

# **North Hennepin Community College 2018 Annual Security Report**



North Hennepin  
Community College

**Published October 1<sup>st</sup>**

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## Report Introduction

Thank you for taking the time to read our 2018 Annual Security Report (ASR). This report complies with the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act for the previous three years. Included are campus safety and disciplinary statistics, alcohol and drug policies, and policies that address prevention and response to sexual assault, domestic violence, dating violence and stalking.

In 1990, Congress enacted the *Crime Awareness and Campus Security Act of 1990* (Title II of Public Law 101-542), which amended the *Higher Education Act of 1965 (HEA)*. This act required all postsecondary institutions participating in *HEA's* Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998, 2000 and 2008. The 1998 amendments renamed the law the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the *Clery Act* and is in section 485(f) of the *HEA*.

On March 7, 2013, the *Violence Against Women Reauthorization Act of 2013 (VAWA)* (Public Law 113-14) was signed into law. *VAWA* includes amendments to the *Clery Act*. These changes require institutions to disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault and stalking, among other changes.

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

The Brooklyn Park Police Department provides fully licensed police protection for North Hennepin Community College. The Department of Public Safety has developed a working relationship with the Brooklyn Park Police Department that allows for immediate response to all crimes, emergencies, or requests for service generated by the campus.

The North Hennepin Community College Department of Public Safety compiles all required information and statistics for this report. Statistics are collected using incident reports and from other reporting authorities including, but not limited to, local law enforcement agencies and officials of North Hennepin Community College who have significant responsibility for student and campus activities. These college/university officials, known as Campus Security Authorities, include individuals in departments such as:

<b>Group 1 CSAs (Those with campus security and disciplinary responsibilities)</b>			
Office	Location	Phone	Business Hours
Public Safety Officers	Learning Resources Center 101	763-424-0807	M-F 6:30 a.m. – 10:30 p.m. SAT: 7:00 a.m. – 7:00 p.m. SUN: Closed

Student Code of Conduct	Educational Services 51	763-488-0229	M-TH 8:00 a.m. – 6:00 p.m. F - SUN: Closed
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<b>Group 2 CSAs (Others responsible for security including students and employees)</b>			
Office	Location	Phone	Comments/Hrs
Student Security Monitors	Learning Resources Center 101	763-424-0807	M-F 6:30 a.m. – 10:30 p.m. SAT: 7:00 a.m. – 7:00 p.m. SUN: Closed

<b>Group 3 CSAs (Those with significant responsibility for student and campus activities or disciplinary or judicial proceedings)</b>			
Office	Location	Phone	Comments/Hrs
Provost	Educational Services 22	763-424-0712	M-F 8:00 a.m. – 4:30 p.m
Dean of Students	Educational Services 118F	63-424-0736	M-F 8:00 a.m. – 4:30 p.m
Human Resources	Educational Services 30 -35	763-424-0955	M-F 8:00 a.m. – 4:30 p.m
Recreation and Wellness Coordinator	Recreational Sports	763-488-0195	M-F 8:00 a.m. – 4:30 p.m
Title IX Coordinator & Code of Conduct Officer	Student Conduct and Complaint Resolution	763-488-0229	M- TH: 8:00a.m. – 6:00 p.m.
Study Abroad Program	Advising Center	763-424-0894	M,F & Th: 8 a.m. - 4:30 p.m. T & W: 8 a.m. - 6:30 p.m.
Counseling and Career Staff	Educational Services 118	763-493-0554	M, TH & Fri.: 8 a.m. - 4:30 p.m. T & W: 8 a.m. - 6:30 p.m.
Student and Club Advisors	Campus Center	763-424-0801	M-F 8:00 a.m. – 4:30 p.m

Community Support Advocates	Educational Services 118	763-493-0554	M, TH & Fri.: 8 a.m. - 4:30 p.m. T & W: 8 a.m. - 6:30 p.m.
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It is the policy of North Hennepin Community College to report all criminal activity to the Brooklyn Park Police Department by reporting incidents directly to their office or to the Department of Public Safety. All crimes or potential crimes that are reported to the campus Department of Public Safety will be forwarded to the Brooklyn Park Police Department. It is also North Hennepin Community College position that all campus community members are responsible for reporting any criminal activity they become aware of to the Department of Public Safety Department, Learning Resources 101, or the Brooklyn Park Police Department, non-emergency number 763-493-8222 or emergency 911.

North Hennepin Community College urges all campus entities that are excluded from mandatory reporting, such as professional mental health counselors and pastoral counselors, to advise clients who are victims of crime to report those incidents to campus or local law enforcement authorities, and to report confidential information used strictly for statistical purposes to the Department of Public Safety Department.

North Hennepin Community College publishes the Annual Security Report each year by October 1. The report is distributed to all potential students on the college application form and prospective employees on the job announcement via direct link to the report. All current students, faculty and staff are sent an email that briefly describes the report and also contains the exact Internet address where it can be found. <https://nhcc.edu/student-resources/public-safety>. Printed copies of the report are available, at no cost, upon request from Public Safety Department.

## Geography

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

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

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

**Residential Facilities:** North Hennepin Community College does not have residential facilities.

Campus property includes:

The NHCC campus is bordered by West Broadway Avenue on the West side. North of the campus, across 85th Avenue North, are two vacant lots, separated by College Park Drive, which are also part of the NHCC Campus.

