2015

CRIME AWARENESS AND CAMPUS SECURITY ACT
(the CLERY ACT)
and the
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Public Safety Department

The Public Safety Department, located on the lower level of Tomson Hall, is dedicated to the security, safety and protection of the entire college community consisting of approximately 3,100 undergraduate students and 850 faculty, staff, and administrators. Staffed with a director, eight full-time and one part-time public safety officers, Public Safety provides 24-hour incident response and security patrol to the St. Olaf community throughout the year. The safety and security of students, faculty, and staff remain one of St. Olaf College’s primary concerns.

All members of the campus community are expected to support the efforts of the Public Safety Department in developing and maintaining a safe and secure living/learning environment. Public Safety strives to provide a safe college environment by following the procedures set forth in this document and encourages all community members to assume responsibility for their own safety and security. If a student or employee believes that appropriate security procedures are not being followed, or that the College environment is unsafe, please contact the Director of Public Safety at (507) 786-3636 or by email at behr@stolaf.edu.

The mission of the Public Safety Department is "To support and advance the educational objectives of St. Olaf College by fostering a safe, secure and stable environment for living, learning and working". The success of this mission depends on an interactive partnership between Public Safety and the students, faculty, administration, staff and visitors to the College. This partnership is based on the realization that all students, faculty, administrators and staff must also accept their individual and collective responsibilities with respect to crime prevention and incident reporting to make St. Olaf College an institution that fosters a civil, orderly and safe environment for all.

Authority of Public Safety Officers

St. Olaf Public Safety officers are charged with enforcing college policies as well as state and local laws where applicable, that occur on college property. The jurisdiction of the St. Olaf College Public Safety Department is generally confined to St. Olaf College property unless assistance is requested by local/area law enforcement agencies. The St. Olaf College campus is considered private property and as such, access to and the ability to remain on campus property may be denied at the discretion of the College including in response to inappropriate behavior. All persons must produce identification upon request by a Public Safety officer while on St. Olaf College property. St. Olaf Public Safety officers are not police officers licensed by the State of Minnesota. They are empowered to make arrests pursuant to Minnesota Code Section 629.37 covering citizen's arrests. However in most instances, the Northfield Police will be summoned to the campus should circumstances warrant an arrest.

Relationship with the Northfield Police Department

St. Olaf continues to maintain a positive and on-going working relationship with state and local law enforcement agencies to address the impact of criminal behavior. The Northfield Police Department and St. Olaf College Public Safety openly exchange information concerning security and crime related matters and continue to maintain a pro-active partnership with respect to the safety and welfare of the St. Olaf College and the Northfield communities. A Memorandum Of Understanding has been signed by St. Olaf College Public Safety and the Northfield Police Department outlining the cooperation, investigative roles, support and response between the two agencies. Regular meetings are held on a formal and informal basis with the Northfield Police to discuss criminal activity, investigations and crime trends on the campus, near the campus and within the City of Northfield. In addition, the Northfield Police Department is informed of all serious incidents and property crimes occurring on the campus and when appropriate, will investigate crimes in conjunction with St. Olaf College Public Safety personnel as well as the Dean of Students Office.
Community Reporting and Institutional Response
To achieve a safe and secure campus environment, all members of the campus community are encouraged to report promptly any suspicious or criminal activity observed directly to Public Safety at x3666 and the Northfield Police Department when the victim elects to report or is unable to make such a report. Those community members who “have significant responsibility for student and campus activities, serve as advisors to student groups or coach student athletes” are required to report crimes to Public Safety as they have been identified as “Campus Security Authorities (CSA’s)” for purposes of the College’s compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (hereafter referred to as the Clery Act). It is critical that all crimes reported to campus security authorities be immediately reported to Public Safety for inclusion in the College’s annual campus security report pursuant to the Clery Act. Compliance with these provisions does not constitute a violation of Section 444 of the General Education Provision Act (20 U.S.C. 1232g) commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA). Reporting a crime does not-always result in an investigation and any disclosures made by the College relating to an alleged crime will not include the name or any other personally identifiable information about the victim. Furthermore, retaliation by an institution or an officer, employee or agent of an institution against any individual for exercising their rights or responsibilities to report crimes under any provision under the Clery Act is strictly prohibited.

Upon receipt of a call, the switchboard operator/dispatcher will gather preliminary information from the caller and when appropriate, dispatch a Public Safety officer to the location of the incident. The responding officer will investigate the complaint or concern. Depending upon the nature of the incident, Public Safety will initiate the appropriate response according to department protocol and/or college policy. If necessary, the Northfield Police Department will be contacted to assist in resolving the incident. A confidential crime stoppers tip line was also launched by the Northfield Police Department and community members are encouraged to use this number to help Public Safety and local law enforcement address criminal activity.

Emergency telephones are located inside the main entrance of each residence hall. Additional outside phones are located at Buntrock Commons, Dittmann Center, Christiansen Hall of Music, Regents Hall, Tomson Hall, the Skoglund parking lot, Buntrock Lot, Lincoln Lot, and parking lots I and J to encourage the prompt reporting of criminal and/or unacceptable behavior. These exterior phones are equipped with a stationary blue light above them so they are easily recognizable across campus. Telephones are also located in the hallways of all academic buildings to facilitate prompt reporting. All members of the St. Olaf community should memorize the following numbers to report criminal behavior and emergencies:

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Olaf College Public Safety</td>
<td>507-786-3666</td>
</tr>
<tr>
<td>Northfield Police, Fire, and Ambulance</td>
<td>9-911</td>
</tr>
<tr>
<td>Northfield Confidential Crime Tip Line</td>
<td>507-663-9494</td>
</tr>
</tbody>
</table>

Community Awareness and Crime Prevention
Crime prevention at St. Olaf College is based on minimizing or eliminating criminal opportunities and encouraging students and employees to be responsible for their individual safety/security and the collective safety/security of others. Even though St. Olaf College has put a number of safety measures in place from 24 hour public safety patrols to card access systems to fire safety measures, you are mainly responsible for your own safety and the security of your property. Crime prevention information including personal safety tips, emergency procedures and protocols, risk reduction strategies and the proper procedure for reporting incidents to Public Safety are posted on the Public Safety website http://wp.stolaf.edu/publicsafety for all community members. We believe that a well-informed campus
community will be empowered to take preventive measures that will ultimately reduce their chances of becoming victims of criminal activity.

Crime prevention/awareness programs, presented by Public Safety, are conducted for all Residence Life Area Coordinators, Resident Assistants and Junior Counselors prior to the beginning of each academic year recognizing they may have the first immediate contact with the victims of crime. Public Safety conducts crime prevention/awareness programs for other groups upon request to educate the St. Olaf community on measures the community can take to reduce the chances of becoming a victim of crime. These crime prevention programs consist of professionally produced videos, college designed power point presentations and/or topic specific lecture materials including an open exchange among attendees. Crime prevention programs for students, faculty and staff can be arranged by contacting the Director of Public Safety at 507-786-3636.

**Timely Warning Notifications**

When crimes are reported on campus that are deemed “to present a serious and/or continuous threat to students and employees”, Public Safety will issue a timely warning (Crime Alert) to the campus community that an incident has been reported, general information surrounding the incident and how incidents of a similar nature might be prevented in the future. The names of those persons involved or information that could lead someone to identify the complainant or respondent will be held confidential and will not be released in the timely warning. These alerts are sent by electronic mail directly to students, faculty and staff of the College.

**Daily Crime Log**

A daily crime log listing all crimes reported to Public Safety is maintained in the Public Safety Office and is available for public review during normal business hours. The daily crime log includes general geographic and time reported information but does not include the names of reporting parties or the respondent. Crimes reported to St. Olaf College Public Safety will not be withheld or removed from the annual crime statistics or the Daily Crime Log based on a decision by a court, coroner, jury, prosecutor or other non-campus official unless the crime is classified as “unfounded” by local law enforcement authorities.

**Facility Policies and Security**

All residence halls are secured by a card access system by the residence life office. All exterior doors to the residence halls are locked 24 hours a day and are considered emergency exits only, many complete with local audible alarms. Residence Life and Public Safety staff re-check residence hall exterior doors in an attempt to ensure that the doors remain secure. Honor houses utilize an exterior and interior key system for the residents as well as a separate security lock that may be activated based on the occupancy status. All academic and administrative buildings are checked and secured daily at predetermined times by Public Safety staff. The College also employs two full-time locksmiths to repair and replace locks that require attention to maintain the security of all campus buildings. Public Safety strives to see that all appropriate doors are locked and asks that any student or employee noticing an unlocked or propped door to report the location immediately to Public Safety at 507-786-3666.

**Safe Walk/Safe Ride**

St. Olaf College sponsors a Safe Walk/Safe Ride Program to provide safe walking escorts on-campus or vehicular transportation to honor houses for students concerned about their personal safety from 7:00 P.M. to 1:00 A.M. each day classes are in session. Safe Walk and Safe Ride are dispatched from the Buntrock Commons and escorts/rides may be obtained by calling 507-786-3666 during the hours listed above. This service is operated only for personal safety reasons and will not escort/transport groups of people. Safe Ride drivers will not provide transportation to downtown locations for appointments or
leisure activities. The Safe Walk/Safe Ride program is under the direction of the Public Safety Department and staffed entirely by students. During the hours when Safe Ride is not operational, safe transportation may be obtained by calling Public Safety at 507-786-3666.

Alcohol and Drug Policies
By institutional policy, St. Olaf College chooses to be an alcohol and drug free community. We do so out of the conviction that this policy:
1) promotes a caring environment;
2) enhances the atmosphere for study, learning, growth, work, and wellness;
3) supports members of the community affected by or concerned with the abuse of alcohol and other drugs; and
4) respects the rights of those who choose not to use alcohol or other drugs.

Additional information concerning alcohol and other drug policies may be found in the St. Olaf student handbook called The Book (http://wp.stolaf.edu/thebook).

The possession, use, or distribution of alcoholic beverages is prohibited on the St. Olaf campus, regardless of age, on all land owned by the college and in college-owned houses in which students reside. The only exceptions to this policy are at special functions hosted at the home of St. Olaf’s President and during St. Olaf College Alumni/Reunion Weekend. At such events, alcohol may be served to attendees who are of legal drinking age. Furthermore, the possession, use, distribution or sale of illegal drugs on all college property is strictly prohibited in accordance with college policy and State and Federal laws. College policies and State laws regarding alcohol and drug use are enforced by Public Safety, the residence life staff, concerned members of the campus community and the Northfield Police Department.

Students who violate the alcohol policy, will face disciplinary action based on the severity of the infraction. A Level I offense typically is a first-time, less serious violation, a Level II offense is for a repeated or more serious first-time violation and Level III offenses are the most serious violations or repeated violations. Each level carries specific sanctions as outlined in The Book. The use, possession, distribution or sale of illegal drugs will be subject to disciplinary action which range from educational sanctions to removal from campus housing to dismissal from St. Olaf College. In addition to this information, we encourage all students, faculty and staff to review the Drug Free Schools and Communities Act publication which includes the legal sanctions for drug and alcohol violations as well as health risks, counseling, treatment and rehabilitation associated with drug and alcohol use and abuse.

Chemical Abuse Programs
Prevention, Intervention, and Assistance Programs are available to all members of the St. Olaf Community to combat and cope with problems stemming from chemical use and abuse. Students are encouraged to contact the St. Olaf Health Service (507-786-3063) or the Counseling Center (507-786-3062) if they themselves or a friend are affected by chemical use or abuse. Programs are also available for college employees through the Office of Human Resources (507-786-3068).

