



Housing
(Alpine Village)
Handbook
2021-2022

Table of Contents

Welcome to Alpine Village (MRC Housing)

- Welcome 4
- Emergency Numbers 4
- Director of Residential Life (DRL) 5
- Housing Activities 5

Important Dates for Housing Residents 6

Residential Living (Housing) Agreement

- Room Rates 8
- Application/Contract 8
- Housing Application Fee/Security Deposit 9
- Eligibility 9
- Meal Plan 9

Check-in/Check-out Procedures

- Check-in Procedure 10
- Check-out Procedure 10
- Vacations/Breaks 11
- Key Fobs 11
- Roommate Assignments 11
- Roommate Conflict Resolution Process 12
- Consolidation 12

Mail Delivery 12

Safety and Security 13

Emergency Procedures 14

Missing Person Policy 15

Housing Policies and Regulations Part 1: Eight Offenses

Resulting in Termination of Housing Contract

- Overview 15
- Violations of Housing Policies: Process and Appeals 16
 - Due Process 16
 - Grounds for Appeal 16
 - Judicial Board Procedures 17

Housing Policies and Regulations Part 2: Communal Living 17

- Expectations 17
- Alcohol and Illegal Drugs/Synthetic Drugs/
Paraphernalia Policies 18
- Medical Amnesty Policy 19
- Barbeques/grills 20

• Damages	20
• Decorating	20
• Explosives and flammable liquids	20
• Fire safety	21
• Gambling	21
• Garbage	21
• Grease disposal	21
• Guests and visitors	21
• Guns/Weapons	22
• Health and safety inspections	22
• Insurance (Renters)	22
• Laundry Room	22
• Motorcycles, bicycles, and rollerblades	22
• Quiet time	23
• Parking	23
• Pets	23
• Rental payments	23
• Room privacy	23
• Snow removal	24
• Theft	24
• Tobacco, E-Cigarettes, Vaping	24
• Wildlife	24
• Work orders	24
Housing Policies and Regulations Part 3: Sexual Assault	
• Sexual Harassment: Definition and Procedure	25
• Sexual Violence: Definition and Procedure	25
• Discrimination/Harassment: Definition and Procedure	26
• Reporting	26
Replacement and Repair Costs	27
Appendix A:	
MinnState Policy 1B.3	28
Sexual Violence Policy	
System Procedure 1B.3.1	28
Response to Sexual Violence and Title IX Sexual Harassment	
Appendix B:	
MinnState Policy 1B.1	42
Equal Opportunity and Nondiscrimination in Employment and Education	

Welcome to Alpine Village (MRC Housing)

Dear Residents:

Living in on-campus housing is both a privilege and a shared responsibility. MRC's responsibility is to provide residents a clean, safe, secure home away from home. It is your responsibility as residents of MRC Housing (Alpine Village) to follow rules established to maintain a clean, safe, secure environment for everyone living in housing.

Take pride in your residence and help to improve it. Clean up after yourself, and sanitize shared spaces before you use them. Please follow posted guidelines for "Protocols for Common Spaces in Housing". Those guidelines have been established to keep you safe and healthy.

Remember that you are sharing this space with others. Try to be conscious of behavior that may disturb others. Be patient with each other. Respect each other's privacy. Work out differences with roommates in a calm and respectful way. Get out and get involved in activities offered by your Director of Residential Life (DRL).

Once the new semester is underway, your DRL will form a Housing Council of residents. He will be meeting with the Housing Council regularly to learn of residents' concerns and plan events and activities. Both your DRL and your Housing Council representatives are here to help make your residential life experience as positive as possible. We encourage you to communicate with them when you have concerns.

Kristi Ongalo

Interim Dean of Student Success

Director of Residential Life (DRL)

Emergency Contact Numbers

EMERGENCY (Fire/Ambulance)

911

Director of Residential Life

218-410-0974

College Offices

Kristi Ongalo, Interim Dean of Student Success

218-749-7759

Kelly Bakk, Counselor

218-749-7765

Sabrina Skeens, Counselor

218-749-7714 (Virginia)

218-744-7533 (Eveleth)

Director of Residential Life (DRL)

The Director of Residential Life, manages all aspects of residential life. He plans and coordinates residential life activities with the Housing Council. He conducts weekly apartment visits to learn of residents' concerns and to identify safety and cleanliness concerns. He schedules and facilitates safety drills and is the point-of-contact for any housing emergency. He also monitors behavior and code of conduct for residents.

The DRL reports to the City of Virginia Housing and Redevelopment Authority (HRA), who actually owns and maintains MRC Housing (Alpine Village). The Director of Residential Life also reports to the Interim Dean of Student Success and the Behavior Intervention Team (BIT) at Mesabi Range College.

A primary responsibility of residents is to complete Work Orders for routine apartment needs: lightbulbs to be replaced, appliance malfunction, etc. Residents may contact The Director of Residential Life for updates on their Work Order request status.

The Director of Residential Life is available on campus Monday – Friday from 8:00 until 2:00. He is also ON CALL after those on-campus hours.

His office is S114 in the Student Services suite.

His phone number is 218-410-0974.

On-site residence: Apartment 100

In the event that The Director of Residential Life is unable to be on campus or on site, ON CALL coverage will be provided by the City of Virginia Housing and Redevelopment Authority (HRA). The HRA owns MRC Housing (Alpine Village) and provides maintenance and on-call coverage when The Director of Residential Life is not available. **When the Director of Residential Life is not On Call, the HOUSING CELL PHONE (218-410-0974) will be answered by Gigi Grahek, Virginia HRA.**

Residents will be notified of the change in ON CALL coverage by The Director of Residential Life. The Director of Residential Life will notify residents via these means:

- Housing Council
- One resident (at least) per unit, during The Director of Residential Life 's weekly safety check
- Signage on The Director of Residential Life's apartment door.

Housing Activities

The DRL and Housing Council will be working to provide residents regular activities or events.

Some past activities/events include

- March Madness 3- on- 3 Basketball Tournament
- Bean Bag Tournaments
- Dodgeball Tournaments
- Rides to \$5 Movie Night (Tuesdays at our local theater)
- Cookouts on the housing grill

A full calendar of housing events will be provided for students as well as flyers and posters the week prior to any housing activity.

IMPORTANT DATES FOR HOUSING RESIDENTS FALL 2021

Aug. 16-22	General Housing Check-in 8 AM – 5 PM	<i>Get here early. Settle in. Join us for a barbeque. 5-7 PM Saturday, August 22. Housing Patio.</i>
Aug. 23	Classes begin	<i>Students can be dropped from their courses for non-attendance the first week of class.</i>
Aug. 27	Mandatory Housing Orientation	<i>All residents are required to attend this meeting regarding the rules and procedures related to housing.</i>
Aug. 30	Semester Start Credits Confirmation	<i>The DRL will be doing a semester start credit check to make sure that residents are still enrolled in at least 12 credits for the semester.</i>
Oct. 11-13	MID-SEMESTER Mid-term Credit Check	<i>The DRL will be doing a mid-term credit check to make sure that residents are still enrolled in at least 12 credits.</i>
Oct. 14-15	Fall Break	<i>No classes, Offices open</i>
Nov. 25-26	THANKSGIVING Campus closed	<i>Residents remaining on campus over Thanksgiving are encouraged to visit with The Director of Residential Life about area Thanksgiving community meals.</i>
Dec. 13-17	Housing Check-out for non-returning residents	<i>Non-returning residents must complete the check-out process with The Director of Residential Life . Returning residents must turn in key fob.</i>
Dec.	FINAL EXAM WEEK	
Dec.	Housing Check-out for returning residents	<i>All residents are required to check out of housing over the Winter Break.</i>
Dec. 18 – Jan. 2	Winter Break	<i>Cleaning of common areas done while students are not present</i>

**IMPORTANT DATES FOR HOUSING RESIDENTS
SPRING 2022**

January 3 - 9	General Housing Check-in 8 AM – 5 PM	<i>Get here early. Join us for a Welcome Back Pizza Party 5-7 PM Saturday, Jan. (Location to be determined.)</i>
January 10	Classes Begin	<i>Students can be dropped from their courses for non-attendance the first week of class.</i>
January 15	Mandatory Housing Orientation for new residents	<i>All new housing residents are required to attend this meeting and sign their acknowledgment of the rules and procedures related to housing.</i>
January 19	Semester Start Credit Confirmation	<i>The DRL will be doing a mid-term credit check to make sure that residents are still enrolled in at least 9 credits. (Minimum credit requirement subject to change.)</i>
March 1 - 5	MID-SEMESTER Mid-term Credit Check	<i>The DRL will be doing a mid-term credit check to make sure that residents are still enrolled in at least 9 credits. (Minimum credit requirement subject to change.)</i>
March 8 -12	Spring Break No classes, offices open	
May 6 - 11	FINAL EXAM WEEK	
May 8 - 15	Housing Checkout	<i>All residents will be required to check out of housing.</i>
May 11, 2022	Mesabi Range College Graduation	

Residential Living (Housing) Agreement

The Residential Life Housing Application and Contract is a legally binding contract for the entire academic year. Once that contract is signed, the student has agreed to the terms and conditions listed in this Housing Handbook for the full academic year.