To the East, the campus extends to the property line of a residential housing area. On the South side is a wooded area which is part of the campus.

On the south side of this area is a paved foot path, just North of Shingle Creek, which serves as the Southern border of the campus. This area is referred to “On-Campus” and is patrolled by both North Hennepin Community College Public Safety and the Brooklyn Park Police Department.

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

Non-campus property includes:

North Hennepin Community College sends students to off-campus sites for clinical training. The agreement with these sites is for the clinical training only. North Hennepin Community College does not have a written agreement for use of the clinical sites for teaching purposes.

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

North Hennepin Community College public property includes adjacent streets, parking lots, sidewalks, stairwells.

## **Types of Crimes required Under the Clery Act, (Include definitions) –(See Appendix 1)**

### Criminal homicide:

- Murder and non-negligent manslaughter
- Negligent Manslaughter

### Sex Offenses:

- Rape
- Fondling
- Incest
- Statutory rape

### Robbery

- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

### Arrests and referrals for disciplinary actions, including:

- Arrests for liquor law violations, drug law violations, and illegal weapons possession.
- Persons who were referred to campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

### Hate crimes, including:

- The number of the following crimes that are determined to be hate crimes:

- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

For each hate crime recorded an institution must identify the category of bias that motivated the crime. For the purposes of this, the categories of bias include the victim's actual or perceived:

- Race
- Gender
- Gender identity
- Religion
- Sexual orientation
- Ethnicity
- National origin
- Disability

### Dating violence

- Domestic violence
- Stalking

## Statistics

### Criminal Offenses Reporting Table

OFFENSE	YEAR	GEOGRAPHIC LOCATION		
		ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON- NEGLIGENT MANSLAUGHTER	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
RAPE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
FONDLING	2018	2	0	0
	2017	0	0	0
	2016	1	0	0
INCEST	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
STATUTORY RAPE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ROBBERY	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
AGGRAVATED ASSAULT	2018	0	0	0
	2017	0	0	0
	2016	1	0	0
BURGLARY	2018	1	0	0
	2017	1	0	0
	2016	1	0	1
MOTOR VEHICLE THEFT	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARSON	2018	0	0	0
	2017	0	0	0
	2016	0	0	0

## VAWA Offenses Reporting Table

OFFENSE	YEAR	GEORGRAPHIC LOCATION		
		ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
DATING VIOLENCE	2018	1	0	0
	2017	0	0	0
	2016	1	0	0
STALKING	2018	6	0	0
	2017	1	0	1
	2016	3	0	0

## ARREST AND DISCIPLINARY REFERRALS REPORTING TABLE

OFFENSE	YEAR	GEOGRAPHIC LOCATON		
		ONCAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
ARRESTS: WEAPONS: CARRYING, POSSESSION, ETC.	2018	0	0	0
	2017	0	0	0
	2016	1	0	0
DISCIPLINARY REFERRALS: WEAPOS: CARRYING, POSESSIONS, ETC.	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2018	1	0	0
	2017	0	0	0
	2016	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2018	5	0	0
	2017	0	0	0
	2016	3	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2018	1	0	0
	2017	4	0	0
	2016	0	0	0

## DESCRIPTIVE HATE CRIME REPORTING

### HATE CRIMES

2018: One on-campus intimidation incident characterized by religious bias.

2017: There were no reported Hate Crimes

2016: There were no reported Hate Crimes

## Emergency Response and Timely Warning

North Hennepin Community College is required by policy and fire code to have evacuation and emergency operations plans in place. Evacuation plans and emergency procedures guide can be found in each classroom, employees' office areas and on the Public Safety's webpage. North Hennepin Community College also has a current Emergency Operations Plan based on the all-hazards concept, incorporating the National Incident Management System and coordinated with the system office and local emergency response agencies. This plan is used to respond to any level of emergency impacting North Hennepin Community College and outlines the responsibilities and actions necessary to protect life, property and the environment. Some of the processes and procedures are included in this report.

## Evacuation Procedures

If a building evacuation is declared by the fire department, police, or administration, please leave the building area as directed. Do not linger in the hallways or on the sidewalks near the building. Do not re-enter the building until the Public Safety Office or Administration gives the "all clear."

Should a partial or full building evacuation become necessary, the Public Safety Office and Emergency Response Team will direct the evacuation. In case of fire, the emergency sirens will sound. Please follow the maps at <https://nhcc.edu/contact-us/campus-maps>. An evacuation may be necessary as a protective action to reduce the campus community's exposure to a hazard. Protective actions reduce time of exposure, and can provide shielding from a specific hazard. Hazards that may require an evacuation include but are not limited to:

- Fire
- HAZMAT release
- Bomb threat or suspicious device/package
- Hostile intruder
- Massive utility failure
- Severe weather conditions
- Hazard that renders facilities uninhabitable

An evacuation can include a single building, or a number of buildings. It is also possible for the evacuation to go beyond the borders of the college, especially when the college is impacted by an evacuation initiated by the local authorities.

## Emergency Response and Timely Warning

**Emergency Response:** North Hennepin Community College will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students, faculty or staff occurring on campus. (Minnesota State) has numerous systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat. These methods of communication include but are not limited to:

**Active messaging:** North Hennepin Community College has the ability to address the campus through a public address system that covers all classrooms and public spaces and interior campus offices through the VOIP phones.