Emergency Procedures

Emergency Response
Whenever an incident occurs on campus, Public Safety should be contacted immediately by telephoning 507-786-3666. Upon arrival, the officers will confirm the reported incident, assess the situation and determine if additional resources are necessary to resolve the situation. Additional resources may include other college employees/departments or external agencies such as the Northfield Police, the Northfield Fire Department or Northfield Emergency Medical Services. If the incident is determined to be a
significant emergency that will impact the campus community, the Critical Event Response Team (CERT) would be activated and respond to the campus. The Critical Event Response Team (CERT) is comprised of personnel from public safety, student affairs, residence life, facilities, administration, communications and IT. CERT was created to assist with the response to the incident and if appropriate, initiate the emergency notification system and begin the transition to emergency operations.

St. Olaf College has adopted an “all hazards approach” to campus emergencies utilizing the Incident Command System (ICS) of incident management. The Public Safety Department and numerous other key college officials have received incident command training through the National Incident Management System (NIMS) to enhance our response to and recovery from critical campus incidents. Emergency response exercises for the CERT team are conducted annually. In addition, data is recorded regarding each table top exercise to include a description of the exercise, the date and time it was conducted and whether the exercise was announced or unannounced.

Emergency Notification
St. Olaf College will notify the community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on the campus. This notification will be initiated utilizing our emergency notification system (Ole Alert) consisting of text messaging to cell phones as well as public display monitors and e-mail alerts. The St. Olaf emergency notification system is subscriber based and readily available to all students, faculty and staff through the college website at http://wp.stolaf.edu under Emergency Information. All community members are strongly encouraged to subscribe to the emergency notification system and keep their information updated since this is the most comprehensive and far reaching method of communicating emergency notifications. Tests of the emergency notification system are conducted semi-annually and data is gathered to measure distribution through our system provider. The College will also utilize other systems such as building intercoms, public address systems, digital signage screens, telephones and e-mail to enhance the distribution of information as time and circumstances permit.

In the event of a significant emergency, an Ole Alert will be issued by St. Olaf College to students and staff without delay, taking into account the safety of the community. The College will determine the content of the notification and initiate the notification immediately unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to or otherwise mitigate the emergency. The notification will be prepared and issued through a collaborative discussion with public safety staff, student life deans and communications staff. Information regarding the emergency will also be posted on the St. Olaf website through the office of Marketing and Communications as appropriate to inform the larger community.

Evacuation Procedures
All faculty, staff and students should learn the evacuation routes and stairwell locations for all campus buildings they frequently occupy. Evacuation maps and information are posted inside each residence hall student room on campus. Once you have evacuated, seek shelter in the nearest campus building. If public safety, law enforcement or fire department personnel are on the scene, follow their directions. Fire drills are conducted semi-annually in all residential facilities on campus and are monitored by the residence life staff and public safety. The purpose of these drills is to prepare building occupants for an organized evacuation in case of fire or other emergency. During an evacuation, occupants are encouraged to take personal belongings (purse, wallet, Ole card, cell phone, etc.) and follow the evacuation procedures for their building (close your door, proceed to the nearest exit and use the stairs, not the elevators).
Sheltering in Place
If an incident occurs outdoors, the buildings around you become unstable or if the air outdoors becomes dangerous due to toxic or irritating substances in the air, it is usually safer to stay indoors. Thus, to “shelter in place” means to make a shelter in the building you are in. If you are outdoors, proceed to the closest building quickly or follow instructions from emergency personnel on the scene. Should this type of situation arise, a shelter in place notification will be sent to the community through our emergency notification system. To shelter in place, close all exterior doors, shut and lock all windows, turn off air conditioners and fans, close off ventilation systems if you are able (college staff will turn off building ventilation systems as quickly as possible when necessary) and place a rolled up towel under the door to the room. Monitor your cell phone and e-mail for further instructions and additional updates. A subsequent notification will be sent when it is no longer necessary to shelter in place.

Missing Students Residing in On-Campus Housing
If a member of the College community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately contact Public Safety at 507-786-3636. Public Safety will respond to the caller and initiate an investigation. After assessing the missing person information, should Public Safety determine the student appears to be missing and has been missing for more than 24 hours, St. Olaf College will notify the Northfield Police Department, provide them with a report and notify the student’s emergency contact person (if one is provided) no later than 24 hours after the student is determined to be missing. If the missing student is under 18 years of age and is not an emancipated individual, St. Olaf College will notify the student’s parent or legal guardian immediately after Public Safety has determined that the student is missing. In addition to registering an emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by St. Olaf College in the event the student is determined to be missing for more than 24 hours. Only college officials and law enforcement will have access to the confidential contact person information. This policy does not preclude St. Olaf College from initiating internal missing person procedures in less than 24 hours if circumstances warrant faster implementation.

Primary Sexual Misconduct Prevention/Awareness Programs for Students and Employees
All St. Olaf students complete a 3 hour web based training program developed by Campus Clarity called “Think About It”. This is a comprehensive online training program that prepares students to confront and prevent serious campus problems such as substance and sexual abuse/misconduct. All First Year students are required to complete this training before registering for Fall classes. Most upper-class students have completed this training but for those who have not, it will be required to be completed by all students prior to registering for Interim/Spring classes.

During Week One each year, all First Year students attend a program called Square One. This program is facilitated by the St. Olaf Theater Honor Society and presents short skits that explore the dynamics of living in a diverse community. These skits include relevant topic areas such as sexual assault, sexual violence, alcohol use/abuse and racism. This program also addresses bystander behavior and takes place directly before Week One’s Bystander Intervention Training.

Each year all First Year students are required to attend Bystander Intervention Training as part of Week One. Bystander Intervention is a philosophy and strategy for prevention of various types of violence, including bullying, sexual harassment, sexual assault, and intimate partner violence. Our bystander intervention training is an adopted Green Dot Program which addresses overcoming barriers to intervening, identifying intervention options and taking action to intervene. Here the students learn to recognize problematic behavior, understand situational awareness and are provided with strategies and tactics to safely intervene as part of their role as a responsible member of the St. Olaf community.
All College employees are required to complete a web based training program developed by trainEd called “Speak Up: Understanding and Preventing Sexual Harassment and Sexual Misconduct”. This program provides valuable awareness information, response strategies, reporting information and includes a testing module at the conclusion with a minimum standardized score required. This training covers all of the content and definitional requirements under 34 CFR §§ 668.46 (a) and 668.46 (A) – (F).

**Ongoing Sexual Misconduct Prevention/Awareness Programs for Students and Employees**

The Student Government Association (SGA), the Wellness Center and the Sexual Assault Resource Network have teamed up to join the nationwide sexual assault campaign “It’s On Us”. The St. Olaf “It’s On Us” campaign is tailored specifically for the St. Olaf community by crafting the following St. Olaf Pledge to End Sexual Assault:

“As members of the St. Olaf Community, we believe It’s On Us to prevent sexual assault and harassment, and we recognize that it will not be tolerated on our campus”

It’s On Us….
To RECOGNIZE that any non-consensual sexual contact is sexual assault
To IDENTIFY situations in which sexual assault may occur
To INTERVENE in situations where consent has not or cannot be given
To CREATE an environment in which sexual assault is unacceptable and survivors are supported

This campaign also includes a Pledge to End Sexual Assault and a campus-wide poster effort with the logo It’s On Us along with important messages such as:

- Just because they don’t say no, doesn’t mean they’re saying yes
- Someone can’t give you consent when he or she is drunk
- Do you think “fondling” is a funny phrase? Without consent it is a crime.

During the academic year, the Wellness Center and SARN (Sexual Assault Resource Network) conduct a variety of sessions for students to reinforce the primary training contained in Think About It, Bystander Intervention and It’s On Us. Programs have been completed for athletic teams, Pause student security, and all resident assistants and junior counselors. Additional bystander presentations can be requested through the Wellness center throughout the year.

Employees of the College will hold periodic forums, incorporate sexual misconduct discussions in classrooms and subscribe to webinars to reinforce primary training on sex discrimination, sexual harassment and sexual misconduct as part of the It’s on Us campaign.

**Campus Sex Crimes Prevention Act (Adam Walsh Child Protection and Safety Act)**

Information regarding registered Level 3 sex offenders living in the State of Minnesota is maintained by the Minnesota Department of Public Safety, the Minnesota Department of Corrections and the Minnesota Bureau of Criminal Apprehension. Of the three levels defined by the State of Minnesota, Level 3 sex offenders are considered the most serious and the most likely to re-offend. Information on Level 3 sex offenders may be obtained at the following web address: [www.corr.state.mn.us/level3/search.asp](http://www.corr.state.mn.us/level3/search.asp).
Sex Discrimination, Sexual Harassment & Sexual Misconduct Policy

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1. Notice of Nondiscrimination

St. Olaf College does not discriminate on the basis of race, color, creed, national and ethnic origin, sex, age, religion, disability, marital status, status with respect to public assistance, or sexual orientation in administration of its educational policies, financial aid program, athletics and all other programs. Harassment based upon an individual’s legally protected status is a form of prohibited discrimination.

In accordance with Title IX, this Policy addresses the college’s prohibition of sex discrimination. Sexual harassment, sexual assault, and other forms of sexual misconduct are forms of sex discrimination. Not only are they prohibited by this Policy, but they are also prohibited by various federal and state laws, including Title IX of the Educational Amendments of 1972 and the Minnesota Human Rights Act. Sexual harassment includes a variety of unwelcome behaviors of a sexual nature, and in its most severe form includes sexual misconduct. Examples of sexual misconduct include, but are not limited to: sexual assault, domestic violence, dating violence, and stalking.

Questions or concerns regarding sex discrimination, sexual harassment or sexual misconduct may be directed to the St. Olaf College Title IX Coordinator:

Jo Beld, 507-786-3632  Tomson Hall 259

Questions or concerns may also be directed to the Office of Civil Rights of the United States Department of Education.

St. Olaf College is committed to a respectful, safe, and healthy environment and does not tolerate sex discrimination, sexual harassment, or sexual misconduct in any form, including but not limited to sexual assault, domestic violence, dating violence, and stalking. Sex discrimination, sexual harassment, and sexual misconduct violate an individual’s rights and dignity. Not only are they acts of disrespect, violence, aggression or coercion against an individual, they are also violations of this Policy and an attack on our college community. In addition, some forms of these behaviors are crimes. The college is
committed to promptly, impartially, and equitably addressing and resolving all reports of sex
discrimination, sexual harassment and sexual misconduct, including sexual assault, domestic or dating
violence, and stalking. When the college finds that such behavior has occurred, it will take steps to
prevent the recurrence of the behavior and to correct its effects. Retaliation against an individual who
brings a complaint or pursues legal action, or an individual who serves as a witness in an investigation, is
prohibited and will not be tolerated.

2. Scope of Policy

Sex discrimination, sexual harassment and/or sexual misconduct committed in connection with any
college program, whether on or off campus, including affiliated domestic and international off-campus
programs, is prohibited and will not be tolerated. This applies to academic, educational, co-curricular,
athletic, residential and other college programs. In addition, this Policy applies to off-campus conduct that
the college determines may cause or threaten to cause an unacceptable disruption at the college or which
may interfere with an individual’s right to a non-discriminatory educational environment.

This Policy applies to all students, employees, contractors, and other visitors. This Policy applies
regardless of the sexual orientation or gender identity of any of the parties.

