



## **2024 Crime Awareness & Campus Security Act (the CLERY ACT) & Annual Fire Safety Report**

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## **Public Safety Department**

The Public Safety Department, located on the lower level of Tomson Hall, is dedicated to the safety, security, and protection of the entire college community consisting of approximately 3,100 undergraduate students and 850 faculty, staff, and administrators. Staffed with a director, associate director, public safety coordinator, sergeant, and eight full-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 remains 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 [kruse6@stolaf.edu](mailto:kruse6@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, staff, and visitors to the College. This partnership is based on the realization that all students, faculty, and staff 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 not licensed police officers by the State of Minnesota. They are empowered to make arrests pursuant to Minnesota Code Section 629.37 covering citizens' arrests. However, in most instances, the Northfield Police will be summoned to the campus should circumstances warrant an arrest. St. Olaf Public Safety officers are charged with enforcing college policies as well as reporting violations of state and local laws 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/threatening/criminal behavior. All persons must produce identification upon request by a Public Safety officer while on St. Olaf College property.

### ***Relationship with the Northfield Police Department***

St. Olaf continues to maintain a positive and ongoing 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 proactive partnership with respect to the safety and welfare of 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. When appropriate, the Northfield Police Department will be informed of serious incidents and property crimes occurring on the campus. This information sharing does not constitute a formal complaint with NPD however. Victims of crimes will be encouraged to report the crime to the Northfield Police in person and file criminal charges but the decision to report is up to the victim. Regardless if the incident is reported to NPD or not, St. Olaf College Public Safety and/or the Dean of Students Office will begin an investigation.

### ***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 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 investigation and inclusion in the College’s annual 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). 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 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 reporting tip line was launched by the Northfield Police Department and community members are encouraged to use this number (507) 663-9494 to help Public Safety and local law enforcement address criminal activity.

Emergency telephones are located inside the main entrance of each residence hall and in the hallways of all academic buildings to facilitate prompt reporting. Additional outside phones are located at Buntrock Commons, Center for Art and Dance, 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. All members of the St. Olaf community should memorize the following numbers to report criminal behavior and emergencies:

<b>St. Olaf College Public Safety</b>	507-786-3666
<b>Northfield Police, Fire, and Ambulance</b>	911

### ***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 including 24-hour public safety patrols, card access systems, and emergency phones, community members are mainly responsible for their own safety and the security of their property. Crime prevention information including personal safety tips, emergency procedures and protocols, risk reduction strategies, and the proper procedure for reporting criminal or suspicious incidents to Public Safety are posted on the [Public Safety website](#) 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 PowerPoint 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.

### ***Crime Alerts and Timely Warnings***

To achieve a safe and secure campus environment, all members of the campus community are encouraged to promptly report any suspicious or criminal activity observed 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) are required to report all known or suspected crimes to Public Safety for possible inclusion in the College's crime log, campus notices, and annual security report pursuant to the Clery Act. These Campus Security Authorities include advisors to student organizations; athletic team coaches; members of the Public Safety Department; members of the Dean of Students Office; personnel working for Residence Life; and other community members who have significant responsibilities for student and campus activities.

When serious crimes are reported to a Campus Security Authority or local law enforcement that occur on campus geography and are deemed by the College “to represent a serious or continuing threat to students and employees”, Public Safety will issue a timely warning (Crime Alert) by email to the campus community. The timely warning will provide general information surrounding the incident and how incidents of a similar nature might be prevented in the future. Crime Alerts are issued to the community by Public Safety when the college receives a report of a serious crime occurring in our Clery Act geography that:

- a) Is reported to campus security authorities or local police agencies; and
- b) Is considered by the College to represent a serious or continuing threat to students and employees

Serious crimes under the Clery Act include Murder and Non-negligent Manslaughter, Negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft and Arson.

Publicly available recordkeeping, including Clery Act reporting and disclosures such as the Annual Security Report and daily crime log, will not include names or other information that could identify individuals.

### ***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 (8:00 am to 4:00 pm, Monday through Friday). The Daily Crime Log includes a crime classification, general geographic location, date & time the incident was reported, date & time the incident occurred, and a disposition. The Daily Crime Log will not include names or other information that could identify individuals. 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 officially classified as “unfounded” by local law enforcement authorities or the complainant provides evidence that the reported crime did not occur.

### ***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. The main entrances to residence halls are card access controlled and other exterior doors 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. All academic and administrative buildings are secured nightly at predetermined times either by our card access system or 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, propped, or malfunctioning door report the location immediately to Public Safety at 507-786-3666.

### ***Safe Walk***

St. Olaf College sponsors a Safe Walk program under the direction of the Public Safety Department to provide safe walking escorts on campus or vehicular transportation for students concerned about their personal safety. Escorts may be obtained by calling 507-786-3666. This service is operated only for personal safety reasons and will not escort/transport groups of people.

### ***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 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\*](#).

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. Alcohol may be served for weddings or other special events held during the summer with College approval. 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 a repeated or more serious first-time violation, and a 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](#) which includes standards of conduct, 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 and sanctions for students and employees.

### ***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 St. Olaf Health Services (507-786-3063) or the Counseling Center



(507-786-3062) if they themselves or a friend are affected by chemical use or abuse. Employee Assistance Programs are also available for college employees through the Human Resources Office (507-786-3068).

## **Emergency Procedures**

### ***Emergency Response***

Whenever an incident occurs on campus, Public Safety should be contacted immediately at 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 Area Fire & Rescue Department, or Northfield Emergency Medical Services. If the incident is determined to be a significant emergency that will impact the campus community, the Emergency Operations Team (EOT) will be activated and respond to the campus. The Emergency Operations Team (EOT) is composed of personnel from public safety, student affairs, residence life, facilities, administration, communications, and IT. The EOT 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 and training for the EOT team are conducted annually. In addition, data is recorded regarding each tabletop exercise including 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 email alerts. The St. Olaf emergency notification system is subscriber-based and readily available to all students, faculty, and staff through the [college website](#) 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 marketing 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 for resident students 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 evacuation procedures are monitored by the residence life staff. 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, and close off ventilation systems if you are able (college staff will turn off building ventilation systems as quickly as possible when necessary). Monitor your cell phone and email 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, they should immediately contact Public Safety at 507-786-3666. 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, 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 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 180-minute web-based training program developed by Vector Solutions called “AlcoholEdu for College and Sexual Assault prevention for Undergraduates.” 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 upper-class students have completed this training and all incoming students (including first-year and transfer students) are required to complete this training before beginning fall classes.

During New Student Orientation each year, all First Year students participate in Bystander Intervention Training.

Each year all First Year students attend Bystander Intervention Training as part of New Student Orientation. Bystander Intervention is a philosophy and strategy for the prevention of various types of discrimination, bullying, sexual harassment, sexual assault, and intimate partner violence. Our bystander intervention training program addresses overcoming barriers to intervening, identifying intervention options, and taking action to intervene. During this training, 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 responsible members 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, and information about reporting. It also includes a testing module at the conclusion of the program with a minimum standardized score required. Employees must also complete the online training program “Protecting Children on Campus: Preventing Sexual Abuse”. This program centers on child victimization and reporting suspected sexual abuse of minors.

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

The Student Government Association (SGA), the Wellness Center, and the Sexual Assault Resource Network (SARN) all provide gender-based violence prevention and education programming throughout the academic year. These groups work in tandem with a subcommittee of St. Olaf’s Equal Opportunity Team that is focused on prevention and education efforts. The subcommittee meets once a month to plan events and programs that increase awareness and education around gender-based violence. Throughout the year, various student groups (including athletic teams, residence life staff, etc.) receive gender-based violence programming and training. Additional bystander presentations and programming about other topics relating to gender-based violence are available by request from the Wellness Center year-round.

During the academic year, the Wellness Center and SARN (Sexual Assault Resource Network) conduct a variety of sessions for students living in on-campus housing to reinforce the primary training contained in “Get Inclusive”, Bystander Intervention and It’s On Us programming. 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. The Prevention and Education Subcommittee also plans events specifically for faculty and staff. These events are meant to strengthen employees' understanding of their reporting obligations and how to help and support a student in need. Lastly, events occur throughout the year that are open to the entire community and help to educate audience members about gender-based violence, strategies for prevention, and Title IX policies/procedures at St. Olaf College.

***Director of Equal Opportunity including Title IX, Title VI and Section 504 and CORE Team***

The Director of Equal Opportunity is responsible for overseeing and supporting all of the college's efforts to prevent sex discrimination, sexual harassment, and sexual misconduct; to stop them if they do occur, and to remedy their effects – both for individuals and for the St. Olaf community. The Director of Equal Opportunity provides all intake responsibilities and case management of Title IX matters at St. Olaf and provides support and services for all students involved in Title IX processes. The Coordinator also oversees the CORE Team, which is responsible for conducting initial assessments of all reports of prohibited conduct. The CORE Team's assessment process ensures prompt, thorough, equitable, and fair processes for all persons involved in Title IX matters and helps to maintain the safety and well-being of individual students and the St. Olaf community as a whole.

The Team, led by the Director of Equal Opportunity, is composed of various leaders and administrators at St. Olaf. This group works together to make St. Olaf a campus that is free of sexual harassment and sexual misconduct. Community members can contact any member of the CORE Team for information or assistance, or to report to the College. The Equal Opportunity Team has a Prevention and Education subcommittee that meets regularly to plan and facilitate programming that is aimed at reducing rates of violence on campus.

***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 of offenders defined by the State of Minnesota, Level 3 sex offenders are considered the most serious and the most likely to reoffend. Information on Level 3 sex offenders may be obtained at [this link](#).

## **St. Olaf Policy Prohibiting Sex-based Harassment**

### **I. OVERVIEW AND CONTACTS**

#### **A. Commitments**

The mission of St. Olaf College is to challenge students to excel in the liberal arts, examine faith and values, and explore meaningful vocation in an inclusive, globally engaged community nourished by Lutheran tradition. To advance this mission and its core values of educational excellence, spiritual well-being, community, and wholeness, St. Olaf is committed to providing a respectful, safe, and healthy environment for all its students, employees, and guests. To that end, the College prohibits all forms of sex-based harassment, sexual assault, domestic violence, sexual exploitation, dating violence, and stalking. These behaviors not only harm individuals, they also damage the St. Olaf community as a whole. In addition, some forms of these behaviors are crimes.

The College is committed to administering its policies and procedures in a manner that is fair and impartial and that treats all persons with dignity and respect. When the College determines that a violation of this Policy has occurred, the College will take prompt and appropriate measures aimed at stopping the violation, preventing its recurrence, and remedying its effects.

#### **B. Why are there separate policies for sexual harassment and other forms of discrimination?**

There are unique obligations that the College must follow when responding to reports of sexual harassment. Because the College's obligations are different with respect to sex-based harassment, the College has separate procedures in investigating Sex-based Harassment. Questions relating to the College's response to other forms of discrimination and harassment, including gender discrimination, are addressed in the Policy Prohibiting Discrimination, Harassment and Related Misconduct. All forms of sexual harassment are addressed in this policy.

#### **C. St. Olaf Title IX administrative staff**

##### **1. Director of Equal Opportunity**

The Director of Equal Opportunity is responsible for coordinating all aspects of the College's gender equity compliance efforts, including the College's efforts to prevent sexual harassment. The Director of Equal Opportunity is knowledgeable and trained in St. Olaf's policies and procedures, as well as the College's legal obligations under state and federal laws including Title IX, the Violence Against Women Act, the Minnesota Human Rights Act, and the Minnesota Campus Sexual Harassment and Violence law. The Director of Equal Opportunity's responsibilities include:

- ensuring the College's compliance with all administrative requirements of Title IX and other applicable state and federal laws;
- being available to advise individuals about St. Olaf's policy and reporting options;
- being available to provide assistance to employees of the College about how to respond to reports of sexual harassment;
- coordinating the College's response to all complaints involving possible sex discrimination and/or harassment;

- explaining options, resources, and referrals to Reporting Parties regardless of whether their reports move to the Complaint Resolution Process;
- coordinating the provision of support services and/or supportive measures;
- communicating with the Reporting Party and Responding Party about available supportive measures, both on and off campus; and
- overseeing training, prevention and education efforts, and periodic reviews of the campus climate and culture.

The Director of Equal Opportunity including Title IX, Title VI and Section 504 leads the CORE Team and Equal Opportunity Team as described below.