**Passive messaging:** North Hennepin Community College will provide emergency information via the main web page. The administration will use campus wide mass email and any other available media such as signs, and internal closed circuit televisions to disseminate emergency notifications to students, faculty and staff.

**Individual messaging:** North Hennepin Community College utilizes an emergency notification system branded Star Alert, provided by Blackboard Connect, which disseminates emergency notification through SMS text, direct phone calls and email, at the selection of the recipient. This is an opt-out system.

Upon enrollment or hiring students, faculty, staff are automatically enrolled in the system using the Star ID to associate them with North Hennepin Community College. Students, faculty and staff are sent an automatic email, activating their account and encouraging them to enter additional phone and/or cell numbers, email addresses and selecting other deliver options for receiving emergency notifications. The emergency notification system is updated (daily, weekly, etc.)

North Hennepin Community College, upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on campus:

1. A North Hennepin Community College official will verify that a legitimate emergency or dangerous situation exists, even if all of the pertinent details are not known or are available at the time.
2. North Hennepin Community College officials, in coordination with and at the advice of local first responders, will determine the appropriate segment(s) of the campus community to receive notification.
3. North Hennepin Community College will, without delay, and taking into account the safety of the community, determine the content of the notification, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The following persons or organization(s) are responsible for emergency notification dissemination:

Public Safety will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students and/or employees occurring on campus.

North Hennepin Community College after ensuring that local first responders are notified, will activate the active messaging system to provide emergency notification to the campus community. An immediate Star Alert containing pertinent emergency notification and information will be disseminated. Other passive and individual messaging will provide redundant and detailed emergency information as soon as reasonably possible. North Hennepin Community College will provide follow-up information to the community as needed.

North Hennepin Community College will test the emergency response and evacuation procedures annually in accordance with this policy and applicable state and federal regulations. Tests may be announced or unannounced and emergency response and evacuation procedures will be publicized in conjunction with at least one test per calendar year. Records for all Clery related requirements are maintained for seven years and available upon request.

**Timely Warning:** North Hennepin Community College will issue a timely warning for all Clery Act crimes reported to Campus Security Authorities or local police agencies and considered by North Hennepin Community College officials to represent a serious or continuing threat to students, faculty and staff. Timely warning will not be limited to violent crimes or crimes against persons, and may include crimes against property or other types of serious or continuing threats. Timely Warning Notices will withhold the name of victims as confidential.

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

The intent of a Timely Warning is to enable the campus community to protect themselves and will include all information that would promote safety and aid in the prevention of similar crimes or protection from specific threats. Timely Warnings will be disseminated using the Star Alert text and email features, campus email system, or any other passive or individual method of notification to students, faculty and staff.

## **Campus Security Policies**

Any North Hennepin Community College student, faculty or staff member should call 911 from campus phone or 911 from a cell phone to report an emergency situation or crime.

Crimes can also be reported directly to the Department of Public Safety at 763-424-0807. Please notify those listed above anytime 911 services are requested (fire, law enforcement, medical) on campus.

All criminal activity occurring on campus should be reported immediately to North Hennepin Community College Department of Public Safety or others listed above, in person at the Department of Public Safety or others listed above in room Learning Resources Center 101 or by telephone at 763-424-0807. If the victim chooses, an additional report can be filed with the appropriate local law enforcement agency. North Hennepin Community College Department of Public Safety or others listed above can assist the complainant in completing reports. Internal reports may be shared with other departments on campus as necessary to complete an investigation and/ or to ensure the safety of the campus community. The Department of Public Safety or others listed above will assist Police Department(s) with investigations as required. Depending on many factors North Hennepin Community College may or may not hold reports of crime in confidence and may be required by law to release information based on the events or nature of the crime. Whenever possible North Hennepin Community College will attempt to protect the identity of crime victims.

In addition, crimes can be reported to any of the Campus Security Authority (CSA) who have significant responsibility for student and campus activities (not including licensed counselors). Please refer to tables above for the CSA list.

North Hennepin Community College offers an “Anonymous Report” program on the Public Safety page for victims and/or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual security report. North Hennepin Community College officials will share information as necessary to appropriately address a situation, but will make efforts to maintain confidentiality. **Absolute confidentiality of reports made to North Hennepin Community College officials cannot be promised.**

North Hennepin Community College is not required to report statistics for crimes reported to a pastoral or professional counselor. Pastoral and professional counselors, if and when they deem appropriate, are encouraged to inform the persons they are counseling, of any procedures to report crimes on a voluntary, confidential basis for including in the annual disclosure of crime statistics.

North Hennepin Community College security personnel and officials ARE NOT certified or sworn peace officers and do not possess law enforcement (arrest) authority. North Hennepin Community College personnel may utilize private person arrest authority pursuant to Minnesota State Statute 629.37 when appropriate.

North Hennepin Community College works closely with Brooklyn Park police department, State Patrol, Bureau of Criminal Apprehension, and other state and federal law enforcement agencies as required.

North Hennepin Community College encourages students, faculty and staff to accurately and promptly report all crimes to one of the above listed agencies and offices when the victim of a crime elects to, or is unable to make, such a report.

North Hennepin Community College continuously reviews the physical security infrastructure to ensure appropriate steps are taken to maintain and enhance the safety and security of the campus. Landscaping and lighting are checked monthly by the Department of Public Safety *and* discrepancies are communicated to the Facilities Department. The campus works closely and routinely with the system Emergency Preparedness and Security Specialist and the Facilities department to evaluate campus physical security and vulnerability, programming resources to address any potential threats, vulnerabilities or contingencies.

