



A Report to the Minnesota State University Moorhead Community

October 2004

I. Introduction

Minnesota State University Moorhead (MSUM) encourages all members (students, employees, and visitors) of our University community to be fully aware of safety and security issues, campus-related departments and services and to take action to prevent and report illegal and other unsafe activities should they occur. Personal awareness, practicing personal safety, and reporting incidents of concern are the foundation of a safe community.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (a/k/a The Clery Act) of 1998 -- previously known as the Crime Awareness and Campus Security Act of 1990 --and the Higher Education Amendments of 1992, Minnesota State University Moorhead monitors criminal activity for the campus, off-campus sites owned or maintained by MSUM and/or recognized University organizations; and related curtilage. MSUM also documents a three-year statistical history of these incidents. Minnesota State University Moorhead provides the information and statistics herein to University students and employees and to others upon request. You may view MSUM's statistics by going to the Department of Education's Security Statistics search site at <http://www.ope.ed.gov/security>, as well by checking Campus Security's web site at <http://www.mnstate.edu/security/CampusCrimeReports/AnnualCrimeReports.html>. MSUM has a variety of policies and procedures relating to campus security and it expressly reserves the right to modify them or adopt additional policies or procedures at any time without notice. Such changes will appear in successive issues of this report.

II. Crime Reporting Policies

A. General Information

The Campus Security Department for Minnesota State University Moorhead is on-duty 24-hours a day throughout the year. All requests for immediate assistance relating to issues of safety and security should be made by calling (218) 477-2449, by email at security@mnstate.edu or by visiting our facility at 1616 9th Avenue South, Moorhead, Minnesota, 56563. Campus Security Officers respond to all requests for service and assistance. These officers are full-time security staff and/or part-time student employees of the University and are *not* police. In the event of any life-threatening emergency, or any apparent crime in progress, persons are strongly encouraged to immediately and directly contact appropriate police, fire or medical assistance by calling:

“911” , or, Moorhead Police “non-emergency” (218) 299-5111

1. Campus Security officers are authorized, when appropriate, to make a citizen's arrest. Typically such arrests are made only in the presence or support of a law enforcement officer.
2. Campus Security works closely with local, state and federal law enforcement agencies to respond to and track criminal activity on campus.
3. All persons on campus are encouraged to immediately report any criminal activity to the Moorhead Police Department or the University's Campus Security Department. Individuals who contact Campus Security will be strongly encouraged to also report incidents that are criminal in

nature to the Moorhead Police Department. Campus Security normally requires a written report from the complainant/victim to begin an investigation and support the ability to address concerns through the University's Judicial System. MSUM will make exceptions to this immediate need to file a written report when necessary, including cases presenting clear and immediate danger to an individual or the University community.

4. **Crime Report:** MSUM will issue an annual report of crimes occurring on campus and related curtilage that are made known to Campus Security directly, or through other University departments or personnel and related law enforcement agencies. This report is made available by the Campus Security Department, requests for additional information regarding this report and its statistics may be made to the Campus Security Department, 1616 9th Avenue South, Moorhead, MN 56563, or phone (218) 477-2449. The statistics in this report follow the uniform crime reporting procedures of the Federal Bureau of Investigation. These statistics should be considered in relation to the occurrences of crime in society generally, University demographics and statistics from other institutions of similar description.

Number of Incidents Reported (Calendar Years)

2003 Crime Statistics					Bias Motivated Incidents						
Incidents	On Campus	University Property	Public Property	Grand Total	Residence Halls	Racial Bias	Ethnic Bias	Religious Bias	Sexual Orientation Bias	Bias Based on Disability	Gender Bias
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	17	0	1	18	6	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0
Fires	6	0	0	6	0	0	0	0	0	0	0
False Fire Alarms	93	0	0	93	51	0	0	0	0	0	0
Burglary	8	0	0	8	6	0	0	0	0	0	0
Theft	107	3	1	111	30	0	0	0	0	0	0
Robbery	1	0	0	1	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0
Criminal Homicide											
Murder	0	0	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offences	4	0	0	4	3	0	0	0	0	0	0
Non-Forcible Sex Offences	4	0	0	4	4	0	0	0	0	0	0
Missing Persons	2	0	0	2	1	0	0	0	0	0	0
Vandalism	102	0	3	105	50	0	0	0	6	0	8
Arrest (Persons)											
Liquor Law Violations	75	0	1	76	45	N/A	N/A	N/A	N/A	N/A	N/A
Drug Abuse Violations	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A
Weapons Violations	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A
Disciplinary Referrals											
Liquor Law Violations	347	0	0	347	325	N/A	N/A	N/A	N/A	N/A	N/A
Drug Abuse Violations	32	0	0	32	32	N/A	N/A	N/A	N/A	N/A	N/A
Weapons Violations	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A