## 2. CORE Team

The COordinated REsponse (CORE) Team is responsible for collectively assessing reports of sexual harassment and determining what actions the College will take in response to each report. The CORE Team seeks to ensure a prompt, thorough, consistent, fair, and equitable process for the individuals involved while also safeguarding the well-being of the College community as a whole. The CORE Team includes the following individuals:

<b>St. Olaf College CORE Team</b>			
Director of Equal Opportunity including Title IX, Title VI and Section 504	Pamela McDowell	Tomson Hall 130B	507-786-3465
Associate Dean of Students	Christopher Medley	Tomson Hall 148	507-786-3615
Director of Public Safety	Derek Kruse	Tomson Hall 10D	507-786-3636
Interim Athletic Director	Kelly Mahlum	Skoglund 114G	507-786-3258
Director of Faculty Inclusion and Belonging	Susan Smalling	Holland Hall 601	507-786-3350
Vice President for Community and Belonging	Eduardo Pazos	Tomson Hall 258	507-786-3334

The responsibilities of the CORE Team include:

- Conducting an initial assessment of Reports to determine whether alleged conduct falls within the scope of this Policy;
- Assessing whether a Complaint should be dismissed and/or referred to a different College process;
- Evaluating whether and how the College will proceed under this Policy in a manner that provides a prompt, thorough, fair and equitable process for the individuals involved;

- Overseeing intake and Supportive Measures for individuals who Report Discrimination, Harassment or Retaliation;
- Confirming that Supportive Measures have been offered to all Parties involved in a Report and/or Complaint Resolution Process under this Policy;
- Evaluating Supportive Measures for their effectiveness in restoring Party's equal access to the ability to participate in or benefit from the College's educational programs and activities;
- Determining whether a matter is appropriate to proceed under an Informal Resolution Process if the Parties express interest in doing so;
- Overseeing matters proceeding under the Policy's Complaint Resolution Processes to ensure adherence to the Policy in a manner that is prompt, thorough, fair and equitable;
- Determining whether notification to the St. Olaf community is necessary to comply with Clery Act or other legal obligations; and
- Coordinating and overseeing data collection and Reporting in compliance with relevant federal and state statutes.
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The CORE Team seeks to protect and safeguard the privacy of all individuals involved in the process while performing a careful assessment of and response to reports of sexual harassment.

### 3. Equal Opportunity Team

The Equal Opportunity Team is led by the Director of Equal Opportunity and includes the following individuals:

<b>St. Olaf College Equal Opportunity Team</b>			
Director of Equal Opportunity	Pamela McDowell	Tomson Hall 180B	507-786-3465
Director of Public Safety	Derek Kruse	Tomson Hall 10D	507-786-3636
Interim Athletic Director	Kelly Mahlum	Skoglund Athletic Center 114G	507-786-3258
Dean of Students	Rosalyn Eaton	Tomson Hall 148	507-786-3615
Associate Dean of Students	Justin Fleming	Tomson Hall 148	507-786-3615
Director of the Taylor Center for Equity and Inclusion	Martin Olague	Buntrock Commons 111B	507-786-3727
Associate Dean of Students	Christopher Medley	Tomson Hall 148	507-786-3615
Vice President for Student Life	Hassel Morrison	Tomson Hall 148A	507-786-3503
Associate Dean of Students	Tim Schroer	Tomson Hall 148	507-786-3615

Vice President for Community and Belonging	Eduardo Pazos	Tomson Hal 258	507-786-3334
Director of Faculty Inclusion and Belonging	Susan Smalling	Holland Hall 601	507-786-3350
Assistant Vice President for Human Resources	Christen Cole	Tomson 180	507-786-3068

The responsibilities of the Equal Opportunity Team include:

- Overseeing the content and implementation of this Policy;
- Overseeing and assisting with education and prevention efforts aimed at eliminating all forms of gender discrimination, including sexual harassment;
- Receiving reports of sexual harassment and forwarding them to the Director of Equal Opportunity for intake and supportive measures;
- Overseeing efforts to educate the St. Olaf community concerning Title IX policies and procedures;
- Overseeing efforts to assess the campus climate and to respond to findings from that assessment;
- Ensuring College programs and activities are equitable for participants of all genders;
- Collaborating with the CORE Team;
- Overseeing the use of College resources in carrying out this Policy and achieving its purposes.

#### D. Governmental authorities

The governmental authorities responsible for overseeing St. Olaf's compliance with applicable federal and state law, as well as with this Policy, are the following:

##### 1. U.S. Department of Education Office for Civil Rights

The Office for Civil Rights may be contacted at the following:

**U.S. Department of Education**

Office for Civil Rights  
 Citigroup Center  
 500 W. Madison Street, Suite 1475  
 Chicago, IL 60661-4544  
 312-730-1560 (phone)  
 877-521-2172 (TDD)  
 Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

##### 2. Minnesota Department of Human Rights

The Minnesota Department of Human Rights may be contacted at the following:

**Minnesota Department of Human Rights**

Freeman Building  
 625 Robert Street North  
 Saint Paul, MN 55155  
 800-657-3704 (phone)



800-627-3529 (fax)  
800-627-3529 (TDD)  
<http://mn.gov/mdhr/>  
[Info.MDHR@state.mn.us](mailto:Info.MDHR@state.mn.us)

## II. GENERAL POLICY GUIDELINES

### A. Scope of Policy

The College will apply this Policy to address all concerns relating to unwelcome conduct of a sexual nature when alleged to have been committed by or directed toward a current or prospective student or employee, or any other individual participating or seeking to participate in a St. Olaf program or activity. It is the intent of St. Olaf College that this policy will apply to the following:

1. Allegations of sexual harassment within the scope of Title IX pursuant to 34 C.F.R. Section 106;
2. Allegations of sexual assault, dating violence, domestic violence, and stalking involving members or prospective members of the St. Olaf community that may otherwise fall outside the scope of Title IX because the alleged incident(s) occurred outside of the United States, or occurred outside of a St. Olaf program or activity; and
3. Any other allegations of unwelcome conduct of a sexual nature (NOTE: The ability of the College to apply every aspect of the Complaint Resolution Process to allegations that do not fall within #1 and #2 above may be limited by legal requirements).

St. Olaf College is committed to addressing sexual harassment, and the College strongly encourages any individual who knows of or has been subject to sexual harassment to report the incident to appropriate College authorities in accordance with the College's reporting procedures, even if the individual is not otherwise obligated to report, and even if the individual is uncertain whether an incident involves sexual harassment that falls within the scope of this policy.

## III. POLICY STATEMENTS AND DEFINITIONS

### A. Policy statement on sexual harassment

The College expressly prohibits all forms of sexual harassment including sexual assault, sexual violence, sexual exploitation, dating violence, domestic violence, and stalking. Retaliation against a person who in good faith reports suspected sexual harassment or against an individual who assists in an investigation into a report of sexual harassment is also strictly prohibited. Reports of retaliation are investigated under the College's Code of Student Conduct, the Employee Handbook, and the Faculty Manual for students, staff, and faculty (respectively) alleged to have retaliated.

### **How Does this Policy Differ from The College's Consensual Relations Policy?**

The College prohibits all unwelcome conduct of a sexual nature. In addition, the College deems sexual and romantic relationships between persons of unequal status as inherently

problematic, even when they are or appear to be entirely consensual. To address these concerns, St. Olaf has a separate [Consensual Relations Policy](#) which:

- strongly discourages romantic or sexual relationships between staff and faculty members where there is a disparity in power or reporting relationships; and
- prohibits any and all romantic or sexual relationships between a faculty or staff member and any student enrolled at the College.

If a report is brought to the College's attention indicating that a prohibited relationship exists, the College will review such allegations under its Consensual Relations Policy. If the report also includes allegations of sexual harassment, the matter will also be reviewed under this Policy. Even in instances where a relationship appears to be completely consensual and does not involve allegations of sexual harassment, a violation of the Consensual Relations Policy is a serious breach of community standards and of College policy and will result in disciplinary action up to and including termination of employment.

Questions or concerns regarding sexual harassment may be directed to the St. Olaf College Director of Equal Opportunity or any member of the College's Equal Opportunity Team.

## B. Definitions

### 1. Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- A faculty or staff member conditioning the provision of aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
- Sexual assault, dating violence, domestic violence, and stalking.

Sexual harassment may include unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal, nonverbal, or physical conduct or communication 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 obscene gestures;
- Recording video or 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., sexual assault, sexual exploitation, 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.

## 2. Sexual assault

Sexual assault is a form of sexual harassment and sexual violence. Sexual assault is any unwelcome sexual contact with another person who does not or cannot give consent. This may or may not include force. 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; a victim may be a person who is penetrated without consent or a person who is forced to penetrate another person without consent);
- 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 penetration or other form of sexual contact with a person who is under the statutory age of consent).

## 3. Sexual violence

Sexual violence is a severe form of sexual harassment. It includes sexual assault, dating violence and other forms of nonconsensual sexual contact. Depending upon the circumstances, other forms of sexual violence may include domestic violence and stalking (although it is important to note that all forms of domestic violence and stalking are prohibited under this Policy regardless of whether they also involve nonconsensual sexual contact).

## 4. Sexual exploitation

Sexual Exploitation is a form of sexual harassment that involves one or more of the following behaviors committed for any purpose, including sexual arousal or gratification, financial gain, or other personal benefit:

- taking sexual advantage of another person without consent;
- taking advantage of another's sexuality; or
- extending the bounds of consensual sexual contact without the knowledge of the other individual.

Examples of sexual exploitation include, but are not limited to: threatening to disclose an individual's sexual orientation, gender identity, or gender expression; observing another individual's nudity or sexual contact, or allowing another to observe the same, without the knowledge and consent of all parties involved; non-consensual streaming of images, photography, video, or audio recording of sexual contact or nudity, or distribution of such without the knowledge and consent of all parties involved; prostituting another individual; knowingly exposing another individual to a sexually-transmitted infection without the individual's knowledge; misleading another regarding use of contraception; and inducing incapacitation for the purpose of taking sexual advantage of another person.

## 5. 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 victim. The existence of such a relationship will be determined based on the statement of the individual alleging the dating violence occurred, and based upon a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes but is not limited to, sexual or physical abuse, severe and pervasive emotional, psychological, or verbal abuse, or the threat of such abuse.

#### 6. Domestic violence

Domestic Violence is violence committed by an individual who is:

- a current or former spouse or intimate partner of the victim;
- a person with whom the victim shares a child in common;
- cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- considered to be similar to a spouse under Minnesota's domestic or family violence laws;
- or
- any other person subject to Minnesota's domestic or family violence laws.

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. The following are examples of conduct that can constitute domestic violence: physical harm, bodily injury or assault; the infliction of fear of imminent physical harm, bodily injury, or assault; terroristic threats; criminal sexual conduct; or interference with an emergency call.

#### 7. Stalking

Stalking means engaging in two or more acts directed at a specific person that would cause reasonable people to:

- fear for their safety;
- fear for the safety of others; or
- suffer substantial emotional distress.

Stalking can be committed directly by the individual engaging in the stalking behavior or indirectly through third parties. It includes actions such as following, monitoring, observing, surveilling, threatening, or unreasonably communicating to or about a person; or interfering with a person's property.

When the behavior is serious enough to cause reasonable fear for safety or substantial emotional distress, examples of stalking behavior can include:

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

- Posting information or spreading rumors about a person on the internet, in a public place, or by word of mouth; or
- Unreasonably obtaining personal information about a person for no legitimate purposes.

Stalking behavior can also be a crime. Minnesota law defines stalking as “engag[ing] 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.”

#### 8. Sexual contact

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

#### 9. Consent

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

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

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

A person can only provide consent when that person:

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

These requirements for consent mean that sexual contact with someone who is threatened, coerced, intimidated, uninformed, incapacitated, asleep or otherwise unconscious, or not of legal age, is, by definition, sexual assault.

In addition, consent to a particular sexual contact cannot be inferred from:

- Consent to a different form of sexual contact;
- An existing or prior dating, sexual, romantic, or marital relationship;
- Silence that is not otherwise accompanied by overt actions indicating consent;
- An absence of physical resistance or verbal protest; or
- Prior sexual activity with other individuals.

**Verbal and Non-verbal Examples of Consent**

Whether a sexual interaction is consensual will depend upon the circumstances. As such, it is difficult to provide definitive guidance on whether certain communications demonstrate consent. The following is a range of communications that individuals might identify as a sign of consent. Those in the column shaded green (left) are indicative of unambiguous affirmative consent. Those in the column shaded yellow (middle) are less clear, and may or may not be a sufficient indication of consent depending upon other circumstances. Those in the column shaded red (right) are, when viewed alone, highly unlikely to be deemed an expression of consent.

<ul style="list-style-type: none"> <li>● “Yes!”</li> <li>● “I would like...”</li> <li>● “I want you to...”</li> </ul>	<ul style="list-style-type: none"> <li>● Nodding yes after being asked for consent</li> <li>● Giving a thumbs up in response to a request</li> <li>● Smiling in response to a request</li> </ul>	<ul style="list-style-type: none"> <li>● “No”</li> <li>● “I don’t know...”</li> <li>● “Can you use a condom?”</li> <li>● Silence or a lack of resistance</li> </ul>
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Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent.

10. Coercion or force

Coercion or force includes conduct, intimidation, and expressed or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that are used in order to persuade or compel someone to engage in sexual contact.

Any sexual contact occurring after a person has engaged in coercion or force will be presumed non-consensual, even if the particular sexual contact that occurs is different from the form of sexual contact in which the individual was attempting to engage, and even if the other individual uses words or actions that would otherwise appear to convey consent.

Examples of coercion or force include causing the deliberate incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to

disclose an individual's sexual orientation, gender identity, gender expression, or other personally sensitive information if the other party does not engage in the sexual contact.

### 11. Incapacitation

Incapacitation means an individual's physical and/or mental inability to make informed, rational judgments that is known or reasonably should have been known to the individual initiating sexual contact. An individual who is incapacitated is unable to give consent to sexual contact. States of incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact.