2021-2022 Per-Person Room Rates

Single Room Rate- \$2300 per semester

Double Room Rate- \$1800 per semester

Washer/Dryer and Wireless Internet Access Fee- \$96 per semester

Application and Contract

In order to guarantee a spot in housing, individuals must complete the housing application and pay a \$375 housing application fee. This fee becomes a security deposit once the student moves into housing.

The Housing Application is available on the MRC Housing webpage.

The housing application fee can be paid through the student's e-services.

The Housing Contract is a legally binding document for the 2021-2022 academic year and can only be cancelled by a Housing Petition, which must be approved by the Interim Dean of Student Success.

Residents wishing to be released from their Housing Contract should see their advisor to assist them with completing the petition. Students may petition for release from the housing contract for the following reasons with the proper documentation:

1. Student officially withdraws from Mesabi Range College or transfers to another institution.
2. Student officially graduates from Mesabi Range College.
3. Student becomes legally married.
4. Extraordinary Circumstances

Students who are removed from on-campus housing due to conduct or policy violations will be responsible for payment of housing fee through the end of the semester in which they are removed and forfeit their housing deposit.

Fall semester room assignments are automatically renewed for the spring semester unless the contract has been properly canceled.

Housing Application Fee/Security Deposit

As mentioned, students must pay a \$375 housing application fee to secure their place in housing. This fee becomes a security deposit once the student moves into housing.

Upon check-out, any housing damages assessed to the resident will be deducted from the security deposit refund, including a \$30/semester cleaning fee assessed to all residents. The remaining funds plus interest will be refunded to the student.

Any damages not covered by the security deposit will be billed to the student.

If you decide to cancel your housing application before the July 1 deadline and have a bill from a current or previous semester, the housing application fee will be paid toward your outstanding bill.

Eligibility

Eligibility for housing residence requires that the student register for and maintain at least twelve (12) credits per semester. Nursing students are required to be enrolled in and maintain nine (9) credits per semester, due to the rigor of their program.

The DRL will conduct a mid-semester credits check for eligibility and will meet with residents who fall short of the twelve –credit requirement.

Should a student fall below the required twelve (12) credits, that student will be required to petition to remain in housing. The Interim Dean of Student Success reviews and approves or denies those petitions.

Meal Plan

Currently (fall semester 2021) Mesabi Range College does not have a meal plan for residents.

However, MRC Housing apartments are complete with a full-size refrigerator, stove, and microwave so students are able to prepare themselves meals. A Super One Foods (supermarket) is located within walking distance of the college, and a Walmart is just a few minutes up the road.

MRC also stocks (as they are able) an on-campus Food Shelf, on both the Virginia and Eveleth campuses. See MRC website for Food Shelf locations and hours.

Check-In Procedure

1. Students arrive between 8 AM – 5 PM and meet the DRL in Apartment 102.
2. Student will receive a room assignment and key fob. Students will be required to sign for their key fob:
3. Residents go to their room with an MRC staff member to
 - Learn how to use key fob

- Complete Inspection Sheet
 - Common areas
 - Bathroom closest to bedroom
 - Bedroom
- Review any other housing-specific information

4. Resident starts moving in, and staff members brings Inspection Sheet to the DRL.

Check-Out Procedure

At Christmas Break (petition required) and the end of the school year, students leaving Mesabi Range College and housing must complete the following steps in the checkout procedure:

1. Inform the DRL when they plan to move out.
2. Pack up all personal belongings in the unit and
3. Clean their room and bathroom closest to it.

The DRL will complete the Check-out Inspection. Once the move out inspection is done, students will turn in their key fob to the DRL.

Failure to complete all of the steps of this process will result in forfeiture of the student's damage deposit. The student may also be subject to additional fees (damage to the unit, charge for a missing key fob, or any missing items in the unit).

Vacations/Breaks

Over the course of the semester, there are several days when classes are not in session and the campus is closed in observation of national holidays. See Important Dates for Housing Residents calendar, pages 5 and 6.

Except for Winter Break (Dec. 18 – Jan. 2), residents will be allowed to remain in housing over the break. **All residents are required to check-out of housing over winter break.** Key fobs must be returned to the DRL before residents leave campus.

Winter Break Check-Out

For safety and health reasons, residences are urged to follow the following procedures:

- Turn off all lights
- Set apartment thermostat to 70 degrees and is set on AUTO, not to FAN
- Unplug all appliances (EXCEPT THE REFRIGERATOR)
- Remove all garbage from the unit
- Close and lock all windows
- Close and lock bedroom and apartment door.

Whenever Housing is vacant, the DRL completes a daily check of each unit to ensure that each unit is secure and there are no leaks, smoke, etc.

Key Fobs

Residents are responsible for the key fob issued to them at check-in. Lost key fobs will cost students \$100 for replacement.

Residents should not lend their fob to anyone else.

At the end of the semester, before winter break, and at the end of the year after graduation, the key fobs must be returned to the DRL upon leaving housing. Key fobs that are not returned will be shut off and a new key will be made for the room. The cost of the new key will be charged to the student.

Roommate Assignments

At MRC Housing, room assignments are made on a first-come first-serve basis, based on receipt of the student's housing/damage deposit. (See Application and Contract and Housing/Damage Deposit above.)

The DRL always tries to put students with similar schedules (football, baseball, basketball, etc.) together in a unit and tries to accommodate all roommate requests. However, depending on when students pay their deposits accommodating roommate requests may not always be possible.

Roommate Conflict Resolution Process

Learning to get along with roommates is just one of the life lessons residents experience in the college housing environment. This includes learning how to address conflicts among roommates. Whether the conflict is large or small, all conflicts should be addressed in a calm and respectful manner, recognizing that each roommate has rights and responsibilities to keep the living environment conflict and stress free so that students can focus on learning.

Begin with a respectful conversation with your roommate. Explain

- The situation that is causing you concern/upset (Do this without judgment or blaming.)
- Why that causes you concern/upset
- What might be done to resolve the problem equitably

Should that conversation fail to remedy the situation, the resident should communicate his/her concern to the DRL. Explain

- Actions taken so far
- Details of the situation
- Resolution you are seeking

The DRL will meet with both residents independently to work out a reasonable compromise. As necessary, the DRL may refer one or both residents (independently) to an MRC counselor for conflict resolution guidance.

After all of the steps of this process have been completed and if no resolution has been reached, the DRL will (in consultation with an MRC counselor) determine if removal of one roommate from the unit is the best course of action, which roommate will be removed, and where that roommate will relocate.

Consolidation

Over the course of the year, students will come and go from Mesabi Range College. In the event that a room opens up in your unit the DRL reserves the right to fill that room with a new occupant at any time. The DRL will communicate to the current resident's if/when a unit is going to be occupied before the new resident moves in.

Mail Delivery

Student mail is delivered to the college every morning at 10:30 AM and available for pick up from the office of the DRL. The DRL's office is located in the Student Services Suite, S114. Students are encouraged to check for mail regularly.

Mail to students should be addressed this way:

Resident's Name
Attn: The Director of Residential Life
1001 Chestnut Street W.
Virginia, MN 55792

Residents must present their valid Student ID in order to collect their mail. Residents will not be allowed to collect other residents' mail.

Mail/package pickup is not available on weekends or days when the campus is closed. Residents are encouraged to check their Important Dates calendar and plan accordingly.

Safety and Security

For the safety and security of all residents, we encourage each resident to follow the recommendations listed below:

- Close and lock your apartment door at all times.
- Park in a well-lit area. Lock your vehicle, and do not leave valuable items such as cameras, laptops, phones, wallets, etc. in plain sight.
- Do not leave your keys unattended in a public place
- **Call for an escort if you feel unsafe walking on campus**
Campus Escort Number: (Maintenance Cell Phone): 218-780-2701
The Director of Residential Life (DRL): 218-410-0974
- Be aware of your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street, yell for help or head quickly to a lighted area or a group of people.
- Carry your phone (charged) with you always.

- Have your keys out and ready to use when returning to your housing unit.
- **If you observe anyone acting suspiciously, contact the DRL (218-410-0974) or the police immediately.**
 - **911**
 - Virginia Police Department - 218-748-7510
- For your protection, the DRL will not let any personal service technicians (TV repairmen, etc.) or delivery people into your apartment.
- Smoke/CO2 detectors are provided in each apartment for residents' safety. AT NO TIME SHOULD THEY BE DISCONNECTED, MISUSED, OR REMOVED. Termination of the resident's housing contract will be the sanction imposed for such an offense.
- Keep your window screens on at all times

- Lock your bedroom door when you are out of the apartment and before you go to sleep at night.
- Close and lock your windows when you are out of the apartment.
- Don't leave your books, backpack, or wallet unattended. Never leave money sitting out anywhere, even in your room.

Mesabi Range College Housing (Alpine Village) is not responsible for damage or loss of your personal property unless caused by our negligence or willful misconduct.

Mesabi Range College is not liable for any personal injury to family, guests, or you caused by the criminal acts of a third party, fire, acts of nature, bursting pipes, water, explosions, or other like causes.

We encourage all residents to check with their family regarding coverage on a homeowner's policy. Another option is to purchase individual renter's insurance to provide protection from loss incurred by the causes listed above.

