021	12/01/2021	12/21/2021	12/21/2021	12/20/2021	12/12/2021	12/01/2021	N/A
2022	08/02/2022	08/04/2022	08/03/2022	08/02/2022	08/03/2022	08/01/2022	08/02/2022	08/03/2022	N/A
2023	08/09/2023	08/08/2023	08/07/2023	08/08/2023	08/09/2023	08/03/2023	08/09/2023	08/08/2023	08/07/2023
2024									

Fire sprinkler system

	Chapel	ECLC			Old Main	LSC	Summit		BKF
	6" bf	Ames 3" 2 bfs	2-1/2" bf	3" bf Viking F-2	4" bf, dry stand pipe	4" wp	4" bf, dry stand pipe	2" bf Star A	4"bfv
2015	12/28/2015	12/28/2015	12/28/2015	12/28/2015	12/28/2015	12/28/2015	12/28/2015	12/28/2015	N/A
2016									N/A
2017									N/A
2018	08/06/2018 ?	08/06/2018?	08/06/2018?	08/06/2018?	08/06/2018 ?	08/06/2018?	08/06/2018?	08/06/2018 ?	N/A
2019	08/09/2019 ?	08/09/2019?	08/09/2019?	08/09/2019?	08/09/2019 ?	08/09/2019?	08/09/2019?	08/09/2019 ?	N/A
2020									N/A
2021	08/16/2021 ?	08/16/2021?	08/16/2021?	08/16/2021?	08/16/2021 ?	08/16/2021?	08/16/2021?	08/16/2021 ?	N/A
2022	08/15/2022	08/16/2022	08/16/2022	08/16/2022	08/15/2022	08/15/2022	08/15/2022	08/15/2022	N/A
2023	08/07/2023	08/07/2023	08/07/2023	08/07/2023	08/07/2023	08/07/2023	08/07/2023	08/07/2023	08/07/2023
2024									

Severe Weather Drills

Planned severe weather drills with the National Weather Service (NWS) occur during Severe Weather Awareness Week every April. A morning drill is planned, at this time no city sirens sound. The morning practice is to ensure that we have greater participation. The afternoon NWS city siren is ignored, due to the morning drill, unless weather conditions exist. The dormitories practice during the evening NWS city siren. A notice to employees is through the newsletter (i.e. announced). The Director of Human Resources leads the drill. The Safety Committee discusses any post-drill details for improvement of policies and procedures.

04/14/2016	04/20/2017	04/12/2018	2019 - snow storm	04/15/2021 - quiz	04/07/2022	04/20/2023
04/11/2024	April 2025					

Active Shooter and Lockdown Drills

Planned Active Shooter and/or Lockdown drills occur at least twice a year in the fall and spring. Notification to campus through the newsletter includes anticipation of a drill, but no specific details as to date and time (i.e. unannounced). Safety Committee members are assigned to each building and floor to ensure that participants follow proper procedures. The Safety Committee discusses any post-drill details for improvement of policies and procedures. Members of the MLC community are encouraged to use the [Active Shooter Intruder Readiness Checklist](#) for training purposes pre-drill.

03/02/2016	09/28/2016	10/05/2017	03/19/2018	10/15/2018	03/27/2019	11/04/2019
09/30/2020 - video	03/31/2021 - video	09/27/2021	03/28/2022 to 03/29/2022 Checklists	09/12/2022 to 09/30/2022 Checklists	03/27/2023	September 2023 Checklists
03/20/2024	Fall 2024 Checklists	Spring 2025				

ALICE Training conducted by certified ALICE Trainers as it relates to Active Shooter preparations.

12/04/2018	01/24/2019	08/19/2019	08/20/2019	08/21/2019	2024-2025	
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Other Drills

The campus participates in a Chapel Evacuation or Auditorium Evacuation drill once a year in the fall. This is to practice exiting through the emergency exits. The occupants are notified prior to Chapel or Auditorium event of the evacuation drill. The Safety Committee discusses any post-drill details for improvement of policies and procedures.

09/23/2016	09/13/2017	09/17/2018	10/08/2019	09/13/2023		
Chapel	Chapel	Chapel	Chapel	Auditorium		

Electronic Messaging and Public Address System

The Vice President for Student Life and Director of Human Resources identify key people to train on the electronic message system. These individuals train annually and have the ability to send out an electronic notification for emergency purposes either as directed or as they so feel inclined to properly notify the campus of an emergency in a timely fashion.

10/05/2017	10/12/2017	11/13/2018	11/01/2019	Fall 2022	10/16/2023	
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Public Address system testing is conducted monthly at 12:55 p.m. effective 01/01/2019.

