

2021 Annual Security and Fire Safety Report

UMD

UNIVERSITY OF MINNESOTA DULUTH
Driven to DiscoverSM

Duluth Campus

Message from the President



Campus safety is critical to keeping the University of Minnesota a place where students, faculty, staff, and visitors from throughout Minnesota and around the world can work together to achieve our goals and advance discovery and impact.

Our University of Minnesota Police and Security Departments do an extraordinary job of helping the University of Minnesota remain a safe place to learn, work, and live. Officers patrol our buildings and grounds, get to know our community, and work in conjunction with both campus and metropolitan units committed to safety. This report details their efforts.

We are also working through policy and united action to improve public health on campus. The President's Initiative to Prevent Sexual Misconduct continues to proceed with its comprehensive public health approach, consistent with research on effective prevention among populations as large and diverse as ours.

We are beginning to work as well in the public health area of student mental health. This is a national crisis that affects many of our own students, and we need our best and brightest minds to focus on this issue. We are clearly positioned to be leaders in the area of student mental health, and as a first step, I have charged three of our senior leaders to complete a systemwide inventory of all activities, resources, and programs related to mental health, so that we know where we stand, where we have gaps, and where to move forward.

Positive culture change is a community effort and shared responsibility. Each of us can contribute to a safer campus by keeping our eyes and ears open, and immediately reporting all crimes and public safety problems or concerns by calling 911.

Thank you for helping to keep our University safe.

Joan T. A. Gabel
President

Message from the Chancellor



Safety and security at the University of Minnesota Duluth are of the utmost importance to us. Whether you work, study, or live at UMD, the University needs your cooperation and active participation to create a safe campus. Be alert, and if you observe a public safety problem or a possible crime, don't hesitate to report it.

Our staff is available to serve you 24-hours a day, seven days a week. We strive to provide a safe and secure campus environment by protecting and providing assistance for students, faculty, staff, and

visitors.

Thank you for joining us as we keep our campus safe.

Lendley C. Black
Chancellor

University of Minnesota System

The University of Minnesota System comprises five distinct campuses—Crookston, Duluth, Morris, Rochester, and Twin Cities—serving all regions of the state. Each campus has unique strengths, enriched by its surrounding communities, and all are focused on meeting the needs of students and the state.

Collectively, the University of Minnesota System is one of the most comprehensive in the nation, with offerings to meet the interests of every student and the changing needs of our society. We're proud of our land-grant mission of world-class education, groundbreaking research, and community-engaged outreach, and we are unified in our drive to serve Minnesota.

Known for its focus on experiential learning for its campus-based students, the [University of Minnesota Crookston](#) is also one of the nation's pioneers in online and distance education.

The [University of Minnesota Duluth](#) is a highly-ranked regional research and liberal arts university with a global reputation for freshwater research.

The [University of Minnesota Morris](#) is a nationally ranked undergraduate-focused liberal arts campus with a deep commitment to environmental sustainability and diversity.

The [University of Minnesota Rochester](#) prepares health science professionals and maintains unique collaborations with world-renowned medical organizations in the community.

The flagship [University of Minnesota Twin Cities](#) is the state's land-grant university and one of the most prestigious public research universities in the nation.



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Quick Contact Guide—Duluth

Police

University of Minnesota Duluth Police Department

Emergency 911

Non-emergency 218-726-7000

287 Darland Administration Building

1049 University Drive

<http://www.d.umn.edu/police-department/>

Duluth Police Department

Emergency 911

Non-Emergency 218-730-5400

2030 North Arlington Avenue

Duluth, MN 55811

<http://www.duluthmn.gov/police/>

Campus Service Offices

Safe Walk Program

Safe Walk Request 218-726-6100

Title IX Office (EOAA)

Phone 612-624-9547

eoaa@umn.edu

<http://eoaa.umn.edu/>

Women's Resource & Action Center (WRAC)

Phone 218-726-6292

266 Kirby Student Center

1120 Kirby Drive

<http://d.umn.edu/wrac>

Office of Student Conduct & Conflict Resolution

Phone 218-726-7255

245 Kirby Plaza

1208 Kirby Drive

d.umn.edu/conduct

Housing & Residence Life

Phone 218-726-8178

149 Lake Superior Hall

513 Niagara Court

<http://d.umn.edu/housing-and-residence-life>

Health Services

UMD Health Services

Phone 218-726-8155

615 Niagara Court

Community Resources

Program for Aid to Victims of Sexual Assault (PAVSA)

Administrative 218-726-1442

24-Hour Crisis Line 218-726-1931

32 East 1st Street Suite 200

Duluth, MN 55802

<https://www.pavsa.org/>

Annual Security and Fire Safety Report

Preparing the Annual Security Report and Disclosure of Crime Statistics

This report has been prepared in compliance with the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” (informally known as the “Clery Act”). For more information on the Clery Act visit: www.ed.gov/admins/lead/safety/campus.html

This report includes information for the Duluth campus of the University of Minnesota.

This report is published annually by the University and made available to all current and prospective students, staff, and faculty.

Statistics are compiled by the Clery officer on each campus in cooperation with the local law enforcement agencies with jurisdiction over University of Minnesota Clery Geography. Additional crime information is collected from a wide range of University personnel who have been identified as Campus Security Authorities (CSAs) under the Clery Act.

The Director of Clery Compliance and campus Clery officers review and update the information contained in this report annually.

Crime Statistics reported in this document reflect specific crimes that occurred in specific geographic locations established by federal law and were reported to University of Minnesota Campus Security Authorities. Statistics reflect reports of crime and not criminal charges or convictions.

Definitions of Terms Used in this Report

Campus Security Authorities: Individuals on campus who are required to report any allegations of crimes that they receive for inclusion in the Annual Statistical Disclosure.

The Clery Act defines four categories of Campus Security Authorities as stated below:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Clery Geography: The geographic area for which an institution is responsible for disclosing crime statistics. The following definitions describe the areas that cumulatively account for an institution's Clery Geography.

On Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls. Also, any building or property that is within or reasonably contiguous to the area identified in the first part of this definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On Campus-Residential: Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility

Non-Campus Property: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or: Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from campus.

Personally Identifying Information: Defined in Section 40002(a) of the Violence Against Women Act of 1994 as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including:

- a first and last name
- a home or other physical address
- contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number)
- a social security number, driver's license number, passport number or student identification number
- any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

Criminal Offenses

The following definitions of criminal offenses detail the elements of each crime. Crimes in the annual statistical disclosure found in this report are categorized according to the below definitions.

Aggravated Assault

The 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. (It is not necessary that injury result from aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)

Arson

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

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned— including joyriding.)

Murder and Non-negligent Manslaughter

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

Manslaughter by Negligence

The killing of another person through gross negligence.

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 putting the victim in fear.

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

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.

Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

Hate Crimes

Hate Crime

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Under the Clery Act the following bias categories are used: Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin, and Disability.

Any criminal offense which also meets the definition of a hate crime will be included in the statistical disclosure in both the criminal offense category and in the hate crime category (i.e. an on-campus aggravated assault motivated

by religious bias will be counted in the on-campus aggravated assault category and in the on-campus aggravated assault motivated by religious bias category).

Additional Hate Crime Categories

In addition to the criminal offenses listed under the “Criminal Offenses” section, the following crimes are included if it is determined that the crime was motivated by bias

Larceny-Theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Note: “constructive possession” is defined by Black’s Law Dictionary, sixth ed. as: “Where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.”)

Simple Assault

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

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property (Except Arson)

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Violence Against Women (VAWA) Offenses

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.

For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse, or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence

A felony or misdemeanor crime 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;
- By a person who is cohabitating with, or has cohabitated 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;
- 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. For the purposes of this definition—
- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Unfounded Crimes

Are reported crimes which are thoroughly investigated by sworn or commissioned law enforcement personnel; and found through investigation to be false or baseless, meaning that the crime did not occur and was never attempted.

Arrests and Referrals for Discipline for Weapons, Drug, and Liquor Law Violations

Weapons Law Violations

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Law Violations

The Violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and equipment or devices utilized in their preparation and or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Reporting an Emergency or Crime

The University of Minnesota encourages the accurate and prompt reporting of all crimes to the University of Minnesota Duluth Police Department or appropriate local law enforcement agency when the victim of a crime elects to or is unable to make such a report. If the victim of a crime is unable to file a report, third parties who have information regarding the crime are encouraged to file a report to ensure that the police are aware of the crime. The prompt and accurate reporting of all crime enables the police department to identify and respond to patterns of crime and when necessary to distribute pertinent crime information to the community, which may help prevent similar occurrences of crime.

Report an Emergency or Crime in Progress to the Police

Dial 911

Dialing 911 will connect you with a trained public safety dispatcher. Be prepared to give the dispatcher the following information:

- Type of emergency
- Your name
- Your location and location of the emergency
- Your phone number
- If applicable (e.g., after a crime), a description of individuals involved (gender, clothing description, height, weight, hair color, tattoos, etc.)
- If applicable (e.g., after a car accident), a description of vehicles involved (color, make, model, license plate number)

Please remain on the line until the dispatcher tells you it is OK to hang up.

Based on the information provided, the dispatcher will send the appropriate help to respond to the reported incident.

Report a Non-Emergency to the Police

By phone

***University of Minnesota
Duluth Police Department***

1049 University Dr.
287 Darland Administration Building

911

The University of Minnesota Duluth Police Department is part of the St. Louis County emergency communications system, which includes 911 service. UMDPD does not dispatch its officers or other public safety personnel through calls to its administrative phone numbers. Situations that require police response, even non-emergency matters, should be reported via a 911 call. When reporting a non-emergency to the police, an officer may be sent to your location or contact you by telephone. An officer will ask questions to obtain detailed information about what happened. The officer will be able to provide you with information on victim services, next steps, and crime prevention information.

When reporting a crime, you will be asked many questions. Be prepared to answer the following questions:

- When the crime happened (date and time)
- Where it happened
- Your name, contact information, State Driver's License or ID number
- Details of the event
- Other people involved (suspect, if known; witnesses)
- Condition, etc.
- If property was involved, who owns it
- The property owner's contact information
- For vehicles: Make, Model, Color, License Plate Number, Insurance Company name and policy number, etc.
- Property other than vehicles: Serial Number, Product Name, Manufacturer, Description

Walk in

You may file a police report in person at the following location:

**University of Minnesota
Duluth Police Department**

1049 University Dr.
287 Darland Administration Building

911

Report a Crime to a Non-Police Campus Security Authority

The University of Minnesota encourages all reports of crime to be made to the University of Minnesota Police Department or appropriate local law enforcement agency; however, crimes may also be reported to individuals on campus who have been identified as Campus Security Authorities. The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that some individuals may be inclined to report such incidents to other individuals on campus.

Campus Security Authorities include but are not limited to: Residence Hall Directors, Assistant Residence Hall Directors, Community/Resident Advisors, Advisors to student organizations, athletics coaching staff, and others who have significant responsibility for student and campus activities.

Campus Security Authorities have been trained to act as a resource for anyone who wishes to report the occurrence of a crime. Crime reports made to Campus Security Authorities are forwarded to the appropriate campus department for inclusion on the Daily Crime Log and to be evaluated for the need to issue a Timely Warning Notification.

While there are many non-police Campus Security Authorities on each campus, the University of Minnesota prefers reports be made to the following non-police CSAs:

**Director of Student Conduct
and Conflict Resolution**

245 Kirby Plaza
Office D211A

218-726-8969

**Equal Opportunity and
Affirmative Action (EOAA) Title
IX Coordinator**

274 McNamara Alumni Center 200
Oak St SE

612-624-9547
eoaa@umn.edu

Voluntary, Confidential Reporting

If you are the victim of a crime and are unsure if you would like to pursue action through the University or the criminal justice system, you may want to consider speaking with a Campus Security Authority.

Campus Security Authorities can explain the different reporting options available to help you decide which option is best for you.

Police reports are public records under state law. UMDPD cannot hold reports of crime in confidence.

In many cases, a non-police CSA may be able to assist you in making a confidential report that would not initiate any additional action through the University or the criminal justice system. A confidential report is forwarded directly to

the University of Minnesota Duluth Police Department to be added to the Daily Crime Log, evaluated for the need to issue a Timely Warning Notice, and for inclusion in the Annual Statistical Disclosure. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the safety of yourself and the campus community.

With this information, the University of Minnesota Duluth can keep an accurate record of the number of incidents occurring on campus Clery Geography; determine crime patterns and alert the campus community of potential danger.

All reports of dating violence, domestic violence sexual assault, and stalking that are made to University employees who have an obligation to report the occurrence of such crimes will be forwarded to the Title IX office or its designee. Per University policy mandated reporters are required to provide the following information to the Title IX office or designee in cases of alleged dating violence, domestic violence, sexual assault, and stalking:

- The names of the complainant(s), respondent(s) and possible witnesses;
- The date, time, and location of the alleged prohibited conduct; and
- Other relevant details about the alleged prohibited conduct that the University would need to determine what occurred and address the situation.