The campus is open during the following normal business hours:

Mon – Fri 7:00AM to 10:30PM

Saturday - 7:00AM to 7:00PM

Sunday- Closed

Campus facilities, offices, classrooms and other spaces use a combination of keyless entry, keys issued to authorized personnel only, and manually operated locks. The Department of Public Safety opens and grants access, and secures all facility access points after hours.

North Hennepin Community College encourages students, faculty and staff to be responsible for their own security and the security of others by following the tips provided:

**Protect your property:**

- Personal property (purses, backpacks, calculators, cell phones, etc.) should never be left unattended. Take such items with you if you are leaving the office, classroom, or your residence.
- Take valuables home with you during vacations and school breaks.
- Park your bike where you can keep an eye on it if possible. Always lock your bike.

**Protect your automobile:**

- Always lock your car doors and never leave your keys or valuable items such as cameras, wallets, etc. in plain sight or on the seats in the vehicle.
- Try to park your car in a well-lit area.

**Protect yourself at night:**

- Avoid walking alone at night.
- Refrain from taking shortcuts; walk where there is plenty of light and traffic.
- Call Public Safety at 763-424-0807 for an escort in advance

**Protect yourself walking and jogging:**

- Avoid walking and jogging alone after dark. If you must travel alone at night, call for someone to escort you to your on-campus destination.
- Walk along well-lit routes.
- Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly for a lighted area or a group of people.
- Have your keys ready when returning to your residence or apartment, and keep your personal or valuable items concealed and close to your body.

**Help us protect you:**

- Watch for suspicious persons in and around college buildings and in parking lots. Do not pursue them. Call 911 first and then
  1. Suspicious activity:
    - (a) If you see any suspicious activity or people on or near campus, call law enforcement. Do not assume that what you observe is an innocent activity or that it has already been reported.
    - (b) Do not assume the person is a visitor or college staff member that you have not seen before.
  2. Suspicious people may be:

- (a) Loitering about at unusual hours and locations; running, especially if something of value is being carried.
  - (b) Exhibiting unusual mental or physical symptoms. Person(s) could be under the influence of drugs or otherwise needing medical or psychiatric assistance.
  - (c) Carrying property that might be suspicious, depending on the circumstances, going from room to room trying door handles.
- Report all thefts and property loss immediately to the Department of Public Safety.
  - Be security conscious at all times.

## Daily Crime Log

North Hennepin Community College has a Department of Public Safety, and therefore maintains a written daily crime log. The crime log records by date the crime was reported, any crime that occurred within the institutions designated Clery geography and that is reported to the Department of Public Safety. The crime log discloses specific information about criminal incidents, not crime statistics. The information in the crime log contains the nature, date, time and general location of each crime and disposition of the complaint, if known. The log has a more specific location focus than the statistical disclosure and designed to disclose crime information on a more timely basis. North Hennepin Community College MUST make an entry or an addition to an entry to the log within two business days of the report of the information to the Department of Public Safety North Hennepin Community College, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

The institution may withhold information required if there is clear and convincing information that the release of the information would:

- 1) Jeopardize an ongoing criminal investigation or the safety of an individual,
- 2) Cause a suspect to flee or evade detection, or
- 3) Result in the destruction of evidence.

North Hennepin Community College may disclose any information withheld once the adverse effect described above is no longer likely to occur. The institution can withhold only that information that would cause the adverse effect.

The Department of Public Safety makes the crime log for the most recent 60-day period open to public inspection during normal business hours. Also, North Hennepin Community College can make any portion of the crime log, older than 60 days available within two business days when requested. The request can be made by contacting the Department of Public Safety at 763-424-0807 or [securitydesk@nhcc.com](mailto:securitydesk@nhcc.com)

## Sexual Assault and Related Offenses

North Hennepin Community College does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Sexual violence includes a continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relations violence, stalking, as well as aiding acts of sexual violence. Sexual assault and related offenses are governed and adjudicated under Minnesota State Board Policy 1B.3 Sexual Violence Policy, the Violence Against Women Act as amended and the Clery Act as amended. As a result, North

Hennepin Community College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to North Hennepin Community College official. In this context, North Hennepin Community College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of Minnesota State Board Policy 1B.3 Sexual Violence Policy, visit <http://www.minnstate.edu/board/policy/1b03.html>. For a complete copy of North Hennepin Community College policy governing sexual misconduct, visit <https://nhcc.edu/about-nhcc/policies-procedures-disclosures/disclosures/discrimination-harassment-resources/sexual-violence>.

**Definitions:** The following definitions apply:

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

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

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

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

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

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

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

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

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

**Dating Violence:** The term “dating violence” means violence committed by a person – who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking:** The term “stalking” means engaging in a course of conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated; and that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

1. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
2. Substantial emotional distress means significant mental suffering or anguish that may, but

does not necessarily, require medical or other professional treatment or counseling.

3. Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

North Hennepin Community College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking. North Hennepin Community College developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students and participating in and presenting information and materials during new employee orientation. Primary prevention and awareness programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome. Environmental risk and protective factors are considered as they occur on the individual, relationship, institutional, community and societal levels.