* This chart reflects a change in the way Hate Crimes (Bias Motivated Incidents) are being documented an effort is being made to clearly define the "Types" of bias motivated incidents that occur on our campus.

2002 Crime Statistics						
Incidents	On Campus	University Property	Public Property	Grand Total	Residence Halls	Hate Crimes
Aggravated Assault	3	0	1	4	1	0
Simple Assault	17	0	0	17	6	0
Arson	5	0	0	5	0	0
Fires	3	0	0	3	1	0
False Fire Alarms	74	0	0	74	40	0
Burglary	31	1	0	32	16	0
Theft	72	0	1	73	22	0
Robbery	0	0	0	0	0	0
Motor Vehicle Theft	2	0	0	2	0	0
Criminal Homicide						
Murder	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0
Forcible Sex Offences	5	0	0	5	5	0
Non-Forcible Sex Offences	0	0	0	0	0	0
Missing Persons	3	0	0	3	1	0
Vandalism	92	0	1	93	32	0
Arrest (Persons)						
Liquor Law Violations	179	1	6	186	139	0
Drug Abuse Violations	2	0	1	3	1	0
Weapons Violations	0	0	0	0	0	0
Disciplinary Referrals						
Liquor Law Violations	475	0	0	475	444	0
Drug Abuse Violations	21	0	0	21	21	0
Weapons Violations	0	0	0	0	0	0

*** Upon reviewing the 2002, 2001 stats. These #s were corrected.

2001 Crime Statistics						
Incidents	On Campus	University Property	Public Property	Grand Total	Residence Halls	Hate Crimes
Aggravated Assault	2	0	0	2	0	0
Simple Assault	9	0	0	9	0	0
Arson	5	0	0	5	1	0
Fires	3	0	0	3	0	0
False Fire Alarms	89	0	0	89	15	0
Burglary	42	0	0	42	8	0
Theft	154	2	8	164	15	0
Robbery	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Criminal Homicide						
Murder	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0
Forcible Sex Offences	4	0	0	4	3	0
Non-Forcible Sex Offences	0	0	0	0	0	0
Missing Persons	2	0	0	2	0	0
Vandalism	134	4	5	143	33	0
Arrest (Persons)						
Liquor Law Violations	88	0	0	88	51	0
Drug Abuse Violations	11	0	0	11	11	0
Weapons Violations	0	0	0	0	0	0
Disciplinary Referrals						
Liquor Law Violations	602	1	10	612	595	1 (so)***
Drug Abuse Violations	17	0	3	20	17	0
Weapons Violations	0	0	0	0	0	0

*** Upon reviewing the 2002, 2001 stats. These #s were corrected.

Crime Definitions

The definitions listed are taken from the Federal Bureau of Investigation Uniform Crime Reporting (UCR) Handbook and National Incident Based Reporting System (NIBRS) and used to classify the criminal offenses previously listed:

- **Murder** - The willful (non-negligent) killing of one human being by another.
 - **Forcible Sex Offense** - Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent; to include forcible rape, forcible sodomy, sexual assault with an object and forcible fondling.
 - **Non-forcible Sex Offense** - Unlawful, non-forcible sexual intercourse or other sexual act; to include incest and statutory rape.
 - **Robbery** – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
 - **Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
 - **Burglary** – The unlawful entry into a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the above.
 - **Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where person not having lawful access even though the vehicles are later abandoned; including joyriding, takes automobiles.)
 - **Larceny/Theft** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket picking or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
 - **Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
 - **Alcohol Violations** - The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)
 - **Drug Abuse Violations** - Violation of Federal, State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroine, codeine); marijuana; synthetic narcotics (demerol, methadone); and dangerous non-narcotic drugs (barbiturates, benzedine).
 - **Weapons Law Violations** - The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the above.
5. The Campus Security Director serves as the primary liaison with all law enforcement agencies for safety and security issues occurring on campus. When such incidents occur, the Director or his representative will determine the proper means of communicating these concerns to the campus community. The following media are used to inform the campus about safety and security issues, to report to the campus community crimes considered to be an immediate threat to students and employees, and to encourage students and employees to be responsible for following stated security procedures and practices: campus-wide e-mail and voice-mail, The Advocate (student newspaper), Continews (Office of University Advancement), University television and radio stations, campus forums, Residence Hall or floor meetings conducted by Housing & Residential Life and Student Affairs staff and consultants, crime prevention literature, Student Government assistance, posted announcements (Safety/Security Alerts) and mailings.

B. Reporting Procedures

1. All criminal activity occurring on campus should be reported immediately to Campus Security and/or the Moorhead Police Department. Campus Security will assist the complainant in completing reports. Campus Security will strongly encourage and support complainants and victims to report all crimes to the Moorhead Police Department. In appropriate cases, reports will also be shared with the University's Judicial Process. Campus Security will assist the Moorhead Police Department and the University's Judicial Process with

investigations when requested. Campus Security also accepts reports of criminal activity occurring to or caused by persons involved in University sanctioned functions and groups off-campus locations. Such incidents are included in the University's annual report and may be addressed on and/or off-campus.

2. If you are a victim of a crime or witness a crime:
Call the Moorhead Police Department (911) and/or Campus Security (477-2449) for any emergency including medical emergencies, fires, suspicious people or activities, crime reports, traffic accidents, or other illegal activities:
 - a. Write down as much information as you can remember after a crime. If you cannot identify the perpetrator by name, try to recall as many details as possible about the offender(s):
 1. Gender;
 2. Approximate age;
 3. Height;
 4. Weight/build;
 5. Description of face (eye color, hair color/style, jaw, nose, facial hair, glasses, etc.);
 6. Dress/clothing;
 7. Distinguishing marks (scars, tattoos, etc.);
 8. Voice.
 - b. Attempt to obtain a description and license number of any vehicle involved. Note the direction taken by offenders or vehicles and report those to Campus Security and/or the Moorhead Police Department; Preserve the crime scene; do not touch any items involved in the incident. Close off the area of the incident and do not allow anyone in the crime area until Campus Security and/or the Moorhead Police Department Officers arrive.
3. When necessary to protect the victim's identity, **in sexual assaults, Campus Security will accept third-party reports.** Whenever possible, Campus Security prefers to receive reports from the victim, as the detail is often more accurate in such situations. Maintain all physical evidence; do not risk losing critical evidence. All employees who become aware of an allegation of violation of University policy, student code of conduct, civil or criminal law should report the allegation to their supervisor and Campus Security. The following people with significant responsibility for student and campus activities (not including counselors) must report potential criminal activity of which they are aware to Campus Security: Campus Activities Board Coordinator, Admissions Director, Affirmative Action Officer, Alumni Director, Athletic Director, Athletic Trainer, Assistant Director for CMU, Assistant Coaches, Associate Director of Student Support Services (Judicial Affairs), Associate Registrar, Career Services Director, Coaches, Early Education Center Director, Deans, Department Chairs, Disability Services Coordinator, Financial Aid Director, FYE Program Director, Hendrix Health Center Director, Housing & Residential Life Director, Housing & Residential Life Associate Director, International Programs Director, Intramural Director, Multicultural Affairs Director, Newman Center Director, Nurses, Personnel Director, Personnel Officer, President, Registrar, Residence Hall Complex Coordinator, Resident Assistant, Student Development Director, Student Teaching Abroad Director, Comstock Memorial Union Director, University Bookstore Supervisor, Vice President for Academic Affairs, Vice President of Administrative Affairs, Vice President for Student Affairs, Volunteer Services Coordinator, as well as any assistants and associates.