Emergency Procedures

MRC Housing DRL and the Interim Dean of Student Success have prepared an Emergency Procedures for Housing PowerPoint presentation. MRC Housing DRL will review that information during Housing Orientation, and a hard copy of that presentation is available in your Housing Packet in your unit. This resource is also available on the Housing webpage.

Residents are encouraged to review those emergency procedures. However, this is the summary version of those procedures:

In an emergency

1. Stay calm, but acknowledge that there is an emergency.
2. **If the emergency is life threatening, call 911 immediately and stay on the line with them until help arrives.**
3. If you have someone with you, ask that person to notify The Director of Residential Life (218-410-0974).
4. If the emergency is not life threatening, call The Director of Residential Life (218-410-0974) and stay in the area until you can report to The Director of Residential Life.

Housing Specific Emergencies

REPORT THE FOLLOWING TO THE DRL IMMEDIATELY:

- Smoke alarm or flames- contact The Director of Residential Life immediately.
- Fire alarm: Evacuate your residence immediately. Failure to evacuate during an alarm will subject the resident to college disciplinary action and/or civil action.
- Non-life-threatening medical emergencies
- Flooding caused by plumbing break
- Lack of heat (in the winter)
- Damage caused by wind, storm, fire
- Burglary, vandalism, other serious disturbance
- Sewer line back up
- Serious electrical failure or short circuits

Missing Person Policy

If a resident has not been seen on campus for more than 24 hours and acquaintances do not know where the student might be, friends/roommates should contact the DRL.

If the resident is under the age of 18, the DRL and college counselor will notify the resident's parents (if it is determined that the resident has been missing for more than 24 hours) and local law enforcement.

If the resident is 18 years old or older, the DRL and college counselor will immediately contact local law enforcement.

If any student has been seen in the company of an individual(s) indicating that he/she may be in danger, the individual witnessing the event should immediately contact one of MRC's counselors and/or Virginia Police Department (218-748-7510), Eveleth Police Department (218-744-7560), 911.

Kelly Bakk, MRC counselor, 218-749-7765

Sabrina Skeens, MRC counselor, 218-749-7714 (Virginia) OR 218-744-7533 (Eveleth)

Policies and Regulations Part 1: Eight Offenses Which May Result in Immediate Termination of the Housing Contract

The following are first offenses resulting in eviction from MRC Housing. Upon notice of termination, the resident has 24 hours to find new housing and remove belongings from MRC Housing. The DRL reserves the right to use discretion in decision about all sanctions.

1. **Threatening Behavior**- *The DRL reserves the right to remove anyone (guest, visitor, resident) from any on-campus housing unit if deemed a threat to the health, safety, or wellbeing of others.*
2. **Sexual Assault**- *See pages 24-25 of this Housing Handbook for a summary of MinnState's Policy 1B.3 Sexual Harassment Policy and Appendix A for the full policy.*

3. **Fighting/physical abuse**
4. **Tampering with fire equipment**, including alarms, fire extinguishers or lighting fires
5. **Intentional damage or destruction of college or personal property**
6. **Theft of college or personal property**
7. **Possession, use, or sale of narcotics or other drugs, and/or drug paraphernalia**- *The DRL and MRC staff have the right to search any room if they suspect drug or alcohol use. Alcohol and drug use are prohibited on campuses of Mesabi Range College, including housing.*
8. **Residential Living probation violations**

Code of Conduct violations, even if they occur in housing, will be reported to the MRC Conduct Officer and subject appropriate Code of Conduct sanctions.

Violation of Housing Policies: Process and Appeals

Sanctions for violations of housing and Code of Conduct policies may include punitive fees, probation, and termination of the housing contract. Upon termination of the housing contract, the resident will be trespassed from housing, which will require the resident to find other housing and leave MRC Housing (Alpine Village) within 24 hours.

Students on probation for any violation and who break additional rules are subject to immediate termination of the housing contract. Any offense leading to termination of the housing contract will result in forfeiting the housing security/damage deposit and payments for the semester.

MRC Housing DRL will issue a written notice to the student(s) at the time of the violation. This notice will be delivered to the student(s) within five (5) business days of the incident and will include:

- Description of the incident
- Date and time of the incident
- Explanation of the grounds for disciplinary action
- Specific policy violated
- Copy of this procedure
- Description of the sanction imposed

Resident will be required to meet with Mesabi Range College's Conduct Officer to discuss the nature of the violation and the sanctions imposed.

Due Process:

Students may appeal their sanction of termination of their housing contract and removal from housing but only when their appeal is based on approved grounds for the appeal (see below). The appeal process begins with a written request for a formal hearing addressed to MRC's Conduct Officer and the Director of Residential Life (DRL), delivered to both within five (5) business days of the date the sanctions were imposed. A formal hearing (closed to protect the confidentiality of those involved) will occur and conclude within ten (10) business days of

receiving the request for a formal hearing. The Judicial Board will meet to hear and process cases or misconduct and policy violation.

The written appeal must 1) describe the alleged violation and incident and 2) explain the grounds for appeal.

Grounds for Appeal

Appeals must be based on the issues of substantive or procedural errors which were committed during the conduct process. Specific grounds for appeal include

- New evidence not reasonably available at the time of the hearing
- Evidence of a procedural error in the student disciplinary process that substantially impacted the outcome
- Evidence that the sanction imposed is excessively severe

The student and/or student organization must demonstrate that one or more of the above grounds for appeal has merit. An appeal hearing will be scheduled only if there is sufficient reason to believe that one or more of the grounds described in the student's appeal letter may have merit.

Grounds for appeal do not include the stress, expense, and inconvenience of relocation, contract termination or suspension; the cost of educational sanctions, disruption to studies; separation from friends; lack of familiarity with rules; good character, or a personal commitment to behaving better in the future.

Sanctions are intended to have a significant impact to effectively deter students from engaging in future misconduct. A student who fails to appeal for a conduct meeting may appeal but not on the grounds of "new evidence not reasonably available at the time of the hearing."

Judicial Board Procedures

The Judicial (J) Board will consist of two (2) current students, not on any disciplinary probations and three (3) staff, to be determined by the Interim Dean of Student Success. The student may request to have a MRC counselor present for support. The J-Board conducts hearings regarding complaints concerning other students, and appeals of sanctions for housing violations. After meeting with the student, the J-Board will make their decision to either uphold or overturn the disciplinary sanction.

MRC's Conduct Officer will carry out the implementation of the appeal procedures. A hearing will be held and a written decision will be delivered to the student within ten (10) days of the hearing.

Housing Policies and Regulations Part 2: Communal Living

Mesabi Range College Housing strives to provide residents a safe and secure living environment where residents feel comfortable and are able to relax and complete assigned academic work without distraction and interruption.

Students who reside on campus live in a community with their peers and are entrusted with the responsibility to respect and support each other, resolving differences in a positive and cooperative manner.

Expectations for Living in a Community

Living in on-campus housing is a privilege. Residents of MRC Housing (Alpine Village) are expected to conduct themselves in a manner that promotes and supports the well-being of the community, its integrity, and the well-being of other members of the community.

MRC Director of Residential Life (DRL) and other MRC staff reserve the right to confront behavior that 1) is detrimental to the student, 2) infringes upon the rights and sensitivities of others, or 3) has the appearance of impropriety (appears not in keeping with accepted college standards of what is right and proper).

Two examples of such behavior include 1) inappropriate public displays of affection and 2) use of derogatory language or behavior.

MRC Housing (Alpine Village) residents are expected to read, understand, respect, and comply with procedures and regulations described in the MRC Housing Handbook, the Mesabi Range College Student Code of Conduct, and any additional policies related to living in shared on-campus housing.

Residents are also accountable to local, community, state, and federal authorities.

Housing Regulations and Policies

Alcohol and Illegal Drugs/Synthetic Drugs/Paraphernalia

Alcohol Policy

The possession and consumption of alcoholic beverages and/or possession of alcohol containers is prohibited on college premises (including housing), including college grounds, buildings, college vehicles, and parking lots.

Displays of beer cans or liquor bottles for decoration is not permitted.

Students/residents violating the alcohol policy will be referred for disciplinary action. **This includes students/residents who are in the presence of others violation the alcohol policy.** Bystanders are also subject to disciplinary consequences. Residents are encouraged to distance themselves from policy violators.

As is feasible, all alcohol found on college property will be drained by the owner or residents of the room/apartment in the presence of the DRL.

The police may be notified if underage drinking is a concern.

Students/residents who are found in violation of the alcohol policy with a minor may face more severe disciplinary action.

Sanctions/discipline for violation of MRC's alcohol policy:

1st offense- Student will be required to meet with the Conduct Officer and also will have to meet with one of the counselors to complete an educational component. *(Student will have 5 school days to make arrangements with the counselor or will be subject to a \$100 fee).*

2nd offense- The student will be required to meet with the Conduct Officer and a \$250 fine will be assessed.

3rd offense- The student will be removed from the resident's hall, the student will be trespassed from the premises for one academic year, and the student will forfeit their housing damage deposit.

Illegal Drugs/Synthetic Drugs/Paraphernalia Policy

The illegal possession or use of paraphernalia and/or compounds which produce hallucinations or illusions when introduced into the body, all compounds covered under federal and state drug control laws, as well as synthetic marijuana (herbal incense) and bath salts are not allowed in MRC Housing.