<b>Name of Awareness Program(s)</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Prohibited Behavior Covered</b>
Pursuing Sexual Wellness: A celebration of Love and Respect	February 7, 2018	Campus Center Fireside Lounge	Sexual Violence
Healthy Communication	February 21, 2018	Bioscience & Health Careers Center 202	Dating Violence
Sexual Assault & Violence Awareness Event	November 21, 2018	Bioscience & Health Careers Center	Sexual Assault & Domestic Violence
Suicide Prevention	November 20, 2018	Campus Center Fireside Lounge	Suicide
Sexual Harassment Prevention Training	November 2, 2018 November 7, 2018	Educational Services 01 Educational Services 01	Sexual Harassment

<b>Name of Ongoing Prevention Program(s)</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Prohibited Behavior Covered</b>
Mental Health First Aid	August 21, 2019	Cent for Business and Technology	Drug Overdose
Weak Yet Strong		Campus Center	Drug addiction
A Day to Be Heard	November 21, 2018	Bioscience & Health Careers Center	Sexual Assault & Domestic Violence

**Procedures for Reporting a Complaint:** North Hennepin Community College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. North Hennepin Community College will make such accommodations, if the complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to report the crime to the Department of Public or local law enforcement. Students and employees should contact **Department of Public Safety (763) 424-0807; or the Director of Public Safety (763) 424-0806; or the Brooklyn Park Police Department (911) as soon as possible after the offense.**

For support, assistance and referral please contact NHCC Counseling Center **763-424-0703.**

***For Sexual Harassment/Racial Harassment:***

Anthony Miller, 763-424-0950, amiller@nhcc.edu  
Interim Dean of Liberal Arts & Global Education

Jayant Anand, 763-488-0250, Sc 121c, jayant.anand@nhcc.edu  
Dean of Science, Math and Health Sciences

Lindsay Fort, 763-424-0736, ES 118F, lindsay.fort@nhcc.edu  
Interim Dean of Student Development

Nerita Hughes, 763-493-0546, nhughes@nhcc.edu  
Dean of Business, Technology & Career Programs

Shirley Johnson, 763-424-0776, shirley.johnson@nhcc.edu  
Interim Dean of Fine Arts

Vicki DeFord, 763-424-0955, vdeford@nhcc.edu  
Chief Human Resources Director

After an incident of sexual assault or domestic violence, the victim should consider seeking medical attention as soon as possible at one of the following locations:

**Maple Grove Hospital**

*9875 Hospital Drive, Maple Grove, MN 55369  
Emergency Department: 763-581-1200*

**North Memorial Medical Center**

*3300 Oakdale Dr. N Robbinsdale, MN 55422  
Emergency Department: 763-520-5200*

## **Hennepin Healthcare**

701 Park Ave, Minneapolis, MN 55415

Office: 612-873-5832

Emergency Department: 612-873-3132

Hennepin Assault Response Team: Contact 612-873-5832

## **Methodist Hospital**

6500 Excelsior Blvd. St. Louis Park, MN 55426

Emergency Department: 952-993-5353

In Minnesota, evidence may be collected even if you chose not to make a report to law enforcement. Evidence collected during a medical forensic exam will only be tested if a report is made to law enforcement.

Under Minnesota law, the county in which the sexual assault or rape occurred is responsible for the cost of collecting evidence during your medical forensic examination. The county must pay regardless of whether or not you report to law enforcement. After your medical forensic examination has been performed, the county may be reimbursed from your insurance with your permission. Counties must obtain your approval prior to billing your insurance. Whether or not the county uses your insurance is your choice. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to North Hennepin Community College investigators or police. Although North Hennepin Community College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. North Hennepin Community College will assist any victim with notifying local police if they so desire. Brooklyn Park Police Department may also be reached directly by calling **763-493-8222**, in person at 5400 85th Ave N, Brooklyn Park, MN 55443.

Additional information about the Brooklyn Park Police Department may be found online at:

<https://www.brooklynpark.org/mobile/city-government/police>

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Elton Dahn. The victim can contact Elton Dahn by calling 763-488-0229, sending an email at [Elton.dahn@nhcc.edu](mailto:Elton.dahn@nhcc.edu) or coming into the office to report in person in Educational Services 51.

North Hennepin Community College Department of Public Safety is also available to take report of such nature. The Department of Public Safety can be reached at 763-424-0807 or via email at [securitydesk@nhcc.edu](mailto:securitydesk@nhcc.edu). It is located in the Learning Resources Center 101.

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

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

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the institution, below are the procedures that the institution will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

North Hennepin Community College Department of Public Safety, when informed of an alleged incident of sexual violence, shall promptly assist the complainant, as requested. North Hennepin Community College may:

1. Provide complainant with written information to access medical care, depending on when reported (immediate vs. delayed report).
2. Assess immediate safety needs of complainant.
3. Assist complainant with contacting local police if complainant requests and provide contact information for local police department.
4. Provide complainant with referrals to on and off campus mental health providers.
5. Assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties
6. Provide a "No Trespass" directive to accused party if deemed appropriate
7. Provide written instructions on how to apply for an Order of Protection
8. Provide a copy of the Sexual Violence Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution
9. Inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is
10. Enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

When appropriate, North Hennepin Community College 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.

**Assistance for Victims - Rights and Options:** Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, North Hennepin Community College will assist victims of sexual assault, domestic violence, dating violence, and stalking

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

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

Further, North Hennepin Community College complies with Minnesota law in recognizing Orders of Protection and Harassment Restraining Orders.