C. MSUM Response to Reports

1. All allegations will be investigated. These investigations may be made in conjunction with the Moorhead Police Department or other law enforcement agencies.
2. The Director of Campus Security will classify reports in conjunction with the appropriate police agency according to the FBI Uniform Crime Reporting Definitions.
3. When alleged perpetrators are identified as students, the case will be forwarded to the Associate Director of Student Support Services (Judicial Affairs) for investigation and appropriate action. Criminal investigation, arrest and prosecution can occur independently, before, during or after the campus judicial process.
4. MSUM will issue a timely warning to members of the campus community in cases of reported murder, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and any hate crimes (manifesting evidence of prejudice based on race, religion, sexual orientation or ethnicity), or murder, forcible rape or aggravated assault, in cases where the Director of Campus Security (or the Director's designee) determines there is a continuing threat to the University community. In such cases, warnings may be provided through campus bulletins (via e-mail), campus radio stations, campus newspapers, residence hall bulletins, and other significant means.

IV. Personal Safety and Access to Campus Facilities

A. Personal Safety

1. Campus Security Officers are available to assist you in protecting yourself by providing regular foot and vehicle (mountain bike, automobile) patrol and various safety and security communication; however, only you can protect yourself by being aware of your surroundings and take appropriate steps in preventing crime. Remember to:
 - Use Campus Security's "escort service" and "blue light" phones.
 - Walk in a group, stay in well-lighted areas and wear light-colored clothing when walking at night.
2. Emergency Phones:

Emergency and elevator call box telephones are located throughout the campus. The "Blue Light" phones are made visible by a blue light globe on the top of these stations. When properly activated, these phones directly dial the on-duty Campus Security dispatcher. To operate these phones you must follow this "one-step" process:

 1. 1. Push the red button on the face of the box and present your communication to the dispatcher.
3. Escort Service:

Minnesota State University Moorhead provides an escort service (primarily walking) by Campus Security. Escorts may be requested by phoning ext. **2449** and will be provided as other safety and security duties permit.
4. Protection of student residence hall room or apartment:
 - Lock your door - even if you are only going out for a short time or only going a short distance. It only takes a matter of seconds to enter your open room and steal your valuables.
 - Always lock your door when you are asleep. You are also encouraged to lock your door when you are awake.
 - Do not prop open locked exterior building doors. These doors are locked for your protection and protection of others.
 - Never open exterior doors of the building for strangers or non-residents. Always escort your guests to and from the main entrance doors.
 - Do not loan your keys to anyone - even a classmate or a friend. They may not be careful with them and may misplace them, giving the wrong person access.
 - Do not leave your keys lying around in public places or in your jacket pocket when you are not wearing it.
 - Do not put your name or address on key rings as they may be used to steal your property if found by the wrong person.
5. Protect your property:
 - Personal property (purses, backpacks, calculators, etc.) should never be left unattended. Take such items with you if you are leaving the office, classroom or residence hall room.
 - Lock your door whenever you leave your room or office. Always lock your door when sleeping. Always lock your car doors.
 - Never open the exterior doors of the building to strangers or non-residents. Always escort your guests to and from the main entrance doors.
 - Protect all valuables in your room or office. Do not leave valuables in plain view.
 - Take valuables home with you during vacations.
 - Students are encouraged to open a savings or checking account rather than allow large sums of money to accumulate in their room. If you open a checking account, remember the number of the last check written. The theft of a single check can go undetected until a bank statement discloses a forgery.
 - Park your bike where you can keep an eye on it if possible. Always lock your bike to the bike racks provided. There are several good anti-theft devices available. Case hardened heavy (U-Bolt) locks and chains afford the best protection for security of these items.
6. Protect your automobile:
 - Always lock your car doors and never leave your keys in the vehicle.
 - Try to park your car in a well-lit area.
 - Avoid leaving personal property where it is visible inside your vehicle.

7. Protect YOURSELF

- Avoid walking alone at night.
- Refrain from taking shortcuts; walk where there is plenty of light and traffic.
- Walk along well-lighted routes at night.
- Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly for a lighted area or a group of people.
- Have your keys ready when returning to your residence hall or apartment and keep your personal or valuable items concealed and close to your body. If you must travel alone at night, use Campus Security's Escort Service (477-2449) to escort you to your on-campus destination.