Individuals in the presence of, possession or use of paraphernalia are subject to the following disciplinary sanctions:

1st Offense: The resident found in violation may be removed from housing for the remainder of the academic year. A resident in this situation wishing to submit an application to MRC Housing the following school year will need the approval of the DRL before the application will be processed. MRC is not responsible for locating new housing accommodations for the resident removed from housing or for costs incurred by the student as a result of their removal. Housing costs will not be returned for this occurrence.

THE DRL HAS THE RIGHT TO SEARCH AND WILL SEARCH ANY ROOM/APARTMENT IF HE SUSPECTS DRUG OR ALCOHOL USE. ALCOHOL AND OTHER DRUG USE IS NOT TOLERATED ON THE MESABI RANGE COLLEGE CAMPUSES.

Medical Amnesty Policy

Student health and safety are of primary concern at Mesabi Range College. As such, in cases of extreme intoxication or other medical emergency as a result of the ingestion of alcohol or drugs, MRC encourages individuals to seek medical assistance for themselves or others. If an individual seeks such medical attention, the college may not pursue student conduct sanctions against the student for violations of the Alcohol Policy or Illegal Drugs/Synthetic Drugs Policy.

Additionally, those students who assist in obtaining medical attention for others may not receive sanctions for violations of the policies stated above. This policy does not grant amnesty to possession with intent to distribute drugs.

In lieu of sanctions under the Student Code of Conduct, the intoxicated student, as well as the referring student(s), may be required to meet with a member of the MRC staff who may issue educational requirements that may include, but are not limited to, alcohol and/or drug education, counseling, and/or a substance concern/response. Failure to complete educational assignments or treatment recommendations issued under this policy normally may result in disciplinary action. The student will be responsible for any costs associated with drug or alcohol education interventions.

The Medical Amnesty Policy does not preclude sanctions due to any other violations of the Code of Conduct (not related to the Alcohol Policy or Illegal Drugs/Synthetic Drugs Policy). Likewise, this policy does not prevent action by police or other law enforcement personnel.

Barbeques/Grills

Barbeques and grills are allowed on the housing grounds if they are minimum of 20 feet away from any building. MRC Housing has a spot designated for grills, and a grill is available for community use. Ask the DRL where you can grill and for access to the housing grill.

Residents using the community grill are expected to clean it after their use and return it to the DRL in the condition they received it. If the grill is not returned or not cleaned and in good repair, a fine will be assessed.

Damages

Residents are financially responsible for any damages to their units. This extends to maintenance costs and the cost of repair or replacement. If the individual responsible for the damage cannot be identified, the damage costs will be split evenly among all residents of the apartment. (See Replacement and Repair Costs schedule on pages 25-26 of this handbook.)

Residents are prohibited from repairing any damages on their own. Violators may be held responsible for all costs of repair.

Decorating

Residents are encouraged to make their bedrooms and apartments feel like home. However, physical changes such as holes, painting, wallpapering, paneling, etc. are prohibited.

Pictures, posters, and decorations may be temporarily hung on the walls with removable hooks or tapes only. Any damage resulting from the use of hanging materials will be charged to the student upon checkout.

Residents are prohibited from displaying any material that violates the Mesabi Range College Student Code of Conduct. (Click on this link to see policy: [MRC Code of Conduct](#)) or MinnState Policy 1.B.1 Equal Opportunity and Nondiscrimination in Employment and Education (Click on this link to see policy: [MinnState Policy 1B.1](#)). Residents will be required to remove said material immediately following a verbal or written warning.

Safety regulations prohibit living holiday trees in MRC housing. Any holiday decorations in housing must be fireproof. Holiday decorative lights must be UL-approved and must be

miniature in size. Ceramic lights are not permitted. Lights must not be hung on curtains and must be kept from contact with fabrics. Residents must be in the room when the lights are on.

Residents found in violation of this policy will receive a written warning and will have 24 hours to remove disallowed items.

Explosives/Flammable Liquids/Space Heaters

The use and/or possession of explosives and flammable liquids are strictly forbidden in MRC Housing. This includes, but is not limited to, firecrackers, ammunition, charcoal lighters, lighter fluid, car batteries, etc.

In addition, candles, oil lamps, and other implements that have flames, flowing elements, etc., and halogen lamps/lights are not allowed to be burning in housing apartment or rooms because of their potential fire danger. This includes plug-in space heaters. Violations of safety measure will result in disciplinary action.

Fire Safety

Residents are strictly prohibited from abusing, misusing, removing, or otherwise tampering with fire alarms (smoke/CO2 detectors, fire extinguishers, etc.) Tampering with fire alarms may lead to immediate eviction from housing. Tampering fire alarms is also a violation of Minnesota law and may subject a resident to criminal fees of \$500 to \$1000 and/or imprisonment.

Gambling

Gambling is not permitted on the MRC campus, grounds, or buildings, including housing. This prohibition includes any games played for money or goods exchanged for money (such as poker chips). Students violating this policy will face suspension or possible expulsion from Mesabi Range College and removal from housing.

Garbage

Residents are responsible for disposing of their garbage appropriately and regularly. Excess trash is a violation of the health and safety conditions of MRC Housing (Alpine Village). Excessive garbage removal and cleaning must be completed within 24 hours after any warning. Each resident will be fined if cleanliness issues are not addressed within that time.

TRASH BAGS MUST BE USED IN THE GARBAGE CANS provided in each unit. Units found in violation will be subject to a fine.

Large dumpsters are located by the access road for residents' trash. In addition there are three large city dumpsters by the school. A monetary fine can/will be assessed if residents are found littering or if their unit is deemed to have excessive garbage.

Grease Disposal

At the beginning of the year, residents are provided 5 disposable grease buckets, located on the top of their refrigerators. **Under no circumstances are you to pour grease down the sink drains or out the windows on the rocks outside your units.**

When you are done with cooking grease, let the grease cool and then pour into a bucket. Once the bucket is full, it can simply be thrown in the garbage.

When you run out of grease buckets, you can get more by contacting the Director of Residential life at 218-410-0974. Any damages that occur from improper disposal of grease will be assessed to the student.

Guests and Visitors

The following are the guidelines for MRC Housing (Alpine Village)

- Guests at MRC Housing (Alpine Village) must be 18 years old or older
- Guest must leave by Quiet Hours (10 PM Sunday – Thursday and 11 PM Friday and Saturday)
- Residents must inform The Director of Residential Life of overnight guests and have it approved by both the Director of Residential Life

Subject to change as required by Governor Executive Order or Minnesota State/College directive.

Guns/Weapons

Firearms and other weapons including paintball, BB, soft air, pellet guns, knives or swords are strictly prohibited from Alpine Village and campus grounds. Any student found possessing a weapon will have their housing contract immediately terminated. The student will have 24 hours to check out of housing and may be subject to additional disciplinary action. The police may be notified of the offense and the student will not be allowed in housing or on the grounds for a period of one year.

Health and Safety Inspections

Weekly health and safety inspections are performed by the Director of Residential Life so that students can feel safe and voice any questions, comments, or concerns they would like addressed. At least one resident of the apartment must be present for the inspection and will be asked to sign-off on the inspection form.

Residents will not be charged for repairs due to normal wear and tear. However, if residents are deemed at fault for damage requiring unusual repair or replacement, they will be notified and billed accordingly.

Insurance (Renters)

We encourage residents to carry their own renters' insurance. MRC has no responsibility for personal injury, theft, destruction or loss of monies, valuables, or personal properties belonging to residents, whether such losses occur from a resident's room, apartment, storage room, or public areas.

Laundry Room Etiquette

- Residents are responsible for their own belongings in the laundry room.
- Residents should be considerate of use of the machines and keep track of time of loads so others needing to use machines are able to do so in a timely fashion.
- Residents should empty the lint traps after each use.

Motorcycles, Bicycles, and Rollerblades

Motorcycles are not allowed in or around the housing unit. They must be parked in student parking by the housing units. Repeated offenses are subject to fines.

Please lock and chain bicycles outside to keep them secure. Bicycles may be stored inside the units as long as they do not block any emergency exits, including doors and windows.

Use of bicycles or rollerblades within housing units is prohibited and will result in a fine.

Quiet Time

Residents are expected to be respectful of roommates' and unit-mates' right to quiet time for sleep, study, and relaxation, particularly during evening and weekend hours.

Excessive noise at any time will not be tolerated and may result in a fine or removal from housing.

Quiet Hours: Sunday-Thursday: 10:00 PM – 7:00 AM
Friday-Saturday: 11:00 PM – 7:00 AM

Parking

Parking spaces are not assigned, but are well-lit, with plug-ins for vehicles with block heaters during the cold winter months.

Residents should park in the blacktopped parking lot. Parking is prohibited on roadways, in reserved parking spots, in fire lanes, and on the grass near the buildings. (Click on this link for the complete parking policy [College Catalog/Student Handbook](#))

Do not block any of the parking lot entrances and do not park in parking spots designated handicap, unless authorized to do so. The Virginia City Police Department monitors our handicapped parking spaces.

Pets

Because of potential health problems and inconvenience to other residents, pets are not allowed in on-campus housing. The only exceptions would be A) fish in a 10-gallon aquarium or smaller or B) service animals, provided the resident has documentation of disability and service animal status.