After receiving a report of alleged dating violence, domestic violence, sexual assault or stalking the Title IX coordinator will contact the complainant to provide resources for personal support and information about the investigation process. In cases involving a student respondent, the campus Title IX office or its designee will only begin investigating the report after receiving verbal or written confirmation that the complainant wishes to initiate an investigation.

When a complainant requests that their identity be kept confidential or that the University refrain from investigating, the campus Title IX office or its designee will make an individualized determination of whether to conduct an investigation, including consideration of the complainant's wishes, the University's responsibility for providing a safe and non-discriminatory campus environment, and whether the University possess other means to obtain relevant evidence. In making this determination, the campus Title IX office or its designee will consider the following factors, among others; whether the respondent is alleged to have used a weapon while committing prohibited conduct; whether the respondent is alleged to have used force while committing prohibited conduct; and whether the respondent has been alleged or found to have committed prohibited conduct against other complainants.

Professional Mental Health Counselors and Pastoral Counselors Exemption

Campus professional mental health counselors and pastoral counselors, when acting in their professional capacity, are not required to report crimes for inclusion in the annual disclosure of crime statistics.

The Clery Act defines a Professional Mental Health Counselor is defined as an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

A Pastoral Counselor as an employee of an institution, who is associated with a religious order or denomination, recognized by that denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Mental Health counselors at the University of Minnesota are encouraged if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual statistical disclosure.

Professional counselors can be found at the following campus location:

***UMD Health Services:
Counseling Services***

615 Niagara Court
Duluth, MN 55812

218-726-7913

University of Minnesota Police Department

University of Minnesota Duluth Police Department (UMDPD)

Authority

University police are licensed as peace officers by the State of Minnesota. Minnesota State Statute 629.40 gives peace officers statewide arrest powers while acting in the course and scope of employment.

The UMDPD is also staffed by a full-time Associate Administrator and a full-time Principal Office and Administrative Specialist. UMDPD may at times employ up to two Community Service Officers and two student employees, all on part-time basis. These employees do not have arrest powers.

Community Service Officers may aid the public as well as our officers and staff in matters that do not require full police powers. Student employees may assist officers and staff with administrative and clerical tasks.

Jurisdiction

The University of Minnesota Duluth Police Department (UMDPD) is responsible for policing and investigating crimes that occur on property owned, leased, or operated by the University of Minnesota Duluth. UMDPD officers provide services in directed, proactive patrol, crime prevention and investigation, law enforcement, and emergency response.

Relationship with other Law Enforcement Agencies

The UMDPD has mutual aid agreements with the Duluth Police Department, St. Louis County Sheriff's Office, Minnesota State Patrol, the Hermantown Police Department, and most other law enforcement agencies in the Duluth area. When the department receives information about an off-campus crime that requires investigation, it forwards the information to the proper law enforcement agency. UMDPD officers may also assist in off-campus investigations that fall under the primary scope of the agency responsible for law enforcement in that area.

UMDPD may also enlist the aid of other law enforcement agencies in its own investigations. UMDPD does not currently have a Memorandum of Understanding (MOU) in place with any law enforcement agency for the investigation of alleged criminal offenses.

Monitoring of Non-campus Locations

The UMD Police Department and the UMD Office of Student Conduct and Conflict Resolution (OSCCR) work cooperatively with the Duluth Police Department and other area law enforcement agencies to share information about criminal activity that occurs off-campus but may affect members of the UMD community. This information includes that pertaining to officially recognized UMD student organizations that may have non-campus residential sites unaffiliated with UMD Housing. This shared information enhances the welfare and safety of our campus.

Response to Reported Crime or Emergencies

Crimes reported to the University of Minnesota Duluth Police Department and non-police CSAs will be considered for the need to issue a Timely Warning Notification, documented on the University of Minnesota Duluth Police Department's Daily Crime Log, and all applicable crimes will be included in the annual statistical disclosure. These public disclosures will not include any personally identifying information of any reporting parties, witnesses or victims.

UMDPD will investigate all criminal allegations reported to the police. These investigations may be done in conjunction other law enforcement agencies involved in the matter.

Students accused of criminal misconduct may additionally be subject to the University student conduct process; this process neither substitutes nor interferes with the outside legal processes. The major objective of the disciplinary system at the University of Minnesota is to maintain standards of conduct and order commensurate with the educational goals of the institution.

Daily Crime Log

UMDPD maintains a Daily Crime Log available for public viewing. This log is available for public viewing at the UMD Police Department, located at 287 Darland Administration Building, during University non-holiday business hours (Monday through Friday from 8:00am to 4:30pm).

Additionally, the log is available online: <http://www.d.umn.edu/police>

The daily crime log includes crime information for crimes which have been reported directly to UMDPD, to UMDPD by non-police Campus Security Authorities, the Duluth Police Department, and other applicable law enforcement agencies, which occurred within the University of Minnesota Duluth Clery geography.

The Daily Crime Log includes:

- case number;
- nature of the offense;
- the time and date the offense occurred;
- the date the incident was reported to UMDPD;
- a general description of the location in which the incident occurred;
- disposition of the case, if known.

For the purposes of the Daily Crime Log, crimes that were initially reported to non-police CSAs are classified according to Clery crime definitions, while crimes reported directly to the police are classified according to Minnesota State Code.

Entries in the Daily Crime Log do not include personally identifying information of the victim, witnesses or reporting party.

Timely Warning Notification

The University of Minnesota Duluth issues Timely Warning Notifications to the campus community for reported Clery Act crimes that occur within the University of Minnesota Duluth Clery Geography and are believed to pose a serious or continuing threat to the University community.

Timely Warning Notifications are designed to give the University community information which may aid in the prevention of similar crimes.

When the Chief Law Enforcement Officer or designee determines that a reported crime poses a serious or continuing threat and a Timely Warning Notification is warranted, UMDPD will work with UMD Marketing and Public Relations to draft the Timely Warning Notification and forward the draft to the Office of the Vice Chancellor for Finance and Operations for distribution approval. Upon approval from the Office of the Vice Chancellor for Finance and Operations, UMD University Marketing and Public Relations will distribute the Timely Warning Notifications to all UMD students, staff, and faculty via UMD email.

Timely Warning Notifications are posted on the UMD Police Department website and archived there for approximately one year.

Timely Warning Notifications may include the following details (if available):

- Description of the incident
- Physical description of the suspect, including gender and race
- Composite drawing of the suspect or actual photos and video footage
- Apparent connection to previous incidents, if applicable
- Protected class status of the victim, if there was an apparent bias motive
- Sex of the victim, if relevant
- Injury sustained by the victim
- Date and time the campus crime alert was released
- Pertinent crime prevention tips

Personally Identifying Information of victims and reporting parties will not be disclosed in a timely warning. In instances where the information is relevant to the crime - for example, crimes that are motivated by bias - the victim's inclusion in a protected class may be released if this information is not determined to be explicitly personally identifiable.

While there is no specific agreement between UMDPD and local law enforcement agencies, UMDPD has a close relationship with local law enforcement agencies who routinely inform UMDPD if there has been a crime that may warrant a Timely Warning Notifications.

Emergency Response, Notification & Testing

Emergency Response

The Chancellor, or in his/her absence, a Chancellor's Cabinet member identified as Officer of the Day, has the responsibility and authority to implement UMD's Emergency Operations Plan, and to provide overall policy direction of UMD resources during an emergency situation. Emergency operations include coordination of campus and

community resources to save lives, protect property, and provide for the continuity of UMD operations. The Chief Law Enforcement Officer (or designee) and the Vice Chancellor for Student Life are lead personnel in campus crisis response. When an emergency situation occurs that impacts the campus community, these administrators, in consultation with the Chancellor, identify a crisis response team (typically four to six people) to coordinate a campus crisis response. Specific team members will vary to meet the needs of the situation at hand.

The Chancellor/Officer of the Day, in conjunction with emergency response personnel, will direct the need for emergency communications. Except in the event of imminent threat, UMD Marketing and Public Relations and UMD Information Technology Systems and Services (ITSS) will coordinate on the communication approach taken.

The UMD Emergency Operations Plan can be viewed here: [Safety Information Page](#)

Emergency Notification Systems

The University of Minnesota Duluth has several methods for communicating important safety information quickly in the event of a significant emergency or dangerous situation that poses an immediate threat to the health and safety of the campus community. The situation will dictate which notification methods are used, in some situations multiple notification systems may be used.

SAFE-U

SAFE-U is the University's emergency mass notification system. SAFE-U is used specifically to notify University students and employees of emergencies or dangerous situations which are likely to impact campus as a whole or impact University operations. SAFE-U enables the University to send communications via email, text message, and/or phone messages. Students, faculty, and staff who have provided contact information are automatically registered to receive SAFE-U communications. Only University of Minnesota students, faculty, staff and those with a legitimate need are registered for SAFE-U.

Campus Email

In an emergency situation, campus email may be utilized to communicate important safety information.

Campus-Wide Emergency Alert System (CWEAS)

CWEAS is the University of Minnesota's outdoor emergency notification system. CWEAS is not a tornado siren; it is an outdoor warning system that can convey both an alert tone and voice messages. If you hear the outdoor warning system, it means go inside and seek more information.

Tone Alert Radio

The University uses Tone Alert Radios strategically placed throughout campus to add another layer of alert coverage. The University of Minnesota PSECC will activate the radios when there is urgent information that needs to be transmitted (e.g., severe weather, building evacuation). Tone Alert Radios also provide emergency notification that can be received in areas that are out of cellular service.

Fire Panel Annunciation

DEM has worked to install in some buildings an annunciation capability that can be set off by the PSECC in case of an emergency. The annunciation system allows the fire alert system to communicate the source of the emergency, which will allow for a quicker and more efficient response. The panels in use at the University also help control emergency communications systems where they are installed. As existing systems reach the end of their lifecycle, additional capacity in this area is being added.

Social Media

Emergency information may also be communicated on UMD Facebook and Twitter accounts.

Digital Signs

Most digital signs on campus can be updated quickly to include emergency messaging.

Web Announcements

Weather-related closings and other emergencies may be announced by placing an announcement on the [UMD homepage \(www.d.umn.edu\)](http://www.d.umn.edu) or on UMD's [Emergency Closings page \(http://www.d.umn.edu/closings/\)](http://www.d.umn.edu/closings/).

On-Scene Emergency Personnel

On-scene emergency personnel may be able to provide valuable emergency communication depending upon the emergency situation.

Activation of Emergency Notification Systems

Prior to issuing emergency communications, the existence of an emergency or dangerous situation will be confirmed via dispatched officers or other emergency professionals on the scene, video monitoring, or notification from the National Weather Service. Information obtained from these responders will be used to determine the scope and content of the notification.

Upon confirmation of an emergency or dangerous situation, on-scene or on-duty UMDPD officers will notify the Chief Law Enforcement Officer or Designee. The Chief Law Enforcement Officer or designee will then notify the Chancellor or Officer of the Day who will work with UMD University Marketing and Public Relations and UMDPD to determine the content of the notification and initiate the appropriate notification system(s).

In the event of a potential emergency or dangerous situation, that poses and imminent threat to the campus community, the Chief Law Enforcement Officer or Designee has the authority to work with UMD University Marketing and Public Relations to determine the content of the notification and initiate the appropriate notification system(s) immediately.

Notification may be delayed if issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The primary method of emergency notification is the SAFE-U system. When SAFE-U is activated, it will deliver emergency messaging to all students and employees. The activation of other emergency notification systems such as CWEAS and Tone Alert Radios, which can be activated by the Public Safety Emergency Communications Center (PSECC), may be activated to supplement notifications delivered via SAFE-U.

SAFE-U notifications will consist of basic information about the type of emergency or dangerous situation and information on how to avoid danger. Updated information will be disseminated as it becomes available and as time allows or when the immediate threat has been mitigated.

SAFE-U notifications can be authorized by the following individuals: Chancellor or UMD Officer of the Day, Chief Law Enforcement Officer or Designee or UMD University Marketing and Public Relations, and Public Safety Emergency Communication Center.

While there is no specific agreement between UMDPD and local law enforcement agencies, UMDPD has a close relationship with local law enforcement agencies who routinely inform UMDPD if there is a situation which may require an emergency response.

Dissemination of emergency information to the larger community (i.e.: parents/families, the Duluth community, etc.) will take place at the discretion of the Chancellor/Officer of the Day or Emergency Response Team, as appropriate and as time allows. The UMD Police Department will work with these entities to determine which information is appropriate to disseminate, and when it will be disseminated. Depending on the nature of the incident, the University could utilize such avenues as the UMD homepage or local media. The top priority of the University will be to disseminate information to those people directly affected by the emergency.

Emergency Response Testing

The University Department of Emergency Management conducts an exercise to test the emergency response and evacuation procedures of the Duluth campus at least once annually. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Tests of the emergency procedures may be announced or unannounced.

The Department of Emergency Management is responsible for documenting and analyzing the effectiveness of each test. The Department of Emergency Management retains documentation of each test including a description of the test, the date and time of the test, and whether the test was announced or unannounced.