04/03/2015	01/04/2016	07/07/2017	07/30/2018	01/02/2019
Monthly thereafter on the first Wednesday of the month.				

Recordkeeping

All records are kept within the Human Resource Office.

REVIEW

The MLC Safety Committee and Administration will implement the Emergency Response Plan, its individual Emergency Action Plans, and contents and procedures contained or as noted in this plan. The written plan is a working document that will be reviewed and revised annually.

07/01/2017	06/28/2018	02/26/2019	06/30/2021	06/30/2022	06/30/2023	06/30/2024
2024-2025						

APPENDIX

A. Emergency Contacts

Refer to [Section 2.0 Responsibilities](#) for detailed information.

			MLC Extension	MLC Administration	MLC EOC Assignees	Electronic Msg. and PA Training	MLC EOC Assistant	Department Contacts	Safety Committee	First Aid, CPR & AED Certified	Campus Medical Response Team	ECLC Medical Response Team	City of New Ulm
MLC Emergency Line (#1 maint. / #2 security / #3 Administration & Human Resources)							507-359-3344						
President	Richard Gurgel	414-573-5593	211	X	X				X				
VP for Administration	Scott Schmudlach	507-766-9310	211	X	X	X			X				
VP for Academics	Jeffery Wiechman	507-217-6896	207	X	X								
VP for Enrollment Management	Ted Klug	507-766-5758	298	X	X								
VP for Student Life	Jeffrey Schone	507-217-9764	289	X	X	X			X				
VP for Mission Advancement	Mark Maurice	262-385-1741	386	X	X								
Director of Human Resources	507-233-9150 Andrea Wendland	507-766-4690	399		X	X		X	X	X	X	X	
Director of Public Relations	Bill Pekrul	507-217-7999	367		X			X	X	X	X		
Director of Financial Services	Carla Hulke	507-217-0089	299		X			X					
Campus Pastor	507-233-9120		310		X			X					
Campus Nurse	507-233-9101 Kelsey Horn	507-441-1372	101		X			X	X	X	X	X	
Maintenance Supervisor	Richard Furth	507-276-5625	237			X	X	X		X	X		
Grounds Supervisor	Timothy Rambow	507-217-9510	208				X	X					
Custodial Supervisor	Wade Greenwaldt	507-766-1766	174				X	X					
Athletic Director	David Biedenbender	507-217-3332	355				X	X	X	X	X		
Director of IT	507-233-9100 Robert Martens	507-766-6741	100			X	X	X					
Director of ECLC	507-233-9105 Melissa Berg	507-766-2725	316			X	X	X	X	X		X	
Director of Women's Housing	507-233-9127 Angela Scharf	507-276-7468	127			X	X		X	X	X		
Dormitory Supervisor – Concord	Concord Tutor	507-233-9112	112			X	X			X	X		
Dormitory Supervisor – Summit	Summit Tutor	507-233-9104	104			X	X			X	X		
Event Coordinator	Beth Scharf	920-757-5606	241				X	X	X	X	X		
Food Service Director	507-354-2001 Nate Struffert	320-828-1122	213				X	X		X			
Human Resources Generalist	Bobbi Fuhr	507-354-8221	235			X	X		X	X	X	X	
Human Resources Assistant	Laura Lochner	507-354-8221	234			X	X		X	X	X	X	
Safety Committee - Environmental Services Rep.	Kristopher Hoffmann	507-354-8221					X		X				