Rental Payments

As stated in the Housing Contract residents sign as part of their housing application, residents are required to pay their rent within thirty (30) days of the start of the semester. Failure to pay/secure rental payment within that time will result in a Notice of Lease Termination (eviction) from the Housing and Redevelopment Authority (HRA) of Virginia, Minnesota. HRA owns MRC Housing (Alpine Village).

In accordance with Minnesota state statute, once a resident receives that notice, the resident has fourteen (14) days from the date of the letter to pay all rent due or the resident's contract

will be terminated and he/she will be required to vacate the property. Should a resident fail to pay or vacate by 11:59 PM of day 14, Virginia HRA will proceed with court eviction.

Room Privacy

Residents of Mesabi Range College housing have a reasonable right to expect privacy in their own room. During the weekly housing safety and wellness checks the DRL will always knock before entering a room/unit. The only reasons the DRL would enter a room/unit without verbal consent is if there is a reasonable expectation that illegal activity is happening in the room/unit or if a student is deemed a hazard to themselves or others and needs to have a safety check preformed.

Snow Removal

After a heavy storm or blizzard, parking lots will typically be plowed in the evenings and on all lots except the MRC Housing parking lot. **Housing residents will be informed of snow removal times and will be asked to move their vehicles to an alternate parking lot for the duration of the snow removal.**

Random vehicles not removed from the parking lot make plowing difficult. Vehicles not removed by the owner may be towed and stored at the owner's expense.

Sidewalk snow removal is performed on the regular basis by Virginia HRA maintenance. Should residents identify an area of concern, they should contact the DRL (218-410-0974) immediately.

Theft

Unauthorized possession, or taking of goods belonging to other students or MRC Housing (Alpine Village) will be subject to disciplinary sanctions, including immediate termination of the resident's housing contract and removal from MRC Housing.

Tobacco, E-Cigarettes, Vaping

MRC Housing (Alpine Village) and its grounds are designated tobacco-free areas. (Click on this link for the complete tobacco policy [College Catalog/Student Handbook](#))

Smoking, chewing or use of tobacco products, including e-cigarettes, is prohibited in housing, any MRC building, or on the grounds of both campuses. If a housing resident is caught using tobacco products or e-cigarettes in housing, the resident will be fined \$50.00 for cleaning. If the resident responsible cannot be identified, all residents living in an apartment where damages have occurred from smoking (e.g. burn holes, tobacco stains, smoke damage, etc.) will be held responsible. **Residents are also responsible to inform guests of this policy.**

Wildlife

The woods surrounding the housing units are home to a diverse assortment of animals and it is asked that students not feed or harass these animals at any time. If there is an issue with wildlife on campus it is asked that students report this to the DRL (218-401-0974) so appropriate action may be taken.

Feeding and/or harassing wildlife around housing will not be tolerated. Violations are subject to substantial fines.

Work Orders

Work orders can be found in the small black mailbox outside of apartment 101. An example of how to fill out a work order can be found in your housing packet folder. Once the work order is completed please tear off the top white copy for your records and put the yellow and white copy in the large black mailbox located outside apartment 101.

Housing Policies and Regulations Part 3: Sexual and Discriminatory Harassment and Violence

Sexual Harassment: Definition and Procedure

(See Appendix A for complete Mesabi Range College 1B.3 Policy Sexual Harassment and Sexual Violence)

Sexual harassment is unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term or condition of participation in student activities or in other events or activities sanctioned by the College; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the College; or
- Such conduct has the purpose or effect of threatening an individual's employment; interfering with an individual's work or academic performance; or creating an intimidating, hostile, or offensive work or educational environment.

A victim of sexual harassment may seek resolution through informal procedures. Such action may include:

1. Tell the harasser that a specific behavior is unwanted and must stop immediately.
2. Write a letter to the harasser describing the incident(s) and informing the harasser that the behavior must stop immediately.
3. Keep records of date, time and place of each offensive incident, persons who may have seen or heard the activity, and the victims' response. Also record steps taken to resolve the situation.
4. Look for verification and witnesses, or others who will substantiate the charges.

Sexual Violence: Definition and Procedure

(See Appendix A for complete Mesabi Range College Policy 1B.3 Sexual Harassment and Sexual Violence)

Acts of sexual violence are criminal behaviors and create an environment contrary to the goals and missions of the system and colleges and universities. Acts of sexual violence include:

1. Forcible acts, which include non-consensual sexual contact, and/or sexual contact in which the victim is incapable of giving consent (such as when the complainant is under the influence of alcohol or drugs);
2. Non-forcible sex acts such as incest and statutory rape; and
3. The threat of an act of sexual violence. Sexual violence may include, but is not limited to:
 - touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
 - coercing, forcing, or attempting to coerce or force the sexual intercourse or a sexual act on another; or
 - threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

Discrimination/Harassment: Definition and Procedure

(See Appendix B for complete Mesabi Range College 1B.1 Nondiscrimination in Employment and Education Opportunity Policy)

Racial and disability discrimination is prohibited by state and federal law. Racial discrimination is defined as conduct that is directed at a individual because of his/her race, color, or national origin or that of his/her spouse and that subjects the individual to different treatment by agents or employees so as to interfere with or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the College or otherwise adversely affect the individual's employment or education. Disability discrimination is defined by law as conduct that is directed at an individual because of his/her mental/physical disability or that of his/her spouse and that subjects the individual to different treatment by agents or employees without legitimate nondiscriminatory reason so as to interfere or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the College or otherwise adversely affects the individual's employment or education.

Any member of the College community has the right to file a complaint or grievance if an incident(s) of discrimination or harassment occurs. Residents seeking to file a complaint or grievance should contact their advisor.

Reporting

(See Appendix A for complete Mesabi Range College Policy 1B.3 Sexual Harassment and Sexual Violence)

Mesabi Range College encourages the reporting of any and all suspected incidents of sexual harassment and sexual violence.

If you have experienced sexual harassment or sexual violence or have questions about sexual harassment, you and/or a person of your choice should see Kelly Bakk (218-749-7765).

You may also ask any student or employee to communicate with a contact person or designated officer for you.

Mesabi Range College Sexual Violence Resources:

<https://www.mesabirange.edu/college-services/sexual-violence-resources>

MinnState Policy Link:

<https://www.minnstate.edu/search/results.html?q=1b.1>

Replacement and Repair Costs

Entrance Door	\$600.00
Hardware	\$105.00
Dead Bolt Lock / Fob System	\$100
Light Bulbs	\$6.00
Light Globes	\$20.00
Outlet / Switch Covers	\$2.00
Carpet / Carpet Tiles/ Flooring	Replacement Cost
Outlets/Switches	\$10.00
Fire Extinguisher	\$60.00
Smoke Detector	\$35.00/ Plus fines for violation
CO2 Detector	\$35.00
Holes in walls	\$25.00 - \$50.00
Holes in interior & closet doors	\$100.00 (each)
Couch	\$645.00
Red Chairs	\$45.00 (each)
Barstools	\$100.00 (each)
Bed & Mattress	\$150.00 (each)
Desk	\$200.00
Chair	\$155.00
Closet Rack	\$50.00
Curtains & Curtain Rods	\$25.00 (each)
Range	\$450.00
Range Hood	\$75.00
Refrigerator	\$500.00
Microwave	\$140.00
Garbage Can	\$15.00
Shower Fixture	\$180.00
Bath Tub	\$400.00
Toilet Seat	\$20.00
Toilet	\$175.00
Sink	\$200.00
Vanity	\$250.00
Shower Curtain & Hooks	\$10.00
Plunger/ Toilet Brush	\$15.00
Kitchen Cabinets & Doors & Countertops	Replacement Cost
Bathroom & Kitchen Flooring	Replacement Cost
Haul Garbage/ Furniture from Apartment to Dump	30.00 minimum
Toilet Removal (Tenant Negligent)	35.00
Door Frame	100.00
Cleaning	20.00/per hour
Maintenance	20.00/per hour

Replacement and repairs to any part of the premises and other service charges which are considered the responsibilities of the tenant shall be charged at the current hourly rate during office hours (time and a half for overtime hours) plus material costs. All of the above charges are based on the work being done by HRA maintenance personnel. All repairs and replacements requiring skilled labor or other services that cannot be performed by maintenance personnel will be charged at the contract cost when considered the responsibility of the tenant.

At move-out, any cost for carpet shampooing and/or painting will be determined once normal wear/tear are assessed. If replacement of carpet or vinyl flooring are necessary, the cost will be determined based on labor and materials minus depreciation. All fees are subject to change.

Appendix A

Policy 1B.3 Sexual Violence Policy

Part 1. Policy Statement

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

Subpart A. Application of policy to students, employees, Board of Trustees and others

This policy applies to all Minnesota State students and employees, Board of Trustees and to others, as appropriate, where incidents of sexual violence on system property have been reported. Reports of sexual violence committed by a student at a location other than on system property are covered by this policy pursuant to the factors listed in Board Policy 3.6, Part 2. Reports of sexual violence committed by a system employee at a location other than system property are covered by this policy.

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

Allegations of discrimination or harassment are governed by Board Policy 1B.1.