Regardless of their own level of intoxication, individuals who are initiating sexual contact are always responsible for obtaining consent before proceeding. Intoxication is never an excuse for or a defense to committing sexual assault or any other sexual harassment. Use of drugs or alcohol does not diminish one's responsibility to obtain consent or reduce one's personal accountability or criminal liability. The issue is whether the individual initiating sexual contact knew, or a reasonable sober person in the position of the individual initiating sexual contact should have known, that the other person was incapacitated.

Alcohol or drug use is a common cause of incapacitation. The mere use of drugs or alcohol, or even intoxication from drugs or alcohol, is not by itself proof of incapacitation. Where alcohol or drug use is involved, incapacitation is a state beyond intoxication, impairment in judgment, or drunkenness. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is incapacitated, and therefore unable to give consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:

- Making decisions about the potential consequences of sexual contact;
- Appraising the nature of one's own conduct; or
- Ability to communicate consent or lack of consent to engage in sexual contact.

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

### 12. Retaliation

Retaliation under this policy means intimidation, threats, coercion, or discrimination against any individual because the individual has made a report, testified, assisted, or participated or refused

to participate in any manner in an investigation, proceeding, or hearing under this Policy, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

Retaliatory acts may include but are not limited to: adverse changes in employment status or opportunities; adverse academic action; adverse changes to academic, educational, and extra-curricular opportunities; harassment or intimidation; acts or comments intended to embarrass the individual; or seeking out or attempting to discover the parties and witnesses involved in a report for the purpose of influencing their participation or statements or taking adverse action against them.

#### **IV. REPORTING ALLEGED SEX-BASED HARASSMENT**

##### **A. Reporting responsibilities of employees and students who become aware of sex-based harassment**

At St. Olaf, some faculty and staff employees are confidential resources as defined below. All other faculty and staff employees, including student employees, have the following reporting responsibilities:

##### **1. Required Referrals**

<b>Most St. Olaf employees are expected to report to the Director of Equal Opportunity or any other member of the Equal Opportunity Team any information they receive about sexual harassment.</b>
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All employees of St. Olaf College who are not confidential resources as defined in Section IV.A.2 are expected to immediately share all known details about any incident of sexual harassment with the Director of Equal Opportunity or another member of the Equal Opportunity Team. Required referrals may be made in person, by telephone, or electronically (see Section IV.C. for details). Before obtaining information from a Reporting Party, employees making Required Referrals should inform the Reporting Party of the employee's reporting obligations and inquire whether the Reporting Party would rather speak with a confidential resource.

Employees making a Required Referral may report to any member of the Equal Opportunity Team, but they are encouraged to report directly to the Director of Equal Opportunity using any of the reporting methods described in Section IV.C. The Required Referral should provide all known details including the date, time, and location of the incident; the names of individuals involved and other individuals who may have witnessed the incident; and a brief description of the incident. Although Required Referrals should provide all information learned from a Reporting Party, employees should not attempt to investigate or gather any details about the incident beyond the information that the Reporting Party seeks to share.

Prompt and complete reporting will assist the College in providing timely support and assistance. While employees are obligated to report any information they may have regarding sexual harassment, they should respect the confidentiality of the individuals involved by not further disclosing information to any other individuals without the Reporting Party's authorization.



## 2. Confidential Resources

Confidential resources are individuals who can receive confidential communications, defined as communications that cannot be disclosed to another person without the consent of the individual who provided the information, unless legally authorized or required, such as when the communications involve allegations of the physical or sexual abuse of a child or vulnerable adult or an imminent threat of serious injury to any person. Among the College's employees, only those individuals designated by the College as confidential resources may receive such confidential communications without being required to report the information they receive to a member of the Equal Opportunity Team. At St. Olaf, these designated confidential resources include the following:

### **Counseling Center**

New Hall, 46  
1520 St. Olaf Avenue  
[counselingcenter@stolaf.edu](mailto:counselingcenter@stolaf.edu)  
507-786-3062

### **College Pastors & Chaplains**

Boe Memorial Chapel, Lower Level  
[ministry@stolaf.edu](mailto:ministry@stolaf.edu)  
507-786-3092

### **Health Services**

New Hall  
1520 St. Olaf Avenue  
[healthservices@stolaf.edu](mailto:healthservices@stolaf.edu)  
507-786-3064

### **Sexual Assault Resource Network (SARN)**

Buntrock Commons 14  
[sarn@stolaf.edu](mailto:sarn@stolaf.edu)  
507-786-3777

## B. Students

Students are strongly encouraged to report known or suspected incidents of sexual harassment to the Director of Equal Opportunity or any other members of the Equal Opportunity Team. Students are not required to report information to one of these individuals unless they are also a student employee of the College and become aware of sexual harassment as a result of performing their job for the College. With the exception of students who qualify and are serving as confidential resources, student employees who learn about sexual harassment during the course and scope of their employment with the College are obligated to make Required Referrals by reporting that information to the Director of Equal Opportunity or a member of the Equal Opportunity Team.

## C. Overview of options for individuals who have experienced sex-based harassment

### 1. Speaking with a Confidential Resource

Individuals who have experienced sexual harassment may obtain support and basic information about College, community, and law enforcement options and resources from any of the Confidential Resources identified in Section IV.A.2. In addition to providing emotional support and general information, different confidential resources may provide different kinds of additional assistance. The College's Counseling Center and Student Health Services staff can assist individuals with obtaining medical care. The College Pastors and Chaplains provide pastoral care and spiritual direction. Peer support is available from trained and supervised student advocates in the Sexual Assault Resource Network (SARN).

### 2. Meeting with the Director of Equal Opportunity to obtain information and assistance

St. Olaf recognizes that deciding whether to speak with the Director of Equal Opportunity and what course of action to pursue upon reporting are difficult decisions that often unfold over time. A Reporting Party may choose to report to the Director of Equal Opportunity, not necessarily for the purpose of initiating the College's Complaint Resolution Process, but only to receive more detailed information about College policy and access resources and supportive measures the College can take to sustain the Reporting Party's educational and co-curricular experience. Reporting to the Director of Equal Opportunity provides individuals the opportunity to better understand their options and to assess whether they wish to notify law enforcement, initiate the Complaint Resolution Process under this Policy, and/or pursue another course of action.

Even if Reporting Parties are not interested in or uncertain about initiating the Complaint Resolution Process, they are strongly encouraged to report to the Director of Equal Opportunity so that they can better understand and readily access the supportive measures and other options available to them under this Policy. Reporting to the Director of Equal Opportunity does not obligate the Reporting Party to initiate the Complaint Resolution Process. The College will honor an individual's preferences about whether to proceed with the Complaint Resolution Process and will only take additional measures when the College believes further action is legally required. Resources and supportive measures are available regardless of the course of action chosen.

### 3. Reporting to the College to initiate the Complaint Process

The Complaint Resolution Process is initiated after an individual reports having been subjected to sex-based harassment and provides a Formal Complaint directing the College to proceed with the Complaint Resolution Process. The parties are provided written confirmation that the Complaint Resolution Process has been initiated, along with further information about the allegations, in the Notice of Allegations. This notification will identify information known to the College at the time regarding the sex-based harassment alleged to have occurred, the identities of the parties involved, and the date and location of the alleged incident(s). The written notification will also provide the identity of the investigator, the identities of the hearing panel members, and other general information about the process.

A Reporting Party may initiate the Complaint Resolution Process by submitting a Formal Complaint before or after speaking with the Director of Equal Opportunity. The Complaint Resolution Process may be initiated at any time. Some Reporting Parties choose to direct the College to proceed with the Complaint Resolution Process at the time they make their initial report of sex-based harassment; some are undecided and prefer to take some time to weigh their options; and some decide not to initiate the Complaint Resolution Process at the time of their initial report, but later change their minds and direct the College to proceed.

#### 4. Reporting to law enforcement

Individuals who believe they have been subject to sexual violence (including sexual assault and sexual exploitation), dating violence, domestic violence, and/or stalking are strongly encouraged to notify the Northfield Police Department. Meetings can normally be arranged on campus or at the Northfield Police Department depending upon the wishes of the Reporting Party. In most instances, reporting to the police does not require filing criminal charges, and the individual reporting to the police maintains control over whether and when criminal charges will be pursued. If the Reporting Party would like an advocate, advisor, parent, or Equal Opportunity Team member to attend the meeting with the Northfield Police Department, assistance with these arrangements will also be made.

Sexual misconduct may be reported to law enforcement by contacting the Northfield Police Department:

Emergency Number: 911

Non-Emergency Number: 507-645-4475

See Section IV.D. for additional information about reporting to law enforcement and the assistance the College can provide for individuals who choose to report.

#### D. Ways of reporting to the College

St. Olaf is committed to providing reporting options through multiple avenues which are broadly accessible to all members of the St. Olaf community. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by email, to the Director of Equal Opportunity, or another member of the Equal Opportunity team. Reports may be submitted at any time of day and at any point during the year.

Reports may be made by completing the College's online reporting form, which is automatically delivered to the Director of Equal Opportunity, or by directly contacting the Director of Equal Opportunity or another member of the Equal Opportunity Team in person, by mail, telephone, or by email. Reports may be made anonymously; however, depending upon the information provided in a report, the College may be limited in its ability to respond. Individuals who report sexual harassment have the right to access their description of the incident as it was reported to the College. To request access to this information, the individual should contact the Director of Equal Opportunity.

### 1. Reporting to the Director of Equal Opportunity

As indicated in Section I.C.1, the Director of Equal Opportunity provides information, supportive measures, and other assistance to all parties involved in reports of sexual harassment under this policy. Reporting Parties may wish to report directly to the Director of Equal Opportunity to have immediate access to services.

Following receipt of a report, The Director of Equal Opportunity will confer with the Reporting Party in order to:

- Assess the Reporting Party's safety and well-being and identify available support and assistance;
- Inform the Reporting Party of the right to seek medical treatment and explain the importance of obtaining and preserving forensic and other evidence;
- Inform the Reporting Party of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;
- Inform the Reporting Party about resources available at the College and in the community, the right to seek appropriate and available remedial and supportive measures, and how to request those resources and measures;
- Inform the Reporting Party of the right to initiate the College's Complaint Resolution Process which could involve the Informal Resolution Process (when available) and/or adjudication under the Investigation and Hearing Process.
- Explain the College's prohibition against retaliation and that the College will take prompt action in response to any act of alleged retaliation.

### 2. Reporting to another member of the Equal Opportunity Team

Individuals may choose any member of the Equal Opportunity Team (see Section I.C.3) as the most appropriate person to receive their report. The Director of Equal Opportunity is notified of all reports received by any member of the team to enable them to fulfill their responsibilities as described in Sections I.C.3. An individual who reports to a member of the Equal Opportunity Team will be referred to the Director of Equal Opportunity for further information as described in Section I.C.1.

### 3. Reporting to Public Safety

Individuals are strongly encouraged to notify St. Olaf's Public Safety Office of instances of sexual harassment (507-786-3666). Public Safety provides 24-hour security services, patrol, and response throughout the year. Public Safety is dedicated to the safety and protection of the entire St. Olaf community. Public Safety is not a division of the Northfield Police Department, and information provided to Public Safety will not be reported to the Police unless authorized by the Reporting Party (or such reporting is mandated under Minnesota's child or vulnerable adult abuse and neglect statutes).

### 4. Reporting to other faculty and staff

All employees of the College, with the exception of the Confidential Resources identified in Section IV.A.2, are responsible for making Required Referrals to a member of the Equal Opportunity Team and to provide any information they receive concerning sexual harassment.

Individuals should be aware that any information they share with a faculty or staff member concerning alleged sexual harassment should be reported to the Director of Equal Opportunity or another member of the Equal OpportunityX Team.

#### 5. Reporting anonymously

The College maintains an [online reporting form](#) for any member of the St. Olaf community to anonymously report sexual harassment that the reporter has either experienced or witnessed. The information provided is forwarded to the Director of Equal Opportunity and utilized for reporting purposes to state and federal authorities. The information is also used by the College to better understand the incidence of sexual violence in our community and to aid St. Olaf in its education, prevention, and response efforts. If a Reporting Party is identified in an anonymous report, the Director of Equal Opportunity will contact the Reporting Party to offer information and other services.

The provision of an anonymous report is not used to initiate the Complaint Resolution Process under this Policy. The College cannot legally initiate the Complaint Resolution Process without first receiving a Formal Complaint. Individuals who provide an anonymous report should not assume that the College can or will take any disciplinary action against an individual identified in their report.

#### E. Reporting to law enforcement

##### 1. General information

Sexual violence (including sexual assault and sexual exploitation), dating violence, domestic violence, and stalking are crimes prohibited under Minnesota's criminal laws. St. Olaf has an independent obligation to address reports of sexual harassment regardless of whether such conduct is also reported to the police. Furthermore, legal guidelines preclude the College from reporting incidents of sexual violence to law enforcement without the authorization of the Reporting Party (unless such reporting is mandated under Minnesota's child or vulnerable adult abuse and neglect statutes).