St. Olaf College is both obligated and committed to addressing sex discrimination, sexual harassment and
sexual misconduct and strongly encourages any individual who knows of or has been subject to such
incidents to report the incident to appropriate college authorities, as detailed in Section 6, Reporting to the
College. Individuals found responsible for sex discrimination, sexual harassment or sexual misconduct
will be subject to any disciplinary action deemed appropriate by the college, up to and including
suspension, expulsion, or discipline for students; disciplinary action up to and including termination of
employment for employees; and no trespass orders and/or other disciplinary action against other
individuals deemed responsible for violating this Policy.

3. Responsibilities of Title IX Coordinator

Pursuant to Title IX of the Educational Amendments of 1972 and 34 C.F.R. Part 106, the St. Olaf College
Title IX Coordinator is the designated representative of the college with primary responsibility for
coordinating college Title IX compliance efforts, including the college’s efforts to end sexual misconduct,
prevent its recurrence, and address its effects. The responsibilities of this position are critical to the
advancement, implementation, and monitoring of college-wide efforts to comply with Title IX legislation,
regulation, and case law. The Title IX Coordinator is the college agent who is charged with the
responsibility to oversee and monitor Title IX related policies and developments; the implementation and
oversight of grievance processes and procedures, including notification, investigation and adjudication of
complaints; provision of educational materials and training for the campus community; conducting and/or
coordinating investigations of complaints received pursuant to Title IX; ensuring a fair and neutral
process for all parties; and monitoring all other aspects of the college’s Title IX compliance.

4. Definitions

4.A. Complainant

The person alleged to have been subject to conduct that violates this Policy.
4.B. Respondent

The person accused of engaging in conduct that violates this Policy.

4.C. Sex Discrimination

Sex discrimination is conduct based upon an individual’s sex that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of, an individual’s employment, education, living environment or participation in a program or activity. Sex discrimination encompasses all forms of sexual harassment, sexual misconduct, differential treatment, and gender-based harassment.

4.D. Sexual Harassment

Sexual harassment is a form of sex discrimination. It includes unwelcome conduct such as sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal, nonverbal or physical conduct or communication of a sexual nature when:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s educational experience or employment, or the individual’s submission or rejection of such conduct is used as the basis of an educational program or activity decision or employment decision affecting such individual; or
- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual’s education or employment or creating an intimidating, hostile, or offensive educational or work environment.

Sexual harassment is distinguished from a voluntary sexual relationship by the introduction of the element of coercion, threat, hostility, or unwanted attention of a sexual nature. Actions that can constitute sexual harassment include:

- Unwelcome sexual flirtations, advances, or propositions;
- Requests for sexual favors;
- Verbal abuse of a sexual nature, obscene language, off-color jokes, verbal commentary about an individual’s body, sexual innuendo, and gossip about sexual relations;
- The display of derogatory or sexually suggestive posters, cartoons, drawings, objects, notes, letters, emails, or text messages;
- Visual conduct such as leering or making gestures;
- Videotaping or taking photographs of a sexual nature without consent;
- Cyber harassment, including but not limited to disseminating information, photos, or video of a sexual nature without consent;
- Engaging in conduct of a sexual nature which creates an intimidating, hostile, or offensive academic or work environment (e.g., sexually-oriented jokes, offensive physical contact, obscene messages and gestures); and
- Punishing or threatening to take adverse action against a subordinate or student for refusing to comply with sexual demands.

Although certain forms of sexual harassment may seem self-evident, recognizing such behavior when it is happening can be difficult. In making such an assessment, one should consider whether the behavior:
• Is offensive, unwanted or both;
• Interferes with one’s ability to enjoy his or her employment or academic environment;
• Interferes with job or academic performance; or
• Causes unnecessary discomfort, humiliation or harm to oneself or others around one.

4.E. Sexual Misconduct

Sexual misconduct is a severe form of sexual harassment and includes sexual assault or other sexual violence, domestic violence, dating violence, and stalking. Many types of sexual misconduct include nonconsensual sexual contact, but this is not a necessary component.

4.F. Sexual Assault

Sexual assault is any sexual contact, including but not limited to sexual penetration, with another person who does not or cannot give consent. This may or may not include force. For purposes of this Policy, “sexual contact” shall have the same meaning as it has under Minnesota law, and includes, but is not limited to, the intentional touching by the respondent of the complainant’s breasts, inner thighs, buttocks, genitals and/or groin area, whether clothed or unclothed; or the coerced touching by the complainant of another’s intimate parts. Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant’s intimate parts. Sexual assault includes, but is not limited to:

• Rape (the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of any person, without the consent of the victim);
• Fondling (the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim);
• Incest (sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law);
• Statutory rape (sexual intercourse with a person who is under the statutory age of consent).

4.G. Consent

Consent is words or overt actions by a person clearly indicating a freely given present agreement to perform a particular sexual act. Consent must be informed and freely and actively given.

Consent can only be given by someone who: acts freely, voluntarily, and with knowledge of the nature of the act involved. Consent can be withdrawn at any time. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent.

As explained further below, a person cannot give consent if that person:

• Is incapacitated by drugs or alcohol;
• Is threatened, coerced or intimidated into submission;
• Is not conscious;
• Is physically incapacitated;
• Is mentally incapacitated; or
• Is not of legal age to consent (16 years old in Minnesota).

Because these factors prevent an individual from consenting to sexual contact, this means that sexual contact with someone who is incapacitated or intimidated in any of the ways described above, or who is not of legal age, is by definition sexual assault. Furthermore, consent cannot be inferred from:
• Permission for one particular act;
• A prior sexual, romantic or marital relationship;
• An existing sexual, romantic or marital relationship;
• Silence, or an absence of resistance; or
• Prior sexual activity with other individuals.

Consent in romantic and/or sexual relationships of unequal status: Students, faculty and staff members should understand that apparently “consensual sexual relationships,” particularly those among persons of unequal status, may be or become a violation of this Policy. Anyone who engages in a sexual relationship with a person over whom he or she has any degree of power or authority must understand that the validity of the consent involved can and may be questioned. For more information on consensual relationships, see the college’s Consensual Relations Policy.

4.H. Incapacitation

Incapacitation means the physical and/or mental inability to make informed, rational judgments. Where alcohol or drugs are involved, incapacitation is determined by how the substance consumed affects a complainant, including the complainant’s decision-making capacity, awareness of consequences, and ability to make informed judgments. This is true regardless of whether the complainant voluntarily or involuntarily consumed the drugs or alcohol. Use of drugs or alcohol by the respondent, however, is not a defense against allegations of sexual misconduct and does not diminish personal accountability or criminal liability. The question is whether the respondent knew, or a reasonable, sober person in the position of the respondent should have known, that the complainant was incapacitated.

4.I. Dating Violence

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on the reporting party’s statement and a consideration of the following factors: the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

4.J. Domestic Violence

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Minnesota, or by any other person against an adult or youth complainant who is protected from that person’s acts under domestic or family violence laws. In addition to the relationships described above, Minnesota law defines domestic violence to include violence committed between parents and children, blood relatives, persons who are presently residing together or who have resided together in the past, and persons involved in a significant romantic relationship. While not exhaustive, the following are examples of conduct that can constitute domestic violence: (1) physical harm, bodily injury or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, criminal sexual conduct, or interference with an emergency call.
4.K. Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. For purposes of this definition, “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. Stalking can be a form of sexual harassment. Stalking behavior includes, but is not limited to:

- Repeated, unwanted, intrusive, or frightening communications by phone, mail, text, email and/or social media;
- Repeatedly leaving or sending complainant unwanted items, presents, or flowers;
- Following or lying in wait for the complainant at places such as home, school, work, or recreation place;
- Making direct or indirect threats to harm the complainant, the complainant’s children, relatives, friends, or pets;
- Damaging or threatening to damage the complainant’s property;
- Posting information or spreading rumors about the complainant on the internet, in a public place, or by word of mouth; or
- Unreasonably obtaining personal information about the complainant by accessing public records, using internet search services, hiring private investigators, going through the complainant’s garbage, following the complainant, contacting complainant’s friends, family work, or neighbors, etc.

As defined by Minnesota law, stalking means “to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.”

4.L. Retaliation

Retaliation means adverse action taken against an individual for making a good faith report of a violation of this Policy, for supporting another person’s report, or participating in an investigation or other proceedings based on the report.

5. Confidentiality

5.A. Confidential vs. Non-Confidential Communications

In times of distress, it may be confusing to determine how best to obtain personal support and clear information about options and resources. In making a decision about whom to contact for support and information, it is important to understand that most St. Olaf employees are not confidential resources, and are therefore obligated to report to the college any information they receive about sex discrimination, sexual harassment, or sexual misconduct. Student workers who become aware of sex discrimination, sexual harassment, or sexual misconduct as a result of their college employment are also not confidential resources, and in that capacity are also obligated to report to the college. Only a few employees are confidential resources, who in most circumstances are not obligated to disclose such information. Below is additional information about confidential and non-confidential communications.
Persons who have experienced sex discrimination, sexual harassment, or sexual misconduct are encouraged to consider this information in choosing whom to contact for information and support. For additional information about reporting to the college and the college’s response to requests for confidentiality, see Section 6.A., Reports to the College, and 6.C., Complainant Requests for Confidentiality or Non-Action.

5.B. Confidential Communications

Confidential communications are those communications which legally cannot be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances, such as allegations involving the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person. The college recognizes that some individuals may wish to keep their concerns confidential. As a result, the college has designated specific persons as confidential resources for individuals who prefer to talk with someone confidentially about their concerns. These confidential resources include the following:

**Sexual Assault Resource Network (SARN)**
Buntrock Commons 113  
sarn@stolaf.edu  
507-786-3777 or 507-786-3062

**Counseling Center**
Boe House, 1308 St. Olaf Ave.  
vonruden@stolaf.edu  
507-786-3062

**Student Health Service**
Tomson Hall 160  
healthservices@stolaf.edu  
507-786-3064

**College Ministry**
Boe Memorial Chapel, Lower Level  
ministry@stolaf.edu  
507-786-3092

Individuals may discuss concerns in complete confidence with a confidential resource, so long as the allegations do not involve the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person. In addition, the college’s Counseling Services staff can assist individuals with obtaining medical, emotional, and other support resources whether or not they decides to report their concerns to the college. Confidential resources may submit non-identifying information about violations of this Policy to St. Olaf Public Safety for purposes of anonymous statistical reporting under the Clery Act.

5.C. Non-Confidential Communications with Faculty, Staff, and Student Employees of the College

Non-confidential communications are those communications with any college employee who is not a confidential resource as identified above. Only confidential resources can promise confidentiality. All other college employees who become aware of incidents or allegations of sex discrimination, sexual harassment, and sexual misconduct, including sexual assault, dating violence, domestic violence, or
stalking, must report the matter to the college, even if the complainant requests confidentiality. (See Section 6.A., Reports to the College, and Section 6.C., Complainant Requests for Confidentiality or Non-Action, for information about reporting content and procedures.) Examples of non-confidential communications include those with:

- **Title IX Coordinator**: Jo Beld, 507-786-3632
- **Dean of Students Office**: 507-786-3615
- **Residence Life Area Coordinators**: 507-786-3333
- **Junior Counselors or Resident Assistants**: 507-786-3333
- **Public Safety**: 507-786-3666 (24 hour dispatch-emergency)
- **Wellness Center**: 507-786-2966
- **Human Resources Office**: 507-786-3068
- **All faculty members**
- **All other college employees, including students employees in their work-related positions, with the exception of those specifically identified above as confidential resources**

Persons who are not confidential resources will make every effort to refer an individual to confidential resources as identified above before the individual has disclosed a situation that requires reporting to the college.