Subpart B. College and university policies

Each Minnesota State college and university shall adopt a clear, understandable written policy on sexual violence that applies to its campus community, including but not limited to its students and employees. The policy content and implementation must be consistent with the standards in this policy and System Procedure 1B.3.1

Procedure 1B.3.1 Response to Sexual Violence and Title IX Sexual Harassment

Part 1. Purpose

This procedure provides a process through which individuals alleging sexual violence may pursue a complaint, pursuant to Board Policy 1B.3 Sexual Violence Policy prohibiting sexual violence.

This procedure is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation and reprisal.

Part 2. Definition The definitions in Policies 1B.3 and 1B.1 also apply to this procedure.

Campus security authority

Campus security authority includes the following categories of individuals at a college or university:

1. A college or university security department;
2. Any individual who has campus security responsibilities in addition to a college or university security department;
3. Any individual or organization identified in a college or university security policy as an individual or organization to which students and employees should report criminal offenses;
4. An official of a college or university who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings; advisors to recognized student organizations; and athletic coaches. Professional counselors, whose official responsibilities include providing mental health counseling, and who are functioning within the scope of their license or certification, are not included in this definition.

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment (as defined by Title IX).

Educational program or activity

Includes locations, events, or circumstances over which the college or university exercised substantial control over both the respondent and the context in which the sexual harassment (as defined by Title IX) occurs, and also includes any building owned or controlled by any officially recognized student organization of the college or university.

Formal complaint

A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined by Title IX) against a respondent and requesting that the college or university investigate the allegation of sexual harassment. At the time of filing the formal complaint of sexual harassment (as defined by Title IX), a complainant must be participating in or attempting to participate in the education program or activity of the college or university with which the formal complaint is filed.

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment (as defined by Title IX).

Supportive measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal Title IX complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or

class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Title IX Coordinator

Employee(s) designated by the president to coordinate the college or university's efforts to comply with its Title IX responsibilities and Board Policies 1B.1 and 1B.3. A campus can delegate Title IX responsibilities to, for example, a deputy or deputies, and/or an investigator.

Title IX sexual harassment

For purposes of Title IX, sexual harassment means conduct on the basis of sex that occurs in a college or university's program or activity in the United States that satisfies one or more of the following:

1. An employee of the college or university conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the college or university's education program or activity; or
3. Sexual assault; dating, intimate partner, and relationship violence; and stalking as defined in Board Policy 1B.3

Part 3. Reporting Incidents of Sexual Violence

Subpart A. Prompt reporting encouraged

Complainants of sexual violence and sexual harassment (as defined by Title IX) may report incidents at any time, but are strongly encouraged to make reports promptly in order to best preserve evidence for a potential legal or disciplinary proceeding.

Complainants are strongly encouraged to report incidents of sexual violence to law enforcement for the location where the incident occurred. Complainants are also encouraged to contact the local victim/survivor services office, counseling and health care providers, campus Title IX coordinators, or Minnesota State Colleges and Universities campus security authorities for appropriate action.

Subpart B. Assistance in reporting

When informed of an alleged incident of sexual violence and sexual harassment (as defined by Title IX), all Minnesota State Colleges and Universities students and employees are urged to encourage and assist complainants, as needed, to report the incident to local law enforcement, local victim/survivor services, campus Title IX coordinator, or campus security authorities.

Campus security authorities, when informed of an alleged incident of sexual violence and sexual harassment (as defined by Title IX), shall promptly assist the complainant, as requested, including providing guidance in filing complaints with outside agencies, such as law enforcement; obtaining appropriate assistance from victim/survivor services or medical treatment professionals; and filing a complaint with the Title IX Coordinator.

When appropriate, Minnesota State Colleges and Universities may pursue legal action against a respondent, including, but not limited to, trespass or restraining orders, in addition to

disciplinary action under the applicable student or employee conduct standard. A college or university may take actions it deems necessary or appropriate in response to all protection, restraining, or no-contact orders.

Subpart C. Required reports

Any campus security authority or any college or university employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual violence and sexual harassment (as defined by Title IX), shall follow college or university procedures for making a report for the annual crime statistics report. In addition, the campus security authority or any college or university employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual violence and sexual harassment (as defined by Title IX) shall report to the Title IX Coordinator, in order to initiate any applicable investigative or other resolution procedures.

Campus security authorities may be obligated to report to law enforcement the fact that a sexual assault has occurred, but the name of or other personally identifiable information about the complainant will be provided only with the consent of the complainant, except as may be required or permitted by law.

Subpart D. Mandatory reporting of abuse or neglect of children or vulnerable adults

Minnesota law provides special protection for children under 18 and vulnerable adults. These laws, Minnesota Statutes sections 626.556 and 626.557, identify those who are mandated to report neglect or abuse of children under 18 and maltreatment of vulnerable adults. Faculty, student teachers or clinical participants, day care personnel, and others involved in education or services to children or vulnerable adults may be considered mandated reporters under both of these laws. Reports of abuse or neglect of a child or vulnerable adult, must be made to law enforcement or state or county social service agencies.

Part 4. Confidentiality of Reporting

Confidential reports

Because of laws concerning government data contained in Minn. Stat. Ch. 13 Government Data Practices, colleges and universities cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged communications with licensed healthcare professionals. Some off-campus reports also may be legally privileged by law, such as reports to clergy, private legal counsel, or healthcare professionals.

Part 5. Policy Notices

Subpart A. Distribution of policy to students

Each college or university shall, at a minimum, at the time of registration make available to each student information about its sexual violence and sexual harassment (as defined by Title IX) policy and procedure), including its online reporting system that allows for anonymous reporting, and shall additionally post a copy of its policy and procedure at appropriate locations on campus and in appropriate handbooks at all times. A college or university may distribute its policy and procedure by posting on an Internet or Intranet website, provided all students are directly notified of how to access the policy by an exact address, and that they may request a paper copy.

Subpart B. Distribution of policy to employees

Colleges, universities, and the system office shall make available to all employees a copy of the sexual violence and sexual harassment (as defined by Title IX) policy and procedure. Distribution may be accomplished by posting on an Internet or Intranet website, provided Page 5 Procedure 1B.3.1

all employees are directly notified of the exact address of the policy and procedure as well as the option of receiving a paper copy upon request.

Subpart C. Required notice

Each college or university shall have a sexual violence and sexual harassment (as defined by Title IX) policy, which must include the notice provisions in this part.

- 1. Notice of Title IX Coordinator.** Each college and university must notify applicants for admission and employment, students, employees, and all unions holding collective bargaining agreements with the college or university of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.
- 2. Notice of non-discrimination.** Each college and university must notify applicants for admission and employment, students, employees and all unions holding collective bargaining agreements with the college and university that the college or university does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. Inquiries about the application of Title IX may be referred to the Title IX Coordinator and/or to the United States Department of Education.
- 3. Notice of complainant options**

Following a report of sexual violence the complainant must be promptly notified of:

 - a. Where and how to obtain immediate medical assistance. Complainants should be informed that timely reporting and a medical examination within 72 hours are critical in preserving evidence of sexual assault and proving a criminal or civil case against a perpetrator. Complainants should be told, however, that they may report incidents of sexual violence at any time.
 - b. Where and how to report incidents of sexual violence to local law enforcement officials, and/or appropriate college, university, or system contacts for employees, students, and others. Such contacts should be identified by name, location, and phone number for 24-hour availability, as applicable.
 - c. Resources for where and how complainants may obtain on- or off-campus counseling, mental health, or other support services.
- 4. Notice of complainant rights**

Complainants must be notified of the following:

 - a. Their right to make a report with local law enforcement officials in sexual assault cases.
 - b. Rights under the crime victims bill of rights, Minn. Stat. §§ 611A.01 – 611A.06, including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety.

- c. Availability of prompt assistance from campus officials, upon request, in notifying the appropriate campus investigating authorities and law enforcement officials, and, at the direction of law enforcement authorities, assistance in obtaining, securing, and maintaining evidence in connection with a sexual violence incident.
- d. Assistance available from campus authorities in preserving for a sexual violence complainant materials relating to a campus disciplinary proceeding.
- e. Complaints of incidents of sexual violence made to campus security authorities must be promptly and appropriately resolved.
- f. Upon a sexual assault complainant's request, the college, university, or system office may take action and other supportive measures to prevent unwanted contact with the alleged assailant, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes, or to a work site or to alternative college-owned housing, if such alternatives are available and feasible.
- g. Upon request, students who reported sexual assaults to the college or university and subsequently chose to transfer to another college or university will be provided with information about resources for victims of sexual assault at the college or university to which the complainant is transferring.

Part 6. Investigation and Disciplinary Procedures

Subpart A. General principles

College and university investigation and disciplinary procedures concerning allegations of sexual violence and sexual harassment (as defined by Title IX) against employees or students must:

1. Be respectful of the needs and rights of individuals involved and treat them with dignity;
2. Not suggest the complainant was at fault for the sexual assault or should have behaved differently to prevent the assault;
3. Proceed as promptly as possible;
4. Permit a student complainant and a student respondent to have the same opportunity to have an appropriate support person or advisor present at any interview or hearing, in a manner consistent with the governing procedures and applicable data practices law;
5. Afford employees the right to representation consistent with the appropriate collective bargaining agreement or personnel plan;
6. Be conducted in accordance with applicable due process standards and privacy laws;

7. Simultaneously inform both the complainant and respondent of the outcome in a timely manner, as permitted by applicable privacy law.
8. Be based on a preponderance of evidence standard, meaning that it is more likely than not that the policy, procedure, or code has been violated.