			MLC Extension	MLC Administration	MLC EOC Assignees	Electronic Msg. and PA Training	MLC EOC Assistant	Department Contacts	Safety Committee	First Aid, CPR & AED Certified	Campus Medical Response Team	ECLC Medical Response Team	City of New Ulm
Safety Committee - IT Services Rep.	Aaron Spike	507-354-8221	100			X	X		X				
Receptionist		507-354-8221	0				X				D		
Executive Assistant	Deb Plath	507-354-8221	207			X					D		
Executive Assistant	Laura Olson	507-354-8221	289			X					D		
Administrative Assistant for Mission Advancement		507-354-8221	241								D		
Administrative Assistant for Environmental Services	Ken Board	507-354-8221	260								D		
IT Services Technician		507-233-9100	100			X							
IT Services Technician		507-233-9100	100			X							
Fitness Center Manager	Emma Holzhueter	507-233-9113	113							X	X		
Professor of Early Childhood Education	Kayte Gut	507-354-8221	346							X	X		
Head Football Coach	Paul Huebner	507-354-8221	360							X	X		
Professor of Science	Gregory Diersen	507-354-8221	358							X	X		
ECLC Administrative Assistant		507-233-9105	105			X				X		X	
ECLC Infant Lead Teacher	Elizabeth Klugherz	507-233-9105	105							X		X	
ECLC Toddler Lead Teacher		507-233-9105	105							X		X	
ECLC Pre-Primary Lead Teacher	Natalie Borgwardt	507-233-9105	105							X		X	
ECLC Pre-Primary Lead Teacher	Catherine St. John	507-233-9105	105							X		X	
D = dispatcher only													
New Ulm Police Department	911	507-233-6750											X
New Ulm Medical Center (1324 5 th St. N.)	911	507-217-5000											X
New Ulm Ambulatory Service (EMS)	911	651-241-4400											X
New Ulm Fire Department – Engine #1 (Broadway)	911	507-359-8225											X
New Ulm Fire Department – Engine #3 (Valley)	911	507-359-8200											X
New Ulm Public Utilities (Administration)		507-359-8264											X
New Ulm Public Works (Street Dept.)		507-359-8296											X
New Ulm Public Utilities (Electric)		507-359-8295											X
New Ulm Public Utilities (Natural Gas)		507-359-8222											X

B. Severe Weather Shelters

Administration and/or Human Resources may issue a warning that includes utilizing a severe weather shelter. Areas are marked with signage and/or signage that directs you to the nearest area.

Building	Severe Weather Shelter
Betty Kohn Fieldhouse (BKF)	Storage 113, Men's Locker Rooms C & D, Women's Bathroom near the entryway
Boiler House	Breakroom
Chapel	Basement
Dormitories (Augustana, Centennial, Concord, Summit)	Basement hallways Basement interior windowless rooms
Early Childhood Learning Center (ECLC)	Pre-primary restrooms x 2 Toddler nap room and Toddler restroom South main restroom closest to the Toddler room
Library	Lower level interior windowless rooms (008 Starbooks, 017 Basement Conference Room, 022 Curriculum Room, restrooms)
Luther Student Center (LSC)	Upper first floor restrooms, Basement hallways, Basement restrooms Locker rooms (men's, women's & visitor)
Music Center	Hall in front of the band room
Music Hall	No adequate shelter, get to nearest shelter elsewhere
Wittenberg Collegiate Center (WCC)	First-floor men's restroom by HR Catacomb rooms - WCC 175 or WCC 177
WCC - Link	First-floor restrooms closest to Old Main
WCC - Old Main	Basement hallway by Print Shop (overflow areas are the lower level basement and Mission Advancement storage room)

C. On-Campus Assembly Areas

These areas are assigned for a variety of emergencies. Direction from Administration and/or Human Resources will be announced accordingly.

Building	Assembly Area	
Betty Kohn Fieldhouse (BKF)	MLC	
Boiler House	WCC (auditorium)	
Chapel of the Christ	LSC (gymnasium)	
Dormitories	Augustana Hall	LSC (gymnasium)
	Centennial Hall	WCC (auditorium)
	Concord Hall	LSC (gymnasium)
	Summit Hall	WCC (auditorium)
Early Childhood Learning Center (ECLC)	Highland Regency or MLC	
Library	WCC (auditorium)	
Luther Student Center (LSC) (Cafeteria, Union, Gymnasium, Fitness Center, Bookstore)	WCC (auditorium)	
Music Center and Music Hall	WCC (auditorium)	
Music Hall	WCC (auditorium)	
Wittenberg Collegiate Center (WCC) (Old Main, Link, Academic Building, Auditorium)	LSC (gymnasium)	

D. Off-Campus Assembly Areas (i.e. Memorandums of Understanding)

Each of these memorandums agrees to MLC Administration (i.e. President or Vice President) or MLC Director of Human Resources serving as the contact person(s). Should an off-campus assembly area be needed, MLC Administration (i.e. President or Vice President) or MLC Director of Human Resources will contact the appropriate location.