The Department of Public Safety presumes a protection order is valid when the order: gives the names of the parties; contains the date the order was issued, and if the order has an expiration date, that the date of expiration has not yet occurred; contains the name of the issuing court; is signed by or on behalf of a judicial officer; and specifies the terms and conditions against the abuser.

Also, the Department of Public Safety works directly with other applicable jurisdictions when enforcing custody provisions in protection orders and gives the victim referrals to appropriate resources on campus.

Any person who obtains an order of protection from Minnesota or any reciprocal state (Under VAWA's full faith and credit provision, every state must recognize and enforce protection orders issued in other states, as if issued in the enforcing state) should provide a copy to Department of Public Safety and the Office of the Title IX Coordinator. A complainant may then meet with North Hennepin Community College Department of Public Safety to develop a plan, which is a plan for campus officials and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.) North Hennepin Community College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services. Protection from abuse orders may be available through the local county court at no cost. North Hennepin Community College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, North Hennepin Community College offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal investigation of the complaint. The victim **will** be provided written notification about options for or available assistance in, and how to request changes to changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/ adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, North Hennepin Community College will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Type of Order	Who Can File For One	Where to go for assistance	Criteria for Order
<p>Order for Protection (OFP)</p> <p>Domestic Abuse</p>	<ul style="list-style-type: none"> <li>• Spouses</li> <li>• Former Spouses</li> <li>• Parents and Children</li> <li>• Persons related by blood</li> <li>• Persons who live together or who have lived together in the past</li> <li>• Persons who have a child in common, even if they have not been married or lived together</li> <li>• Persons who have an unborn child in common</li> <li>• Persons involved in a significant romantic or sexual relationship</li> </ul>	<p>Visit the Hennepin County Courthouse. District Court staff will help you complete the paperwork (Affidavit and Petition) needed to ask for a temporary "ex parte" Order for Protection. You are called the "Petitioner" and the person you are filing against is called the "Respondent."</p> <p><b>The Department of Public Safety or Title IX</b> can assist students in completing and filing OFP's and harassment orders.</p>	<ul style="list-style-type: none"> <li>• physical harm, bodily injury, or assault;</li> <li>• the infliction of fear of imminent physical harm, bodily injury, or assault; or</li> <li>• terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.</li> </ul>
<p><b>Harassment Restraining Order (HRO)</b></p>	<p>Anybody who does not fall under the criteria for the Order for Protection.</p>	<p>To file a Harassment Restraining Order, you must first fill out a Court Administration form titled "Petitioner's Affidavit and Petition for Harassment Restraining Order."</p> <p>You may pick up a copy of this form from the Hennepin County Service Center, or download it from the Minnesota Court System's web site. Provide as many details as possible on the form,</p>	<p>A single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.</p>

		and return it to Court Administration.	
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\*Criteria for Order reflects Minnesota Statutes

The institution does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request to the Department of Public Safety.

**Resources for victims (On-Campus)**

Service	Office to Contact	Contact Information
Counseling	Counseling and Career Center	763-493-0554
Health	Student Health Clinic	763-493-1964
Mental Health	Counseling and Career Center	763-493-0554
Legal Assistance	Legal Services Clinics	952-697-1308
Financial-aid Assistance	Financial Aid Office	763-424-0728
Visa and Immigration Assistance	Admissions and Outreach	763-488-0491
Safety and Security	Public Safety	763-424-0807
Care Team	Student conduct	763-488-0229
Community Support Advocates	Community Connections Resource Center	763-493-0554

**Off Campus Resources**

Service	Community Resource	Contact Information
Counseling	Walk-In Counseling Center	612-870-0565
Health	Cedar Riverside People's	612-332-4973
Mental Health	Community Outreach for Psychiatric Emergencies (COPE)	612-596-1223
Legal Assistance	Volunteer Lawyers Network	612-752-6677
Financial-aid Assistance	Federal	
Visa and Immigration Assistance	The Immigrant Law Center of Minnesota	651-641-1011
Crime Prevention	Brooklyn Park Police	763-493-8222

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network  
<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice  
<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

**Bystanders:** Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some of the ways to be an active bystander. If you or someone else is in immediate danger, call 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.
2. Confront people who seclude, hit on, and/or try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in the Annual Security Report or other resources for support in health, counseling, or with legal assistance.

**Reducing the Risk of Sexual Assault:** You can reduce the chances of sexual assault by doing the following:

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas, it is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (call 911)
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink unattended, just get a new one.

12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they have had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come and get you or make up an excuse for you to leave.
  - d. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave that to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgement before doing anything you may regret later.

**Complainant's rights:** are as follows:

1. Complainants have the right to file criminal charges with local law enforcement officials in any sexual assault case
2. They have all of the 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
3. Complainants are afforded the 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. Campus Security Authorities will assist in preserving for a sexual violence complainant materials relating to a campus disciplinary proceeding
5. Complaints of incidents of sexual violence made to campus security authorities must be promptly and appropriately investigated and resolved
6. Upon a sexual assault complainant's request, North Hennepin Community College will 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 to a work site or to alternative college-owned housing, if such alternatives are available and feasible. Any

accommodations or protective measures provided to the victim will be maintained in confidence, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

7. Upon the request of the complainant, students who report sexual assaults to (Minnesota State) 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

**Investigation and Disciplinary Procedures:** Investigations and disciplinary procedures will be conducted by North Hennepin Community College officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. North Hennepin Community College officials who conduct investigations and disciplinary procedures will not have any bias or conflict of interest toward either the accuser or the accused.