##### 2. College support for reporting to law enforcement

As indicated in Section IV.B.4., individuals who believe they have been subject to sexual violence (including sexual assault and sexual exploitation), dating violence, domestic violence, and/or stalking are strongly encouraged to notify the Northfield Police Department. Meetings can normally be arranged on campus or at the Northfield Police Department depending upon the wishes of the Reporting Party. The Director of Equal Opportunity can help individuals better understand their options and assess whether to seek the filing of criminal charges, initiate the Complaint Resolution Process under St. Olaf's Policy, or both. In most instances, reporting to the police does not require filing criminal charges, and the individual reporting to the police maintains control over whether and when criminal charges will be pursued. A Reporting Party may wish to bring a support person to any meetings with law enforcement, and the Director of Equal Opportunity can assist in facilitating such support if desired by the Reporting Party.

In instances where the police have been contacted about a matter involving reported sexual harassment, the College will cooperate with the Northfield Police in obtaining, securing, and maintaining evidence. The College and the Northfield Police Department are parties to a Memorandum of Understanding that addresses cooperation, communication, and collaborative efforts between the College and the Northfield Police Department in our joint efforts to prevent and respond effectively to sexual violence (including sexual assault and sexual exploitation), dating violence, domestic violence, and stalking.

Sexual misconduct may be reported to law enforcement by contacting the Northfield Police Department:

Emergency Number: 911

Non-Emergency Number: 507-645-4475

### 3. Rights of crime victims

Minnesota law provides individuals who report crimes to law enforcement with certain rights. These rights pertain to the process used by the police and prosecutors when a crime is reported. This is separate and apart from the process St. Olaf uses when such a report is made to the College. The following is a brief description of the rights guaranteed to individuals who report crimes to law enforcement:

#### A. Notification

By law, individuals who report crimes are entitled to notification of their rights including the following:

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

#### B. Protection

Individuals who report crimes are entitled to:

- a secure waiting area during any court proceedings;
- request that their identity and personal information (including home and employment address, telephone number, and birth date) not be disclosed publicly or in open court;

- protection against retaliation by their employer for taking reasonable time off to testify, assist with the prosecution, and to attend court proceedings; and
- protection from any harassment, intimidation or other tampering with a witness.

C. Rights in Criminal Cases Involving Allegations of Domestic Violence, Sexual Assault, or Harassment

Individuals who report crimes involving allegations of domestic violence, sexual assault or harassment are entitled to:

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

D. Other rights

Individuals who report crimes are also entitled to:

- request a speedy trial;
- provide input in plea agreements and to object to a plea agreement, orally or in writing, before the court;
- object orally or in writing to a proposed disposition or sentence;
- inform the court, either orally or in writing, of the impact of the crime at the sentencing hearing; and be present at the sentencing and plea presentation hearings; and
- be informed of any discharge or release of the offender from civil commitment and submit a statement regarding this decision.

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

## **V. ASSESSMENT AND ASSISTANCE IN RESPONSE TO REPORTS**

### A. Protocols for intake and evaluation of reports

#### 1. Commitment to privacy

The College will respect and safeguard the privacy of individuals who report sexual harassment and the privacy of all other individuals involved in the process. Consistent with the College’s need to carefully assess allegations of sexual harassment, information will be shared with College officials who have a “need to know” in order to assist in the review of a report and the determination of appropriate responses. For matters that are reviewed under the Complaint Resolution Process, information will also be shared as is required by law and as is deemed

necessary for conducting a fair, impartial and thorough investigation and hearing process and/or informal resolution process.

**What is the difference between privacy and confidentiality?**

As discussed in Section IV.A.2., some employees of the College are Confidential Resources. This means that they will not share information without permission from the Reporting Party. Conversations with Confidential Resources are privileged and will not be disclosed unless permitted by the Reporting Party or unless otherwise required by law. Although there are only a few Confidential Resources on campus, all employees who receive information from a Reporting Party, a Responding Party, or others involved in the College's response to a report of sexual harassment are expected to keep information private. This means that information should only be shared with other College employees who have a need to know the information (e.g., the Director of Equal Opportunity). This information is not shared with others in or outside of the College without the individual's express permission or unless otherwise legally authorized.

2. Waiver of charges for drug/alcohol violations

When a St. Olaf student, employee or guest reports sexual harassment, the College's main priority is to protect the safety and well-being of the members of our community. In order to do so, we need individuals who report sexual harassment and those who participate in investigations into such reports to be honest and candid about the circumstance surrounding the report. We do not want concerns about the College's alcohol and illicit drugs policy to cause individuals to either avoid reporting or to provide incomplete or inaccurate information during an investigation into such a report. Therefore, individuals who report sexual harassment and individuals who participate as a party or witness in an investigation into allegations of sexual harassment will not be disciplined by the College for any violation of its Policy on Alcohol and Illicit Drugs.

3. Honoring requests not to initiate the Complaint Resolution Process

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

4. Response to anonymous reports

See section IV.C.5.

5. Issuing crime alerts/timely warnings

To achieve a safe and secure campus environment, all members of the campus community are encouraged to promptly report any suspicious or criminal activity observed directly to 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) are required to report all known or suspected crimes to Public Safety for possible inclusion in the College's crime logs, campus notices, and annual campus security report pursuant to the Clery Act. These Campus Security Authorities include advisors to student organizations; athletic team coaches; members of the Public Safety Department;



members of the Dean of Students Office; personnel working for Residence Life; and other community members who have significant responsibility for student and campus activities.

When serious crimes are reported to a Campus Security Authority or local law enforcement that occur on campus geography and are deemed by the College “to represent a serious or continuing threat to students and employees,” Public Safety will issue a timely warning (Crime Alert) by email to the campus community. The timely warning will provide general information surrounding the incident and how incidents of a similar nature might be prevented in the future. Crime Alerts are issued to the community by Public Safety when the College receives a report of a serious crime occurring on our Clery Act geography that:

- Is reported to campus security authorities or local police agencies; and
- Is considered by the College to represent a serious or continuing threat to students and employees.

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

Publicly available recordkeeping, including Clery Act reporting and disclosures such as the Annual Security Report and daily crime log, will not include names or other information that could identify individuals. All reports of any crimes, including sexual misconduct, are available in the College’s daily crime log. Contact Public Safety (507-786-3666) to review the daily crime log.

## B. Options for immediate assistance

### 1. Supportive measures

At any time after a report of sexual harassment has been received, the College will arrange for reasonable and appropriate supportive measures aimed at protecting the well-being and safety of the parties or witnesses involved. Supportive measures are actions taken to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the other party. They include measures designed to protect the safety of all parties or the College’s educational environment, or deter sexual harassment. Supportive measures foster a more comfortable and safe educational and living environment throughout the process of reporting and, if applicable, the Complaint Resolution Process. Supportive measures may be requested by a party or witness, or they may be initiated by the College. Supportive measures are available regardless of whether a report proceeds to the Complaint Resolution Process.

Appropriate supportive measures will vary depending upon the particular circumstances and based on a party’s confidentiality preferences. The range of potential supportive measures that St. Olaf may take include:

- Access to counseling, medical, and other confidential services and assistance in setting up initial appointments on and off campus.
- A College-imposed mutual “no-contact directive” prohibiting contact between individuals.
- Assistance in petitioning a court for an order for protection / harassment restraining order.

- Making information available about and providing assistance with respect to orders for protection and harassment restraining orders, including enforcement of such orders.
- Providing campus security escorts to assure safe movement between classes and activities.
- Rescheduling of exams or assignments.
- Providing alternative course completion options.
- Providing other academic support services, such as tutoring.
- Assisting in setting up potential accommodations (academic or otherwise) through the Disability and Access Office or other relevant departments.
- Changing a student's class schedule.
- Changing an employee's work schedule or job assignment.
- Changing campus housing arrangements and assistance with housing relocation.
- Limiting access to certain College residence halls, facilities or activities pending resolution of the matter.
- Voluntary leave of absence.
- College-imposed leave, suspension or separation for students accused of committing sexual harassment where the CORE Team has overseen an individualized safety and risk analysis and determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. In cases where such action is taken, the individual subject to the leave, suspension or separation will be provided notice and an opportunity to challenge the decision immediately following the removal.
- Immediate leave of absence for a non-student employee accused of sexual harassment when deemed appropriate under the circumstances.
- In cases where the individual is or becomes enrolled at a different educational institution either because of a transfer, on-going studies after graduation from St. Olaf, or temporary enrollment at a different institution, the College will provide information about resources available at the student's current institution.
- Any other measure deemed appropriate for fostering a more comfortable and safe educational and living environment.

Supportive measures are offered by the College based upon the information gathered during the report or made available to the College thereafter. They are not intended to be punitive. Such measures will vary based on the particular facts and circumstances, including but not limited to the specific need expressed by the party, the age of the student[s] involved, the severity or pervasiveness of the allegations, any continuing effects on the other party, whether the Reporting Party and the Responding Party share the same residence hall or job location, and whether other measures have been taken to protect the Reporting Party and Responding Party.

The Director of Equal Opportunity will maintain on-going contact with the parties involved in a report of sexual harassment. The Director of Equal Opportunity retains the discretion to initiate and/or modify any supportive measures based on all available information. A party may challenge supportive measures, or failure to impose supportive measures or take other actions, by contacting the Director of Equal Opportunity to address any concerns. The Title IX CORE Team will have ultimate responsibility over the determination of what measures will be put in place.

## 2. Measures for avoiding contact with other involved parties

### a. St. Olaf no-contact directive

A no-contact directive is a College-issued order that prohibits one or both parties from communication or contact with another. To request a no-contact directive from the College, individuals should contact the Director of Equal Opportunity.

The Director of Equal Opportunity can provide Reporting Parties and Responding Parties information about available options for orders for protection, restraining orders, and no-contact directives.

### b. Law Enforcement Order for Protection/Harassment Restraining Order

Harassment restraining orders and orders for protection are legal orders issued by a state court which forbid someone from harassing and/or making contact with another individual. A harassment restraining order is a civil court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. An order for protection is a civil court order that protects one family or household member from domestic abuse by another family or household member. The College does not issue harassment restraining orders or orders for protection, but one can be obtained through making an application to the Rice County District Court. Paperwork to petition the court for an order for protection or harassment restraining order is available from the Public Safety Office or the Northfield Police Department. These forms may be submitted to the Court Administrator in the Rice County Courthouse, 218 3rd Street NW, Faribault, MN 55021 during business hours. Free assistance filling out these forms is available by contacting the HOPE Center at 507-332-0882 (business line) or at 800-607-2330 (24/7 SafeLine) to get in touch with a legal advocate.

An order for protection and/or harassment restraining order can be enforced by contacting local law enforcement. St. Olaf is committed to ensuring that any such order issued by a court is fully upheld on the College's campus and at any St. Olaf-sponsored event.

### C. Medical Forensic Examinations

For their health and safety, to preserve their options and for other reasons, victims of sexual assault are strongly encouraged to immediately obtain medical attention and a medical forensic examination. A medical forensic examination is an exam performed by a specially-trained forensic nurse, called a Sexual Assault Nurse Examiner (or "SANE"). SANEs are contracted to work with physicians in the Emergency Department at the Northfield Hospital. Medical forensic examinations are available to anyone who is a victim of sexual assault regardless of gender or gender identity. Medical forensic examinations are conducted up to 168 hours (seven days) after the occurrence of a sexual assault; however, there may be circumstances that warrant an examination even after that period of time has expired.

The purpose of a medical forensic exam is to (1) assess the patient for injuries that need treatment, (2) provide medical care (including medications to prevent infections and pregnancy), and (3) document and collect evidence of sexual contact or physical trauma (including injuries

on the body and genitals), trace evidence, and identifiable DNA of the perpetrator of a sexual assault. When there is suspicion or concern that a victim may have been incapacitated by drugs or alcohol during a sexual assault, the medical forensic exam may include the collection of urine and/or blood samples for toxicology testing.

Evidence and other documentation recovered from a medical forensic exam may be used to support a report under this Policy, subject to the permission of the Reporting Party, or a police report/criminal complaint; however, having a medical forensic exam performed does not mean that the Reporting Party must report the incident to either the St. Olaf Director of Equal Opportunity or other member of the Equal Opportunity Team, or to any law enforcement agency. That decision is entirely up to the Reporting Party. Even if the Reporting Party is not presently considering initiating an investigation with either the College or the police, obtaining an examination may ensure that important evidence is not lost and may therefore be useful in the future if the Reporting Party later decides to initiate the College's Complaint Resolution Process or file a police report. Evidence recovered from a medical forensic exam is not tested unless a Reporting Party reports to law enforcement.

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

## **VI. THE Complaint Resolution Process**

### **A. Summary of the Complaint Resolution Process**

In furtherance of St. Olaf's commitment to providing a safe and non-discriminatory environment for all students, staff, faculty and other members of our campus community, this Complaint Resolution Process is available when a Reporting Party provides a Formal Complaint requesting the College to initiate an investigation into allegations of sexual harassment. Upon receipt of a Formal Complaint from a Reporting Party, the College will issue a Notice of Allegations to the parties involved. After issuing a Notice of Allegations, and providing the parties a reasonable opportunity to prepare in advance of any meeting to discuss the allegations, the College will commence an investigation into the allegations raised in the Formal Complaint. The goal of the Investigation and Hearing is to determine whether it is more likely than not that the Responding Party engaged in sexual harassment. The Responding Party is presumed not responsible for violating this Policy and the burden of proof and the burden of gathering evidence sufficient to reach a determination is on the College.