A campus wide test of UMD's Emergency Response and Evacuation procedures was performed on December 2, 2020. This test consisted of a tabletop exercise to test how UMD would be evacuated in the event of an emergency and how UMD would respond to the emergency through coordinated efforts with local public safety agencies.

The next campus wide test will be conducted in the late Fall of 2021.

Emergency and Evacuation Plans

The Department of Emergency Management coordinates the development of emergency plans.

There are three levels of emergency plans at the University of Minnesota:

Building Emergency Plans - Each building on campus should have a Building Emergency Plan. The plan outlines evacuation procedures and other emergency instructions.

Continuity of Operations Plans - Continuity of Operations Plans (COOP) outline the steps critical operating units must take to keep their department running in the event of an emergency. Departments that are deemed "critical operating units" must complete a Continuity of Operations Plan, per the University's Policy.

Emergency Operations Plan - The campus Emergency Operations Plan is the overall plan that guides University administrators in the event of an emergency. The University is required by the state Homeland Security and Emergency Management agency to have an Emergency Operations Plan.

The Department of Emergency Management tasks each area of the University to develop and maintain emergency procedures and guidelines for their buildings and employees. The following are general evacuation procedures, for building specific evacuation procedures, consult that building's Building Emergency Plan.

General Building Evacuation Procedure

At the sound of the emergency alarm, it is the responsibility of all building occupants to evacuate immediately and proceed to predetermined assembly points, away from the building.

Building occupants are also responsible for ensuring that their visitors, customers, and contractors in their department follow the evacuation procedure described herein and leave the building along with all other occupants.

Faculty and instructors are responsible for dismissing their classes and directing students to leave the building by the nearest building exit upon hearing the building alarm or being notified of an emergency.

Designated essential personnel needed to continue or shut down critical operations, while an evacuation is underway, are responsible for recognizing and/or determining when to abandon the operation and evacuate themselves.

Evacuation Instructions

Whenever you hear the building alarm or are informed of a building emergency:

- Do not panic.
- Do not ignore the alarm.
- Leave the building immediately, in an orderly fashion.
- Do not use elevators.
- Classes and meetings in session must be dismissed and students directed to leave.
- Follow quickest evacuation route from where you are (see posted floor evacuation diagram/map).
- Do not go back to your office area for any reason.
- Proceed to the designated emergency assembly point for your area. If the designated assembly point/area is unsafe or blocked due to the emergency, proceed to the alternate assembly point.
- Report to your Work Area Rep at the assembly point to be checked off as having evacuated safely; also report any knowledge you may have of missing persons or those located in an Area of Refuge.
- Return to the building only after emergency officials or building coordinator give the all-clear signal. Silencing the Alarm does not mean the emergency is over.

Chemical Spill Lab Evacuation instructions

In the event of the release of hazardous chemical substances which threaten human health and the immediate lab needs to evacuate, but other building occupants are safe, please follow the steps below:

- Notify other lab occupants in immediate area.
- Everyone who can safely leave, should leave lab away from spill.
- While exiting, close double doors leading into other labs.
- A lab occupant leaving the lab should immediately call 911 (or head to area of refuge button (near freight elevator on each floor) if applicable).
- Notify operator of spill and location.
- Operator can remotely activate fire alarm (for some buildings) and send emergency personnel.
- Evacuate building according to general evacuation procedures.

Building Emergency Instructions

In the event of a loss of power, water leak or flood, elevator failure or other building emergency:

- Call the Facilities Management at 218-726-8262 to notify them of the emergency. Call 911 for emergencies with injuries.
- Notify staff that is located near the emergency so they may take appropriate precautions.
- Follow evacuation instructions, if evacuation is necessary.

Shelter Emergency Instructions

In the event of notification of severe weather, safely discontinue work and go to the nearest designated safe shelter location.

Active Threat Instructions: Run, Hide, Fight

The guidelines below should be considered during this type of emergency, but your specific situation may require deviation from these suggestions.

Run

- Have an escape route and plan in mind
- Leave your belongings behind
- Keep your hands visible
- Run to a place of refuge, well beyond the norm

Hide

- If running is not possible, hide
- Lock and barricade doors; shut off lights
- Remain silent, yet vigilant
- Avoid huddling together

Fight

- Fighting is a last resort, use only when your life is in imminent danger
- Use improvised weapons, i.e. chair, fire extinguisher
- Attempt to incapacitate the active threat
- There is strength in numbers; work together against the active threat

Call 9-1-1

- Call ONLY if safe and with information about the active threat
- Clarify you are on the University of Minnesota Duluth campus and where you are
- Give the location of the active threat(s)
- Provide physical description of active threat(s)
- Describe type of weapons held by the active threat(s)
- Notify the dispatcher of victims and their location

How to React When Law Enforcement Arrives:

- Remain calm
- Follow officers' instructions
- Keep your hands up and out in front of you, assuring your hands are empty
- Keep hands visible at all times
- Avoid making quick movements towards officers such as attempting to hold on to them for safety
- Avoid pointing, screaming and/or yelling
- Move quickly towards the nearest exit or where directed to by police
- Do not stop to ask officers for help or directions when evacuating

Once in a Safe Place

Once you are in a safe place, DO NOT LEAVE. Emergency responders need to account for everyone. As the event unfolds and is better understood, law enforcement will provide additional instructions as to where you should be or when you will be able to leave. Please be patient. Your safety is our most important concern.

Crime Statistics

Criminal Offenses

2020 Duluth	On campus (Total)	On campus (Residential only)	Non- campus	Public
Murder/non negligent manslaughter	0	0	0	0
Negligent manslaughter	0	0	0	0
Rape	2	1	0	0
Fondling	3	2	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated assault	0	0	0	0
Burglary	0	0	0	0
Motor vehicle theft	0	0	0	0
Arson	0	0	0	0

2019 Duluth	On campus (Total)	On campus (Residential only)	Non- campus	Public
Murder/non negligent manslaughter	0	0	0	0
Negligent manslaughter	0	0	0	0
Rape	2	2	0	0
Fondling	3	2	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated assault	1	0	0	0
Burglary	0	0	0	0
Motor vehicle theft	0	0	0	0
Arson	3	3	0	0

2018 Duluth	On campus (Total)	On campus (Residential only)	Non- campus	Public
Murder/non negligent manslaughter	0	0	0	0
Negligent manslaughter	0	0	0	0
Rape	4	4	1	0
Fondling	2	2	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	1	1	0	0
Aggravated assault	0	0	0	0
Burglary	0	0	0	0
Motor vehicle theft	0	0	0	0
Arson	2	2	0	0

Hate Crimes

2020

One case of intimidation occurring on campus motivated race and disability bias.

2019

There were no reported hate crimes for 2019.

2018

There were no reported hate crimes for 2018.

Violence Against Women Act (VAWA) Offenses

2020 Duluth	On campus (Total)	On campus (Residential only)	Non-campus	Public
Domestic Violence	1	1	0	0
Dating Violence	2	2	0	0
Stalking	6	2	0	0

2019 Duluth	On campus (Total)	On campus (Residential only)	Non-campus	Public
Domestic Violence	9	7	0	0
Dating Violence	2	1	0	0
Stalking	11	5	0	0

2018 Duluth	On campus (Total)	On campus (Residential only)	Non-campus	Public
Domestic Violence	0	0	0	0
Dating Violence	2	1	0	0
Stalking	10	7	0	0

Arrests and Referrals for Disciplinary Action

2020 Duluth	On campus (Total)	On campus (Residential only)	Non-campus	Public
Liquor law violations				
Arrest	42	27	0	2
Referral	172	171	0	0
Drug Abuse Violations				
Arrest	22	12	0	2
Referral	22	12	0	0
Weapons: Carrying, Possessing, Etc.				
Arrest	0	0	0	0
Referral	0	0	0	0

2019 Duluth	On campus (Total)	On campus (Residential only)	Non-campus	Public
Liquor law violations				
Arrest	69	57	0	0
Referral	242	239	0	0
Drug Abuse Violations				
Arrest	32	20	0	4
Referral	34	27	0	2
Weapons: Carrying, Possessing, Etc.				
Arrest	0	0	0	0
Referral	0	0	0	0

2018 Duluth	On campus (Total)	On campus (Residential only)	Non-campus	Public
Liquor law violations				
Arrest	51	27	7	1
Referral	309	305	1	0
Drug Abuse Violations				
Arrest	67	30	0	5
Referral	137	123	0	0
Weapons: Carrying, Possessing, Etc.				
Arrest	0	0	0	0
Referral	0	0	0	0

Unfounded Crimes

A reported crime is only considered unfounded if sworn or commissioned law enforcement personnel, investigate the reported crime and make a formal determination that the report is false or baseless.

2020

One unfounded crime

2019

No unfounded crimes

2018

No unfounded crimes

Security of and Access to Campus Facilities

Access to Campus Facilities

There are three distinct levels of access to buildings, public hours, university hours and restricted hours. Building hours vary according to building use.

Public Hours

During Public Hours, buildings will remain open to everyone in the University community and to the general public. Public Hours will generally coincide with the standard business day of 7 a.m. to 5 p.m. For classroom buildings, Public Hours will generally be 7 a.m. to 7 p.m. to accommodate evening classes. Libraries, museums, galleries, and the like will have public hours that match their business hours.

University Hours

University Hours are the hours just before and just after Public Hours in the morning and the evenings. As an example, University Hours in a classroom building would typically be 6 a.m. to 7 a.m., and 7 p.m. to 10 p.m. During University Hours, a U Card will be required to enter the building.

Restricted Hours

During Restricted Hours, buildings are closed to the general public and to the general University community. Only people who have been previously granted permission to enter the building are allowed to do so. Typically, the people granted access during Restricted Hours are the people who would logically have permission to enter a building when it is locked, for example, faculty who teach or staff who work in a specific building. Again using a classroom building as an example, the Restricted Hours would be between 10 p.m. and 6 a.m.

Security of Campus Facilities

The University controls and monitors access to its space by using traditional key systems, electronic card reader systems, and intrusion alarm systems. Exterior doors of all University buildings are equipped with electronic card access control systems.

Campuses, departments, and units are required to manage all keys and access control devices held by their employees. Each campus, department or unit has a Department Facilities Representative to enforce this policy at the local level.

Individuals are prohibited from unauthorized possession, use, duplication and changes to keys or access control devices. Individuals are also prohibited from bracing open doors equipped with access control devices. Violators of this policy will be subject to disciplinary actions for the University or criminal charges where appropriate.

Students, faculty and staff are required to carry their University-issued U Card when in University buildings outside of public hours. The U Card must be presented upon request by law enforcement or security personnel, or by a University employee acting within the purview of their job responsibilities. Anyone in a University building that is unable to present their U Card outside of public hours may be asked to leave. Additional restrictions may apply to areas deemed to have a higher security standard.

Access & Security in Student Housing Facilities

UMD Housing has nine on-campus residential facilities for students.

The exterior doors of all apartment-style student residential facilities are secured 24-hours a day.

The exterior doors of most traditional dormitory residential facilities are secured by 9:30pm and unlocked by 7:30am each day with the exception of Lake Superior Hall. Lake Superior Hall doors are secured at 12:00am and unlocked at 6:00am each day.

Within the traditional dormitory residential facilities interior doors control access to living areas and remain locked 24 hours a day.

During break periods, additional measures are taken to secure our facilities. All exterior doors will be locked 24/7.

Housing & Residence Life reserves the right to modify this door locking schedule if safety concerns arise or if significant campus events require a higher level of security for our facilities.

Campus visitors will only be allowed in the Residence Halls when they are guests of, and accompanied by, a resident of that building. Residents are encouraged disallow access to anyone other than their guests.

Staff members work closely with the UMD Police Department in maintaining security in all residence halls and apartment buildings, and in resolving situations that affect the safety of residents. There is a Residential Adviser on duty in each student residential facility each night.

Security Considerations Used in the Maintenance of Campus Facilities

University of Minnesota Duluth Facilities Management is responsible for the maintenance of campus facilities and grounds. Facilities Management has departmental standard procedures and practices that are aligned with the Board of Regents Policy “Health and Safety” to address security considerations used in the maintenance of campus facilities. Facilities Management employees regularly fix problems with lighting, doors, locking mechanisms, access control hardware, intrusion alarms, and video security systems.

The Grounds unit ensures safe and accessible exterior environments through regular ground maintenance, snow removal, and cleanliness. Grounds has also incorporated Crime Prevention Through Environmental Design principles in the design and maintenance of campus landscaping.

To report a building or land care issue contact UMD Facilities Management:

Facilities Management

218-726-8262

Call this number to request assistance with:

- facility-related emergencies
- lighting issues
- maintenance work
- repairs
- custodial
- snow removal
- landscaping
- pest control
- temperature issues

Crime Prevention and Safety Programming

The following units offer annual programming to inform the campus community about campus security procedures and practices, to encourage the campus community to be responsible for their own security and the security of others, and to inform students and employees about methods of crime prevention.