8. Help us protect you:

Watch for suspicious persons in and around University buildings and in parking lots. Do not pursue them. Call Campus Security immediately. Call Campus Security if you should enter your room and find a stranger, regardless of the "cover story" supplied.

Suspicious Activity:

- If you see any suspicious activity or people on or near campus, call Campus Security immediately (477-2449). Do not assume that what you observe is an innocent activity or that it has already been reported.
- Do not assume the person is a visitor or University staff member that you have not seen before.

Suspicious people may be:

- Loitering about at unusual hours and locations; running, especially if something of value is being carried.
- Exhibiting unusual mental or physical symptoms. Person(s) could be in distress and need medical or psychiatric assistance.
- Carrying property that might be suspicious, depending on the circumstances, going from room to room trying door handles. Door-to-door soliciting is not permitted in MSUM residence halls. Violations of this rule should be reported to your hall director immediately. Report all thefts and property loss immediately to Campus Security and/or the Moorhead Police Department.

Be safety and security conscious at all times.

B. Campus Facilities Security

1. Building access and maintenance:

- The MSUM campus is for the use of the students, faculty, staff, guests and those on official business with MSUM.
- Access to campus buildings is limited outside of normal business and class hours.
- Students, faculty, staff and visitors are encouraged to report needed repairs to the Buildings & Grounds Maintenance Office (308-3166).

2. Policies and procedures for safe access to academic buildings:

- Keys are issued to authorized faculty, staff and students only.
- Exterior building doors should not be propped open when the doors are locked.
- Building evacuation is mandatory for all fire alarms.
- Individual academic buildings are normally open from 6 AM until 6pm or 10pm (closing times vary among buildings), or for scheduled weekend classes and special events. Employees and students in buildings after normal working hours must have an MSUM I.D. in their possession and present the I.D. when requested.
- Faculty, staff, and students who see a suspicious or unauthorized person in a building may ask the individual for I.D. or contact Campus Security (477-2449). Campus Security will secure the building at closing time. In buildings with outside windows, employees should close and lock them before leaving the building.
- On campus phones and pay phones are located in most buildings for emergency calls. Problems related to people in buildings after hours should be reported to Campus Security (477-2449) immediately.

3. Policies and procedures for safe access to residence halls:

- Residence Hall exterior doors are locked 24 hours a day.
- Residents are encouraged not to prop doors open and not to open these doors to anyone other than their guests.
- Residents locked out of their rooms should contact their hall's front desk. After desk hours, contact Residential Life Paging (477-2231).
- All overnight guests must be registered with the hall desk.
- No person(s) other than hall residents will be allowed in residence hall lounges or lobbies without an escort/host present.

IV. Education Programs:

- A. Security staff provides assistance in presenting programs on campus safety and security issues. Security staff develop and present educational programs for both students and University employees in the areas of crime prevention, sexual assault awareness, fire prevention, annoying phone calls, personal safety, etc. Campus Security works closely with the Moorhead Police and Fire Departments and the F-M Rape and Abuse Crisis Center in presenting programs. Security has available brochures, flyers, pamphlets, movies, videos and posters concerning various safety and security issues. Contact the Director of Security to schedule safety and security programs.
- B. The Minnesota State University Moorhead Health Center and Counseling and Personal Growth Center provide staff to aid students in coping with a variety of issues including sexual assault awareness, personal safety, alcohol and drug abuse. Specific programming by the Hendrix Health Center included presentations to each First Year Experiences classes on alcohol and drug abuse awareness and relationships issues.
- C. One-hour seminars on risks of alcohol abuse are presented annually for all athletes, as well as, two hour Alcohol Learning Experience class for disciplinary sanctioned students.
- D. The Human Resources Department conducts various safety/security sessions for University employees as needed.

V. Crime Alert Network

- Minnesota State University of Moorhead is a member of the Minnesota Bureau of Criminal Apprehension Crime Alert Network.