The following is a brief summary of each phase of the Complaint Resolution Process. More detailed information regarding each phase is provided in the remainder of this section.

### **Informal Process**

The Complaint Resolution Process includes the opportunity for the parties to participate in mediation to attempt to reach a mutually agreeable resolution to the allegations raised in the

Formal Complaint. This part of the Complaint Resolution Process is called the Informal Resolution Process. The Informal Resolution Process is used with the Reporting Party and Responding Party each agree to attempt to mediate a resolution, and involves the voluntary crafting of an agreement between the parties, which the College must also approve, designed to resolve the Formal Complaint. Pursuing the Informal Resolution Process does not require the parties to ever be in the same room with each other or to speak to one another directly. While the Informal Resolution Process normally occurs prior to commencing an investigation, the College reserves the right to initiate it at any point prior to a final determination of the Formal Complaint. The Informal Resolution Process is completely voluntary to all parties involved, and once commenced, any party or the College can decide to withdraw from participation at which point the Investigation and Hearing Process will resume.

### **Investigation Phase**

If any party opts not to participate in the Informal Resolution process, or the Informal Resolution Process fails to result in a mutually agreeable resolution to the Formal Complaint, the College will proceed with the Investigation and Hearing Process. As its name indicates, there are two phases to this process. The first stage is an investigation aimed at gathering all relevant evidence and summarizing it in an Investigation Report prepared by a trained investigator retained by the College. During this phase the parties have the same opportunity to participate in the investigation by meeting with the investigator, providing whatever evidence the party believes is relevant, identifying witnesses that should also be interviewed, and suggesting questions that should be asked of other witnesses and parties. Once the evidence has been gathered by the investigator, the parties have the same opportunity to access, review and comment on the evidence that will be summarized by the investigator in the Investigation Report.

### **Hearing Phase**

After the investigator issues the Investigation Report, the investigation phase is complete and the process moves into the hearing phase. No sooner than 10 days after the issuance of the Investigation Report, a Hearing Panel comprised of trained personnel will convene a hearing at which time the parties will be provided an equal opportunity to address the evidence with the Hearing Panel, including the opportunity to, through their advisor, ask questions of any other party or witness. If a party does not have an advisor, the College will provide a representative to ask the party's questions on the party's behalf.

After providing the parties an opportunity to participate in the hearing, the Hearing Panel will then meet to consider all of the evidence presented during the investigation and hearing process. Based on the evidence presented during the investigation and hearing, the Hearing Panel will issue a Notice of Decision indicating whether it is more likely than not that the Responding Party violated this policy. If such a determination is made, the Hearing Panel will also determine remedies designed to restore or preserve the Reporting Party's equal access to the College's education program or activity, and any sanctions the Hearing Panel deems appropriate.

### **Appeal Phase**

Any party who believes the Hearing Panel created an error in its decision may file a timely appeal of the decision to an Appeal Adjudicator. The Appeal Adjudicator will be an individual who played no prior role in the matter and who is free of any bias or conflict of interest. All parties will be provided notice of an appeal and will have an opportunity to submit a position statement relating to the appeal. The Appeal Adjudicator will issue a determination of the appeal which may affirm the decision of the Hearing Panel, overturn the decision, and/or direct the Hearing Panel to conduct further proceedings to resolve a concern raised in an appeal. If no party files an appeal of the Hearing Panel's decision, or if the Appeal Adjudicator affirms the Hearing Panel's decision, the College's process will end and any sanctions imposed by the Hearing Panel will immediately go into effect. Once the time to appeal has expired or an appeal is decided, no party will have an ability to seek further recourse from the College relating to the allegations raised in the Formal Complaint.

## B. General Complaint Resolution Process Provisions

### 1. Role of the Director of Equal Opportunity

The Director of Equal Opportunity is a resource for all parties participating in the Complaint Resolution Process. The Director of Equal Opportunity is available to explain the Informal Resolution Process and the Investigation and Hearing Process. Any questions or concerns that arise during the Complaint Resolution Process should be directed to the Director of Equal Opportunity. When matters are brought to the Director of Equal Opportunity that fall outside the scope of the Policy Prohibiting Sexual Harassment, the Director of Equal Opportunity may refer the matter to other institutional representatives.

### 2. Commitment to fair treatment of all parties

The College seeks to ensure that all Reporting Parties and Responding Parties involved in the Complaint Resolution Process are treated with dignity and respect. The College strives to provide a process that is prompt, fair and impartial. Reporting Parties involved in this process should never be treated in a manner that suggests that they were at fault for, or that they should have done something differently to avoid, the reported sexual harassment. Responding Parties are presumed not responsible for the alleged sexual harassment until a determination regarding responsibility is made at the conclusion of the Complaint Resolution Process. If parties have any concerns about the manner in which they are being treated throughout the Complaint Resolution Process, they should immediately report such concerns to the Director of Equal Opportunity.

Reporting Parties and Responding Parties who participate in the Complaint Resolution Process can expect the following:

- Prompt and equitable resolution of allegations of sexual harassment in adherence to the process and timeframes provided in the Complaint Resolution Process;
- Respect of their privacy in accordance with the Policy and any legal requirements;
- Freedom from retaliation for making a good faith report of sexual harassment or for participating in the Complaint Resolution Process;
- The opportunity to articulate concerns or issues about proceedings under the Complaint Resolution Process with the Director of Equal Opportunity;

- The opportunity to select an advisor of choice, who may be but is not required to be an attorney, including the right to have that advisor attend any meeting or proceeding at which the party's presence is contemplated by the Complaint Resolution Processes;
- The opportunity to challenge the investigator, Informal Resolution facilitator, any member of the Hearing Panel, or an Appeal Adjudicator for bias or conflict of interest;
- The opportunity to provide relevant evidence and identify witnesses during an investigation;
- The opportunity to have timely and equal access to all relevant evidence gathered during the investigation and that may be used during any proceedings under the Complaint Resolution Process;
- The right to a hearing at which the parties may present evidence, including testimony, and may through their advisor ask questions of witnesses and other parties;
- Reasonable time to prepare in advance of any interview or proceeding under the Complaint Resolution Processes;
- Written notice of any extension of time frames for good cause;
- Prompt and simultaneous written notice of the all decisions relating to the Formal Complaint including the Hearing Panel's determination and the Appeal Adjudicator's decision of any appeal; and
- The right to timely appeal the decision of the Hearing Panel.

### 3. Avoiding conflicts of interests

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

If the Director of Equal Opportunity has a conflict of interest with respect to the Complaint Resolution Process, the College's President or the President's designee shall appoint an alternate person to oversee the administration of this Policy with respect to the specific report at issue. If the President is a party to the report or has a conflict of interest with respect to a report, 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 Formal Complaint, including, but not limited to, appointment of alternate individuals to oversee the Complaint Resolution Process.

### 4. Response to non-participation and silence

A party to the Complaint Resolution Process may at any time decline to provide information or otherwise participate in the Complaint Resolution Process. If a party opts not to participate in the Complaint Resolution Process, the College will proceed with the process and make a determination based upon the information available. Silence in response to an allegation will not

be viewed as an admission of the allegation, but may leave allegations unrefuted. If a party or witness refuses to answer any question posed during the hearing phase of the Complaint Resolution Process, the College will not consider any statement of that party or witness provided during the investigation or the hearing phase of the Complaint Resolution Process.

#### 5. Reservation of flexibility

The procedures set forth in the Complaint Resolution Process reflect the College's desire to respond to reports in good faith and in a manner that promotes fairness, impartiality and prompt resolution for all parties. The College recognizes that each case is unique and that circumstances may arise which require the College to reserve flexibility in responding to the particular circumstances. Where legally permissible, and where it is not possible or practical to follow the procedures provided in this Complaint Resolution Process, or for some other reason the College deems it preferable to utilize a different process, the College reserves the right to modify the procedure or to take other administrative action as it deems appropriate under the circumstances. Unwanted conduct of a sexual nature that does not rise to a level of being "severe, pervasive, and objectively offensive" may be referred for review under the College's Code of Conduct.

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

#### 6. Right to an advisor of choice

Both the Reporting Party and the Responding Party 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, does not have some other conflict of interest, and observes the following protocols:

- The purpose of the advisor is to support a Reporting Party or Responding Party in the Complaint Resolution Process.
- During the investigation phase of the Complaint Resolution Process, advisors may confer with their advisee, but they may not speak on behalf of their advisee, advocate for their advisee, or otherwise actively participate in the process.
- During the hearing phase of the Complaint Resolution Process, advisors will ask questions to the other parties and witnesses providing testimony. If a party does not have an advisor present at the live hearing, the College will provide a representative to that party to ask questions on the party's behalf.
- The advisor may accompany their advisee to all meetings relating to the Complaint Resolution Process, including the Informal Resolution Process is applicable.



- While advisors may assist their advisee in drafting written communications to the College, they may not directly or indirectly communicate with the Director of Equal Opportunity, the investigator, the Hearing Panel members, witnesses (other than their own advisee), or the Appeal Adjudicator.
- Advisors may not interrupt or otherwise unduly delay the Complaint Resolution Process. The College will strive to accommodate advisors' schedules; however, if an advisor is not reasonably available to participate in the Complaint Resolution Process, the College reserves the right to move forward with its process in order to ensure its prompt completion.
- With the permission of their advisee, advisors will be provided access to the same investigation materials and evidence that is available to their advisee. This information frequently includes student records and other confidential and highly sensitive information. Advisors' access to such information is conditioned upon their agreement to maintain the confidentiality of these records except when disclosure is legally authorized. Advisors may only discuss information disclosed through the investigation process with their advisee. For example, if a party's advisor is an attorney, the attorney may not share any information obtained during the investigation process with other attorneys or staff associated with the attorney.
- Violations of confidentiality or other forms of interference with the resolution procedure by the advisor may result in disqualification of an advisor.
- The College reserves the right to disclose information about the identity of one party's advisor to the other party in a Complaint Resolution Process.

#### 7. Prohibition on retaliation

St. Olaf College strictly prohibits retaliation against individuals who report sexual harassment or against individuals who assist in or participate in the Complaint Resolution Process. Encouraging or assisting others to engage in retaliation is also prohibited. The College prohibits any form of intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Complaints alleging retaliation may be reported to the Director of Equal Opportunity and will be addressed under applicable disciplinary procedures.

Retaliatory acts may include, but are not limited to: adverse changes in employment status or opportunities; adverse academic action; adverse changes to academic, educational and extra-curricular opportunities; harassment or intimidation; acts or comments intended to embarrass the individual; or seeking out or attempting to discover the parties and witnesses involved in a report for the purpose of influencing their participation or statements, or taking adverse action against them.

Retaliation may be found even when an underlying report of Prohibited Conduct made in good faith was not substantiated. Retaliation may be committed by any of the parties or witnesses in the Complaint Resolution Process, their friends or representatives, or any other individuals.

Retaliatory conduct by community members and third parties is prohibited regardless of whether it occurs on or off campus, in person, or through social media, e-mail, or other forms of communication.

#### 8. Responsibility to Act in Good Faith and Provide Truthful Information

Parties and witnesses who participate in the Complaint Resolution Process are expected to act in good faith and provide truthful information in connection with the investigation and adjudication of the Formal Complaint. While individuals may opt to refuse to participate in the Complaint Resolution Process, when they proceed to participate it is expected that they will act in good faith and provide truthful and accurate information during the course of the Complaint Resolution Process.

#### 9. Timelines

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

#### C. The Informal Resolution Process

The parties may seek to use an Informal Resolution Process to develop a College-approved agreement between the Reporting Party and the Responding Party designed to address the concerns raised in the Formal Complaint. The Informal Resolution Process will proceed if all parties agree to participate. The Informal Resolution Process is overseen by a trained facilitator appointed by the Director of Equal Opportunity. Normally the process commences prior to the investigation phase and is completed within thirty (30) calendar days. The Director of Equal Opportunity will maintain records for all Informal Resolution cases, including a copy of any College-approved agreements between the parties. The College maintains discretion to determine whether a matter is appropriate for Informal Resolution. Informal Resolution will not be available for Formal Complaints involving a student Reporting Party and an employee Responding Party.

Participation in Informal Resolution is completely voluntary. The College will not require a Reporting Party or Responding Party to engage in Informal Resolution and will allow a Reporting Party or Responding Party to withdraw from Informal Resolution at any time up until an agreement is reached and signed. During the Informal Resolution, the College will not compel the Reporting Party or the Responding Party to interact directly with each other. The College may decline a request for Informal Resolution in any particular case and may terminate an

ongoing Informal Resolution Process at any time. The agreement to participate in Informal Resolution and any resolution reached is subject to the agreement of the Director of Equal Opportunity, the Reporting Party and the Responding Party.

Each party has the right to choose and consult with an advisor during an Informal Resolution Process. The advisor may be any person, including an attorney, who is not otherwise a party or witness to the reported incident. See Section VI.A.5. for additional information on the protocols to be observed by an advisor.

Pursuing Informal Resolution is one step of the College's Complaint Resolution Process. If a matter is not resolved during the Informal Resolution, the matter will proceed to the Investigation and Hearing Process unless the Reporting Party withdraws the Formal Complaint or the College dismisses the Formal Complaint.