5.D. Communications with Students

As indicated above, students who receive information about sex discrimination, sexual harassment, or sexual misconduct in their capacity as college employees are not confidential resources, and are therefore obligated to report this information to the college. The college strongly encourages all other students to report to the college all incidents of sex discrimination, sexual harassment and sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking, so that the college can investigate and respond to such reports. This enables the college to provide more resources and assistance to a complainant and to more effectively provide a safe, nondiscriminatory environment. (See Section 6.A., Reports to the College, and Section 6.C., Complainant Requests for Confidentiality or Non-Action, for information about reporting content and procedures.)

6. Reporting Options and Considerations

6.A. Reports to the College

As indicated above, with the exception of confidential resources, all faculty and staff, and all students in their role as college employees, are obligated to report to the college any information they may receive concerning sex discrimination, sexual harassment, or sexual misconduct. All other individuals are strongly encouraged to report to the college as well. A complainant may choose not to make a complaint or report in their own case, even if the complainant otherwise has reporting obligations under this Policy.

Any individual may provide a report to the college by contacting any of the following:

- **Title IX Coordinator**: Jo Beld, beld@stolaf.edu, 507-786-3632, Tomson Hall 259
- **Dean of Students**: Rosalyn Eaton-Neeb, eatonnee@stolaf.edu, 507-786-3615, Tomson Hall 144
- **President**: David Anderson, anderson@stolaf.edu, 507-786-3615, Tomson Hall 260
- **Vice President for Human Resources**: Michael Goodson, goodson@stolaf.edu, 507-768-3068, Tomson Hall 180
Reports to the college should include as much information as possible, including the names of the complainant and the respondent, and the date, time, place, and circumstances of the incident(s), to enable the college to respond appropriately. Reports can be made by telephone, via email, or in person. Individuals may use the incident reporting form. Upon receipt of a report, the college will initiate its response and resolution process as set forth herein.

6.B. Reports to Law Enforcement

Individuals who believe they may have been subject to criminal sexual misconduct are strongly encouraged to notify the Public Safety Office or local law enforcement authorities. Individuals will be assisted by campus authorities in notifying law enforcement authorities, if the individual so chooses. All complainants are encouraged to report the incident to the Northfield Police Department and file criminal charges, but the filing of charges is optional and individuals may decline to notify such authorities. The College will honor an individual’s decision to decline notifying law enforcement authorities, and will readily assist an individual if she or he opts to later initiate such a report. If filing charges is a consideration, sexual assault complainants should go to the Northfield Hospital as soon as possible to obtain a medical exam and preserve evidence that may be necessary for criminal prosecution (note that even if an individual opts not to file charges, a medical examination is available at the Northfield Hospital free of charge and individuals who submit to such examinations are not obligated to initiate a report with law enforcement). Sexual misconduct may be reported to law enforcement by contacting the Northfield Police Department at 911 or 507-645-4475. Petition forms to apply for Harassment Restraining Orders and for Orders for Protection are available in the Public Safety Office and the Northfield Police Department. These forms must be submitted to the Court Administrator in the Rice County Courthouse, 218 3rd Street NW, Faribault, MN 55022 during business hours. In addition to harassment restraining orders available through Rice County, Minnesota, individuals can seek a “no contact” order from St. Olaf College. An individual need not initiate a formal complaint under this policy in order to see such relief from the College.

6.C. Complainant Requests for Confidentiality or Non-action

The college is required by law to investigate and respond to reports of sex discrimination, sexual harassment, and sexual misconduct, including sexual assault. When the college receives such a report, it has a legal obligation to respond in a timely and appropriate manner. Making a report to the college does not require a complainant to initiate or participate in the college’s complaint procedure, or to report to local law enforcement. However, based on information gathered, the college may determine that it has a responsibility to initiate a complaint procedure (even without the complainant’s participation). If a complainant asks the college that his or her name or other identifiable information not be revealed during the investigation or that no investigation be conducted, the college will evaluate the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students, faculty and staff. In some cases, a confidentiality request may hinder the investigation. Thus, the college may weigh the request for confidentiality or no investigation against the following factors: the ability to conduct an investigation without revealing identifiable information, the seriousness of the alleged conduct, whether there have been other discrimination, harassment, sexual misconduct, or retaliation complaints about the same individual, and the extent of any threat to the college community.
Although the college cannot guarantee confidentiality, it will strive to accommodate a complainant’s requests to the extent possible consistent with the legal obligations of the college to investigate and respond effectively to reports and complaints, and to report campus crimes in accordance with applicable law. As discussed further below, the college is obligated to provide the college community with general information regarding incidents of sexual misconduct occurring on campus, but such warnings will not include names or other information that may personally identify either the complainant or the respondent.

In instances where individuals who believe they have been subjected to sexual misconduct are uncertain whether to initiate a complaint with the College and/or law enforcement, such individuals are strongly encouraged to take steps to preserve all evidence relating to the incident. Such information may become useful in future proceedings where such individuals later opt to file a complaint with the College and/or law enforcement, or in other proceedings. In cases of alleged sexual assault, an individual may wish to obtain a sexual assault forensic examination. Such assistance is available at the Northfield Hospital from a Sexual Assault Nurse Examiner (SANE nurse). These services are provided free of charge and the fact that an individual seeks to obtain such services will not require the individual to report the incident to either the College or law enforcement. Other types of evidence that may become relevant that should be preserved include things like text messages, emails, videos, pictures, and clothing.

6.D. Interim Measures and Ongoing Accommodations

At any time after a report of a potential violation of this Policy has been received by the college, the college may take immediate steps as it finds appropriate to protect a complainant or to meet its obligations to maintain a safe, nondiscriminatory environment for students and employees. The college may take such steps even when a complainant asks that the college keep a reported violation of this Policy confidential and that it not investigate the matter, and regardless of whether the complainant chooses to report to campus police or local law enforcement.

In addition, the college will make accommodations and provide protective measures for the complainant if requested and reasonably available. Such measures will vary based on the particular facts and circumstances and based on a complainant’s confidentiality preferences, but may include:

- Establishing a “no contact” order between individuals.
- Prohibiting an individual from being on campus or at college events.
- Providing escorts.
- Changing a student’s or employee’s status, in consultation with appropriate administrator(s).
- Changing work, class, or other schedules, in consultation with appropriate administrator(s).
- Changing housing or transportation arrangements, in consultation with appropriate administrator(s).
- Changing academic requirements or providing assistance with academic issues.
- Issuing a timely warning of any substantial threat or danger to the community.
- Making information available about and providing assistance with respect to orders for protection and harassment restraining orders, including enforcement of such orders.

To request an accommodation or protective measure, complainants should contact the St. Olaf Title IX Coordinator or the Dean of Students Office. The college will maintain as confidential any accommodations or protective measures provided to the complainant, to the extent that maintaining such confidentiality will not impair the ability of the college to provide the accommodations or protective measures. The college will also solicit feedback from the complainant as to the effectiveness of the accommodations or protective measures, and adjust the arrangements if necessary to enhance effectiveness.
6.E. Anonymous Reports

The college will accept anonymous reports of conduct alleged to violate this Policy made to the Title IX Coordinator or to other individuals or offices listed in Section A. The individual making the report is encouraged to provide as much detailed information as possible to allow the college to investigate and respond as appropriate. The college may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the college to conduct a meaningful and fair investigation.

6.F. Waiver of Drug/Alcohol Violations

Individuals who report violations of this Policy, including assault, dating or domestic violence or stalking, and individuals who participate in an investigation into allegations of violations of this Policy, will not be disciplined by the college for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident.

7. Community Reporting and Warning Notifications

7.A. Community Reporting and Institutional Response

To achieve a safe and secure campus environment, all members of the campus community are encouraged to report promptly any suspicious or criminal activity observed directly to Public Safety at 507-786-3666 and the Northfield Police Department. Employees (including student employees) designated as Campus Security Authorities as defined by the Crime Awareness and Campus Security Act (Clery Act), including advisors to student organizations, athletic team coaches, members of the Public Safety Department, members of the Dean of Students Office, members of the Residence Life Office, and other community members who have significant responsibility for student and campus activities are required to report all known or suspected crimes to Public Safety for inclusion in the college’s annual campus security report pursuant to the Clery Act. Compliance with these provisions does not constitute a violation of FERPA regulations. Retaliation against any individuals for exercising their rights or responsibilities to report crimes under any provision of the Clery Act is strictly prohibited.

7.B. Timely Warning Notifications

When serious crimes are reported on campus as defined by the Clery Act, Public Safety will issue a timely warning (Crime Alert) to the campus community that an incident has been reported, general information surrounding the incident and how incidents of a similar nature might be prevented in the future. The criteria for the issuance of timely warnings would include crimes that are considered to represent a serious and/or continuing threat to students and employees. The names of those persons involved or information that could lead someone to identify the complainant or respondent will be held confidential and will not be released in the timely warning. These alerts are sent by electronic mail directly to students, faculty and staff of the college. In addition, a daily crime log listing all crimes reported to Public Safety is maintained in the Public Safety Office and is available for public review during normal business hours.

8. Immediate and Ongoing Assistance

Sex discrimination, sexual harassment, and sexual misconduct are grievous violations of an individual’s dignity and may cause serious physical, psychological, and/or social harms. The college will seek to
support any person adversely impacted by sex discrimination, sexual harassment, or sexual misconduct. Both the college and the Northfield community provide a variety of resources to assist and support individuals who have experienced sex discrimination, sexual harassment, and sexual misconduct. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to report to the college or to law enforcement. Support services that may be available include, but are not limited to, connecting the individual with appropriate on campus and off campus counseling and support services, making changes to academic, living, transportation, and/or working arrangements to protect the individual from contact with the alleged perpetrator, assistance in filing a criminal complaint and providing information about restraining orders and other available protections and services. The college will provide written notification to affected individuals about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the college and in the community. An individual does not need to report sexual misconduct to law enforcement or initiate a complaint in order to receive support services from the college.

A complete description of college and community resources, both confidential and non-confidential, and additional information regarding what to do if assaulted or harassed is provided on the St. Olaf College website. Individuals who believe they have been subjected to any form of sex discrimination, sexual harassment, or sexual misconduct are encouraged to seek support from these resources. Those who are unsure where to go or what to do first are encouraged to contact a Sexual Assault Resource Network (SARN) advocate at sarn@stolaf.edu or 507-786-3777.

9. General Provisions for all Complaint Procedures

Complaints of a violation of this Policy received by the college will be processed according to the following Sexual Misconduct Complaint Procedure, Sex Discrimination and Sexual Harassment Complaint Procedure, or Procedure for Complaints involving Third Parties, depending on the nature of the allegations and the nature of the relationship between the college and the parties. Generally, complaints involving an employee respondent will be processed by the Human Resources Department and complaints involving a student respondent will be processed by the Dean of Students Office.

9.A. Treatment of Parties

The college will strive to treat all parties involved in a complaint procedure with dignity and to provide nonjudgmental support to students, faculty, staff, and third parties who are engaged in a complaint procedure. Upon request, personal counseling services are available to students and the Employee Assistance Program is available to faculty and staff.

9.B. Conflicts

If a complainant or respondent has any concern that any individual acting for the college under this Policy has a conflict of interest, such concern should be reported to the Title IX Coordinator. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone investigating or resolving a complaint under this Policy. If the Title IX Coordinator has a conflict of interest with respect to a complaint, the college’s President or the President’s designee shall appoint an alternate person to oversee adherence to this Policy with respect to the complaint at issue. If the President is a party to the complaint or has a conflict of interest with respect to a complaint, the Chair of the Board of Regents for the college shall ensure that the college puts in place appropriate safeguards under the circumstances to ensure that the college promptly and equitably responds to the
complaint, including, but not limited to, appointment of alternate individuals to oversee adherence to this Policy.