Procedures used in response to a complaint of sexual violence complainants should avoid requiring complainants to follow any plan of action, to prevent the possibility of re-victimization. The process will be respectful of the needs and rights of individuals involved and they will be treated with dignity. It is never assumed or suggested that the complainant or victim was at fault for the sexual assault or should have behaved differently to prevent the assault. All proceedings will be acted on promptly and conducted within reasonable timeframes. The process will allow for extensions of those timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay. The process will be consistent with these policies and transparent to the complainant and the respondent. Student complainants and respondents will 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. Employees have the right to representation consistent with the appropriate collective bargaining agreement or personnel plan. All procedures will be conducted in accordance with applicable due process standards and privacy laws. The complainant and respondent will simultaneously be informed, in writing, of the outcome in a timely manner, as permitted by applicable privacy law. Outcomes will 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 are deemed irrelevant except as that history may directly relate to the incident being considered. 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.

North Hennepin Community College takes allegations of sexual violence very seriously and recognizes 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.

If a complainant no longer desires to pursue a complaint through North Hennepin Community College proceeding, North Hennepin Community College reserves the right to investigate and resolve the complaint as it deems appropriate. North Hennepin Community College reserves discretion whether to pursue alleged violations of policy under appropriate circumstances, including, but not limited to, a

determination that an effective investigation is not feasible because of the passage of time, or because the respondent is no longer a student or employee of North Hennepin Community College.

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

**Sanctions:** North Hennepin Community College may, at any time during the report/complaint process, reassign or place on administrative leave an employee alleged to have violated Board Policy 1B.3, in accordance with the procedures in System Procedure 1B.1.1. Such action must be consistent with the applicable collective bargaining agreement or personnel plan.

North Hennepin Community College may summarily suspend or take other temporary measures against a student alleged to have committed a violation of Board Policy 1B.3, in accordance with System Procedure 1B.1.1 or Board Policy 3.6.

Sanctions that may be imposed if a finding is made that sexual violence has occurred include, but are not limited to, suspension, or expulsion of students, or termination from employment 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 North Hennepin Community College for admitting in the report to a violation of the student conduct policy on the use of alcohol or drugs.

Actions by a student or employee intended as retaliation, coercion, discrimination, 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.

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, section 121 of the Adam Walsh Child Protection and Safety Act of 2006, and the Family Educational Rights and Privacy Act of 1974, the North Hennepin Community College Department of Public Safety is providing a link to the Minnesota Sex Offender Registry. This act requires institutions of higher education issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

The Minnesota Level 3 Sex Offender Registry is available via Internet. **Information regarding Level 3 sex offenders can be found at <https://mn.gov/doc/community-supervision/community-notification/>**

**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) business days after

notification of the decision. The appeal must state specific reasons why the complainant or respondent believes the decision was 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.

For employees represented by a collective bargaining agreement, an appeal under this procedure is separate and distinct from, and is not in any way related to, any contractual protections or procedures. During the pendency of the appeal disciplinary or corrective action taken as a result of the decision shall be enforced. In addition, in cases involving sanctions of suspension for ten (10) days or longer, students shall be informed of their right to a contested case hearing under Minnesota Statutes Chapter 14.

The president or designee shall review the record and determine whether to affirm or modify the decision. 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 shall be made within a reasonable time and the complainant, respondent and designated officer shall 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 respondents administrative remedies under this procedure except as provided herein.

## **Drug and Alcohol Policies:**

North Hennepin Community College prohibits the unlawful possession, consumption (use), sale, or distribution of alcohol by all students and employees and enforces all applicable drinking/liquor laws and policies on campus, including Federal law, Minnesota State law, the City of Brooklyn Park Ordinances and institution policy.

The possession or consumption of alcohol is prohibited in all North Hennepin Community College campus buildings, and applies regardless of age. Consuming alcohol and loitering with an open container of alcohol is a violation of the law in accordance with Minn. Stat. §§ **169A.35**. The only exception is for special events authorized by the Minnesota State Colleges and Universities Board of Trustees.

Students are subject to the Student Code of Conduct while participating in school sponsored activities at off campus locations- any violations of the Student Code of Conduct while participating in any such activities will be investigated by North Hennepin Community College Department of Public Safety and the Office of Student Conduct.

**Students** who are found to be in possession of an open container or consuming alcohol while on campus will be subject to disciplinary action for violating the Student Code of Conduct. If students are not cooperative the Brooklyn Park Police Department may be called to assist, and the student may be subject to citation or arrest. **Employees** who are found to be in possession of an open container or consuming alcohol while on campus will be subject to disciplinary action. **Non-students/non-employees** who are found to be in possession of an open container or consuming alcohol while on campus may be asked to leave campus, may be prohibited from returning for one year, if uncooperative the Brooklyn Park Police Department may be called to assist, and the individual may be subject to citation or arrest.

**Students** who are believed to be under the influence of alcohol may be subject to disciplinary action for violating the Student Code of Conduct. **Employees** who are believed to be under the influence of alcohol may be subject to disciplinary action. **Non-students/ non-employees** who are believed to be under the influence of alcohol may be asked to leave campus, may be prohibited from returning for one year, and if uncooperative the Brooklyn Park Police Department may be called to assist, and the individual may be subject to citation or arrest.