#### D. The Investigation Phase

##### 1. Initiating the investigation

The Investigation Phase is initiated when a Reporting Party reports sexual harassment and submits a written Formal Complaint requesting that the College proceed with the Complaint Resolution Process. Upon receipt of a Formal Complaint the College will issue a Notice of Allegations to both parties. The Notice of Allegations will provide sufficient details of the allegations of sexual harassment that are known to the College, including the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The Investigation may be temporarily suspended if the parties agree to attempt to resolve the matter through the Informal Resolution Process. If such efforts are unsuccessful because either party withdraws from the Informal Resolution Process or the College declares an impasse, the investigation will proceed.

##### 2. Assigning an Investigator

Whenever the Complaint Resolution Process is commenced, an investigator is assigned to conduct a prompt, thorough, fair, and impartial investigation. In most instances the College will retain an external investigator to conduct the investigation. The Investigator has broad discretion to determine the investigation format. The Investigator is responsible for maintaining an orderly, fair, and respectful investigation process and has broad authority to respond to disruptive or harassing behaviors, including adjourning an investigative meeting or excluding the offending person. All investigators will receive annual training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of all parties and the College community while promoting accountability. Investigators will also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

##### 3. Notice of Allegations

The Director of Equal Opportunity will notify the Reporting Party and the Responding Party, in writing, of the commencement of the Complaint Resolution Process. After receiving the Notice

of Allegations, the parties will be provided sufficient time to prepare before meeting with the Investigator to discuss the allegations. The Notice of Allegations will include the following:

- Sufficient details of the allegations known to the College at the time of issuance including the identity of the parties involved in the incident, if known; and the date and location of the incident, if known;
- The conduct allegedly constituting sexual harassment;
- The identity of the Investigator and Hearing Panel members;
- Information on how the parties may challenge participation by the Investigator or the Hearing Panel on the basis of bias or a conflict of interest;
- A statement that the Responding Party is presumed not responsible for the reported conduct and that a determination regarding responsibility is made based upon a preponderance of the evidence at the conclusion of the Complaint Resolution Process;
- Notice that knowingly making false statements or knowingly submitting false information during a Complaint Resolution Process is a violation of the Code of Conduct and will be addressed under that disciplinary process;
- An explanation of the College's policy prohibiting retaliation against any party, witness or other individual who reports sexual harassment or who participates in the Complaint Resolution Process;
- Instructions to the parties to preserve any potentially relevant evidence in any format;
- Assurance that a party will not be required or permitted to use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege;
- Information regarding the parties' right to have an advisor of their choice (who may be, but is not required to be, an attorney) who may inspect and review evidence during the Complaint Resolution Process, and who may ask questions of parties and witnesses during the hearing that occurs after the investigation; and
- A link to a copy of the Policy and this Complaint Resolution Process.

If after the investigation begins the College determines there are additional allegations that need to be investigated but were not included in the original Notice of Allegation, the College will provide an Amended Notice of Allegations which will provide the additional details about the allegations that are known to the College.

#### 4. Dismissal of the Formal Complaint or Allegations

The College retains discretion to dismiss a Formal Complaint, or any allegations contained in a Formal Complaint, if it becomes evident at any time during the Complaint Resolution Process that: (1) the allegations, even if proved, would not constitute a violation of this Policy; or (2) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations. A dismissal on either of these grounds may be made at the College's own initiative or in response to a request by a Responding Party. Such requests should be made in writing to the Director of Equal Opportunity, and should provide in a succinct statement of the basis for the request for dismissal. The College will not dismiss a matter without first notifying the Reporting Party of the grounds upon which it is considering dismissal and providing the Reporting Party a reasonable opportunity to respond.

The College may also dismiss a Formal Complaint or any allegations contained therein, if at any time a Reporting Party notifies the Director of Equal Opportunity in writing that the Reporting Party would like to withdraw the Formal Complaint or any allegations therein.

Upon a dismissal of the Formal Complaint or any allegations, the College will promptly and simultaneously provide the parties a written Notice of Dismissal which will contain the reason(s) for the dismissal decision.

A decision by the College to dismiss a Formal Complaint or any allegations contained therein, is appealable pursuant to Section VI.F.1 below. The Notice of Dismissal will identify the Appeal Adjudicator and instructions on how a party may appeal the decision.

#### 5. Consolidating Multiple Complaints

In its discretion, the College may consolidate Formal Complaints of sexual harassment allegations against more than one Responding Party, or by more than one Reporting Party against one or more Responding Party, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### 6. Investigation of other Code of Conduct violations

If a report of sexual harassment also implicates other allegations of violations of the College's Code of Conduct or the College's Policy Prohibiting Discrimination, Harassment and Related Misconduct, the Title IX CORE Team will evaluate the allegations to determine whether the investigation of the sexual harassment and the other alleged misconduct may be appropriately investigated together under this Complaint Resolution Process. Where the Director of Equal Opportunity determines that a single investigation is appropriate, the determination of responsibility for the violation of other Code of Conduct policies will be evaluated under the applicable policy, but the investigation and hearing will be conducted in accordance with these Procedures.

#### 7. Director of Equal Opportunity communications during investigation

The Director of Equal Opportunity remains available to the parties throughout the Complaint Resolution Process to answer questions or address concerns. The Director of Equal Opportunity can assist parties with changes to existing supportive measures or with addressing concerns about the Complaint Resolution Process. The Director of Equal Opportunity will also notify the parties of the date, time, location, participants, and purpose of all investigative interviews at which a party will be requested to attend with notice to provide the party sufficient time to prepare to participate before attending the interview. The parties will also receive notice of all meetings or proceedings relating to the Complaint Resolution Process at which the other party or parties will be in attendance, including any meetings with the investigator or other College officials. During the Complaint Resolution Process the parties can expect to receive updates from the Director of Equal Opportunity on at least a weekly basis.

#### 8. Role of advisor during investigation phase

The parties 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, does not have some other conflict of interest, and the advisor observes the College's protocols for advisors participating in the Complaint Resolution Process. During the investigation phase, an advisor's role is to provide advice and support to their advisee. An advisor may confer with their advisee, but they may not speak on behalf of their advisee, advocate for their advisee, or otherwise actively participate in the process. During an investigation interview, an advisor should not interrupt or otherwise interfere with the investigator's interview.

#### 9. Meeting with the Investigator

The Investigator will seek to meet with all parties at least once during the investigation to ask questions about the allegations and to provide the parties an opportunity to address the allegations raised in the Formal Complaint. Parties will be given adequate time to prepare to participate before an interview will be conducted. In addition to answering the Investigator's questions, the parties should be prepared to provide the Investigator any evidence relevant to the investigation, the names of witnesses whom the party believes should be interviewed, and any questions the party believes should be asked of another party or witness.

#### 10. Opportunity to Review and Comment on Evidence Gathered

At least 10 calendar days prior to the Close of Evidence, the parties will be given equal opportunity to inspect, review and comment on all of the evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the Investigative Report, the College will send each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy (at the College's discretion). Before the end of this 10-day period, the parties may submit a written response to the evidence, which the Investigator will consider prior to completion of the Investigative Report. If a party raises an issue that results in the Investigator deciding to conduct further investigation, the parties will be provided an additional 10-day period of time to review and comment on any additional evidence gathered before the Close of Evidence. The evidence made available to the parties for review and inspection will be made available to the parties during the hearing, including for purposes of asking questions of witnesses.

#### 11. Close of evidence notice

The College will strive to complete the investigation phase of the Complaint Resolution Process within twenty (20) business days. Prior to the Investigator drafting an Investigation Report, the Director of Equal Opportunity will inform the parties of the pending close of the investigation phase so that the parties will have an opportunity to submit any additional evidence and/or suggest additional witnesses to be interviewed. The "Close of Evidence" (i.e. the deadline for submitting further evidence) will occur on a date identified by the investigator, and the parties will not be permitted to introduce additional evidence after that date absent circumstances the College deems necessary in meeting its burden of proof and burden of gathering evidence sufficient to reach a determination.

## 12. Investigation Report

Following the close of evidence, the investigator will prepare and send to the parties and their advisors, in electronic or hard copy format, an Investigation Report which fairly summarizes the relevant evidence gathered during the investigation and which summarizes the contested and uncontested facts relevant to the allegations at issue in the Formal Complaint. The Investigation Report will not include any findings relating to the credibility of any party or witnesses, and will not include any conclusion by the Investigator as to whether the Investigator believes a preponderance of the evidence supports a finding of responsibility. The Reporting Party and the Responding Party will have an opportunity to review the Investigation Report and submit a response to the Hearing Panel for their review.

### D. The Hearing

The hearing is an opportunity for the parties to address the Hearing Panel in person and to question the other party and/or witnesses. It also provides the Hearing Panel an opportunity to obtain information following the investigation that is necessary to make a determination of whether a Policy violation occurred.

#### 1. Hearing Panel

The hearing will be conducted by a three-person Hearing Panel. The Hearing Panel will receive annual training regarding the College's definition of sexual harassment, the scope of the College's education programs and activities, how to conduct a hearing, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Hearing Panel will also receive training on the technology to be used at the live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about the Reporting Party's sexual predisposition or prior sexual behavior are not relevant.

The Hearing Panel must be impartial and free from bias or conflict of interest. If any Hearing Panel member has concerns that they cannot conduct a fair or unbiased review, the Hearing Panel member may report those concerns in advance of the prehearing conference to the Director of Equal Opportunity and a different Hearing Panel member will be assigned. Similarly, a Reporting Party or a Responding Party who has concerns that an assigned Hearing Panel member cannot conduct a fair and unbiased hearing may report those concerns to the Director of Equal Opportunity who will assess the circumstances and whether a different Hearing Panel member should be assigned. The Hearing Panel has broad discretion to determine the hearing format. The Hearing Panel is responsible for maintaining an orderly, fair, and respectful hearing and has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending person. The Hearing Panel will also have discretion to call for breaks or recesses as deemed necessary during the hearing.

The parties may make requests to the Director of Equal Opportunity related to the format or the nature of their participation in the hearing. The Director of Equal Opportunity will work with the Hearing Panel to accommodate reasonable requests.

#### 2. Scheduling

The Director of Equal Opportunity will forward a copy of the Investigation Report to the Hearing Panel and will schedule a hearing date, time, and location and notify the parties of the same. The date of the hearing will be at least ten (10) calendar days after the parties' receipt of the Investigation Report and, except in extraordinary circumstances, no later than seventeen (17) calendar days from the issuance of the Investigation Report.

### 3. Standard of Evidence and Burden of Proof

In all cases before the Hearing Panel, the standard of proof is a preponderance of evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that the Responding Party violated this Policy. Neither party bears the burden of proof. It is the College's burden of proof under the Complaint Resolution Process and the College's burden of gathering evidence sufficient to reach a determination.

### 4. Pre-hearing Meeting

Prior to the hearing, the Director of Equal Opportunity will convene a separate pre-hearing meeting with each of the parties and their advisors to review procedures to be followed at the hearing; to identify the names of witnesses that will be asked to appear; and to answer any other questions or share information prior to the hearing. At this pre-hearing meeting, each party must identify the witnesses they will want to appear at the hearing for questioning in order to allow the Director of Equal Opportunity to successfully schedule and make arrangements for the hearing. The Director of Equal Opportunity will also discuss the time allotted for the hearing and any time limitations. If either party will not be attending the hearing, the Director of Equal Opportunity will determine whether and how that absence affects the ability of the College to move forward with the hearing, as well as the hearing schedule. The parties are expected to identify witnesses they wish to be available during the hearing by the pre-hearing meeting. The Hearing Panel may, in its discretion, exclude from the hearing witnesses who were not identified by a party.

### 5. Recording Hearing

The hearing is live and closed to the public. The parties are allowed to have their advisor present throughout the hearing process. The College will record the hearing and any other recording by the parties, their advisors or anyone else is prohibited. A copy of the recording will be made available to parties for their inspection and review. In most instances the hearing will be conducted virtually using technology enabling the Hearing Panel and parties to simultaneously see and hear the proceedings while the parties and Hearing Panel are in different locations.

### 6. Case Presentation & Questioning

The hearing is not intended to be a repeat of the investigation or an exhaustive review of the evidence summarized in the Investigation Report. The Hearing Panel will be well-versed in the facts of the case based upon the Investigation Report and any responses to the Investigation Report submitted by the parties. The parties and their advisors will attend the hearing before the Hearing Panel. Other College administrators may attend at the request of or with the prior



approval of the Hearing Panel, and the parties will be notified in advance of anyone who will be in attendance.

The Hearing Panel has absolute discretion to decide upon the format for the hearing and to determine which witnesses are relevant to their outcome determination. The Hearing Panel may decline to hear from a witness where they conclude that the information is not relevant for their outcome determination or unduly duplicative of other testimony already provided at the hearing. A typical hearing may include brief opening remarks by a member of the Hearing Panel; questions posed by the Hearing Panel to one or both of the parties or witnesses; follow-up questions by one party to the other (typically with the Responding Party's advisor questioning the Reporting Party first); questions by the Hearing Panel to any witness; and follow-up questions by the parties (through their advisors) to any witness. The Hearing Panel will also afford the parties an opportunity at the end of the hearing to offer brief closing remarks. A decision whether to offer closing remarks is completely voluntary.