9.C. Responding to Requests for Confidentiality or Non-Action

Upon receiving a report of a violation of this Policy, the college will seek the consent of the complainant to proceed using the procedures set forth herein. As indicated in Section 6C, the college strives to honor any request that a complainant may make to keep any such report confidential or for the college not to investigate such a report, but the college also has a legal obligation to investigate and respond effectively to reports and complaints, and to report campus crimes in accordance with applicable law. See Section 6C for additional information about the factors the college weighs in responding to requests for confidentiality or non-action.

If the college decides that it has an obligation to initiate a complaint procedure regarding the alleged policy violation, it will notify the complainant before proceeding. The college will maintain confidentiality to the extent reasonably possible, subject to its need to conduct an investigation and respond to the situation in accordance with this Policy. In all cases, the individuals investigating and responding to incidents or allegations of policy violations will share information about the incident or allegation, investigation and response within and outside the college only on a “need to know” basis. However, complete confidentiality generally will not be possible. Accordingly, if a complainant is not certain that he or she wishes the college to initiate the response and resolution process, the complainant should contact a confidential resource.

9.D. Non-Participation and Silence

If, at any time during the complaint procedure, a party decides not to participate, the college will proceed with the complaint process and make a determination based upon the information available. Silence in response to an allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant’s allegations undisputed.

9.E. Timelines

Generally, the college will complete the investigation and adjudication processes outlined below within sixty (60) days of receiving a complaint or report of a violation of this Policy. Some complaints and reports may, however, take longer to investigate and resolve. The college is committed to investigating and resolving all matters as promptly as possible and strives to meet the timing requirements set forth in these procedures. However, in some cases, temporary extensions to the timing requirements may be necessary. The Title IX Coordinator may grant reasonable extensions to timing requirements in these procedures when warranted by the circumstances. For example, extensions of timing requirements may be granted if the college has been asked to delay its procedures during the evidence gathering stage of a criminal investigation, if the allegations of sexual misconduct are particularly complex (including, without limitation, allegations that involve multiple incidents and/or multiple individuals), or if witnesses are not on campus due to a scheduled break or for another reason. Extensions will be no longer than necessary. The complainant and respondent shall receive written notice of any extensions and the reason for the extension.

9.F. Reservation of Flexibility

The procedures set forth in this section reflect the college’s desire to respond to complaints in good faith and in a manner that promotes fairness to all parties. The college recognizes that each case is unique and
that circumstances may arise which require that the college reserve some flexibility in responding to the particular circumstances of the matter. Where it is not possible or practical to follow these procedures, the college reserves the right to modify the procedure or to take other administrative action as appropriate under the circumstances. In addition, the college reserves the right to process complaints of sex discrimination or sexual harassment according to the Sexual Misconduct Complaint Procedure where the allegations, while not involving sexual misconduct, warrant treatment under the Sexual Misconduct Complaint Procedure under the circumstances.

10. Sexual Misconduct Complaint Procedure

The following process shall generally apply to complaints of a violation of this Policy received by the college that involve allegations of sexual misconduct by a student, faculty, or staff member.

10.A. Initiation of Complaint

Complaints are generally initiated by individuals who believe that their rights under this Policy have been violated, but any individual may initiate the complaint procedure. In addition, circumstances may arise in which a complaint may be initiated in the name of the college to protect the safety, integrity and welfare of the community as a whole. Generally, the Title IX Coordinator will make a determination of whether a complaint should be initiated in the name of the college. When a complaint is made under this Policy, the college may ask that any report be confirmed in a written and signed complaint form. The Title IX Coordinator, Student Life Deans, or Vice President of Human Resources are available to assist in the completion of this form. Complaint forms are available from the Title IX Coordinator, the Dean of Students Office, Human Resources or on the College’s website.

10.B. Advisor

The complainant and the respondent have the right to be assisted by an advisor of their choice as long as the advisor is not a potential witness in the case. Guidelines for advisors are as follows:

- The purpose of the advisor is to support a complainant or respondent in the complaint process. Advisors should be chosen for their ability to assist the complainant or respondent with the process.
- Advisors may confer with the person involved, but they may not actively participate in the process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint procedure. The advisor may not appear in lieu of the complainant or respondent or speak on his or her behalf in either in-person or written communications to the college. The advisor may not address the investigator, adjudicator, witnesses (other than his or her own advisee), or appeal official, and may not interrupt or otherwise delay the complaint proceeding.
- All information concerning any case may be made available to advisors with the written permission of the involved person who has chosen the advisor, subject to the same limitations as those placed upon the parties and conditioned upon the advisor’s agreement to maintain the confidentiality of any student education records or other confidential information.
- Violations of confidentiality or other forms of interference with the complaint procedure by the advisor may result in disqualification of an advisor.
- The college will provide the parties with information regarding the selection of an advisor by another party.

10.C. Availability of Formal and Informal Resolution Options
When a complainant or the college chooses to move forward with the complaint procedure set forth in this Policy, there are two avenues for resolution of an alleged policy violation: formal and informal resolution. The complainant or the college has the option to proceed informally, when permissible. If a complaint is processed informally, the complainant, respondent or college has the option to move the complaint to the formal process at any time. *Mediation or other forms of informal resolution are never permissible in cases involving allegations of sexual assault.*

The Title IX Coordinator is available to explain the informal and formal resolution procedures. In addition, the Title IX Coordinator may also directly refer the matter to other institutional disciplinary procedures. This referral option will generally be used when: (1) the type of behavior that is alleged to have occurred does not constitute a violation of this Policy or (2) the behavior that is alleged to have occurred is better handled under another disciplinary procedure. Every attempt should be made to determine the appropriate option for resolution within five (5) business days of the submission of the complaint.

10.D. Informal Process and Resolution

If an informal resolution is pursued, the Title IX Coordinator (or her/his designee) will attempt to facilitate a resolution that is agreeable to all parties. Under the informal process, the college will only conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the college, and the college community.

Any party to the complaint has the option to discontinue the informal process and request a formal investigation. The college also always has the discretion to initiate a formal investigation. If at any point during the informal process, the complainant, the respondent, or the college wishes to cease the informal process and to proceed through the formal process, the informal process will stop and the formal process outlined below will be invoked.

Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the college to stop, remedy, and prevent policy violations. To facilitate such a resolution, the Title IX Coordinator will make a recommended resolution that may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, behavioral contracts, change in housing or office location, restitution, required attendance at educational programs, required assessment or counseling, the respondent’s education or employment record including a finding that this Policy was violated, restriction of privileges, and/or probation.

If all parties to the complaint and the college agree in writing to the terms and conditions of a recommended resolution within five (5) business days, the case will be resolved without further process under this procedure. If all parties to the complaint do not agree in writing to the terms and conditions of the recommended resolution within five (5) business days, the complaint will be referred to the formal process.

10.E. Formal Process

If a complaint is not processed through the Informal Process, or is not resolved through the Informal Process outlined above, the complaint shall be processed according to the formal procedure outlined below. In order for the formal procedure to commence, the complaint must be made in writing, using the complaint form provided for this purpose by the college (see Section 10A). The complainant and respondent shall be given timely notice of meetings at which the complainant or respondent or both will be present. The investigation and adjudication will be conducted by officials who receive annual training
on issues related to sexual misconduct (including sexual assault, dating violence, domestic violence, and stalking) and on how to conduct a complaint process that protects the safety of victims and promotes accountability.

10.E.(1) Investigation

The college will strive to complete a thorough, fair, impartial, and timely investigation. Normally, the investigation process shall include the following elements:

10.E.(1)a. Appointment of Investigator(s)

The Title IX Coordinator, or his or her designee, will appoint one or more investigators. The complainant and the respondent will be notified in writing of the identities of the investigator(s) assigned to their case.

10.E.(1)b. Complainant’s Account of the alleged misconduct

The investigator(s) shall interview the complainant to obtain the complainant’s account of the alleged misconduct. In addition, the complainant shall be invited to advise the investigator(s) of any witnesses he/she believes should be interviewed, and/or other evidence that he/she believes should be reviewed by the investigator(s). The investigator(s) may also request additional information from the complainant. The interview shall be audio-recorded. As soon as possible after the interview, the investigator(s) shall prepare a written summary of the information provided by the complainant. The complainant shall review the summary, make any necessary corrections, and then affirm it in writing as an accurate representation of the complainant’s account.

10.E.(1)c. Respondent’s Account of the alleged misconduct

In a separate meeting, the investigator(s) shall interview the respondent to obtain the respondent’s account of the alleged misconduct. In addition, the respondent shall be invited to advise the investigator(s) of any witnesses he/she believes should be interviewed, and/or other evidence that he/she believes should be reviewed by the investigator(s). The investigator(s) may also request additional information from the respondent. The interview shall be audio-recorded. As soon as possible after the interview, the investigator(s) shall prepare a written summary of the information provided by the respondent. The respondent shall review the summary, make any necessary corrections, and then affirm it in writing as an accurate representation of the respondent’s account.

10.E.(1)d. Complainant’s Reply to Respondent’s Account, and Respondent’s Reply to Complainant’s Account

After the written summaries of the Complainant’s Account and the Respondent’s Account have been prepared by the investigator(s) and affirmed by the complainant and respondent respectively, each party shall be invited to review the affirmed written summary of the other party’s account and submit a written reply to the investigator(s) within five (5) business days.

10.E.(1)e. Witness Statements, if applicable

The investigator(s) may interview any witnesses who may have information of relevance to the alleged misconduct. The investigator(s) may exercise discretion in the selection of witnesses to be interviewed. The naming of a witness by either party does not obligate the investigator(s) to interview that proposed
witness. The investigator may conduct additional interviews with witnesses whose names were provided by individuals other than the complainant and the respondent. All interviews with witnesses shall be audio-recorded. The investigator(s) may prepare a written summary of the information provided by the witness. If such a summary is prepared, the witness shall review the summary, make any necessary corrections, and then affirm it in writing as an accurate representation of his or her statement.

10.E.(1)f. Other Evidence, if applicable

The investigator(s) may request and review other evidence of relevance to the alleged misconduct, such as video recordings, photographs, text messages, or other artifacts.

10.E.(1)g. Investigator’s Summary of the Investigation, if applicable

The investigator(s) may elect to prepare a written summary of the findings of the investigation to guide the adjudicator in his or her review of the information gleaned from interviews, affirmed summaries, and any other evidence provided.

10.E.(1)h. Compilation of Investigation File

The investigator(s) shall compile all evidence obtained into an investigation file. The investigation file shall include, as applicable:

- The written complaint;
- The Complainant’s Account;
- The Respondent’s Account;
- The Respondent’s Reply to the Complainant’s Account;
- The Complainant’s Reply to the Respondent’s Account;
- All Witness Statements;
- Any other evidence obtained;
- The Investigator’s Summary of the Investigation.

Evidence in the investigation file obtained from interviews shall include both the recordings and all written and affirmed summaries thereof.

10.E.(1)i. Additional provisions for investigation process

The college will make every attempt to complete the investigation process within twenty (20) business days of the initiation of the complaint or the referral from the informal process, but in some cases more time will be required. If a criminal complaint has been filed, the college’s procedures, including any investigation, may be temporarily delayed to allow law enforcement to gather evidence. Such delay may only occur at the request of law enforcement and shall not be any longer than necessary for law enforcement to complete the gathering of evidence. In no case will the college wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation.