University of Minnesota Duluth Police Department

During orientation in August, students are informed of services offered by the UMD Police Department. The presentations outline ways to maintain personal safety and residence hall security. Students are told about crime on campus and in surrounding neighborhoods. Similar information is available to new employees.

UMD Police Department personnel, often in conjunction with other UMD departments, facilitate programs for students, families, faculty, staff, resident advisors and directors, student organizations, and community organizations multiple times each semester. They provide a variety of educational strategies and tips on crime prevention and personal safety. Topics such as self-defense, alcohol and drug awareness, school and workplace violence, sexual assault, relationship/dating violence, stalking, security of residence and personal property, and internet safety may be covered.

Housing & Residence Life

University Housing staff receives training on security measures and emergency/crisis management. Residence hall staff members inform residents of safety and security information via handbooks, floor meetings, and programming in the halls.

University Policy on Drugs and Alcohol

The University is committed to providing a healthy learning and working environment for all students and employees and strives to meet this commitment through prevention and awareness programs. Alcohol abuse and illegal drug use endangers the health and safety of all students and employees.

Students, faculty, and staff are prohibited from engaging in:

- the illegal possession, use, or distribution of alcohol, drugs, and drug paraphernalia on all University premises, in University-supplied vehicles, and as part of University activities and business; and
- the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on all University premises, in University-supplied vehicles, and as part of University activities and business.

University students, employees, and others who conduct research and teaching activities with controlled substances must comply with Administrative Policy: Using Controlled Substances for Research in order to ensure that they follow all applicable regulations and safely handle and prevent diversion of controlled substances.

University community members are expected to refer suspected illegal situations to University police or local law enforcement agencies for criminal investigation leading to possible prosecution.

At UMD, the University of Minnesota Duluth Police Department is responsible for enforcing state laws related to underage consumption of alcohol and state and federal law regulating the possession, use and sale of illegal drugs

For more information on the University of Minnesota Drug Free University policy visit:
<https://policy.umn.edu/operations/drugfree>

Health Risks

To make informed choices about drug and alcohol use, students and employees should educate themselves about the serious health consequences of the use, misuse, and abuse of alcohol and other drugs as described in the Drug and Alcohol Health Risks Chart below.

Alcohol

Alcohol is a depressant that slows down a person's central nervous system, including breathing and heart rates. Short-term risks of alcohol use include: impaired judgment, poor motor coordination, emotional instability, and increased aggression. Long-term risks include: irreversible damage to brain, liver, pancreas, kidneys; memory problems and nutritional deficiencies; and high risk of fetal damage if used during pregnancy.

[Centers for Disease Control and Prevention alcohol fact sheets](#)

Marijuana

Marijuana is an illegal drug that can cause changes in the way people think and feel. Marijuana use can make it harder for students and employees to function in school and work-related activities. It slows reflexes and impairs visual perceptions.

[National Institute on Drug Abuse marijuana information](#)

Cocaine

Cocaine is an illegal drug that is a strong central nervous system stimulant. It is a powerfully addictive drug.

[National Institute on Drug Abuse health effects of commonly abused drugs](#)

Club Drugs

Club drugs, such as MDMA (Ecstasy), Rohypnol, GHB, and Ketamine sometimes are used in a nightclub, bar, or rave drug scene. They have varying effects and can cause changes to critical parts of the brain.

[National Institute on Drug Abuse club drugs information](#)

Legal Sanctions

Students and employees also should be aware that they may be subject to criminal prosecution under federal, state, and local laws that specify fines or imprisonment or loss of federal financial student aid for conviction of alcohol and drug-related offenses as described in the Drug and Alcohol Legal Sanctions Chart below. These legal sanctions are in addition to disciplinary sanctions by the University.

Students—Disciplinary Sanctions

Students who violate the prohibitions of the Drug Free policy are subject to progressive disciplinary procedures as described in the Student Conduct Code: warning; probation; required compliance; confiscation of goods; restitution; restriction of privileges; University housing suspension or expulsion; suspension or expulsion; withholding of diploma or degree; and revocation of admission or degree.

Employees—Disciplinary Sanctions

Employees who violate the prohibitions of the Drug Free policy are subject to discipline ranging from an oral warning, written warning, or unpaid suspension up to termination consistent with policies, rules, and contracts governing the terms and conditions of their employment. Supervisors also may require an employee to provide documentation of satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program.

Employees who are convicted of any criminal drug statute violation in the workplace must report it to a supervisor within five days of the conviction. Supervisors, department heads, and principal investigators who are aware of any drug crime convictions of individuals (students or employees) who work on sponsored projects for violations that occurred in the workplace must report them to the Office of the Associate Vice President for Sponsored Projects Administration (SPA) within three calendar days of their notice of the conviction.

Medical Amnesty

Medical Amnesty to ensure that minors at medical risk as a result of alcohol intoxication receive prompt and appropriate medical attention, Minnesota law provides immunity from prosecution for minors under certain circumstances. Refer to Minnesota Statutes 340A.503 subd. 8 for further details.

The University of Minnesota maintains the discretion to refer these individual(s) for appropriate educational intervention(s).

Relevant Laws and Related Civil and Criminal Sanctions

In addition to disciplinary sanctions by the University, students and employees who violate the administrative policy *Drug Free University* may be subject to criminal prosecution under federal, state, and local laws that specify imprisonment, fines, and loss of federal benefits for conviction of alcohol and drug-related offenses. To ensure students and employees are aware of these legal sanctions, this appendix briefly describes some relevant laws with sanctions and provides links to more information.

Federal Laws and Sanctions

Controlled substance convictions under federal laws carry penalties ranging from up to one year imprisonment and a minimum fine of \$1,000 for simple possession to up to life imprisonment and a minimum fine of \$2,000,000 for an individual engaging in a continuing criminal enterprise. Federal controlled substance convictions also can lead to forfeiture of both real and personal property; the denial of federal benefits, such as grants and student loans; and the denial of federally provided or supported professional and commercial licensures. The seriousness of the offense and the penalty imposed generally depends on the type and amount of the drugs involved.

[Provisions of the federal Controlled Substances Act, 21 U.S.C. 801 et al](#)

[Federal trafficking penalties](#)

Minnesota Laws and Sanctions

Controlled substance convictions under Minnesota laws carry penalties including a prison sentence for not more than 30 years and a maximum fine of \$1,000,000 for sales and possession crimes. Subsequent controlled substance convictions result in commitment to the commissioner of corrections for four to 40 years and a maximum fine of \$1,000,000.

[Minnesota Controlled Substances Laws and Sanctions](#)

The misuse of alcohol also can result in criminal penalties under Minnesota laws. Anyone under 21 years of age is guilty of a misdemeanor and subject to a minimum fine of \$100 if convicted of purchase, possession, or consumption of alcohol or misrepresentation of age in order to purchase alcohol. Anyone who provides alcohol to individuals under 21 years of age also is subject to criminal sanctions.

[Minnesota Law – Underage Alcohol Offenses](#)

[Minnesota Law – Violations and Penalties Related to Liquor Laws](#)

In addition, Minnesota state law imposes stiff penalties on individuals who are convicted of driving under the influence of alcohol, a controlled substance, or a hazardous substance. For example, a felony conviction of first-degree driving while impaired carries penalties of imprisonment for not more than seven years and a minimum fine of \$14,000. Administrative penalties for driving under the influence convictions include driver's license suspension, revocation, cancellation, denial, or disqualification.

[Minnesota Law – Driving While Impaired, including Underage Drinking and Driving](#)

Drug and Alcohol Abuse Education Programs

The University demonstrates its commitment to maintaining a safe and healthy campus environment by offering a variety of drug and alcohol abuse prevention and education services for students and employees, including confidential diagnosis and assessment, short-term counseling, referral, and support groups.

Supervisors who are concerned that employees may have alcohol or drug-related problems should consult with the Employee Assistance Programs. Disciplinary sanctions will not be taken against students for seeking assistance from student health services or against employees for seeking assistance from the Employee Assistance Programs.

Each campus is expected to provide information to students, faculty, and staff regarding available educational and treatment programs and related services. For more information:

<http://d.umn.edu/health-services/health-education/alcohol-and-drugs>

AlcoholEdu

Before they begin their studies at UMD, every student is required to complete AlcoholEdu for College, a 2-3 hour online course that uses the latest prevention techniques and research to educate students about the impact of alcohol on the mind and body. Whether or not the student drinks alcohol, AlcoholEdu for College will empower the student to make well-informed decisions about alcohol and help them better cope with the drinking practices of peers. For more information:

[PDF AlcoholEdu Overview](#)

University of Minnesota Duluth Resources

UMD Health Services

Online Self Assessment tools

[E chug](#): informal on-line alcohol assessment

[E toke](#): informal on-line marijuana assessment

Alcohol & Drug Counseling

Currently enrolled students are eligible for full services offered through UMD Health Services, including one on one alcohol and drug counseling. To get more information or schedule an appointment call UMD Health Services at 218-726-8155 or stop by the on campus clinic located at 615 Niagara Court.

Recovery & Support Programs

Alcoholics Anonymous

Meetings are held weekly on campus during the academic year, Contact the Kirby Info Desk at 218-726-7163 for meeting times and locations

Peer Health Educators

The Peer Health Educators is a student organization composed of two main groups working to promote healthy lifestyle choices. Members meet weekly for one hour to discuss current issues, to meet with guest speakers, and to plan presentations and events accordingly. Peer Health educators are also given the opportunity to volunteer additional time on special projects throughout the year. Health Services has developed [student learning outcomes](#) for our peer health educators that map to the UMD Assessment Plan.

Alcohol Peer Educators

Alcohol Peer Educators is geared towards educating their peers on alcohol harm reduction. The alcohol peer educators cover these topics:

- Recognizing and responding to the Signs of Alcohol Overdose
- Risk Reduction (i.e. metabolism, serving size)
- Predatory drugs
- Biphasic response
- Phases of drinking
- Bystander intervention
- Medical Amnesty
- Physiology
- Blackouts
- Impact on academics and sleep

If you are interested in having the Peer Health Educators in your classroom or housing unit, please contact Laretta Perry Imperry@d.umn.edu.

Dating Violence, Domestic Violence, Sexual Assault and Stalking

The University of Minnesota prohibits the crimes of dating violence, domestic violence, sexual assault and stalking, as those crimes are defined by the Clery Act. The University of Minnesota issues this statement of policy to inform the community of its comprehensive plan to address the crimes of dating violence, domestic violence, sexual assault and stalking. This section includes information on University of Minnesota primary and on-going prevention and awareness programs, important information for victim/survivors of these crimes and the relevant procedures pertaining to the University's response to reports of these crimes.

No one acting on behalf of the University may retaliate against an individual for having made a report in good faith under this policy or having participated in an investigation of dating violence, domestic violence, sexual assault, and stalking. Retaliation against any individual for reporting under this policy is prohibited and may result in disciplinary action. Reports of retaliation will be reviewed and investigated in the same manner in which other allegations of misconduct are handled.

Definitions

Clery Act VAWA Crime Definitions

For the purpose of classifying incidents for inclusion in the Annual Statistical Disclosure, the following definitions are used.

Dating Violence

The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

Dating violence includes, but is not limited to, sexual or physical abuse, or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

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

Domestic Violence

The term “domestic violence” means:

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;
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) 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.

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

Sexual Assault

Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is generally defined as sexual contact directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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.

Fondling

The touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

Incest

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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.

For the purposes of this definition:

- "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.
- "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- "Reasonable persons" means a reasonable person under similar circumstances and with similar identities to the victim.

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

Minnesota State law definitions of VAWA Crimes and Terms

The following definitions are for the purpose of educating readers regarding jurisdictional crime definitions. Legal citations are given to enable the reader to access information on where the applicable definitions can be referenced under Minnesota law. Some terms are not explicitly defined under Minnesota law; in these instances information is given to help readers situate VAWA terms in Minnesota State law.

Consent

MN 609.341 Subd. 4.

"Consent" means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act.

Corroboration of the victim's testimony is not required to show lack of consent.

Dating Violence

Minnesota law does not define dating violence.

Domestic Violence

MN 518B.01 Subd. 2

“Domestic abuse” means the following, if committed against a family or household member by a family or household member:

- physical harm, bodily injury, or assault;
- the infliction of fear of imminent physical harm, bodily injury, or assault; or
- terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.

“Family or household members” means:

- spouses and former spouses;
- parents and children;
- persons related by blood;
- persons who are presently residing together or who have resided together in the past;
- persons who have a child in common regardless of whether they have been married or have lived together at any time;
- a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- persons involved in a significant romantic or sexual relationship.

Additional Information

Minnesota State Statute 609.2242 DOMESTIC ASSAULT: <https://www.revisor.mn.gov/statutes/?id=609.2242>

Minnesota State Statute 518B.01 DOMESTIC ABUSE ACT: <https://www.revisor.mn.gov/statutes/?id=518b.01>

Sexual Assault

The term sexual assault is not defined by Minnesota Law. The comparable crimes of rape, fondling, statutory rape, and incest are generally coded as criminal sexual conduct in the state of Minnesota.