Organization		Contact	Location	Effective
New Ulm District 88		Sean Koster 507-233-6180 Mark Bergmann 507-233-6400	New Ulm Public High School 1600 Oak Street New Ulm, MN 56073	09/23/2016 renewed 07/24/2023
Oak Hills Living Center and Assisted Living		Candas Schouvieller 507-233-0804 507-766-5103 Jeremy Broste 507-233-0800	Oak Hills Living Center 1314 8 th Street North New Ulm, MN 56073	05/09/2017 renewed 08/09/2023
American Red Cross Southwest Minnesota Chapter		Leah Pockrandt 507-360-2052 Sean Farley-Cowdin 507-509-3941	Red Cross – SW MN Chapter 421 East Hickory St. Suite 40 Mankato, MN 56001	09/14/2023
Brown County Public Health		Jaimee Brand 507-233-6820 Michelle Steinbeisser 507-233-6820	Brown County Public Health 1117 Center Street New Ulm, MN 56073	03/05/2024
BKF	Martin Luther College	Scott Schmudlach 507-766-9310 Andrea Wendland 507-766-4690	Martin Luther College 1995 Luther Court New Ulm, MN 56073	04/01/2022 renewed 07/01/2023
ECLC	Martin Luther College Betty Kohn Fieldhouse	Scott Schmudlach 507-766-9310 Andrea Wendland 507-766-4690	MLC Betty Kohn Fieldhouse 1800 Boettger Road New Ulm, MN 56073	04/01/2022 renewed 07/01/2023
ECLC	Martin Luther College	Jeff Wiechman 507-217-6896 Andrea Wendland 507-766-4690	Martin Luther College 1995 Luther Court New Ulm, MN 56073	07/01/2016 renewed 07/01/2023
ECLC	Highland Regency	Barb Weicherding 507-359-2280 507-469-4515	Highland Regency House 1520 Sunset Avenue New Ulm, MN 56073	10/30/2017 renewed 07/24/2023
ECLC	Oak Hills Living Center and Assisted Living	Candas Schouvieller 507-233-0804 507-766-5103 Jeremy Broste 507-233-0800	Oak Hills Living Center 1314 8 th Street North New Ulm, MN 56073	05/09/2017 renewed 08/09/2023

E. Maps

For your information, each office and classroom is equipped with an evacuation and information map. This map shows you the location of the nearest exit, fire extinguisher, severe weather shelter, first aid kit, AED, and door number. The map provides other useful information.

The maps identify emergency escape procedures that employees and students are to follow with a diagram of the building and each floor within the building. Individuals who need to evacuate should use the nearest evacuation route but should plan for alternate routes in the event that the nearest route is not the best possible route.

Campus overview map can be found here: <https://mlc-wels.edu/about/maps-directions/>

F. Accounting for Occupants

This section details procedures to take place to ensure all MLC occupants (faculty, staff, students, children, visitors, contractors, and the like) are accounted for and reported. The MLC Emergency Operations Center (EOC) is responsible for answering phone calls and responding to questions.

Dormitories

Vice President for Student Life is responsible for ensuring student headcount is conducted and reported to the MLC EOC. This will require the assistance from the Dormitory Supervisors, Student Resident Assistants, Campus Pastor, Campus Nurse, Faculty members, Executive Assistant for Student Life, Receptionist, parents, student family members, students and others.

Faculty

Vice President for Academics is responsible for ensuring faculty headcount is conducted and reported to the MLC EOC. This will require the assistance of the Director of Human Resources, Executive Assistant for Academics, division chair, division members, faculty members, faculty family members and others.

Staff

Vice President for Administration is responsible for ensuring staff headcount is conducted and reported to the MLC EOC. This will require the assistance of the Director of Human Resources, Human Resources Generalist, department supervisors, department members, staff members, staff family members and others.

Early Childhood Learning Center Occupants

Vice President for Academics is responsible for ensuring Early Childhood Learning Center (ECLC) headcount is conducted and reported to the MLC EOC. This will require the assistance from the Director of ECLC, Administrative Assistant for ECLC, Lead Teachers, Assistant Teachers, Substitute Teachers, student teachers, Director of Human Resources, Human Resources Generalist, occupant family members and others.

Pioneer College Caterers

Director of Food Service with Pioneer College Caterers (PCC) is responsible for ensuring PCC headcount is conducted for both PCC employees and cafeteria occupants. This should be reported to the MLC EOC. This will require the assistance from PCC Kitchen Manager(s), employees, and all occupants of the cafeteria.

Visitors and Contractors

All members of the MLC campus is responsible for reporting visitors, contractors and others who may have occupied the campus to the MLC EOC. These responsible persons include, but not limited to Administration, faculty, staff, students, department supervisors, division chairs, etc.

G. Checklists

Bomb Threat Checklist

This checklist is from the Department of Homeland Security.

<https://www.cisa.gov/sites/default/files/2024-04/Bomb%20Threat%20Checklist%20v3.0.pdf>

Active Shooter Readiness Checklist

Members of the MLC community are encouraged to use the [Active Shooter Intruder Readiness Checklist](#) for training purposes pre-drill.