10.E.(2) Adjudication

The college will strive to complete a thorough, fair, impartial, and timely adjudication process. Normally, the adjudication process shall include the following elements:
10.E.(2)a. Appointment of Adjudicator(s)

The Title IX Coordinator, or his or her designee, will appoint an adjudicator to review the investigation file and make a determination as to whether it is more likely than not that a violation of this Policy occurred, and if so, what sanctions are warranted. The adjudicator appointed to a case may not also serve as an investigator for the same case. Normally, only a single adjudicator will be appointed; however, the college may appoint additional adjudicators to assist in making a determination in any given case. The complainant and the respondent will be notified in writing of the identity of the adjudicator(s) assigned to their case.

10.E.(2)b. Right to request removal of Adjudicator(s)

The complainant or respondent may request the removal of an adjudicator(s) on the grounds of personal bias or other conflict of interest. Such requests may be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the request no later than two (2) business days after receiving the notice of the identity of the adjudicator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the request. If the request is accepted, a replacement will be appointed and notice will be provided to the complainant and respondent. The decision of the Title IX Coordinator with regard to the request is final and is not appealable.

10.E.(2)c. Right of each party to submit written Response to the Investigation File

The investigation file will be made available for review by the complainant, respondent, and their designated advisors. Confidential information in the investigation file that cannot be shared with the parties may be redacted from the file in accordance with applicable law. The investigation file cannot be copied or removed from the location provided by the college for review purposes.

Following review of the investigation file, each party may provide to the adjudicator a written Response to the Investigation File containing any comments or additional information the party would like the adjudicator(s) to consider. Each party’s Response shall not exceed 2000 words in length, and must be submitted within five (5) business days after the investigation file has been made available to the party. In addition, each party shall have an opportunity to review the other party’s Response to the Investigation File.

10.E.(2)d. Adjudicator’s Review of Investigation File and any Response(s) to the Investigation File

The investigation file and, if applicable, the complainant’s and respondent’s respective Response to the Investigation File, will be reviewed by the adjudicator(s) following confirmation of his, her, or their appointment. The adjudicator(s) will ensure that the complainant and respondent have been given equivalent opportunities to present relevant information for consideration in the investigation and adjudication process. Upon review of the investigation file, the adjudicator(s) may, in his, her, or their discretion, request additional investigation by the investigator(s).

10.E.(2)e. Determination

The adjudicator(s) will render a decision based upon the investigation file, any Response to the Investigation File submitted by the complainant and/or respondent, and any other information the adjudicator(s) may deem appropriate and which is made available to both the complainant and respondent. While the Title IX Coordinator is available for consultation, the Title IX Coordinator will not
participate in making a decision. The adjudicator(s) will use a preponderance of the evidence (or “more likely than not”) standard in determining whether a violation of this Policy has occurred.

If the decision is made that there is not sufficient basis to believe that it is more likely than not that the respondent violated this Policy, the parties will be notified of that determination and the complainant will be informed of other resources that may be available to the complainant.

If the decision is made that it is more likely than not that the respondent violated this Policy, the adjudicator(s) shall determine appropriate sanction(s), except as provided below with respect to faculty members. The determination will include steps to take to prevent recurrence of any such violations, and as appropriate, remedies for the complainant.

10.E.(2)f. Sanctions for Student Respondents

Sanctions imposed upon students who are determined to have violated this Policy may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, removal from campus housing, not being allowed to represent the college in volunteer or paid work, restitution, required attendance at educational programs, required assessment or counseling, restriction of privileges, probation, suspension and/or expulsion, and any other sanctions listed in the Code of Student Conduct or deemed appropriate under the circumstances.

10.E.(2)g. Sanctions for Staff or Faculty Respondents

Appropriate sanctions for staff or faculty members deemed to have violated this Policy include, but are not limited to a disciplinary warning, unpaid suspensions, suspension of promotion and salary increments, loss of prospective benefits, major fines, reduction in salary, suspension from service, suspension or withdrawal of privileges, demotion and/or termination of employment, or any other available sanctions as specified by the St. Olaf Faculty Manual, Faculty Handbook, or Staff Handbook.

If the adjudicator(s) determines that it is more likely than not that a faculty member has violated this Policy and that dismissal may be an appropriate sanction, the matter will be referred to the President, or the President’s designee, for appropriate process and decision, which shall be determined and administered in a manner consistent with the Faculty Manual. In such cases, dismissal for cause may only be effectuated in accordance with Faculty Manual Section XIX Dismissal Procedures, including use of the clear and convincing evidence standard. The adjudicator(s) may impose appropriate sanctions short of dismissal, in a manner consistent with the Faculty Manual and Faculty Handbook.

10.E.(2)h. Notification of Outcome

The parties shall receive a simultaneous written notice of the outcome of the complaint, to include the determination of the adjudicator(s); where a violation is deemed to have occurred, the sanctions imposed; rationales for the determination and sanctions; procedures for appeal and the date by which the result becomes final as provided below; any other steps the college has taken to eliminate the conduct and prevent its recurrence; and, in the complainant’s notice, remedies offered or provided to the complainant. Every attempt will be made to complete the adjudication process and provide a notice of outcome within twenty-five (25) business days of completion of the investigation. In some cases, more time may be required.

The determination of the adjudicator(s) may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final.
10.E.(3) Appeal

Following the communication of the decision by the adjudicator(s), the complainant or respondent (other than individuals who are not either students or employees of the college) may request an appeal of the decision. The request for an appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving the notice of outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

The basis for an appeal will be limited to the following:

- New or newly-discovered evidence which may substantially affect the outcome of the adjudication; or
- A procedural error, which substantially affected the outcome of the adjudication.

Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the parties. In an appeal, the burden of proof is on the appealing party to show by a preponderance of evidence that one or more of the above grounds for appeal are satisfied.

If the Title IX Coordinator, or his or her designee, determines that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal is satisfied, the matter will be returned for further review of the investigation file by a new adjudicator(s). If the grounds for appeal relate to the investigation, or warrant additional investigation, the new adjudicator(s) may refer the matter to further investigation before proceeding. Upon further review, the new adjudicator(s) shall utilize the same process as required for all adjudications under this Policy.

If there is not adequate reason to believe that one or more grounds for appeal has been satisfied, the Title IX Coordinator may dismiss the appeal. This decision is final and is not appealable.

The Title IX Coordinator, or his or her designee, will notify the parties to the complaint in writing of his/her determination within ten (10) business days of the filing of the appeal.

11. Sex Discrimination and Sexual Harassment Complaint Procedure

The following process shall generally apply to complaints of a violation of this Policy received by the college that involve allegations of sex discrimination and sexual harassment (other than allegations of sexual misconduct) by a student, faculty, or staff member.

11.A. Initiation of Complaint

Complaints are generally initiated by individuals who believe that their rights under this Policy have been violated, but any individual may initiate the complaint procedure. In addition, circumstances may arise in which a complaint may be initiated in the name of the college to protect the safety, integrity and welfare of the community as a whole. Generally, the Title IX Coordinator will make a determination of whether a complaint should be initiated in the name of the College. When a complaint is made under this Policy, the college may ask that any report be confirmed in a written and signed complaint form. The Title IX Coordinator, Student Life Deans, or Vice President of Human Resources are available to assist in the completion of this form. Complaint forms are available from the Title IX Coordinator, the Dean of Students office, Human Resources or on the college’s website.
11.B. Availability of Formal and Informal Resolution Options

When a complainant or the college chooses to move forward with the complaint procedure set forth in this Policy, there are two avenues for resolution of an alleged policy violation: formal and informal resolution. The complainant or the college has the option to proceed informally, when permissible. If a complaint is processed informally, the complainant, respondent or college has the option to move the complaint to the formal process at any time.

The Title IX Coordinator is available to explain the informal and formal resolution procedures. In addition, the Title IX Coordinator may also directly refer the matter to other institutional disciplinary procedures. This referral option will generally be used when: (1) the type of behavior that is alleged to have occurred does not constitute a violation of this Policy or (2) the behavior that is alleged to have occurred is better handled under another disciplinary procedure. Every attempt should be made to determine the appropriate option for resolution within five (5) business days of the submission of the complaint.

11.C. Informal Process and Resolution

If an informal resolution is pursued, the Title IX Coordinator (or her/his designee) will attempt to facilitate a resolution that is agreeable to all parties. Under the informal process, the college will only conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the college, and the college community.

Any party to the complaint has the option to discontinue the informal process and request a formal investigation. The college also always has the discretion to initiate a formal investigation. If at any point during the informal process, the complainant, the respondent, or the college wishes to cease the informal process and to proceed through the formal process, the informal process will stop and the formal process outlined below will be invoked.

Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the college to stop, remedy, and prevent policy violations. To facilitate such a resolution, the Title IX Coordinator will make a recommended resolution that may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, behavioral contracts, change in housing or office location, restitution, required attendance at educational programs, required assessment or counseling, an entry in the respondent’s education or employment record including a finding that this Policy was violated, restriction of privileges, and/or probation.

If all parties to the complaint and the college agree in writing to the terms and conditions of a recommended resolution within five (5) business days, the case will be resolved without further process under this procedure. If all parties to the complaint do not agree in writing to the terms and conditions of the recommended resolution within five (5) business days, the complaint will be referred to the formal process.

11.D. Formal Process

If a complaint is not processed through the Informal Process, or is not resolved through the Informal Process outlined above, the complaint shall be processed according to the formal procedure outlined below.
11.D.(1) Investigation

The college will strive to complete a thorough, fair and impartial investigation. The investigation will be conducted by one or more investigators appointed by the college. At least one investigator shall be appointed for each case. The investigator(s) shall interview the complainant, respondent and/or other witnesses and may request additional information from the complainant, respondent or others. In addition, the complainant and respondent shall have an opportunity to advise the investigator(s) of any witnesses they believe should be interviewed, and/or other evidence that they believe should be reviewed by the investigator(s). Every attempt will be made to complete the investigation process within fifteen (15) business days of the initiation of the complaint or the referral from the informal process, but in some cases more time will be required.

11.D.(2) Adjudication

The college will strive to complete a thorough, fair, impartial, and timely adjudication process.

11.D.(2)a. Appointment of Adjudicator

Upon completion of the investigation, an adjudicator appointed by the Title IX Coordinator will review the investigation and make a determination as to whether it is more likely than not that a violation of this Policy occurred, and if so, what sanctions are warranted. The college reserves the right to appoint additional adjudicators to assist in making a determination.

11.D.(2)b. Review of Investigation File

The investigation file will be made available to and reviewed by the adjudicator(s) following his, her, or their appointment. Upon review of the investigation file, the adjudicator(s) may, in his, her, or their discretion, request additional investigation by the investigator(s).

11.D.(2)c. Determination

The adjudicator(s) will render a decision based upon the investigation file and any other information the adjudicator(s) deems appropriate. While the Title IX Coordinator is available for consultation, the Title IX Coordinator will not participate in making a decision. The adjudicator(s) will use a preponderance of the evidence (or “more likely than not”) standard in determining whether a violation of this Policy has occurred.

If the decision is made that there is not sufficient basis to believe that it is more likely than not that the respondent violated this Policy, the parties will be notified of that determination and the complainant will be informed of other resources that may be available to the complainant.

11.D.(2)d. Sanctions

If the decision is made that it is more likely than not that the respondent violated this Policy, the adjudicator(s) shall determine appropriate sanction(s), except as provided below with respect to faculty members. The determination will include steps to take to prevent recurrence of any such violations, and as appropriate, remedies for the complainant.