“Minnesota law classifies the crime of criminal sexual conduct into five categories: first- through fifth-degree criminal sexual conduct, with first-degree carrying the most severe penalties and fifth-degree the least. Minn. Stat. §§ 609.342 to 609.3451.”

“Generally speaking, the first-degree and third-degree crimes apply to sexual conduct involving sexual penetration of the victim; the second-, fourth-, and fifth-degree crimes apply to sexual conduct involving sexual contact with the victim without sexual penetration.”

“Criminal sexual conduct in the first and second degree typically apply to conduct involving personal injury to the victim; the use or threatened use of force, violence, or a dangerous weapon; or victims who are extremely young.”

“Criminal sexual conduct in the third, fourth, and fifth degree typically address less aggravated conduct and apply to other situations in which the victim either did not consent to the sexual conduct, was relatively young, or was incapable of voluntarily consenting to the sexual conduct due to a particular vulnerability or due to the special relationship between the offender and the victim.”

The above information is from the following source: <http://www.house.leg.state.mn.us/hrd/pubs/ss/ssovrcsc.pdf>

Stalking

MN 609.749 Subd. 1

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

Affirmative Consent as defined by University of Minnesota Policy

Board of Regents Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence* defines Affirmative consent as freely and affirmatively communicated words or actions given by an informed individual that a sober reasonable person under the circumstances would believe communicate a willingness to participate in the sexual contact.

The following factors will be considered when determining whether affirmative consent was given.

- Each individual who wishes to engage in sexual contact is responsible for obtaining consent from the other individual or individuals who intend to be involved in the sexual contact.
- A lack of protest, the absence of resistance, and silence do not by themselves indicate consent.
- The existence of a present or past sexual, dating, or other romantic relationship between the individuals involved does not by itself imply consent to sexual contact.
- Consent must be present throughout the sexual contact and may be given and withdrawn at any time.
- When consent is withdrawn, all sexual contact must stop. Where there is confusion about the state of consent, sexual contact must stop until the individuals have verified the affirmative consent of all individuals involved.
- Consent to one form of sexual contact does not by itself constitute consent to another form of sexual contact.

Consent is not obtained where:

- An individual is compelled to engage in unwanted sexual contact through the use of coercion. Coercion may consist of physical force, intimidation, threats, or severe or persistent pressure that would reasonably cause an individual to fear significant consequences if they refuse to engage in sexual contact.
- An individual involved in sexual contact is incapacitated due to the influence of drugs or alcohol, and a reasonable person would know of this incapacitation. Incapacitation due to the influence of drugs or alcohol is a state beyond mere intoxication or impaired judgment. Some indicators of incapacitation due to the influence of drugs or alcohol may include:
 - A lack of control over one’s physical movement (for example, an inability to walk or stand without stumbling or assistance).
 - An inability to effectively communicate (for example, where one’s speech is heavily slurred, incomprehensible, or nonsensical).
 - A lack of awareness of one’s circumstances or surroundings (for example, a lack of awareness of where one is, how one got there, who one is with, and how or why one became engaged in sexual contact).
- An individual involved in sexual contact is unable to communicate or understand the nature or extent of the sexual situation because of a physical or mental condition.
- An individual involved in sexual contact is asleep, unconscious or involuntarily physically restrained.

- Sexual intercourse occurs with an individual who is not of legal age to give consent pursuant to Minnesota state law.
- Sexual intercourse occurs between parties who are related to each other within the degrees wherein marriage is prohibited by Minnesota state law.

Education and Prevention Programs

All incoming students and all employees are required to complete an educational module on issues related to sexual misconduct.

The University engages in and is in the process of developing additional comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and

Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Primary Prevention and Awareness Programming

The University utilizes online educational primary prevention and awareness programs, developed by EverFi, for all employees and incoming students. All incoming first-year and transfer undergraduate students, including incoming international students and study abroad arrivals, Post-Secondary Enrollment Options (PSEO) students, and graduate and professional students must complete a sexual assault prevention course. Students take one of the following, depending on their status: “Sexual Assault Prevention for Undergraduates,” “Sexual Assault Prevention for Graduate Students,” or “Sexual Assault Prevention for Adult Learners.” Employees must complete a training titled “Preventing and Responding to Sexual Misconduct.” Each of these trainings were developed to be compliant with the requirements of the Clery Act and to educate individuals about the following topics:

- Values, Identities, and Relationships
- Gender Identities and Stereotypes
- Sexual Harassment and Stalking
- Consent, Coercion, and Stepping In
- Reporting Options and Responding to a Survivor

Additionally, these courses cover:

- Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Use definitions provided both by the Department of Education as well as state law to define what behavior constitutes dating violence, domestic violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of Minnesota and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

- Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victim/survivors in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Bulldog Beginnings: It's on Us

In addition to the online primary prevention training course, all incoming undergraduates attend a 75 minute hybrid presentation during Bulldog Beginnings that focuses on affirmative consent, on campus resources for support, and bystander intervention skills. This interactive program allows students to learn the steps to bystander intervention and apply them to real-life situations in ways that feel safe and accessible to them.

This programming is a collaboration between staff from ODI, OSCCR, Health Services, UMDPD, EOAA, and Kirby Student Center.

Ongoing Prevention & Awareness Education

Women's Resource and Action Center (WRAC)

The Women's Resource & Action Center (WRAC) offers films, workshops, and speakers during Sexual Assault Awareness Month and Domestic Violence Awareness Month and does presentations to classes and student groups when requested.

Other events include Take Back the Night, Consent Week, Self Defense Workshops, Virtual Exhibit "What You Were Wearing" Campaign, and the Mock Rape Trial.

WRAC publishes a weekly newsletter and provides information to the community through social media. Posters with resources and information for students, faculty & staff are posted in every UMD restroom.

Student Life and Human Resources

Student Life partners with Human Resources and Equal Opportunity to offer sexual misconduct awareness and prevention workshops to UMD employees. Online and in-person options are available. Contact the Office of the Vice Chancellor for Student Life for more information.

Safe and Positive Options for Bystander Intervention

"Bystander intervention" means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes:

- recognizing situations of potential harm
- understanding institutional structures and cultural conditions that facilitate violence
- overcoming barriers to intervening
- identifying safe and effective intervention options
- taking action to intervene

Active bystanders recognize emergency situations (sexual assault, alcohol abuse, safety) and non-emergency situations (noticing a friend is depressed, gambling, academic problems) and have the skills to intervene directly or indirectly.

How Can I prevent Violence?

Be a good bystander. If you recognize an emergency or non-emergency situation happening, use the “3 Ds” to determine how to act.

Direct

- If you feel safe, confront the situation directly
- Be calm, confident and respectful- the main goal is to stop the behavior
- Ask if the involved parties are okay, seek to help

Distract

- Diffuse the situation- interject humor
- Change the subject- ask the parties involved about a class assignment or current event
- Interrupt the flow of the behavior- spill a drink, create noise, any action which will interrupt the negative behavior

Delegate

- Ask others for help when you don't feel safe or comfortable approaching the situation alone
- There is strength in numbers, enlist the help of friends
- Call 911

Risk Reduction

These are tips that can provide you with low-risk options for safeguarding your life against a predator. Do not look at them as ironclad rules. If a particular tip conflicts with things you need or want to do, try to find other options to protect yourself in that situation.

The victim is never to blame for a crime committed against them. Predators and perpetrators must be held accountable for their own choices and actions.

ON THE STREET

Predators identify targets.

- Cross the street if you see anything on your side that makes you nervous.
- To get off the street, use public transportation – sit near the driver.

Predators use isolation as a weapon.

- If possible, use the buddy system: walk with a friend/s.
- Walk on well-illuminated streets; avoid doorways, shrubbery, dark areas near buildings and other places where an attacker might hide.
- If you have taken a ride in a cab or from a friend, ask the driver to wait until you are safely inside your house before leaving.
- Avoid deserted laundromats or apartment building laundry rooms.

Predators identify vulnerabilities in targets.

- Be alert in crowded buses, streets, malls, etc.; pickpockets work best in these environments. It is safer to carry money or wallets in an inside or front pocket.
- Be cautious about revealing cash or credit cards.
- Purses and book bags are safest carried close to the body with flaps, zippers, or clasps closed turned toward the body. Keep your hand on your purse or bag. Do not set it on the floor or counter in restaurants, restrooms, or theaters, or leave it in your grocery cart while shopping.

IN YOUR CAR**Predators know when and where people may be vulnerable or isolated.**

- Keep car doors locked and windows rolled up most of the way.
- Avoid traveling at night if you are having car trouble or are low on gas. Park your car in well-lighted places and lock all doors.
- Check the back seat and floors before you get into your car to be sure no one is hiding inside. Keep car keys in hand when approaching your vehicle so that you may enter it with ease.
- If security or an escort is available, have them walk you to your car. If possible, carry a cellular phone, and keep it charged.

Predators take advantage of people's good will and trust.

- If you must leave car keys with garage or parking lot attendants, leave a ring with only your car keys, not house keys, which can be easily duplicated.
- Don't pick up hitchhikers.

Predators are brazen.

- If someone tries to break into your car while you are in it, honk the horn in repeated short blasts.
- If you are being followed, do not go home. Drive to the nearest police station, fire station, hospital emergency room, or an open gas station or convenience store – any safe place with people visibly present.

IN YOUR HOME**Predators know when and where people may be vulnerable.**

- It is safer using a first initial and last name on mailboxes and in phone directories.
- Be cautious around elevators. Do not get on if you are feeling uncomfortable or unsafe. Get off if a fellow passenger seems odd or threatening.

Predators may take advantage of people's trust and may display warmth and concern.

- Change old locks when you move to a new residence.
- Make sure your doors have dead bolts, security chains, and peepholes. Use them.
- Always check identification when repair people, salespeople, police, or meter readers come to your home. Do not hesitate to call and check their identification and refuse admittance if you do not feel comfortable letting them into your home.
- Instruct children and babysitters not to give out information about who is home.

Predators are brazen and resourceful planners.

- If you suspect your home has been broken into, do not go inside. Go to a neighbor and call the police.
- Lock your doors and windows, draw shades/blinds at night, and leave a light on implying that someone is home. Lock the doors to your home or apartment when you are in the yard; take a portable telephone outside with you. Do not hide spare keys outdoors. They are too easy to find.
- Do not hesitate to call 911 if you suspect someone is outside your home or apartment.

When you go out

- Make a plan! Know where you are going, who you are going with, where you will be staying the night and how you will be getting there safely
- Communicate the plan with your friend group
- If you are uncomfortable with the plan, speak up
- Stay with your planned friend group and do not deviate from the plan without first communicating with your friend group
- Stick with your plan, look out for your friends and have them look out for you
- Get involved if you believe that someone is at risk. If you see someone in trouble or someone pressuring another person, don't be afraid to intervene - or get help to do so.
- Drink only from pre-packaged containers or drinks you make yourself so you know the alcohol content
- Do not leave your drink unattended, do not accept drinks that you did not prepare yourself or that you saw being prepared

The vast majority of sexual assaults involving college-aged people occur between people who know each other and many assaults occur while one or both people involved are under the influence of alcohol or other drugs. Here are some tips to help keep you and your friends safe:

Reduce the Risk of Sexual Assault

- Physical force is sometimes used to commit an assault, however, in college sexual assaults each of the following tactics are more commonly employed and also indicate assault. Manipulation (for example, encouraging someone to drink more in an attempt to lower their inhibitions), Coercion (for example, trying to talk someone into an activity they may seem reluctant to participate in), Threats (for example, threatening to tell others something about the person).
- Communicate with your partner directly. It is okay to say yes to some activities and no to others. You are the only one who knows your intentions, preferences and limits.
- Obtain clear consent for each activity. Consent for one activity does not imply consent for all.
- An individual who is incapacitated due to the influence of drugs or alcohol cannot provide consent to engage in sexual activity.
- Take time to hear what the other person has to say. If you feel they are not being direct or are giving you a "mixed message" ask for clarification.
- If someone seems uncomfortable, is not engaged, or is not reciprocating, stop and check in with them.

Advocacy Support, Safety, Medical Assistance & Evidence Preservation

Advocacy

To obtain assistance and support from a victim's advocate, contact the 24 hour PAVSA crisis line at 218-726-1931. Advocates can offer support, resources on and off campus, safety planning, assist in filing a police report and answer questions you may have regarding next steps.

Women's Resource and Action Center (WRAC)

Kirby Student Center 266	218-726-6292
1120 Kirby Drive	218-726-1931
Advocates available	24 Hour Crisis Line
M-F 8:30 AM – 4:30 PM	

Safety

If the crime of dating violence, domestic violence, sexual assault or stalking has occurred on University of Minnesota Duluth property, contact the University of Minnesota Duluth Police Department by calling 911. Even if you do not want to file a report, police will arrive on scene, ensure your safety, and provide you with additional resources and can transport you to the hospital to seek medical attention, if requested. Officers can complete a police report if you would like.

Medical Assistance

After an incident of sexual assault and domestic violence, the victim/survivor should consider seeking medical attention as soon as possible. Health care providers can treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease, even if victim/survivors do not opt for forensic evidence collection.