During the hearing, the Hearing Panel will provide each party an opportunity, through their advisor, to ask the other party and any witnesses relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If a party does not have an advisor present at the live hearing, the College will make available an individual who can ask the questions on the party's behalf. If the party does not have an advisor, and refuses the College's offer to provide an individual to ask questions on the party's behalf, then the party will not be permitted to ask questions of the other party or any witnesses.

## 7. Evidentiary Issues

### a. Presumption of non-responsibility and impact of non-participation

The Responding Party will be deemed responsible only where the Hearing Panel concludes that a preponderance of the evidence support a determination that the Responding Party engaged in sexual harassment. Neither party is required to participate in the investigation or any form of resolution under this Complaint Resolution Process, and the Hearing Panel will not draw any adverse inference from a decision by either of the parties not to participate.

If a party or witness does not submit to cross-examination at the live hearing, the Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

### b. Evidence of prior or subsequent misconduct

Prior or subsequent conduct of the Responding Party may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of sexual harassment by the Responding Party, either before or after the incident in question, regardless of whether there has been a prior finding of sexual harassment, may be deemed relevant to the determination of responsibility for the sexual harassment under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or

subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar sexual harassment. Such prior or subsequent conduct may subject the Responding Party to additional sanctions. The Hearing Panel will determine the relevance of this information and both parties will have access to information regarding this information in the same manner they are provided access to all evidence gathered during the investigation.

c. Reporting Party's prior sexual history

At all stages of the investigation and hearing process, questions and evidence about the Reporting Party's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Reporting Party's prior sexual behavior are offered to prove that someone other than the Responding Party committed the conduct alleged by the Reporting Party, or if the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Responding Party and are offered to prove consent. However, even in the context of a prior sexual relationship, consent to one sexual act on one occasion does not constitute consent to another sexual act on a different occasion. The Hearing Panel will explain to the party proposing the questions during the hearing any decision to exclude a question as not relevant.

d. Relevance of evidence

The Investigator will determine what evidence is relevant to include in the Investigation Report. The parties and their advisors will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint even if deemed immaterial or irrelevant by the Investigator.

The Hearing Panel has the ultimate discretion in determining the relevance of any proffered evidence and to include or exclude certain types of evidence or questions. Evidence that is determined to have been offered for an improper purpose, such as to embarrass or harass another party or witness, will not be considered by the Investigator or the Hearing Panel and could be grounds for an independent complaint of retaliation.

Only relevant cross-examination and other questions may be asked of a party or witness. Before any party or witness answers a cross-examination or other question from an advisor, the Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

e. Expert opinions

When expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation, the investigator may consult medical, forensic, technological or other experts. Information and opinions from experts may be sought by the investigator or proffered by any of the parties. When expert opinion information is directly related to the allegations raised in the Formal Complaint, the parties will be apprised of the information and provided an opportunity to submit additional expert information.

f. Privileged Information

No party will be required or permitted to use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

#### 8. Notice of Decision

Following the hearing, the Hearing Panel will consider all of the evidence and make a determination, by a preponderance of the evidence, whether the Responding Party has violated the Policy. The Hearing Panel will simultaneously issue to both parties a written Notice of Decision within ten (10) business days of the hearing, which will contain:

- Identification of the allegations potentially constituting sexual harassment
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the College's policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Hearing Panel imposes on the Responding Party, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the Reporting Party; and
- An explanation of the College's appeal procedures.

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

#### 9. Remedies and Sanctions

Where there is a finding of responsibility, the Hearing Panel is responsible for determining appropriate remedies and sanctions. Remedies will be designed to restore or preserve the Reporting Party's equal access to St. Olaf's education programs and activities. Remedies may include sanctions imposed upon a Responding Party who is found responsible for violating the College's Policy Prohibiting Sexual Harassment. Such sanctions may include a variety of institutional responses or requirements, including, but not limited to, the following:

For students: expulsion; suspension (usually, at a minimum, the greater of either 1 year or the remaining amount of time the Reporting Party will remain a student at the College); disciplinary probation; restriction of privileges; required assessment or counseling; required attendance at educational programs; restitution; not being allowed to represent the College in leadership, volunteer, or paid positions; removal from campus housing; revocation of an honor or degree, and any other sanctions listed in the Code of Student Conduct or deemed appropriate under the circumstances.

For staff and faculty: a disciplinary warning, unpaid suspensions, suspension of promotion and salary increments, loss of prospective benefits, major fines, reduction in salary, suspension from service, suspension or withdrawal of privileges, demotion, termination of employment, and any other available sanctions as specified by the St. Olaf Faculty Manual, Faculty Handbook, or Staff Handbook as applicable. If the Hearing Panel 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.

The propriety of any particular sanction is reviewed on an individual basis based on the unique facts and circumstances as found by the Hearing Panel. In keeping with the College's commitment to foster an environment that is safe, inclusive, and free of sexual harassment, the Complaint Resolution Process provides the Hearing Panel with wide latitude in the imposition of sanctions tailored to circumstances of each unique matter.

The imposition of sanctions is designed to eliminate sexual harassment, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and legal obligations. In determining the appropriate sanctions, the Hearing Panel will be guided by a number of considerations, including:

- The severity, persistence or pervasiveness of the sexual harassment;
- Whether the sexual harassment included violence;
- The impact of the sexual harassment on the Reporting Party;
- The impact or implications of the sexual harassment within the St. Olaf community;
- Prior misconduct by the Responding Party, including the Responding Party's relevant prior disciplinary history, at St. Olaf or elsewhere, and any criminal convictions;
- Whether the Responding Party has accepted responsibility for the sexual harassment;
- The Reporting Party's stated preferences;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling factors.

The Director of Equal Opportunity is responsible for implementation of any remedies and sanctions imposed by the Hearing Panel. Sanctions become effective either after the time for appeal has expired, or, if a party appeals the Hearing Panel's decision, after the Appeal Adjudicator issues a determination affirming the Hearing Panel's decision.

## F. Appeals

### 1. Appeal of Dismissal

A party wishing to appeal a decision by the College to dismiss a Formal Complaint or any allegations, may do so by submitting a written letter of appeal to the Director of Equal Opportunity within three (3) business days of when the Director of Equal Opportunity sent the Notice of Dismissal to the parties. A decision denying a request to dismiss a Formal Complaint or any allegations cannot be the subject of an appeal. The letter of appeal should state the grounds for appeal. The non-appealing party will have an opportunity to review and respond to

the letter of appeal. A non-appealing party's response to an appeal must be received within three (3) business days of notice of the appeal letter. The Director of Equal Opportunity will provide the Formal Complaint, Notice of Dismissal and any other information relevant to the appeal to the Appeal Adjudicator for review.

The Appeal Adjudicator will not be the Director of Equal Opportunity or anyone who has had any other previous involvement in the matter. If a Reporting Party or Responding Party has any concern that the Appeal Adjudicator has a conflict of interest, such concern should be reported to the Director of Equal Opportunity no later than either two (2) business days after receiving the notice of the Notice of Dismissal.

Either or both parties may contest the dismissal determination on any one or more of the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility that could materially affect the outcome of the matter; and
- The Director of Equal Opportunity, Investigator, or Hearing Panel members had a conflict of interest or bias for or against reporting parties or responding parties generally or the individual Reporting Party or Responding Party that affected the outcome of the matter.

If a party appeals the Notice of Dismissal, the Appeal Adjudicator will review the appeal, the Formal Complaint, the Notice of Dismissal and other relevant information to determine whether the appeal has merit. In reviewing any appeal, the Appeal Adjudicator has the ability to affirm the Title IX CORE Team decision, or overturn the decision and remand the matter for further investigation and adjudication. The Appeal Adjudicator will simultaneously issue to both parties a written decision describing the result of the appeal and the rationale for the result within three (3) business days after receipt of all appeal documents.

## 2. Appeal of Hearing Panel Decision

A party wishing to appeal a decision by the Hearing Panel may do so by submitting a written letter of appeal to the Director of Equal Opportunity within three (3) business days of when the Director of Equal Opportunity sent the Hearing Panel's Notice of Decision to the parties. The letter of appeal should state the grounds for appeal. The non-appealing party will have an opportunity to review and respond to the letter of appeal. A non-appealing party's response to an appeal must be received within three (3) business days of notice of the appeal letter. The Director of Equal Opportunity will provide the Investigation Report, the Hearing Panel's Notice of Decision, the appeal letters, and any other information relevant to the appeal to the Appeal Adjudicator for review.

The identity of the Appeal Adjudicator and instructions on how to appeal will be included in the Hearing Panel's Notice of Decision. The Appeal Adjudicator will not be the Director of Equal Opportunity, a member of the Hearing Panel, the Investigator, or have had any other previous involvement in the matter. If a Reporting Party or Responding Party has any concern that the Appeal Adjudicator has a conflict of interest, such concern should be reported to the Director of

Equal Opportunity no later than two (2) business days after receiving the notice of the Notice of Decision.

Either or both parties may contest the Hearing Panel's determination regarding responsibility on any one or more of the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility was made that could materially affect the outcome of the matter; and
- The Director of Equal Opportunity, Investigator, or Hearing Panel members had a conflict of interest or bias for or against reporting parties or responding parties generally or the individual Reporting Party or Responding Party that affected the outcome of the matter.

If either of the parties appeals the Hearing Panel's determination, the Appeal Adjudicator will review the appeal, the Investigation Report, the Notice of Decision and other relevant information to determine whether the appeal has merit. In reviewing any appeal, the Appeal Adjudicator has the ability to affirm the Hearing Panel's decision, overturn the Hearing Panel's decision, or remand the matter for further investigation and adjudication. The Appeal Adjudicator will simultaneously issue to both parties a written decision describing the result of the appeal and the rationale for the result within three (3) business days after receipt of all appeal documents.

## **VII. RECORDKEEPING**

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

- Each report of sexual harassment and all supportive measures offered and provided in response;
- Each investigation and hearing conducted under the Complaint Resolution Process including any determination regarding responsibility and any audio or audiovisual recording or transcript of the investigation and hearing conducted under the Complaint Resolution Process, any disciplinary sanctions imposed on a responding party, and any remedies provided to a reporting party designed to restore or preserve equal access to the College's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom; and
- All materials used to train the Director of Equal Opportunity, investigators, Hearing Panel members, Appeal Adjudicators, and Informal Resolution Process facilitators. These training materials are publicly available on St. Olaf's Title IX website.

## **VIII. POLICY REVIEW**

### **A. Ongoing internal policy review**

This policy is maintained by the Equal Opportunity Team and subject to ongoing review and improvement. The Equal Opportunity Team will review this Policy on at least an annual basis. To assist the Equal Opportunity Team in its review of its policies and practices, St. Olaf College has established a Title IX Advisory Group that is tasked with gathering information from the St. Olaf community and providing recommendations on policy revisions and enhancements. The Title IX

Advisory Group is appointed by St. Olaf's President and is composed of student, faculty and staff members.

The Title IX Advisory Group will also provide feedback on the College's education, awareness and prevention initiatives, and on the resources and support available to individuals involved in the College's process. The Title IX Advisory Group will provide opportunities for students, staff, faculty and other members of the St. Olaf community, especially individuals affected by this Policy and the Complaint Resolution Process, to provide feedback on their experience, especially with regard to support services and the Complaint Resolution Process. The Title IX Advisory Group will submit its reports to the Equal Opportunity Team and to the President.

#### B. External recourse

Nothing in this Policy or Complaint Resolution Processes is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint with the United States Department of Education, Office for Civil Rights (OCR). Any individual who has made a report of sexual harassment and/or initiated the Complaint Resolution Process, and who believes the College's response was inadequate, or who otherwise believes they have been discriminated against, may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education. The OCR office that oversees institutions in Minnesota, including St. Olaf, 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](mailto:OCR.Chicago@ed.gov)

## **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 for this report. 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 details of 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 city, college and university, 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 states, "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 institution's Clery Act statistics". The only exception to this rule is if a victim is sexually assaulted and murdered in a single incident, both crimes are then required to 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 comprises 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 total on campus category, but also in a subcategory for crimes occurring in the residence halls. The residence hall category includes 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 Street 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 Street, Lincoln Street, 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 by the Northfield Police are included in the crime statistics as presented based on the location of the crime.