Possible sanctions include counseling or education on appropriate behavior, a requirement of behavioral changes, a written warning and/or other disciplinary actions, up to and including termination of
employment for employees or suspension or expulsion for students, and any other sanction listed above in the Sexual Misconduct Complaint Procedure.

If the adjudicator(s) determines that it is more likely than not that a faculty member has violated this Policy and that dismissal may be an appropriate sanction, the matter will be referred to the President, or the President’s designee, for appropriate process and decision, which shall be determined and administered in a manner consistent with the Faculty Manual. In such cases, dismissal for cause may only be effectuated in accordance with Faculty Manual Section XIX Dismissal Procedures, including use of the clear and convincing evidence standard. The adjudicator(s) may impose appropriate sanctions short of dismissal, in a manner consistent with the Faculty Manual and Faculty Handbook.

The parties shall receive a simultaneous written notice of the outcome of the complaint, to include the determination of the adjudicator(s); where a violation is deemed to have occurred, in the respondent’s notice, any imposition of sanctions, and in the complainant’s notice, any imposition of sanctions that directly relates to the complainant; any other steps the college has taken to eliminate the conduct and prevent its recurrence; and, in the complainant’s notice, remedies offered or provided to the complainant. Every attempt will be made to complete the adjudication process and provide a notice of outcome within fifteen (15) business days of the completion of the investigation. In some cases more time may be required.

12. Procedure for Complaints Involving Third Parties

When the college receives a complaint of a violation of this Policy that involve allegations of sex discrimination, sexual harassment or sexual misconduct by a third party (an individual who is not a student, faculty, or staff member), the college, in consultation with the Title IX Coordinator, may exercise discretion to determine an appropriate investigative and adjudication process based on the facts and circumstances. The college will document the report received, the process used, and the outcome and will submit such information to the Title IX Coordinator. If it is determined that it is more likely than not that a third party violated this Policy, appropriate sanction(s) may include but are not limited to: conditions upon presence on campus or at college events, no trespass and no contact orders, or other steps deemed necessary to protect the complainant and the campus community. The college will notify the parties of the outcome of the complaint. Third parties may not appeal the decision made. Any party with concerns about the process or outcome, however, should consult with the Title IX Coordinator.

13. Prohibition of Retaliation

The college prohibits retaliation against any individual who makes a good faith report of a potential violation of this Policy, who supports another person’s report, or who acts as a witness in any investigation into a complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Any concerns of retaliation should be reported to the Title IX Coordinator, the Vice President of Student Life, the Dean of Students or the Vice President for Human Resources. The college will take appropriate action, up to and including termination for employees, or dismissal for students, against any individual who retaliates against another person in violation of this Policy.

14. Alternative Procedures

Nothing in this Policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint with the United States Department of Education’s Office for Civil Rights (OCR).
The OCR office for institutions located in Minnesota is:

**U.S. Department of Education**  
Office for Civil Rights  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544  
Tel: 312.730.1560  
TDD: 877.521.2172  
Email: OCR.Chicago@ed.gov

15. Contact Information

15.A. **Title IX Team**

15.B. Confidential resources

**Sexual Assault Resource Network (SARN)**  
Buntrock Commons 113  
sarn@stolaf.edu  
507-786-3777 or 507-786-3062

**Counseling Center**  
Boe House, 1308 St. Olaf Ave.  
vonruden@stolaf.edu  
507-786-3062

**Student Health Service**  
Tomson Hall 160  
healthservices@stolaf.edu  
507-786-3064

**College Ministry**  
Boe Memorial Chapel, Lower Level  
ministry@stolaf.edu  
507-786-3092

15.C. Other Administrators

- **President:** David Anderson, anderson@stolaf.edu, 507-786-3000, Tomson Hall 260
- **Provost and Dean of the College:** Marci Sortor, sortor@stolaf.edu, 507-786-3004, Tomson Hall 252
- **Vice President for Enrollment and College Relations:** Michael Kyle, kylem@stolaf.edu, 507-786-3300, Tomson Hall 225
- **Vice President and Chief Financial Officer:** Janet Hanson, jhanson@stolaf.edu, 507-786-3018, Tomson Hall 130E
- **Vice President for Advancement:** Enoch Blazis, blazis@stolaf.edu, 507-786-3002, Alumni Hall 260C
• Assistant to the President for Institutional Diversity: Bruce King, kingb@stolaf.edu, 507-786-3334, Tomson Hall 258
• Assistant Vice President for Facilities: Peter Sandberg, sandberg@stolaf.edu, 507-786-3611, Tomson Hall 130B

• The Book
• Code of Student Conduct
• Sex Discrimination, Sexual Harassment, and Sexual Misconduct Policy
• Academic Integrity
• Honor System
• Hazing Policy
• Residence Life Policies and Procedures
• Academic Information
• Campus Governance
• Student Government, Co-curricular Activities and Organizations
• General Information, Policies, and Procedures
Crime Statistics and Information

Crime Statistics Compilation Process
The Public Safety Department is the central reporting point for campus incidents and crimes but statistical data is gathered from several sources on campus and off-campus. These include the Dean of Students Office, the Director of Residence Life, the Athletic Department, Student Conduct Officer, Human Resources Office, the Northfield Police Department and Campus Security Authorities. Although pastoral and professional counselors are not required to report crimes due to their confidential counseling roles, they are encouraged to report statistical data for inclusion in this report.

Statistical data is compiled from January 1 through December 31 of each year and is listed in the calendar year in which it was reported. Crimes are classified according to the Federal Bureau of Investigation Uniform Crime Reporting (UCR) system and the National Incident Based Reporting System (NIBRS). UCR and NIBRS programs are a nationwide, cooperative statistical effort in which college and university, city, county, State, Tribal and Federal law enforcement agencies voluntarily report data on crimes brought to their attention.

Within the FBI’s UCR reporting system is a “Hierarchy Rule” which applies to all reported crimes. The Hierarchy Rule is the requirement in the FBI’s UCR program that, “for purposes of reporting crimes in the system, when more than one criminal offense is committed during a single incident, only the most serious offense is to be included in the institutions Clery Act statistics”. The only exception to this rule is if a victim is sexually assaulted and murdered in a single incident, both crimes would then be reported in our Clery Act statistics.

Crime Reporting Areas
All crimes reported to Public Safety that occur on college property are contained in the statistics presented herein based on the calendar year in which they were reported. St. Olaf College does not have off-campus student organizations recognized by the institution as student organizations with off-campus housing facilities. For the purposes of statistical crime reporting, the Clery Geography for St. Olaf College is divided into three reporting areas: on campus, non-campus and public property. The on-campus area is comprised of all central campus property including residence halls. For purposes of the College’s annual security report, on campus crimes that occur in the residence halls are reported not only in the on campus category, but also in a subcategory for crimes occurring in the residence halls. The residence halls category includes honor houses and language houses in which students reside. Non-campus includes outlying property owned by the college but not utilized in direct support of the educational mission of the College such as the James farm. Public property includes St. Olaf Avenue from Lincoln Avenue to the St. Olaf Avenue entrance to campus and other streets bordering property owned by the College such as 1st and 2nd Street West from Lincoln Avenue, Lincoln Avenue, Greenvale Avenue and Highway 19 from Armstrong Road West to the edge of campus. The Northfield Police Department provides a listing of all crimes reported on or near the campus on an annual basis. Crimes reported in this manner are included in the crime statistics as presented based on the location of the crime.
### 2012

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* Residence Halls are a "subset" of the On Campus Total
Definitions Used to Classify Criminal Offenses (Calendar year 2012 only)

Criminal Homicide
   a. Murder and Non negligent Manslaughter - The willful (non-negligent) killing of one human being by another.
   b. Negligent Manslaughter - The killing of another person through negligence.

Sex Offenses - Any sexual act against another person, without the consent of the victim, including instances where the victim is incapable of giving consent
   a. Rape (except Statutory Rape) - The carnal knowledge of a person, 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 or physical incapacity
   b. Sodomy - Oral or anal intercourse with another person, 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 or physical incapacity.
   c. 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, 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 or physical incapacity.
   d. Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses (Non-forcible) Unlawful, non-forcible sexual intercourse
   a. Incest - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
   b. Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Robbery - The taking or attempting to take anything of value under confrontational circumstances from the control, custody or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

Aggravated Assault - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury or by the presentation of a weapon.

Burglary - The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

Motor Vehicle Theft - The theft or attempted theft of a motor vehicle

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

2013 & 2014 Crime Statistics and Definition Changes
The definition used to classify the crime of Rape for reporting years 2013 & 2014, was amended by the FBI UCR Summary Reporting System to include Rape, Sodomy and Sexual Assault with an Object that are used in the UCR National Incident-Based Reporting System. In addition, the crimes of Domestic Violence, Dating Violence and Stalking were added to the list of reportable crimes and are included in this chart.
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| Dating Violence Total           | 0              | 0              | 0                 | 0                | 1              | 0              | 0              | 1                 | 0                | 0              |
| Domestic Violence Total         | 0              | 0              | 0                 | 0                | 0              | 0              | 0              | 0                 | 0                | 0              |
| Stalking Total                  | 0              | 0              | 0                 | 0                | 0              | 0              | 0              | 0                 | 0                | 0              |

* Residence Halls are a "subset" of the On Campus Total
Definitions Used to Classify Criminal Offenses (Calendar years 2013 & 2014 as amended)

Criminal Homicide
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Sex Offenses - Any sexual act against another person, without the consent of the victim, including instances where the victim is incapable of giving consent
a. Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
b. Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
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Arson - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, aircraft or personal property of another, etc.

Domestic Violence – Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, a person who is/has been cohabitating with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies under VAWA, or 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.

Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress

Hate Crime Statistics
Hate Crimes are defined as crimes reported to local police agencies or to a campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. In addition to the previously listed crimes that are reported on campus, hate crimes also include Intimidation, Larceny, Simple Assault and Vandalism. Hate crime statistics are presented in the following pages based on the location of the crime.
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## HATE CRIMES - PUBLIC PROPERTY

<table>
<thead>
<tr>
<th>Year</th>
<th>Murder/Non-Neg. Manslaughter</th>
<th>Negligent Manslaughter</th>
<th>Sex Offenses</th>
<th>Rape</th>
<th>Sodomy</th>
<th>Sexual Assault with an Object</th>
<th>Forcible Fondling</th>
<th>Incest</th>
<th>Sexual Orientation</th>
<th>Disability</th>
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### Emergency Numbers

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<tr>
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<th>Phone Number</th>
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<tr>
<td>Public Safety</td>
<td>507-786-3666</td>
</tr>
<tr>
<td>Northfield Police, Fire, Ambulance</td>
<td>9-911</td>
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### Non-Emergency Numbers

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Public Safety Dispatch</td>
<td>507-786-3666</td>
</tr>
<tr>
<td>Public Safety Office (voice mail)</td>
<td>507-786-3770</td>
</tr>
<tr>
<td>Northfield Police Department</td>
<td>507-645-4477</td>
</tr>
<tr>
<td>Northfield Crime Tip Line</td>
<td>507-663-9494</td>
</tr>
<tr>
<td>Counseling Center Office</td>
<td>507-786-3062</td>
</tr>
<tr>
<td>Dean of Students Office</td>
<td>507-786-3023</td>
</tr>
<tr>
<td>Human Resources Office</td>
<td>507-786-3068</td>
</tr>
<tr>
<td>Safe Walk/Safe Ride (7pm-1am when classes are in session)</td>
<td>507-786-3666</td>
</tr>
<tr>
<td>Sexual Assault Resource Network (SARN)</td>
<td>507-786-3777</td>
</tr>
<tr>
<td>Hope Center (off-campus sexual assault advocates)</td>
<td>1-800-607-2330</td>
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Annual Fire Safety Report

Fire Safety Report
In compliance with the Higher Education Opportunity Act (HEOA), St. Olaf College has included their Annual Fire Safety Report in the following pages of this report. This information discusses on-campus residential fire statistics, fire safety systems, fire drills, residential fire safety policies and fire safety tips. In addition, a Daily Fire Log listing any fires in on-campus housing is also maintained at the Public Safety Office and is available for public review during normal business hours. This report has been prepared to comply with the Higher Education Opportunity Act (HEOA).