Victim/survivors are encouraged to seek treatment at a medical facility of their choice.

Medical Forensic Exam

In Minnesota, victim/survivors can elect to have evidence collected even if they chose not to make a report to law enforcement. In Duluth, victims can go to Essentia-St. Mary's Medical Center or St. Luke's Hospital. Both medical facilities employ Sexual Assault Nurse Examiners (SANE).

Victims/survivors may opt to make an anonymous report to law enforcement through a sexual assault nurse examiner. In this case, an Incident Criminal Report (ICR) number will be assigned. Evidence collected will be turned over to law enforcement marked only with the ICR number – no identifying information will be shared. Should the victim/survivor decide to pursue a criminal investigation, evidence may be used by law enforcement at that time.

Evidence Preservation

Trained investigators may look for evidence at locations that are relevant to the case, such as the scene where the assault took place. In order to preserve evidence it is important to not wash or clean the bed/linens/area and clothing worn when the sexual assault occurred.

DNA evidence can be collected from blood, saliva, sweat, urine, skin tissue, and semen. That's why it's important to try to avoid bathing, cleaning your fingernails, or urinating until after a sexual assault forensic exam has been performed.

Victim/survivors of dating violence, domestic violence, sexual assault and stalking are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents. These documents can be helpful in proving the alleged crime and are helpful in obtaining court orders for protection.

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

Reporting Options

Victim/survivors of dating violence, domestic violence, sexual assault, or stalking are encouraged to report the incident promptly to the University of Minnesota Police Department or Title IX office. While all University employees are required by University policy to forward reports of dating violence, domestic violence, sexual assault, or stalking of which they are made aware to the Title IX office; victim/survivors are encouraged to report directly to the Title IX office. The University of Minnesota Police Department and Title IX office are the best locations on campus for victim/survivors to directly report crime information and obtain appropriate resources and support.

Victims have the right to:

- **Notify proper law enforcement authorities; including on- campus and local police**
- **Be assisted by campus authorities in notifying law enforcement, if the victim chooses**
- **Decline making a report to law enforcement**

Police

Victim/survivors of dating violence, domestic violence, sexual assault, or stalking are encouraged to file a report with the University of Minnesota Duluth Police Department.

***University of Minnesota
Duluth Police Department***

1049 University Dr.
287 Darland Administration Building

911

UMDPD will assist any victim/survivor with notifying local police, when appropriate, upon the request of the victim/survivor.

After contacting UMDPD an officer will meet with you to learn more about what occurred. The officer will inform you about what your next steps could be. If you choose to report the incident to us, the officer will ask you about what happened in order to make a report.

If evidence needs to be collected, such as bedding or clothing, the officer may make arrangements for that to occur. In addition, the officer will help you evaluate whether you need to go to a hospital to meet with a specially trained Sexual Assault Nurse Examiner (SANE). This will assist us in obtaining forensic evidence as well as assure you are provided with proper care and treatment. Officers will not be present during the exam, but you are welcome to bring someone of your choosing.

Once the initial report is completed and any evidence is gathered your case will be assigned to a specific UMDPD officer/investigator and they will contact you for follow-up. The officer/investigator will obtain any necessary additional information as well as provide you with information on the potential next steps in the investigation, which could include further investigation by our department and the eventual submission of the case to a prosecutor's office for review.

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement it is the victim/survivor's choice whether or not to make such a report to law enforcement, and victims have the right to decline involvement with the police.

If a victim/survivor chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. Timely reporting and a medical examination within 168 hours (7 days) is critical in preserving evidence of sexual assault and enhances the effectiveness of an investigation. While timely reporting aids the University of Minnesota in responding to crimes of sexual assault, dating violence, domestic violence, and stalking an individual can report an incident at any time.

Reports of all domestic violence, dating violence, sexual assault, and stalking made to the University of Minnesota Duluth Police Department will automatically be referred to the Title IX Coordinator for review and appropriate action, regardless of if the complainant chooses to pursue criminal charges.

Title IX Coordinator

Victim/survivors of dating violence, domestic violence, sexual assault, or stalking who are interested in pursuing action through the University should report the incident promptly to the appropriate Title IX resources.

***Equal Opportunity and
Affirmative Action (EOAA) Title
IX Coordinator***

274 McNamara Alumni Center 200
Oak St SE

612-624-9547
eoaa@umn.edu

Making a report to this office will allow the complainant the opportunity to receive resources, the option to request supportive measures, and the opportunity to learn more about the option of initiating a University and/or police investigation.

UReport (Anonymous Reporting)

Reporting incidents of dating violence, domestic violence, sexual assault, and stalking can be difficult. You may make an anonymous report through UReport, a resource that was established by the University of Minnesota for reporting such matters in a way that is protective of your concerns and identity.

When utilizing UReport, you are not required to provide your name or other information that might identify you. However, if you choose to remain anonymous, the University will be limited in the scope of its investigation and response. The reporting website will not track the identity of the computer you use.

If you do provide your name, or if your identity becomes known during an investigation, the University might become obligated to use your identity in the process of investigating any alleged misconduct. However, the University forbids retaliation against people who make good faith reports of violations of law or University policy. Therefore, if you experience retaliation or other negative consequences as the result of providing information through UReport or having your identity revealed in the process, you should report it. Information you provide will be used to help determine whether there has been a violation of law or policy.

Information may be shared with persons within the University if they have a need to know. Other persons, organizations, or agencies may obtain access to this information if they have statutory or judicial authority to do so.

For more information or to make a report, go to: <https://compliance.umn.edu/report>

Do not use the UReport site to report immediate threat to life or property. Reports submitted through this service may not receive an immediate response. If you require emergency assistance, please call 911.

Confidential Reporting

If you are the victim of a crime of dating violence, domestic violence, sexual assault or stalking and you do not want to pursue action through the University disciplinary process or the criminal justice system, you may still want to consider making a confidential report to an advocate at WRAC. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University of Minnesota can keep an accurate record of the number of incidents occurring on campus; determine crime patterns and alert the campus community to potential danger.

Reports filed in this manner are counted and disclosed in the annual statistical disclosure, considered for the need to issue a Timely Warning, and are included on the University of Minnesota Duluth Police Department's Daily crime log. These public disclosures will not include any personally identifying information of any reporting parties, witnesses, or victims.

Public Reporting and Disclosures and Personally Identifying Information

Crimes reported to Campus Security Authorities at the University of Minnesota are recorded on a publicly available crime log and if applicable are included in the campus annual statistical disclosure. If it is determined that the alleged incident presents a serious and/or continued threat to the campus community, a Timely Warning Notice may be released according to policy. However, information included in these public disclosures will not include any personally identifiable information of the survivor or witnesses, unless it relevant to the case (particularly for bias motivated crimes).

Supportive Measures and Accommodations

The University will provide supportive measures designed to restore or preserve equal access to the University's programs and activities, protect the safety of all parties or the educational environment, and/or deter prohibited conduct. Supportive measures are non-disciplinary, non-punitive individualized services provided to a party that do not unreasonably burden another party. They are offered to individuals as appropriate and reasonably available. Supportive measures may include the following:

- counseling and support services;
- academic or course-related adjustments, such as extensions of deadlines;
- modifications of work or class schedules;
- campus escort services;
- restrictions on contact between the parties;
- changes in work or housing locations;
- leaves of absence;
- increased security and monitoring of certain areas of campus; and
- assistance in making a report to law enforcement or obtaining a protective order.

Supportive measures may be implemented because an individual has requested them, the campus Title IX office has recommended them, or a local unit or department has identified a need for them. Supportive measures are

available regardless of whether a complainant files a formal complaint with the campus Title IX office or pursues any related process.

Complainants and respondents may seek these supportive measures by contacting the campus Title IX office, which is responsible for coordinating the effective implementation of supportive measures. Campus or local victim-survivor advocacy offices may also be able to assist complainants in requesting supportive measures. Alternatively, complainants and respondents may seek supportive measures directly from the departments or individuals with the ability to provide the requested supportive measures, such as the campus housing and residential life office or the appropriate faculty member, supervisor, or human resources representative.

The departments or individuals with the ability to provide the requested supportive measures will determine which supportive measures to take depending on the circumstances of each case and can seek assistance from the campus Title IX office.

The University will maintain the confidentiality of any supportive measures to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The campus Title IX office staff are also available to meet with University members to address questions or concerns about the provision of accommodations or protective measures.

Requests for accommodations can be made at:

***Equal Opportunity and
Affirmative Action (EOAA) Title
IX Coordinator***

274 McNamara Alumni Center 200
Oak St SE

612-624-9547
eoaa@umn.edu

Any accommodations or protective orders will be maintained as confidential to the extent that maintaining such confidentiality will not impair the ability of the University to provide the accommodations or protective measures. In some cases, some personally identifying information must be released to a third party with a need to know the information in order to arrange for accommodations. Aurora Center advocates will obtain the victim/survivors consent in releasing this information and will inform the victim/survivor what information will be shared, with whom the information will be shared, and why the information must be shared.

University Process for Resolving Sexual Assault, Dating Violence, Domestic Violence, and Stalking Complaints

This section describes the University of Minnesota process for resolving complaints of Sexual Assault, Dating Violence, Domestic Violence and Stalking. This section gives an overview of the University of Minnesota Sexual Harassment, Sexual Assault, Stalking and Relationship Violence Administrative Policy. The entire policy can be found [here](#).

Filing a report with the campus Title IX Office

A complainant may file a formal complaint to request a grievance process.

A complainant files a formal complaint by submitting a document to the campus Title IX office that: 1) alleges that an individual engaged in prohibited conduct toward the complainant; and 2) requests that the University

investigate the allegation of prohibited conduct. The document must contain the complainant's physical or digital signature or otherwise indicate that the complainant is the individual filing the formal complaint.

The formal complaint may be filed with the campus Title IX office in person, via email, or online.

***Equal Opportunity and
Affirmative Action (EOAA) Title
IX Coordinator***

274 McNamara Alumni Center 200
Oak St SE

612-624-9547
eoaa@umn.edu

Rights and Options

When the campus Title IX office learns about alleged dating violence, domestic violence, sexual assault or stalking it will promptly contact the complainant to:

Provide information about available supportive measures, including:

- information about supportive measures and counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid resources within the institution and in the community that are available with or without the filing of a formal complaint, including
- information about how to request supportive measures, including changes to academic, living, transportation and working situations,
- information about the University's services related to no-contact orders, orders for protection, or other similar lawful orders,
- information about how the University will maintain the confidentiality of supportive measures provided to the complainant, and
- an invitation to the complainant to discuss supportive measures and share their wishes with respect to supportive measures with the campus Title IX office;
- Where applicable, provide information about the various processes offered by the University to address prohibited conduct;
- Where applicable, explain the process for filing a formal complaint or requesting an informal problem-solving process;
- Provide information about how the University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the complainant;
- Provide written notification about the importance of preserving evidence that may assist in a legal or campus disciplinary proceeding or may be helpful in obtaining a protective order;
- Provide information about the complainant's right to seek medical treatment, as appropriate; and
- Provide written information to the complainant about their right to contact law enforcement, to decline to contact law enforcement, to be assisted by campus representatives in contacting law enforcement, and to seek a protective order, as appropriate.

When a complainant does not respond to the communication from the campus Title IX office providing the information described above, the campus Title IX office will generally presume that the complainant does not want to initiate a grievance process or an informal problem-solving process.

Confidentiality

The University is committed to protecting the privacy of all individuals involved in an informal problem-solving process or grievance process to the greatest extent legally permissible. In order to carry out an informal problem-solving or grievance process and/or to otherwise to comply with legal obligations, it is often necessary for the University to share the identities of the parties and/or witnesses, as well as information provided by the parties and/or witnesses, with the parties and other participants in the process. The identities of these individuals and the information provided during these processes also may be included in an investigation report or other document relating to the case, which may be provided to others as appropriate.

The University will keep private the identity of complainants, respondents, witnesses, and third-party reporters in cases involving Title IX-based prohibited conduct except when necessary to: 1) carry out an informal problem-solving or grievance process; 2) disclose data as required by the Minnesota Government Data Practices Act (MGDPA); or 3) otherwise comply with legal obligations.

The University does not restrict the ability of complainants or respondents to discuss allegations that have been reported or to gather and present relevant evidence. At the same time, the University and the participants in the grievance process have a compelling interest in protecting the integrity of the grievance process, protecting the privacy of parties and witnesses, and protecting parties and witnesses from harassment, intimidation, or retaliation during a grievance process. To further these goals, witnesses and parties are encouraged to limit their sharing of information about a matter (including the allegations, the identities of the parties and witnesses, and the questions asked in interviews) while the grievance process is ongoing. Parties and witnesses are also cautioned not to discuss the allegations in a manner that constitutes retaliation or unlawful conduct. Further, parties and their advisors are not permitted to disseminate the evidence provided to them.