The past sexual history of the complainant and respondent must be deemed irrelevant except as that history may directly relate to the incident being considered. Page 7 Procedure 1B.3.1

A respondent's use of any drug, including alcohol, judged to be related to an offense may be considered to be an exacerbating rather than mitigating circumstance.

Subpart B. Relationship to parallel proceedings

In general, college, university, and system office investigation and disciplinary procedures for allegations of sexual violence and sexual harassment (as defined by Title IX) will proceed independent of any action taken in criminal or civil courts. A college or university need not, and in most cases should not, delay its proceedings while a parallel legal action is ongoing. If a college or university is aware of a criminal proceeding involving the alleged incident, they may contact the prosecuting authority to coordinate when feasible. Criminal or civil court proceedings are not a substitute for college, university, and system office procedures.

Subpart C. Memorandum of understanding with local law enforcement

Each college or university shall enter into a memorandum of understanding with the primary law enforcement agencies that serve their campus(es). Prior to the start of each academic year, each college or university shall distribute an electronic copy of the MOU to all employees on the campus that are subject to the memorandum. Colleges and universities are exempt from the MOU requirement if they and local or county law enforcement agencies establish a sexual assault protocol team to facilitate effective cooperation and collaboration between the college or university and law enforcement.

Subpart D. False statements prohibited

Colleges, universities, and the system office take allegations of sexual violence and sexual harassment (as defined by Title IX) very seriously and recognize the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual violence, or who provides false information during the investigation of such a complaint or report, may be subject to discipline or, under certain circumstances, legal action. Complaints of conduct that are found not to violate policy are not assumed to be false.

Subpart E. Sanctions

Sanctions that may be imposed if a finding is made that sexual violence and sexual harassment (as defined by Title IX) has occurred include, but are not limited to, discipline up to and including suspension, or expulsion of students, or discipline, up to and including termination from employment, as provided in the applicable bargaining agreement or compensation plan, for employees. The appropriate sanction will be determined on a case-by-case basis, taking into account the severity of the conduct, the student's or employee's previous disciplinary history, and other factors as appropriate.

Witnesses or victims who report in good faith an incident of sexual violence will not be sanctioned by the college, university, or system office for admitting in the report to a violation of the student conduct policy on the use of alcohol or drugs.

Subpart F. Retaliation prohibited

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

Part 7. Investigation and Resolution

The college, university or system office has a duty to take timely and appropriate action to stop behavior prohibited by Board Policy 1B.3, conduct investigations and take appropriate action to prevent recurring misconduct.

Subpart A. Informal resolution

A college or university may offer an informal resolution process if a formal complaint is filed and after providing both parties a notice of allegations. The parties must voluntarily consent, in writing, to the informal resolution process. At any time before agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the process with respect to the formal complaint. This procedure neither prevents nor requires the use of informal resolution by individuals who believe they have been subject to conduct in violation of Board Policy 1B.3. Informal resolution shall not be used to resolve allegations that an employee sexually harassed a student.

Subpart B. Information privacy

Confidentiality of information obtained during an investigation cannot be guaranteed; such information, however, will be handled in accordance with applicable federal and state data privacy laws.

Subpart C. Processing the complaint

The Title IX Coordinator must be contacted in order to initiate a complaint under this procedure. The Title IX Coordinator shall determine the process used in each complaint based on the complexity of the allegations, the number and relationship of individuals involved, and other pertinent factors.

1. Jurisdiction. The Title IX Coordinator shall:

- a. determine whether the complaint is one which should be processed through another system office, college or university procedure available to the complainant;
- b. if appropriate, direct the complainant to that procedure as soon as possible; and
- c. for sexual harassment complaints, (as defined by Title IX), determine whether or not the complaint involves the education program or activity of the college or university and whether the incident occurred in the United States.

2. Conflicts. The Title IX Coordinator should identify to the president or chancellor/designee any real or perceived conflict of interest in proceeding as the Title IX Coordinator, for the decision-maker, and/or for any person designated to facilitate an informal resolution for a specific complaint. If the president or chancellor/designee determines that a conflict exists, another Title IX Coordinator, decision-maker, or person facilitating an informal resolution must be assigned.

- 3. Information provided to complainant.** At the time the complaint is made, the Title IX Coordinator shall:

 - a. inform the complainant of the provisions of the Board Policy 1B.3 and this procedure;
 - b. provide a copy of or Web address for Board Policy 1B.3 and this procedure to the complainant;
 - c. determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement;
 - d. inform the complainant of the provisions of Board Policy 1B.3 prohibiting retaliation;
 - e. discuss the availability of supportive measures; and
 - f. explain the process for filing a formal Title IX complaint.

- 4. Complaint documentation.** The Title IX Coordinator shall insure that the complaint is documented in writing. The Title IX Coordinator may request, but not require the complainant to document the complaint in writing using the complaint form of the system office, college or university.

- 5. Information provided to the respondent.** At the time initial contact is made with the respondent, the Title IX Coordinator shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the sexual violence policy, including the name of the complainant. At the initial meeting with the respondent, the Title IX Coordinator shall:

 - a. provide a copy of or Web address for Board Policy 1B.3 and this procedure to the respondent;
 - b. provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
 - c. explain to the respondent that in addition to being interviewed by the Title IX Coordinator, the respondent may provide a written response to the allegations;
 - d. determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement;
 - e. discuss the availability of supportive measures;
 - f. inform the respondent of the provisions of Board Policy 1B.3 prohibiting retaliation; and
 - g. utilize the template notice of allegations.

- 6. Investigatory process.** The Title IX Coordinator shall:

- a. conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
- b. inform the witnesses and other involved individuals of the prohibition against retaliation;
- c. create, gather and maintain investigative documentation as appropriate;
- d. disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice in accordance with state law;
- e. handle all data in accordance with applicable federal and state privacy laws
- f. include an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence.
- g. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.
- h. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- i. For formal Title IX complaints, before completing the investigation report, send to both the complainant and the respondent and their advisors, if any, the evidence subject to inspection and review. Both the complainant and the respondent must have at least ten (10) calendar days to submit a written response to the evidence, which the Title IX Coordinator will consider before completing the investigative report. Both parties and their advisors may use the information solely for purposes of proceedings pursuant to this policy.
- j. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) calendar days prior to a formal hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

7. Interim actions

- a. **Employee reassignment or administrative leave.** Under appropriate circumstances, the president or chancellor may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.
- b. **Student summary suspension or other action.** Under appropriate circumstances, the president or designee may summarily suspend a student at any point in time during the report/complaint process. A summary suspension may be imposed only

in accordance with Board Policy 3.6 and associated system procedures. After the student has been summarily suspended, the report/complaint process should be completed within the shortest reasonable time period, not to exceed nine (9) class days. During the summary suspension, the student may not enter the campus or participate in any college or university activities without obtaining prior permission from the president or designee. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.

8. **No basis to proceed.** At any point during the processing of the complaint, the Title IX Coordinator may determine that there is no basis to proceed under Board Policy 1B.3. The Title IX Coordinator may refer the complaint as appropriate to other college or university officials. If the conduct alleged in the formal Title IX complaint would not constitute Title IX sexual harassment even if proved, did not occur in the college or university's education program or activity, or did not occur against a person in the United States, then the college or university must dismiss the formal complaint. The college or university may dismiss a formal Title IX complaint or any allegations therein any time during the investigation or hearing if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the college or university; or specific circumstances prevent the college or university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. The college or university must promptly notify both the complainant and the respondent of any dismissal.
9. **Timely completion.** Colleges, universities and the system office shall provide resources sufficient to complete the investigative process and issue a written response in a timely manner after a complaint is made, unless reasonable cause for delay exists. Reasonable cause may include considerations such as the absence of the party, a party's advisor or a witness; concurrent law enforcement activity or the need for language assistance or accommodation of disabilities. The Title IX Coordinator shall notify the complainant and respondent if the written response is not expected to be issued within a timely manner. The college, university or system office must meet any applicable shorter time periods, including those provided in the applicable collective bargaining agreement.

Subpart D. Decision process

If the above methods, including the informal resolution process, have not resolved the complaint within a reasonable period of time to the satisfaction of the Title IX Coordinator, the procedures in this subpart must be followed.

1. **Title IX Coordinator.** The Title IX Coordinator shall:
 - a. Prepare an investigation report.
 - b. Refer the matter for a formal hearing.

2. **Formal Hearing.** Formal hearings for Title IX sexual harassment complaints will be conducted by the Office of Administrative Hearings pursuant to the rules for administrative hearings. If either the complainant or respondent does not have an advisor for the formal hearing, the college or university must provide an advisor without fee or charge to the complainant or respondent. Colleges and Universities shall maintain a roster of advisors for this purpose. The role of the advisor for the respondent is to conduct cross-

examination on behalf of the respondent. At the conclusion of the formal hearing, the administrative law judge will issue a written recommendation for a final decision made by the college or university decision-maker.