Fire Statistics

<table>
<thead>
<tr>
<th>Residence Hall/House</th>
<th>Total Fires</th>
<th>Fire #</th>
<th>Date</th>
<th>Time</th>
<th>Cause of Fire</th>
<th>Injuries Treated</th>
<th>Deaths</th>
<th>Property Damaged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hoyme</td>
<td>1</td>
<td>1</td>
<td>8/6/2006</td>
<td>10:07 PM</td>
<td>pizza box inside oven</td>
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<td>0</td>
<td>$0</td>
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<tr>
<td>Aaker House</td>
<td>1</td>
<td>1</td>
<td>9/11/2006</td>
<td>9:40 AM</td>
<td>toast in toaster toaster</td>
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<td>Ytterboe</td>
<td>1</td>
<td>1</td>
<td>2/1/2007</td>
<td>7:45 PM</td>
<td>microwave wiring burned</td>
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<tr>
<td>Ellingson</td>
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<td>1</td>
<td>6/4/2008</td>
<td>8:00 PM</td>
<td>burned food on kitchen stove</td>
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<td>Larson</td>
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<td>1</td>
<td>12/2/2008</td>
<td>7:11 PM</td>
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<td>0</td>
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<td>Rand</td>
<td>1</td>
<td>1</td>
<td>1/6/2010</td>
<td>7:50 PM</td>
<td>small fire in oven</td>
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<td>Larson</td>
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<td>1</td>
<td>7/16/2012</td>
<td>8:44 PM</td>
<td>elevator motor overheated</td>
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<td>1</td>
<td>10/3/2013</td>
<td>7:52 PM</td>
<td>burnt popcorn in microwave</td>
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<tr>
<td>Rand</td>
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<td>1</td>
<td>4/23/15</td>
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<tr>
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<td>1</td>
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<td>cig./joint in room trash can</td>
<td>2</td>
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<td>$100</td>
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Residential Fire Safety Systems and Drills
The following information details the fire safety systems in each residence hall or honor house in which students reside at St. Olaf College. At this time, there are no plans to expand fire safety measures based on campus building materials used in construction and the existing monitoring/suppression devices in place.

Fire drills are conducted semi-annually in all residence halls on campus and are monitored by the residence life staff and public safety. The purpose of these drills is to prepare building occupants for an organized evacuation in case of fire or other emergency.
<table>
<thead>
<tr>
<th>Residence Hall</th>
<th>Fire Alarm Monitoring</th>
<th>Partial Sprinkler System</th>
<th>Full Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguishers</th>
<th>Evacuation Plans Posted</th>
<th>Fire Drills Each Year</th>
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<tbody>
<tr>
<td>Ellingson</td>
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<table>
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<th>Honor Houses</th>
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<th>Smoke Detection</th>
<th>Fire Extinguishers</th>
<th>Evacuation Plans Posted</th>
<th>Fire Drills Each Year</th>
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</table>
Residential Evacuation Procedures
All faculty, staff and students should learn the evacuation routes and stairwell locations for all campus buildings they frequently occupy. Evacuation maps and information are posted inside each residence hall student room on campus. During an evacuation for fire or another emergency, occupants are encouraged to take personal belongings (purse, wallet, Ole card, cell phone, etc.) and follow the evacuation procedures for their building (close your door, proceed to the nearest exit and use the stairs, not the elevators). Once you have evacuated, seek shelter in the nearest campus building. If public safety, law enforcement or fire department personnel are on the scene, follow their directions.

Residential Fire Safety Policies
Because of fire safety concerns, the following guidelines are to be followed. Electrical appliances are permitted in student rooms provided their use does not disturb other residents and that its state of repair is not a fire hazard. Safety, insurance, and health code standards require certain restrictions be placed on the use of some electrical appliances in the halls. Appliances with an open coil or burner, air conditioners, hot plates, grills, skillets, halogen lamps, gas appliances, microwave ovens, toasters, toaster ovens and ceiling fans are not allowed in student rooms. Only heat producing electrical appliances that are UL (Underwriters Laboratories) approved and have enclosed heating elements (e.g. electric coffee pots, electric blankets, etc.) are permitted in student rooms. Kitchen cooking must be confined to designated cooking areas. No student owned microwaves, toasters, toaster ovens or hot plates are allowed in residence hall rooms. All electrical appliances brought to the campus by students are subject to inspection and approval by the college.

The safety of every student is of paramount importance to the college. Residence halls have been equipped with various emergency systems and equipment to help ensure student safety. As such, the tampering with and/or misuse of fire and safety equipment, including fire alarms, fire doors, fire extinguishers, fire hoses, smoke alarms, exit signs, heat sensors, and any other safety equipment, poses a serious threat to life and property and will result in a $500 fine. The starting of any fire on college property without written authorization is strictly prohibited. St. Olaf reserves the right to take disciplinary action through the appropriate college channels and/or local law enforcement agencies.

For safety reasons, observe the following:

- Due to the significant risk of fire, the burning of candles, incense or other open flames are not permitted in residence hall rooms. With continuous monitoring, and with the permission of the area coordinator, lit candles are permitted in public areas for programs, dinners and other special events.
- No materials may be draped or affixed overhead (i.e. on the ceiling or over light bulbs).
- Flammable substances, such as gasoline and cleaning fluids, are not to be used or stored in college residences.
- No storage of flammable materials, such as wood (including sheets of wood), empty boxes, excessive amounts of paper or cardboard.
- Do not overload the electrical outlets. The college recommends only one appliance per outlet. Also, multiple outlet 'octopus' plugs are not allowed, as they can be a fire hazard.
- If an extension cord is needed, use a heavy duty extension cord, preferably one equipped with a circuit breaker. Use them in a manner that will not create a fire hazard (i.e. running them under carpet, overloading outlets, etc.).
- Splicing of electrical wires or removal of any outlet plates or light switch plates is prohibited.
- All holiday decorations (Christmas greenery) must be fireproofed. A fireproofing service is provided by Facilities. All greenery should be taken to Facilities who will fireproof the greenery.
and deliver it to the student's room within 24 hours. All greenery should be tagged, indicating that it has been officially fireproofed.

- Fire doors are to remain closed at all times. Residents of the corridor/hall are responsible for patrolling.
- 'Pennying in' residents is strictly prohibited, as it prevents residents from evacuating in the event of an emergency. Violations of this policy are subject to disciplinary action.
- Electrical appliances should not be left unattended. Once an appliance has been used, be sure to unplug it.
- Refrigerators may not be placed in closets. There must be proper circulation behind the unit to allow the heat that is displaced to be circulated.
- Items stored too close to heating units are extremely dangerous. Keep a three-foot clearing. Waste should be disposed as soon as possible.
- The hallways must be kept free of debris and personal items. Students assume financial responsibility for having these items removed after the first week of classes.
- At the beginning of each break, the residence hall staff enters each room to check for potential fire hazards, electrical problems, as well as safety and energy concerns. With decreased occupancy during breaks, there is greater potential for fires to remain undetected until severe damage has occurred.
- Smoking is not permitted in the residence halls or honor houses. Students who wish to smoke must do so outside at least 10 feet away from the building.

**Reporting Fires and Fire Alarms on Campus**

Whenever a smoke detector or fire alarm system activates, persons at the affected location should immediately call Public Safety @ 507-786-3666 and report the incident. If heavy smoke or a fire is present, immediately pull a fire alarm station, call 9-911 and report the fire. Upon arrival, the Public Safety officers will confirm the report, assess the situation and determine if additional resources are necessary to resolve the situation. Additional resources may include other college employees/departments or external agencies such as the Northfield Police, the Northfield Fire Department or Northfield Emergency Medical Services. If a member of the St. Olaf community finds evidence of a fire that has been extinguished and is not sure whether Public Safety has already responded, the community member should immediately notify Public Safety to investigate the situation and document the incident.

**Emergency Response and Training**

St. Olaf College takes fire safety very seriously and works to reduce risks comprehensively. Building design and construction materials, along with fire alarm and fire suppression systems, go a long way toward a safe environment for our community, but behavior is also important. Most of the campus buildings are constructed with steel reinforced concrete structural systems and most wall construction is fire resistive. The steel structure is protected from heat and fire by fire resistive cladding, spray insulation and/or sprinkling. If there is a fire condition, this all comes together to help isolate the problem, protect our occupants and the structure.

All residence halls and academic buildings are equipped with a fire alarm system and are centrally monitored at the Madson Facilities Building. Facilities engineers are in direct radio communication with public safety staff and can be dispatched to the location should any fire alarm activate in a campus building. St. Olaf College relies on the Northfield Fire Department, a volunteer fire department, for professional fire suppression services.
Each year, residence life staff and public safety officers complete fire alarm orientation training to enhance their understanding of the fire alarm systems in each campus building. The majority of fire alarms at St. Olaf College are activated by burned food in residence hall kitchens. Rarely is there any open flame associated with the activation of a fire alarm on campus since smoke will activate the alarm system first and initiate a response.

Fire Log
A Daily Fire Log is maintained by Public Safety and is available for public inspection during normal business hours. This log contains information regarding all fires on campus including the nature of the fire, the date and time the fire occurred and the general location of the fire for the most recent sixty days. Upon request, information regarding fires on campus older than sixty days will be made available within two business days.

Community Fire Safety Education
If you discover a fire:
• Activate the fire alarm system and call 9-911 from any campus phone to report the fire
• Report the fire to Public Safety by calling 507-786-3666
• Evacuate the building using the stairs, closing doors and windows behind you
• DO NOT USE THE ELEVATORS
• Provide evacuation assistance to those with special needs if possible
• Move to a safe location following the directions of emergency response personnel
• DO NOT re-enter the building until the fire department authorizes re-entry

If caught in smoke:
• Do not breathe in the smoke
• Breathe shallow through your nose and use a shirt or towel to breathe through if possible
• Drop to your hands and knees and crawl to the nearest safe exit

If trapped in a building:
• Close all doors and windows to the room
• Place cloth material under the door to prevent smoke from entering
• Call for help using a phone or cell phone.
• Attempt to signal people outside of the building

Using a fire extinguisher:
• Use a fire extinguisher ONLY if you have been trained to do so
• Our fire extinguishers are in place for the use of trained staff. Use a fire extinguisher ONLY if you have been trained to do so.
• If you have any doubt of your ability to fight the fire, exit immediately
• If you decide to use a fire extinguisher, place yourself between the fire and an exit
• To use the fire extinguisher, follow the PASS method:

  - Pull the pin to break the tamper seal
  - Aim low, pointing the nozzle at the base of the fire
  - Squeeze the handle to release the extinguisher agent
  - Sweep from side to side at the base of the fire until the fire is out.

  **If the fire re-ignites, repeat the steps above.