Training

Individuals responsible for resolving complaints of dating violence, domestic violence, sexual assault and stalking receive training in the following areas:

- the definitions of prohibited conduct, including the definitions of Title IX-based prohibited conduct;
- the scope of the University's education programs and activities;
- how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, where applicable;
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- technology to be used at a live hearing, where applicable;
- issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant; and
- issues of relevance to create an investigative report that fairly summarizes relevant evidence, where applicable.
- Individuals who conduct the University's grievance process (including Title IX Coordinators, investigators, hearing panel members, University Authorities, Appellate Officers, and any person who facilitates an informal resolution process) will also be trained annually on issues related to prohibited conduct and on how to conduct a grievance process that protects the safety of victims and promotes accountability.

Upon receiving a report of sexual misconduct, the campus Title IX Office takes one of the following three actions:

Take no further action beyond offering supportive measures

In certain cases where a complainant does not want an informal problem-solving or grievance process, or when the campus Title IX office does not have sufficient information to effectively initiate such a process, the campus Title IX office may decide not to take any action beyond offering supportive measures to the complainant.

Initiate an informal problem-solving process

The campus Title IX office may initiate an informal problem-solving process when a grievance process has not been initiated or has been dismissed. In an informal problem-solving process, the campus Title IX office does not determine whether a respondent has violated University policy. However, the campus Title IX office may provide resources to help address the concerns raised and make recommendations for responsive action, including actions aimed at preventing misconduct from occurring.

For example, informal problem-solving processes may include:

- gathering additional information about the alleged prohibited conduct to determine how to most effectively respond to the alleged prohibited conduct or to provide relevant information to the individuals involved;
- notifying a respondent about the concerns raised, and about any reported impact of the concerns on a complainant or community;
- providing education or coaching to a respondent or complainant;
- providing recommendations that are aimed at preventing further concerns from arising to an appropriate individual who oversees a respondent or complainant; and/or
- establishing a plan to monitor for future misconduct.

Even if the campus Title IX office originally initiates an informal problem-solving process, the Title IX Coordinator may decide, after the campus Title IX office has gathered additional information about the alleged prohibited conduct, that it is appropriate to sign a formal complaint and initiate a grievance process.

Initiate a grievance process

The campus Title IX office will initiate a grievance process when the complainant has filed a formal complaint requesting that the University investigate alleged prohibited conduct or when the Title IX Coordinator has signed a formal complaint. The grievance process includes an investigation, opportunity for a live hearing, and opportunity for an appeal. In certain cases, the parties may also be offered an informal resolution option and/or an administrative resolution option after the investigation is complete.

The University is committed to providing all parties with robust procedural fairness protections in the grievance process, including notice of the report and investigation, the opportunity to present evidence and identify witnesses, and an impartial and unbiased investigation and adjudication process.

The University's grievance process applies the preponderance of the evidence standard when determining whether sexual misconduct occurred in violation of University policy. "Preponderance of the evidence" means that it is more likely than not that a policy violation has occurred.

Complainants and respondents may be accompanied to meetings and hearings in the grievance process by: 1) an advisor of their choice; and/or 2) a support person, who cannot be a fact witness in the case. When a party does not have an advisor at a live hearing, the University provides an advisor at no cost to make opening and closing statements, and to conduct direct and cross-examination on behalf of that party.

Grievance Process

The grievance process is guided by following principles:

- Title IX Coordinators, campus Title IX office staff who conduct investigations, decision-makers and individuals designated to facilitate informal resolution processes (where available) who: 1) do not have a conflict of interest or bias for or against complainants or respondents generally or individual complainants or respondents specifically; and 2) are trained in accordance with the University of Minnesota Sexual Harassment, Sexual Assault, Stalking and Relationship Violence administrative policy and applicable laws.
- A burden of proof that rests on the University.
- A burden of gathering evidence sufficient to reach a decision on responsibility and disciplinary sanctions, if any, that rests on the University.
- An equal opportunity for the parties to present witnesses.
- A presumption that a respondent is not responsible for the alleged prohibited conduct until a decision on responsibility and disciplinary sanctions, if any, is made at the conclusion of the grievance process.
- An objective evaluation of all relevant evidence.
- Relevant evidence is information pertinent to proving whether facts material to the allegations are more or less likely to be true.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not considered relevant, unless such questions and evidence: 1) are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or 2) concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- No consideration of information protected under a legally recognized privilege, or questions seeking disclosure of this information, unless the person holding the privilege waives it.
- No access to or consideration of a party's records that were made or maintained by a physician, psychiatrist, psychologist, or other professional in connection with the provision of treatment to the party, unless that party provides voluntary, written consent.
- Credibility determinations, where applicable, that are not based on an individual's status as a complainant, respondent, or witness.

Investigation

Investigations into formal complaints will be conducted by the campus Title IX office, except that investigations into stalking and relationship violence of a non-sexual nature will be conducted: 1) for student respondents, by the campus office or official that investigates non-sexual Student Conduct Code complaints; 2) for employee respondents, by a human resources representative or a supervisor; and 3) for other University members, by the University official who retains or oversees their participation in University programs or activities. If a prohibited conduct investigation reveals possible misconduct other than prohibited conduct under this policy, the campus Title IX office will forward this information to the campus office, human resources representative, or supervisor responsible for investigating that possible misconduct. However, amnesty is provided for certain drug and alcohol related offenses that come to light during a prohibited conduct investigation.

Written notice to the parties

Upon receipt of a formal complaint that alleges prohibited conduct in violation of this policy, the campus Title IX office will provide written notice to the parties who are known. The written notice will provide the parties with sufficient time to prepare a response before any initial interview, and will include:

- Notice that a grievance process is being initiated.
- Information about the grievance process.
- Notice of the allegations of prohibited conduct, including the identities of the parties involved in the incident, if known, the alleged prohibited conduct, and the date and location of the alleged prohibited conduct, if known.
- Notice of the decision on whether the reported conduct will be designated as Title IX prohibited conduct, the reasons for this decision, and the parties' right to appeal this decision;
- A statement that the respondent is presumed not responsible for the alleged prohibited conduct and that a decision on responsibility and on disciplinary sanctions, if any, is made at the conclusion of the grievance process.
- Notice that the parties may be accompanied to meetings and hearings in the grievance process by: 1) an advisor of their choice who may be, but is not required to be, an attorney, and who may inspect and review evidence and 2) a support person who cannot be a fact witness in the case.
- Information about applicable supportive measures and advisor resources, and an opportunity to discuss them with the campus Title IX office.
- Notice that this policy prohibits knowingly or intentionally filing a false formal complaint or providing false or misleading information during a grievance process.

If, during the course of an investigation, the campus Title IX office decides to investigate additional allegations of prohibited conduct, the campus Title IX office will provide notice of those additional allegations to the parties whose identities are known.

Investigation process

The nature and scope of an investigation will be determined based on the formal complaint and any additional information gathered during the investigation, and will include the following elements:

- Written notice to the parties
- One or more requested interviews of a complainant, where the complainant will have the opportunity to describe the allegations giving rise to the formal complaint, provide evidence, and identify witnesses.
- One or more requested interviews of a respondent, where the respondent will have the opportunity to respond to the allegations, provide evidence, and identify witnesses.
- Gathering of other evidence, such as through witness interviews, if other evidence exists.
- An equal opportunity for the parties and their advisors to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint
- Provision of a final investigation report to each party, the party's advisor, if any, that fairly summarizes the relevant evidence, provides an analysis of the evidence, and a recommended decision on responsibility.

The campus Title IX office strives to complete investigations within 90 business days. However, depending on the complexity of the investigation, the number of witnesses, the availability of evidence and other factors, some

investigations may take additional time. When an investigation will not be completed within 90 business days, the campus Title IX office will notify the parties and provide the reason for the extended timeline in writing.

Post-Investigation Informal Resolution Process

Based on the final investigation report, the parties may be provided with a proposed informal resolution. If both parties agree in writing to the proposed informal resolution, the grievance process ends. If either party does not agree to the proposed informal resolution, the matter will proceed to a hearing or administrative resolution.

Administrative Resolution Process

In all cases except those that involve a student complainant and a non-student employee respondent, the parties will be offered the opportunity to agree to resolve the case after the investigation through an administrative resolution process. In an administrative resolution process, a hearing chair will make the decision on responsibility based on the investigative report, the parties' written responses to the investigative report (if any), and the evidence gathered by the campus Title IX office as part of its investigation of the formal complaint.

Hearing

If there is no post-investigation informal resolution or administrative resolution, the parties will be provided a live hearing. The parties will be permitted to submit a written response to the final investigation report to the hearing panel.

Hearing format. The University may conduct live hearings with all parties physically present in the same geographic location or with any or all parties, witnesses, and other participants appearing virtually, with technology enabling participants to simultaneously see and hear each other. At the request of any party, the parties will be located in separate rooms during the hearing with technology enabling the hearing panel members and parties to simultaneously see and hear the party or the witness answering questions.

Access to evidence at the hearing. The University will make all evidence directly related to the allegations available to the parties at any hearing.

Advisor and support person. Each party may be accompanied to the hearing by one advisor of their choice. Advisors are permitted to make opening and closing statements and conduct direct and cross-examination during the hearing. If a party does not have an advisor present at the hearing, the University will provide that party, free of charge, with an advisor of the University's choice, to conduct cross-examination on behalf of that party. A party's advisor may appear and conduct cross-examination even when the party whom they are advising does not appear. Each party may also be accompanied at the hearing by a support person, who participates in the hearing in a non-speaking capacity. A support person cannot be a fact witness in the case.

Cross-examination. Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor and never by a party personally. Each party's advisor is permitted to ask the other party and any witnesses all relevant questions.

Failure to submit to cross-examination. If a party or witness does not submit to cross-examination at the live hearing, the hearing panel, and Appellate Officer (where applicable) will not rely on any statement of that party or witness in reaching a decision on responsibility. The hearing panel and Appellate Officer (where applicable) will not draw an inference about the decision on responsibility, if any, based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Recording or transcript. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

Decision on responsibility and disciplinary sanctions

Both parties will be simultaneously provided with the hearing panel's (or in the case of an administrative resolution, the hearing chair's) written decision on responsibility and the written decision on disciplinary sanctions, if any. Together, these written decisions on responsibility and disciplinary sanctions will constitute the "Written Determination" that may then be appealed by either party.

The Written Determination will include:

- the allegations of prohibited conduct;
- a description of the procedural steps taken by the University from its receipt of the formal complaint through the Written Determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- findings of fact supporting the decisions on responsibility and disciplinary sanctions;
- conclusions regarding the application of this policy to the facts;
- a statement of, and rationale for, the decisions on responsibility and disciplinary sanctions;
- a statement of the decision on whether the University will provide remedies to the complainant; and
- the University's procedures and permissible bases for the parties to appeal the decisions on responsibility and disciplinary sanctions.

If an appeal is not filed, the Written Determination becomes final on the date on which an appeal would no longer be considered.

Informal Resolution Processes

The University may offer informal resolution processes to parties at any time after a formal complaint is filed and before a final decision on responsibility and on disciplinary sanctions is made. Except, the University will not offer informal resolution processes to resolve allegations that an employee engaged in Title IX-based prohibited conduct toward a student.

Before initiating an informal resolution process, the University will provide the parties with a written notice disclosing:

- the allegations in the formal complaint;
- the requirements of the informal resolution process;
- the circumstances under which the informal resolution process precludes the parties from resuming the grievance process arising from the formal complaint;
- the parties' right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and
- any privacy-related and recordkeeping-related consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

In addition, before initiating an informal resolution process, the University must obtain the parties' voluntary, written consent to the informal resolution process.

Disciplinary Sanctions, Remedies and other Responsive Actions

Responsive action is intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the University's educational mission and legal obligations. Responsive action may include disciplinary, rehabilitative (including educational), restorative, and monitoring components.

Possible disciplinary sanctions in cases with student respondents include the following:

- an oral or written warning;
- probation;
- required compliance with work assignments, community service assignments, or other discretionary assignments;
- restitution;
- restriction of privileges;
- University housing suspension or expulsion;
- suspension or expulsion from the University;
- withholding of a diploma or degree; and
- revocation of admission or a degree.

Possible disciplinary sanctions and other responsive actions in cases with employee respondents (including student employees) may include one or a combination of the following:

- coaching or education;
- mentoring;
- changes to work duties or locations;
- monitoring to ensure that prohibited conduct is not occurring;
- probation;
- transfer of position;
- removal of administrative appointment;
- salary reduction;
- demotion;
- oral or written reprimand
- suspension; and
- termination of employment.

For labor-represented employees, the disciplinary sanctions that may be imposed are those set forth in their union contract.

Possible disciplinary sanctions or other responsive actions in cases with third-party respondents may include restrictions on a third-party respondent's: 1) participation in University programs or activities; 2) attendance at University events; or 3) ability to enter campus spaces, among other things.

Remedies

Where a decision has been made that a respondent is responsible for prohibited conduct, the University will provide remedies to a complainant that are designed to restore or preserve the complainant's equal access to the University's education programs and activities. Such remedies may include supportive measures, as well as

measures that prevent the respondent from having contact with the complainant, and other measures. The campus Title IX office is responsible for effective implementation of any remedies.