VI. Sexual Violence Policy

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

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

This policy applies to all Minnesota State University Moorhead students and employees and to others, as appropriate, where alleged incidents of sexual violence have occurred on System property. Incidents of sexual violence alleged to have been committed by a student at a location other than on System property are covered by this policy pursuant to the factors listed in Minnesota State Colleges and Universities Board Policy 3.6, Part 5. Incidents of sexual violence alleged to have been committed by a Minnesota State University Moorhead employee at a location other than System property are covered by this policy.

Individuals alleged to have committed acts of sexual violence on System property who are not students or employees are subject to appropriate actions by Minnesota State University Moorhead, including, but not limited to, pursuing criminal or civil action against them.

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

Part 2. Definitions.

The following definitions apply to this Policy and Procedure 1B.3.1.

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

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

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

Subpart C. Consent. Consent is informed, freely given and mutually understood. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, and the condition was known or would be known to a reasonable person, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

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

Subpart E. System property. “System property” means the facilities and land owned, leased, or under the primary control of the Minnesota State Colleges and Universities System that includes Minnesota State University Moorhead, its Board of Trustees, Office of the Chancellor.

Subpart F. Employee. “Employee” means any individual employed by the Minnesota State Colleges and Universities System that includes Minnesota State University Moorhead, and Office of the Chancellor, including student workers.

Subpart G. Student. “Student” means an individual who is:

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

VII. Options and Rights of a Student or Employee Who Reports a Complaint of Sexual Violence

Notice of complainant options (Campus Security will take Third Party Sexual Violence Reports). Following a report of sexual violence the complainant shall be promptly notified of:

1. 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 providing a criminal or civil case against a perpetrator. Complainants should be told, however, that they may report incidents of sexual violence at any time.
2. Where and how to report incidents of sexual violence to local law enforcement officials, and/or appropriate Minnesota State Colleges and Universities system contacts for employees, students and others.
3. Resources for where and how complainants may obtain on- or off-campus counseling, mental health or other support services.

Notice of complainant rights. Complainants shall be notified of the following:

1. Their right to file criminal charges with local law enforcement officials in sexual assault cases.
2. Rights under the crime victims bill of rights, Minnesota Statutes Sections 611A.01-611A.06, including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety.
3. 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.

4. Assistance available from campus authorities in preserving for sexual violence complainant materials relating to a campus disciplinary proceeding.
5. That complaints of incidents of sexual violence made to campus security authorities will be promptly and appropriately investigated and resolved.
6. That, at a sexual assault complainant's request, the college, university, or Office of the Chancellor may take action to prevent unwanted contact with the alleged assailant, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes, or a work site or to alternative college-owned housing, if such alternatives are available and feasible.

Where to go for assistance

University Resources: Persons at Minnesota State University Moorhead who has been the subject of sexual discrimination/harassment or violence or who have witnessed others being subjected to sexual discrimination/harassment or violence can contact any of the University resource persons listed below for assistance. These people can listen, answer your questions, and discuss your options.

CONTACTS REGARDING REPORTING SEXUAL DISCRIMINATION/HARASSMENT:

Barbara Seiler, Affirmative Action Officer, Owens Hall 214B, 477.2229 (Voice) – *Employee Investigations*

Kathy Scott, Associate Director of Student Support Services Comstock Memorial Union 222, 477.2174 (Voice) - *Student Investigations*

Ferman Woodberry, Director of Campus Security, 1616 9th Ave. S., 477.5869 (Voice) – *Employee Investigations*

CONTACT REGARDING REPORTING SEXUAL VIOLENCE:

Ferman Woodberry, Director of Campus Security, 1616 9th Ave. S., 477.5869 (Voice) – *Employee Investigations*

Kathy Scott, Associate Director of Student Support Services Comstock Memorial Union 222, 477.2174 (Voice) - *Student Investigations*

For TTY Communication, contact the Minnesota Relay Service at 1.800.627.3529

Minnesota State University Moorhead is committed to providing an environment free from sexual discrimination/harassment and violence, and continues to seek ways to eliminate such behavior. You are strongly encouraged to talk with one of the people listed above about your experience or concerns.

Minnesota State University Moorhead is an equal opportunity educator and employer and a member of the Minnesota State Colleges and Universities System. This information will be made available in alternate format, such as Braille, large print or audio cassette tape upon request by contacting Disability Services at 218.477.2652/V or 218.477.2047/TTY.