**Illegality of Drugs on Campus and the Enforcement of Federal and State Drug Laws:** North Hennepin Community College enforces Federal, State, and local drug laws regarding the use, possession, and sale of illegal drugs and drug paraphernalia. North Hennepin Community College forbids the possession, use, or distribution of illegal drugs on campus. This includes but is not limited to possession, sale, and use, growing, manufacturing and making of narcotic drugs. Exceptions would be drugs prescribed by a doctor's order.

**Students** who are believed to be under the influence of a controlled substance may be subject to disciplinary action for violating the Student Code of Conduct. **Employees** who are believed to be under the influence of a controlled substance may be subject to disciplinary action. **Non-students/ non-employees** who are believed to be under the influence of a controlled substance may be asked to leave campus, may be prohibited from returning for one year, and if uncooperative the Brooklyn Park Police Department may be called to assist, and the individual may be subject to citation or arrest.

**For petty misdemeanor crimes, such as possession of marijuana, the following actions will be taken:** **Students** who are found to be in violation of the law may be subject to disciplinary action for violating the Student Code of Conduct. If students are not cooperative the Brooklyn Park Police Department may be called to assist, and the student may be subject to citation or arrest. **Employees** who are found to be in violation of the law while on campus may be subject to disciplinary action. **Non-students/ non-employees** who are found to be in violation of the law while on campus may be asked to leave campus, may be prohibited from returning for one year, if uncooperative the Brooklyn Park Police Department may be called to assist, and the individual may be subject to citation or arrest for misdemeanor and felony level drug crimes the Brooklyn Park Police Department will be contacted.

**Drug and Alcohol Abuse Education Programs:** North Hennepin Community College recognizes the reality of chemical dependency and is aware of its occasional presence in the higher education community. As a safeguard against this dependency, numerous campus organizations provide prevention programs to the campus community. North Hennepin Community College encourages and provides reasonable assistance to any student, faculty or staff member who seeks information on chemical dependency or treatment for chemical dependency. Various offices, including Counseling and Human Resources, provide information and referral to prevention programs for those seeking help with substance abuse.

NHCC recognizes the reality of chemical dependency and is aware of its occasional presence in the higher education community. As a safeguard against this dependency, numerous campus organizations provide prevention programs to the campus community. NHCC encourages and provides reasonable assistance to any student, faculty or staff member who seeks information on chemical dependency or treatment for chemical dependency. Various offices, including Counseling

and Human Resources, provide information and referral to prevention programs for those seeking help with substance abuse.

## **Firearms Policy: Board Policy 5.21 Possession or Carry of Firearms**

<http://www.mnscu.edu/board/policy/521.html>

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

### **Definitions.**

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

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

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

**Student.** "Student" means an individual who is:

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

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

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

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

### **Employees.**

1. **Prohibition.** Employees are prohibited from possessing or carrying a firearm while acting in the course and scope of their employment, either on or off campus property, regardless of whether the employee has a permit to carry a firearm, except as otherwise provided in this policy.
2. **Employee reporting responsibility.** An employee with a reasonable basis for believing an individual is in possession of or carrying a firearm in violation of this policy has a

responsibility to report the suspected act in a timely manner, unless doing so would subject the employee or others to physical harm. Reports should be made to the official designated in the applicable policy included in this report. This policy shall not prohibit prompt notification to appropriate law enforcement authorities when an immediate threat to personal safety exists. Employees shall not make reports of a suspected violation knowing they are false or in reckless disregard of the truth.

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

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

**Exceptions.** The following are exceptions to this policy:

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

**Authorized uses.** This policy does not prohibit:

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

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

**Referral to Law Enforcement.** North Hennepin Community College may refer suspected violations of weapons law to appropriate law enforcement authorities, and provide access to investigative or other data as permitted by law.

## **Appendix 1**

### **Terms and Definitions**

#### **Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon (or displays weapon in a threatening manner) or by means likely to produce death or great bodily harm (e.g. victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness).

#### **Arson**

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

#### **Burglary**

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

#### **Affirmative Consent**

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

#### **Criminal Homicide – Negligent Manslaughter**

The killing of another person through gross negligence.

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

#### **Dating and Relationship Violence**

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

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

### **Drug law violations**

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

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

**Larceny-theft** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another person.

### **Liquor law violations**

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

### **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle.

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

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

### **Murder and Non-negligent Manslaughter**

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

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

### **Robbery**

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

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

## **Sexual Assault**

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

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

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

## **Sex Offenses – Defined**

### **Forcible Sex Offenses.**

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

Reported offenses may include:

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

the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

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

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

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

### **Sex Offenses, Non-forcible.**

Unlawful, non-forcible sexual intercourse.

Reported offenses may include:

- **Incest** - non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

### **Sexual Violence**

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

### **Stalking**

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

### **Weapons law violations**

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

**Resources:** 2016 Handbook for Campus Safety and Security Reporting  
Title 34: Education [PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS](#)  
[Subpart D—Institutional and Financial Assistance Information for Students](#)  
Bystander intervention strategies Stanford University's Office of Sexual Assault & Relationship Abuse

Various Minnesota State Colleges and Universities Annual Security Reports.

Special acknowledgment to the **Brooklyn Park Police, White Bear Lake Police and Bloomington Police Departments** for their help in gathering these statistics and with their professionalism and unyielding service to the NHCC community.