3. Decision-maker. After receiving the report and recommendation prepared by the administrative law judge, the decision-maker shall

- a. Decide whether the policy has been violated; and
- b. On appropriate sanctions if the policy has been violated;
- c. Issue a written determination that must include;
 1. identification of the allegations potentially violating this policy;
 1. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearing help;
 2. findings of fact supporting the determination;
 3. conclusions regarding application of the policy to the facts;
 4. a statement of, and rationale, for the result as to each allegation, including determination regarding responsibility, any disciplinary sanctions the college or university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the college or university's education program or activity will be provided by the college or university to the complainant; and
 5. the college or university's procedures and permissible bases for the complainant and respondent to appeal.

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

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

Written notice to parties relating to discipline, resolutions, and/or final dispositions resulting from the report/complaint process is deemed to be official correspondence from the college, university, or system office. In accordance with state law, the college, university, or system

office is responsible for filing the complaint disposition concerning complaints against employees with the Commissioner of Minnesota Management and Budget within 30 days of final disposition.

Part 8. Appeal

Subpart A. Filing an appeal

The complainant or the respondent may appeal the decision of the decision-maker. An appeal must be filed in writing with the president or designee within ten (10) calendar days after notification of the decision. The appeal must state specific reasons why the complainant or respondent believes the decision or sentence were improper. In a complaint against a president or other official who reports directly to the chancellor, an appeal may be considered by the chancellor whether or not the chancellor served as the decision-maker. In addition, for a formal Title IX complaint, both the complainant and respondent may appeal a dismissal of a formal complaint.

Subpart B. Appeal process

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

Part 9. Education and Training

The colleges, universities, and system office shall provide education and training programs to promote awareness and prevent discrimination/harassment, such as educational seminars, peer-to-peer counseling, operation of hotlines, self-defense courses, and informational resources. Education and training programs should include education about Board Policy 1B.3 and this procedure. All colleges, universities, and the system office shall promote awareness of Board Policy 1B.3 and this procedure, and shall publicly identify the Title IX Coordinator. A college or university must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution policy, received training on Title IX sexual harassment complaints. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process on handling formal Title IX complaints must be made publicly available on the college or university's website.

Sexual Violence Prevention and Education

Subpart A. Campus-wide training

Colleges, universities, and the system office shall:

1. Include in their sexual violence policy a description of educational programs that they offer to students and employees to promote the awareness of sexual violence offenses, including sexual violence prevention measures and procedures for responding to incidents;
2. Provide training on awareness of sexual violence prevention measures and procedures for responding to incidents of sexual violence. At a minimum, all incoming students and all new employees must be provided with this training;
3. Emphasize in their educational programs the importance of preserving evidence for proof of a criminal offense, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and risk associated with the perpetration of sexual violence.

Subpart B. Other training and education

Colleges and universities and affiliated student organizations are encouraged to develop educational programs, brochures, posters, and other means of information to decrease the incidence of sexual violence and advise individuals of the legal and other options available if they are the complainants of an incident or if they learn of such an incident.

Subpart C. Training for individuals charged with decision-making authority

Prior to serving as either an investigator or decision-maker for complaints under this procedure, administrators shall complete investigator or decision-maker training provided by the system office.

Investigators/decision-makers, campus security officers, and anyone else involved in the adjudication process must receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Part 10. Maintenance of Report/Complaint Procedure Documentation

During and upon the completion of the complaint process, the complaint file must be maintained in a secure location in the office of the Title IX Coordinator for the college, university or system office, for a period of seven (7) years, in accordance with the applicable records retention schedule. Access to data must be in accordance with the respective collective bargaining agreement or personnel plan, the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act, and other applicable law. Information on reports of incidents of sexual violence that are made to campus security authorities must be documented in accordance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, codified at 20 U.S.C. § 1092 (f). The information will be used to report campus crime statistics on college and university campuses as required by the Clery Act. Each college, university and the system office shall annually report statistics on sexual assaults to the Minnesota Office of Higher Education. Additionally, the report must be published on each college and university website in accordance with state law.

Appendix B

Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education

Part 1. Policy Statement

Subpart A. Equal opportunity for students and employees. Minnesota State Colleges and Universities has an enduring commitment to enhancing Minnesota's quality of life by developing and fostering understanding and appreciation of a free and diverse society and providing equal opportunity for all its students and employees. To help effectuate these goals, Minnesota State Colleges and Universities is committed to a policy of equal opportunity and nondiscrimination in employment and education.

Subpart B. Nondiscrimination. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, discrimination in employment based on familial status or membership or activity in a local commission as defined by law is prohibited.

Harassment on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or familial status is prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.

This policy is directed at verbal or physical conduct that constitutes discrimination/harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, Minnesota State Colleges and Universities will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. However, discrimination and harassment are not within the protections of academic freedom or free speech.

The system office, colleges, and universities shall maintain and encourage full freedom, within the law, of expression, inquiry, teaching and research. Academic freedom comes with a responsibility that all members of our education community benefit from it without intimidation, exploitation or coercion.

This policy shall apply to all individuals affiliated with Minnesota State Colleges and Universities, including but not limited to, its students, employees, applicants, volunteers, agents, and Board of Trustees, and is intended to protect the rights and privacy of both

the complainant and respondent and other involved individuals, as well as to prevent retaliation or reprisal. Individuals who violate this policy shall be subject to disciplinary or other corrective action.

This policy supersedes all existing system, college, and university equal opportunity and nondiscrimination policies.

Part 2. Definitions

Subpart A. Consensual Relationship

Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. Employees who are members of the same household should also refer to Board Policy 4.10, Nepotism.

Subpart B. Discrimination

Discrimination means conduct that is directed at an individual because of his or her protected class and that subjects the individual to different treatment by agents or employees so as to interfere with or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the system or colleges and universities or otherwise adversely affects the individual's employment or education.

Subpart C. Discriminatory harassment

Discriminatory harassment means verbal or physical conduct that is directed at an individual because of his or her protected class, and that is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work or educational environment.

As required by law, Minnesota State Colleges and Universities further defines sexual harassment as a form of sexual discrimination which is prohibited by state and federal law. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term or condition of participation in student activities or in other events or activities sanctioned by the college or university; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the college or university; or
3. Such conduct has the purpose or effect of threatening an individual's employment; interfering with an individual's work or academic performance; or creating an intimidating, hostile, or offensive work or educational environment.

Subpart D. Employee

Employee means any individual employed by Minnesota State Colleges and Universities, including all faculty, staff, administrators, teaching assistants, graduate assistants, residence directors and student employees.

Subpart E. Protected Class

For purposes of this policy:

1. Protected class includes race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, familial status and membership or activity in a local human rights commission are protected classes in employment.
2. This policy prohibits use of protected class status as a factor in decisions affecting education and employment where prohibited by federal or state law.

Subpart F. Retaliation

Retaliation includes, but is not limited to, intentionally engaging in any form of intimidation, reprisal or harassment against an individual because he or she:

- a) made a complaint under this policy;
- b) assisted or participated in any manner in an investigation, or process under this policy, regardless of whether a claim of discrimination or harassment is substantiated;
- c) associated with a person or group of persons who are disabled or are of a different race, color, creed, religion, sexual orientation, gender identity, gender expression, or national origin; or
- d) Made a complaint or assisted or participated in any manner in an investigation or process with the Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, the Minnesota Department of Human Rights or other enforcement agencies, under any federal or state nondiscrimination law, including the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Minnesota Human Rights Act, Minn. Stat. Ch. 363A, and their amendments.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

Subpart G. Sexual harassment and violence as sexual abuse

Under certain circumstances, sexual harassment or violence may constitute sexual abuse according to Minnesota law. In such situations, the system office and colleges and universities shall comply with the reporting requirements in Minnesota Statutes Section 626.556 (reporting of maltreatment of minors) and Minnesota Statutes Section 626.557 (Vulnerable Adult Protection Act). Nothing in this policy will prohibit any college or university or the system office from taking immediate action to protect victims of alleged sexual abuse. Board Policy 1B.3 Sexual Violence addresses sexual violence.

Subpart H. Student

For purposes of this policy, the term "student" includes all persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through a college or university;

2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code.;
3. Are not officially enrolled for a particular term but who have a continuing relationship with the college or university;
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
5. Are living in a college or university residence hall although not enrolled in, or employed by, the institution.

Part 3. Consensual Relationships

An employee of Minnesota State Colleges and Universities shall not enter into a consensual relationship with a student or an employee over whom he or she exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence. In the event a relationship already exists, each college and university and system office shall develop a procedure to reassign evaluative authority as may be possible to avoid violations of this policy. This prohibition does not limit the right of an employee to make a recommendation on personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or compensation plan.

Part 4. Retaliation

Retaliation as defined in this policy is prohibited in the system office, colleges and universities. Any individual subject to this policy who intentionally engages in retaliation shall be subject to disciplinary or other corrective action as appropriate.

Part 5. Policies and procedures

The chancellor shall establish procedures to implement this policy. The equal opportunity and nondiscrimination in employment and education policy and procedures of colleges and universities shall comply with Board Policy 1B.1 and Procedure 1B.1.1.