CRIMINAL OFFENSE REPORTED	Year	Geographic Location of Incident				
		On Campus *	On Campus Student Housing	Non Campus Property	Public Property	Cases Unfounded
Murder/Non-Negligent Manslaughter	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Sex Offense - Rape	2021	11	11	0	0	0
	2022	15	15	0	0	0
	2023	9	9	0	0	0
Sex Offense - Fondling	2021	5	2	0	0	0
	2022	3	2	0	0	0
	2023	4	3	0	0	0
Sex Offense - Incest	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Sex Offense - Statutory Rape	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Robbery	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Aggravated Assault	2021	1	1	0	0	0
	2022	1	1	0	0	0
	2023	0	0	0	0	0
Burglary	2021	1	1	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Arson	2021	0	0	0	0	0
	2022	1	0	0	0	0
	2023	1	0	0	0	0
<b>Violence Against Women Act</b>						
Dating Violence	2021	1	0	0	0	0
	2022	10	10	0	0	0
	2023	6	6	0	0	0

<b>Domestic Violence</b>	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	
<b>Stalking</b>	2021	8	5	0	0	0
	2022	7	7	0	0	0
	2023	4	4	0	0	0
<b>Arrests and Referrals for Disciplinary Action</b>						
<b>Arrests and Referrals for Disciplinary Action</b>	<b>Year</b>	<b>Geographic Location of Incident</b>				
		<b>On Campus *</b>	<b>On Campus Student Housing</b>	<b>Non Campus Property</b>	<b>Public Property</b>	<b>Cases Unfounded</b>
<b>Arrests</b>						
<b>Liquor Law Violations</b>	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Drug Law Violations</b>	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Weapons Violations</b>	2021	1	1	0	0	0
	2022	1	1	0	0	0
	2023	0	0	0	0	0
<b>Referred for Disciplinary Action</b>						
<b>Liquor Law Violations</b>	2021	10	10	0	0	0
	2022	16	14	0	0	0
	2023	63	62	0	0	0
<b>Drug Law Violations</b>	2021	8	8	0	0	0
	2022	17	12	0	0	0
	2023	13	4	0	0	0
<b>Weapons Violations</b>	2021	1	1	0	0	0
	2022	0	0	0	0	0
	2023	1	1	0	0	0
* On Campus statistics include those reported On Campus and those reported from On Campus Student Housing						
<b>Anonymous Reports Received</b>						
<b>Sex Offense - Rape</b>	2021	0	0	0	0	0
	2022	1	1	0	0	0
	2023	0	0	0	0	0
<b>Sex Offense - Fondling</b>	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0

Sex Offense - Incest	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Sex Offense - Statutory Rape	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Sex Offense - Rape	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Stalking	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0

*Definitions Used to Classify Criminal Offenses (Index 1 Crimes)*

- **Criminal Homicide**
  - a) **Murder and Non negligent Manslaughter** - The willful (non-negligent) killing of one human being by another.
  - b) **Manslaughter by Negligence** - The killing of another person through gross negligence .
- **Sex Offenses** - Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
  - a) **Rape** - 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.
  - c) **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - d) **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.
- **Robbery** - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault** - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary** - The unlawful entry into a 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 or aircraft, personal property of another, etc.

### ***Definitions to Classify Violence Against Women Act (VAWA) Crimes***

- **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. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.
- **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 or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress

### ***Hate Crimes and Bias Categories***

Hate Crimes are defined as a *criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim*. The categories of bias include race, religion, sexual orientation, gender, gender identity, ethnicity, national origin and disability. For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias:

- Murder and Non-negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

### ***Hate Crime Statistics***

**2021** No hate crimes were reported

**2022** No hate crimes were reported

**2023** ICR2023-0477

### ***Emergency Numbers***

Public Safety

507-786-3666

Northfield Police, Fire, Ambulance

911

***Non-Emergency Numbers***

Public Safety Dispatch	507-786-3666
Public Safety Office (voice mail)	507-786-3770
Northfield Police Department	507-645-4477
Northfield Crime Tip Line	507-663-9494
Counseling Center Office	507-786-3062
Dean of Students Office	507-786-3023
Human Resources Office	507-786-3068
Safe Walk	507-786-3666
Sexual Assault Resource Network (SARN)	507-786-3777
Hope Center (off-campus sexual assault advocacy center)	800-607-2330

## **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 (8:00 am to 4:00 pm M-F). This report has been prepared to comply with the Higher Education Opportunity Act (HEOA).

### **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 at 507-786-3666 and report the incident. If heavy smoke or a fire is present, immediately pull a fire alarm station, call 911 and report the fire, and evacuate the building. 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 is aware of it or has already responded, the community member should immediately notify Public Safety to investigate the situation and document the incident.

### ***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.

### ***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, and protect our occupants and the structure.

All residence halls and academic buildings are equipped with a fire alarm system 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 Area Fire and Rescue 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.

***Residential Fire Statistics***

<b>2021 Fire Statistics</b>									
<b>Residence Hall</b>	<b>Street Address</b>	<b>Total</b>	<b>Fire #</b>	<b>Date</b>	<b>Time</b>	<b>Cause of Fire</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>
Ellingson Hall	1622 Founders' Drive	0							
Hilleboe and Kittelsby Hall	112 Water Tower Place	0							
Hoyme Hall	1540 St. Olaf Drive	0							
Kildahl Hall	1630 Founders' Drive	0							
Larson Hall	1420 Norway Valley Trail	0							
Mellby Hall	1551 St. Olaf Drive	0							
Mohn Hall	1626 Founders' Drive	0							
Rand Hall	406 Hillside Lane	0							
Thorson Hall	1618 Founders' Drive	0							
Ytterboe Hall	1631 Campus Drive	0							
<b>Hotels used in 2021 due to COVID-19 2021 Fire Statistics</b>									
AmericInn	1320 Bollenbacher Drive	0							
Country Inn and Suites	300 Highway 3 South	0							

<b>2022 Fire Statistics</b>									
<b>Residence Hall</b>	<b>Street Address</b>	<b>Total</b>	<b>Fire #</b>	<b>Date</b>	<b>Time</b>	<b>Cause of Fire</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>
Ellingson Hall	1622 Founders' Drive	0							
Hilleboe and Kittelsby Hall	112 Water Tower Place	0							
Hoyme Hall	1540 St. Olaf Drive	0							
Kildahl Hall	1630 Founders' Drive	0							
Larson Hall	1420 Norway Valley Trail	0							
Mellby Hall	1551 St. Olaf Drive	0							
Mohn Hall	1626 Founders' Drive	0							
Rand Hall	406 Hillside Lane	0							
Thorson Hall	1618 Founders' Drive	0							

Ytterboe Hall	1631 Campus Drive	0							
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**2023 Fire Statistics**

<b>Residence Hall</b>	<b>Street Address</b>	<b>Total</b>	<b>Fire #</b>	<b>Date</b>	<b>Time</b>	<b>Cause of Fire</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>
Ellingson Hall	1622 Founders' Drive	0							
Hilleboe and Kittelsby Hall	112 Water Tower Place	0							
Hoyme Hall	1540 St. Olaf Drive	0							
Kildahl Hall	1630 Founders' Drive	0							
Larson Hall	1420 Norway Valley Trail	0							
Mellby Hall	1551 St. Olaf Drive	0							
Mohn Hall	1626 Founders' Drive	0							
Rand Hall	406 Hillside Lane	0							
Thorson Hall	1618 Founders' Drive	0							
Ytterboe Hall	1631 Campus Drive	0							

**2021 Fire Statistics**

<b>Honor House</b>	<b>Street Address</b>	<b>Total</b>	<b>Fire #</b>	<b>Date</b>	<b>Time</b>	<b>Cause of Fire</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>
Aaker House	1400 Forest Ave.	Torn down							
Bly House	211 North Lincoln St.	0							
Felland House	1212 St. Olaf Ave.	0							
Flaten House	1406 Forest Ave.	Torn down							
Halderson House	229 Lincoln St.	0							
Holstad House	1115 St. Olaf Ave.	0							
Huggenvik House	1218 St. Olaf Ave.	0							
Johnson House	1110 St. Olaf Ave.	0							
Lincoln Inn	219 Lincoln St.	0							
Lincoln Manor	215 Lincoln St.	0							
Mohn House	1208 St. Olaf Ave.	Torn down							
Porter House	1117 2nd St. W.	0							
Rose House	1104 1st St. W.	0							
Schmidt House	1200 St. Olaf Ave.	Torn down							
Sovik House	1118 Forest Ave	Torn down							
St. John's House	1304 St. Olaf Ave.	Torn down							
Swanson House	1108 1st St. W.	0							
Thompson House	1312 St. Olaf Ave.	Torn down							
Wilkens House	1111 West 2 <sup>nd</sup> St.	Torn down							
Ytterboe House	1300 St. Olaf Ave.	Torn down							

**2022 Fire Statistics**

<b>Honor House</b>	<b>Street Address</b>	<b>Total</b>	<b>Fire #</b>	<b>Date</b>	<b>Time</b>	<b>Cause of Fire</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>
Bly House	211 North Lincoln St.	Torn down							
Felland House	1212 St. Olaf Ave.	Torn down							
Halderson House	229 Lincoln St.	Torn down							
Holstad House	1115 St. Olaf Ave.	Torn down							
Huggenvik House	1218 St. Olaf Ave.	Torn down							



Johnson House	1110 St. Olaf Ave.	Torn down							
Lincoln Inn	219 Lincoln St.	Torn down							
Lincoln Manor	215 Lincoln St.	Torn down							
Porter House	1117 2nd St. W.	Torn down							
Rose House	1104 1st St. W.	0							
Swanson House	1108 1st St. W.	Torn down							

2023 Fire Statistics									
Honor House	Street Address	Total	Fire #	Date	Time	Cause of Fire	Injuries	Deaths	Damage
Rose House	1104 1st St. W.	0							

2022 Fire Statistics									
Townhomes	Street Address	Total	Fire #	Date	Time	Cause of Fire	Injuries	Deaths	Damage
A	1200 St. Olaf Ave.	0							
B	1202 St. Olaf Ave.	0							
C	1204 St. Olaf Ave.	0							
D	1206 St. Olaf Ave.	0							
E	1208 St. Olaf Ave.	0							
F	1210 St. Olaf Ave.	0							
G	1212 St. Olaf Ave.	0							
H	1214 St. Olaf Ave.	0							
I	1300 St. Olaf Ave.	0							
J	1302 St. Olaf Ave.	0							
K	1304 St. Olaf Ave.	0							
L	1306 St. Olaf Ave.	0							
M	1308 St. Olaf Ave.	0							
N	1310 St. Olaf Ave.	0							
O	1312 St. Olaf Ave.	0							
P	1314 St. Olaf Ave.	0							

2023 Fire Statistics									
Townhomes	Street Address	Total	Fire #	Date	Time	Cause of Fire	Injuries	Deaths	Damage
A	1200 St. Olaf Ave.	0							
B	1202 St. Olaf Ave.	0							
C	1204 St. Olaf Ave.	0							
D	1206 St. Olaf Ave.	0							
E	1208 St. Olaf Ave.	0							
F	1210 St. Olaf Ave.	0							
G	1212 St. Olaf Ave.	0							
H	1214 St. Olaf Ave.	0							
I	1300 St. Olaf Ave.	0							
J	1302 St. Olaf Ave.	0							
K	1304 St. Olaf Ave.	0							
L	1306 St. Olaf Ave.	0							
M	1308 St. Olaf Ave.	0							
N	1310 St. Olaf Ave.	0							

O	1312 St. Olaf Ave.	0						
P	1314 St. Olaf Ave.	0						

***Residential Fire Safety Systems and Drills***

The following information details the fire safety systems in each residence hall 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. The purpose of these drills is to prepare building occupants for an organized evacuation in the event of a fire or other emergency. Fire safety training including fire extinguisher use is conducted for all resident assistants and junior counselors prior to the start of each academic year.

<b>Residence Halls</b>	<b>Fire Alarm Monitoring</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguishers</b>	<b>Evacuation Plans Posted</b>	<b>Fire Drills Each Year</b>
Ellingson	X		X	X	X	X	2
Hilleboe	X			X	X	X	2
Hoyme	X		X	X	X	X	2
Kildahl	X		X	X	X	X	2
Kittelsby	X			X	X	X	2
Larson	X		X	X	X	X	2
Mellby	X			X	X	X	2
Mohn	X		X	X	X	X	2
New Hall	X		X	X	X	X	2
Rand	X			X	X	X	2
Thorson	X			X	X	X	2
Ytterboe	X	X		X	X	X	2

<b>Hotels used due to COVID</b>	<b>Fire Alarm Monitoring</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguishers</b>	<b>Evacuation Plans Posted</b>	<b>Fire Drills Each Year</b>
AmericanInn	X		X	X	X	X	0
Country Inn	X		X	X	X	X	0

<b>Honor Houses</b>	<b>Fire Alarm Monitoring</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguishers</b>	<b>Evacuation Plans Posted</b>	<b>Fire Drills Each Year</b>
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Rose House				X	X	X	0
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Townhomes	Fire Alarm Monitoring	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plans Posted	Fire Drills Each Year
A	X		X	X	X	X	2
B	X		X	X	X	X	2
C	X		X	X	X	X	2
D	X		X	X	X	X	2
E	X		X	X	X	X	2
F	X		X	X	X	X	2
G	X		X	X	X	X	2
H	X		X	X	X	X	2
I	X		X	X	X	X	2
J	X		X	X	X	X	2
K	X		X	X	X	X	2
L	X		X	X	X	X	2
M	X		X	X	X	X	2
N	X		X	X	X	X	2
O	X		X	X	X	X	2
P	X		X	X	X	X	2

***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 their 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, or 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 of 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 a greater potential for fires to remain undetected until severe damage has occurred.
- Smoking is not permitted in the residence halls.

### ***Community Fire Safety Education***

If you discover a fire:

- Activate the fire alarm system and call 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 or Public Safety 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 or attempt to signal people outside of the building

Using a fire extinguisher:

- 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:

**P**ull the pin to break the tamper seal

**A**im low, pointing the nozzle at the base of the fire

**S**queeze the handle to release the extinguisher agent

**S**weep from side to side at the base of the fire until the fire is out.

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