Other University contacts include:

Hendrix Health Center	477.2211
Campus Security (24 hours)	477.2449
Counseling and Personal Growth Center	477.2227

Local Resources: The following local resources are also available to provide assistance:

Emergency (24 hour-service)

Innovis Health.....	364.8490
MeritCare Medical Center	234.5121
Hotline.....	235.7335
Police.....	911
Fargo	241.1437
Moorhead	299.5120
Rape and Abuse Crisis Line.....	293.7273
Suicide Line	232.4357

Community Notification of Sexual Offenders

In 1996 the Minnesota Legislature passed the Community Notification Law (Minnesota Statutes 244.052) that permitted the release of information about certain offenders in Minnesota. The intent of the legislature was as follows: "If members of the public are provided adequate notice and information about an offender's release, the community can develop constructive plans to prepare themselves."

Prior to this law, law enforcement agencies, and others knew the information regarding predatory offenders within the criminal justice system, but beyond those agencies and individuals the information about offenders was classified as either private or confidential.

Community Notification allows some information about some offenders to be converted from private or confidential information to public information. In Minnesota the amount of information, and the scope of individuals to whom information is released, is indicated by the risk level assigned to the offender by an End of Confinement Review Committee (ECRC) established by the notification law, and operated by the Department of Corrections (DOC). The higher number risk level assigned to the offenders, the more information can be released, and the broader the audience that will receive that information. Law enforcement agencies where the offenders reside have the responsibility for the notification of their communities under this law.

*** Information regarding Level 3 sex offenders can be found at www.corr.state.mn.us/level3/level3.asp and information regarding Level 2 offenders is available at the Moorhead Police Department.**

Level 1

Level One offenders are offenders who are determined to be at a lower risk to re-offend. Police agencies may open a file on these offenders and may release information about the release of the offender to victims of, and witnesses to the crime, other law enforcement agencies, and anyone identified by the prosecuting attorney to receive the information

Level 2

Level Two offenders are determined to be at a moderate risk to re-offend. Police agencies may release information to anyone included in the Level One information release, and in addition may notify organizations about the offender's release. These organizations may include schools, daycare centers, and other organizations where individuals who may become victims of the offender are regularly found. Law enforcement will make the decision on which organizations to notify based on the offender's past pattern of behavior. Law enforcement officials may also choose to notify certain individuals that they determine to be at possible risk from the offender, but this is not a wide spread community notification. Organizations notified about a Level Two offender are given this information to protect individuals in their care while they are on or near the premises of those organizations. The information is not to be re-distributed by those organizations that have been notified.

Level 3

Level Three offenders have been determined to be at the highest risk for re-offense out of all of the three risk levels. Law enforcement may notify all individuals and agencies included in Level One and Level Two notifications, and may also distribute information about the offender to everyone else in the community. In addition, officials may use the media and other distribution methods to get this information to the public. According to law enforcement policy, enforcement officials hold public meetings in the areas where Level Three offenders reside. At those meetings, information about the notification process, about the registration of predatory offenders, and information about the general population of these offenders is distributed and discussed. In addition, information about a specific offender or offenders is released. The information includes a general area of residence, a description of the offender (with photograph), and a description of the pattern of behavior that this offender has been known to display in the past. This disclosure does not apply to offenders that are in licensed residential facilities where staffs have been trained to manage sexual offenders (halfway houses), nor does it apply to offenders in secure hospital facilities operated by the Department of Human Services (hospitals at Moose Lake and St. Peter, Minnesota).

VIII. Comprehensive Drug and Alcohol Free Policy:

- A. Minnesota State University Moorhead forbids the consumption, possession, manufacture, sale, transportation or furnishing of alcoholic beverages on campus. This policy of prohibition encompasses all ages. There is one exception to this policy. The President may authorize alcoholic beverages for special functions.
- B. Minnesota State University Moorhead forbids the use, growth, possession, manufacture and sale of illegal drugs on campus.
- C. Violations of these policies are subject to MSUM student disciplinary action, and possible prosecution by state or federal law enforcement agencies.