Appeals

Either party may initiate the appeal process.

Appeals are not intended to allow for a second review of the same information provided during the investigation, and the Appellate Officer will not substitute their judgment for that of the hearing panel, or that of the hearing chair in the case of an administrative resolution. Appeals are limited to the grounds set forth below.

- Procedural irregularity that affected the outcome.
- New evidence that was not reasonably available at the time of the Written Determination that could have affected the outcome.
- A sanction that is grossly disproportionate to the offense.
- A decision on responsibility that is not based on substantial information. Substantial information means relevant information that a reasonable person might accept as adequate to support a conclusion. The Appellate Officer must respect the credibility determinations of the hearing panel (or of the hearing chair in the case of an administrative resolution) and must not substitute the Appellate Officer's judgment for that of the hearing panel or chair.
- The Title IX Coordinator, investigator, hearing panel members, and/or University Authority had a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome.

The Appellate Officer will issue a written decision that 1) affirms, in whole or in part, the decision on responsibility, 2) overturns, in whole or in part, the decision on responsibility, 3) affirms, overturns, or adjusts the decision on disciplinary sanctions, or 4) remands the matter to remedy procedural errors or consider new evidence.

The decision of the Appellate Officer is the final University decision.

Orders for Protection, Harassment Restraining Orders and Enforcement

The University of Minnesota Duluth complies with Minnesota law in recognizing Orders for Protection and Harassment Restraining Orders issued through criminal, civil, or tribal courts, or through the University itself. Any person who obtains such an order should provide a copy of it to the University of Minnesota Duluth Police Department. Persons in need of assistance in obtaining an Order for Protection or Harassment Restraining Order can contact: Safe Haven at 218-623-1000; 414 W. 1st Street; Duluth, MN 55803; Monday through Friday 8:00am - 4:00pm.

University department personnel that are made aware of an Order for Protection or Harassment Restraining Order, and need assistance with related accommodations, can contact Dr. Lisa Erwin, Vice Chancellor for Student Life and Dean of Students, at 218-726-8501 for cases involving UMD students, or the Director of Human Resources at 218-726-6326 for cases involving employees.

Resources

On-Campus Resources for Students, Staff, and Faculty

*University of Minnesota
Duluth Police Department*

Campus Law Enforcement

Emergency: 911
Administrative:
218-726-7000
Website: <http://d.umn.edu/police-department/>

*UMD Women's Resource and
Action Center (WRAC)*

Support and advocacy for sexual
assault, relationship violence,
stalking, 24-hour helpline

218-726-6292
Website:
<http://www.d.umn.edu/wrac/>

UMD Safewalk

On-campus secure walking escorts

218-726-6100
Website:
[http://www.d.umn.edu/depts/vie
w.cgi?groupid=248](http://www.d.umn.edu/depts/vie
w.cgi?groupid=248)

*UMD One Stop Student
Services*

Financial Aid

218-726-8000
Website:
<https://onestop.d.umn.edu/>

*UMD Office of Student
Conduct and Conflict
Resolution*

Investigation of Student Conduct
Code violations

218-726-7255
Website:
<http://www.d.umn.edu/conduct/>

<i>UMD Office of Disability Resources</i>	Support and advocacy for persons with disabilities, including victims of violence and other crimes	218-726-6130 Website: http://www.d.umn.edu/disability-resources
<i>UMD Multicultural Center</i>	Multicultural support and resources	218-726-6522 Website: http://www.d.umn.edu/mlrc/
<i>UMD International Student Services</i>	Visa and Immigration Information	218-726-7305 Website: http://www.d.umn.edu/international-student-services/
<i>UMD Health Services</i>	Physical and mental health services	218-726-8155 Websites: http://www.d.umn.edu/hlthserv/ http://www.d.umn.edu/hlthserv/counseling/
<i>UMD Employee Assistance Program</i>	Faculty- and staff-specific professional consultation and mental health resources.	218-726-6700 888-243-5744 612-625-2820 Website: http://www.d.umn.edu/umdhr/About/eap.html
<i>Equal Opportunity and Affirmative Action (EOAA) Title IX Coordinator</i>	Investigation of Sexual Assault, Dating Violence, Domestic Violence, & Stalking complaints	218-726-8383

Community Resources

<i>MNCASA (Minnesota Coalition Against Sexual Assault)</i>	Education, Policy, Prevention	Web: www.mncasa.org Business: 651-209-9993
<i>Rape, Abuse, and Incest National Network (RAINN)</i>		http://www.rainn.org
<i>Program for Aid to Victims of Sexual Assault (PAVSA)</i>	Advocacy and assistance for victims of sexual assault	24-Hour Crisis Line: 218-726-1931 Office: 218-726-1442 Website: http://www.pavsa.org
<i>Safe Haven</i>	Advocacy, safe housing, counseling, legal services for victims of domestic and relationship violence	218-623-1000 24-Hour Crisis Line: 218-728-6481 Website: http://safehavenshelter.org/
<i>Domestic Abuse Intervention Programs (DAIP)</i>	Advocacy, safe housing, counseling, legal services for victims of domestic and relationship violence.	218-722-2781 Website: http://www.theduluthmodel.org/

Note: Resources and organizations not affiliated with the University of Minnesota or the University of Minnesota Duluth are listed for informational purposes only, and are not endorsed by the University of Minnesota or the University of Minnesota Duluth.

Sexual Offender Registration

Certain felony level sex and other predatory offenders are required by law to keep law enforcement agencies apprised of their current residence, employment, and school address, as well as any changes to that information. Some of these offenders have demonstrated by their past behavior that they are part of a group who pose the greatest risk to the public when released. This does not mean that they will commit a new crime, just that they are part of a group of persons who might.

State and federal law requires UMD to inform the campus community that a registration list of sex offenders is available at the following link: <https://coms.doc.state.mn.us/publicregistrantsearch>

These individuals are not wanted by law enforcement at this time and have served the sentence imposed upon them by the court. The use of this information to threaten, harass, or intimidate such individuals may be a crime and will not be tolerated

Release of Disciplinary Outcome to Victims of Crimes of Violence or Non-Forcible Sex Offenses

The University of Minnesota will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the results of any disciplinary proceeding conducted by the University of Minnesota against a student who is the alleged perpetrator of the offense. If the alleged victim is deceased as a result of such of the offense, the next of kin of the victim is permitted to make the request.

Housing & Residence Life Missing Person Policy

The purpose of this policy is to establish official standard procedures for the University of Minnesota Duluth's response to reports of missing students who reside in University-owned housing facilities.

For purposes of this policy, a student resident may be considered a missing person if the resident's absence from residential life and the campus community is suspiciously different to his/her usual pattern of behavior and/or unusual circumstances may have caused the absence.

Student designation of missing person contact information

Students age 18 and above and emancipated minors:

Student residents will be given the opportunity to designate an individual or individuals to be contacted by the University no more than 24 hours after the time that the student resident is determined to be missing. A designation will remain in effect until changed or revoked by the student resident via email to umdhouse@d.umn.edu or until the student is no longer a resident of University housing.

Students under the age of 18 and not emancipated:

In the event a student resident who is under age 18, not emancipated, and is determined to be missing, the University is required to notify custodial parent or guardian no more than 24 hours after the student resident is determined to be missing. The custodial parent or guardian contact information will remain in effect throughout the duration of the contract period for which they signed when under the age of 18 unless the student turns 18 during the contract period and contacts Office of Housing and Residential Life to change or revoke the designation.

This contact information will be registered confidentially and will only be accessible to campus officials and will only be disclosed to law enforcement personnel in the furtherance of a missing person's investigation.

To Report a Missing Student

In the case of a missing student, individuals should notify the University of Minnesota Duluth Police Department or Housing & Residence Life staff members.

Official notification procedures for missing persons:

Any individual on campus who has information that a University student resident may be a missing person must notify the UMD Police Department as soon as possible. It shall be the policy of the University of Minnesota Duluth that any of its agents that receive information on a missing student resident will report it to the UMD Police Department within twenty-four (24) hours of the determination that the student is missing. This will be done regardless of whether or not the student resident has designated a contact person, is over the age of 18, or is an emancipated minor.

If a report of a potential missing person is made to UMD Housing, staff will immediately contact (call 911) and work cooperatively with the UMD Police Department in its investigation of the matter. Cooperative efforts may include:

- Conduct a health and wellness check on the resident
- Attempt to make contact via cellular phone, e-mail, or other means
- Identify other students who may be aware of the missing person's whereabouts (i.e. roommate, friends, classmates, family, etc.).
- Checking attendance at class or on-campus employment, use of meal plan, etc.

The UMD Police Department will gather all essential information about the University student resident from the reporting person and other individuals who may provide information that will assist with the investigation.

No later than 24 hours after the University determines that a student resident is missing, the chief law enforcement officer on campus or designee will notify the designated missing person contact (for students 18 and above and emancipated minors) or the parent/guardian (for students under the age of 18 and not emancipated) that the student resident is believed to be missing. This individual contact will be updated as to the progress of the investigation into the missing person report.

Fire Safety Report

On Campus Student Housing Facilities

The University of Minnesota Duluth has nine student housing facilities. Five are traditional style residence halls and four are apartment style facilities.

Traditional Residence Halls
Burntside Hall 1320 Maplewood Court, Duluth, MN, 55812
Griggs Hall 509 Niagara Court, Duluth, MN, 55812
Ianni Hall 506 Niagara Court, Duluth, MN, 55812
Lake Superior Hall 513 Niagara Court, Duluth, MN, 55812
Vermilion Hall 1105 Kirby Drive, Duluth, MN, 55812

Apartments
Junction Apartments 1115 Junction Avenue, Duluth, MN, 55812
Oakland Apartments 621 Oakland Circle, Duluth, MN, 55812
Goldfine Hall 1205 Village Lane, Duluth, MN, 55812
Heaney Hall 1220 Village Lane, Duluth, MN, 55812

Reporting Fires

All fires should be reported by calling 911.

Any fire, fire alarm activation or sprinkler activation needs to be reported Housing & Residence Life. Typically, the first staff to be notified will be the Resident Advisors for the specific living area. An electronic monitoring system monitored by a contract vendor notifies 911 of activated system.

On-Campus Student Housing Facility Fire Safety Systems

The charts below summarize each facility's fire safety system and the number of fire drills held during the 2019 calendar year.

Duluth On Campus Residential Facilities	Fire Alarm Monitoring	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/ Placards	Number of drills
Burntside Hall	X	x	x	x	x	2
Griggs Hall	X	x	x	x	x	2
Ianni Hall	X	x	x	x	x	2
Lake Superior Hall	X	x	x	x	x	2
Vermilion Hall	X	x	x	x	x	2
Goldfine Hall	X	x	x	x	x	2
Heaney Hall	X	x	x	x	x	2
Junction Apartments	X	x	x	x	x	2
Oakland Apartments	X	x	x	x	x	1*

Fire Alarm Monitoring indicates if the fire alarms are monitored at a central location.

Full Sprinkler System is defined as having sprinklers in both the common areas and individual rooms.

Evacuation Plan indicates if a location has evacuation plans for fire evacuation.

*A second fire drill was not conducted at Oakland Apartments as it was used as isolation and quarantine housing during 2020.

Housing Regulations Regarding Portable Electrical Appliances, Smoking, and Open Flames

Electrical Appliances

The only appliances permitted in the Residence Halls are listed below:

- Microwave ovens (under 1000 watts)
- Keurig or other coffee makers
- Air popcorn poppers
- Blenders

Residential grade appliances are allowed in the apartments including:

- Microwave ovens (under 1000 watts)
- Keurig or other coffee makers
- Air popcorn poppers
- Blenders
- George Foreman or other electric indoor grills
- Toasters & toaster ovens
- Pizza Pizzazz or other pizza ovens
- Hot or induction plates

- Crock pots & Instapots
- Small chest freezer (under 5 cubic feet)
- Small refrigerator (under 5 cubic feet)

The following personal appliances and other personal devices are prohibited in Housing facilities.

- Hot Tubs
- Gas grills
- Charcoal grills
- Dishwashers
- Tanning beds
- Ceiling fans
- Washers & dryers
- Space heaters (unless provided by HRL maintenance staff)
- Air conditioners
- Institutional grade appliances

Cooking

Students must not leave food items that are being cooked unattended

Smoking

In accordance with the University of Minnesota Smoke and Tobacco-free campus policy, all Housing & Residence Life facilities are 100% smoke-free environments. Smoking and tobacco use is not allowed. In Housing & Residence Life, smoking is defined as having a lighted cigar, cigarette, pipe, or any other smoking equipment, including the use of electronic cigarettes, vaporizers, and hookahs. Students documented for violations of the above in Housing & Residence Life facilities will be adjudicated in the Housing conduct process.

Open Flames

Candles, incense, wax melters or warmers, and open flames are not allowed in residential facilities

Prohibited Lighting

Halogen lamps and bulbs are not permitted

Evacuation in case of a fire

In the event of a building alarm, fire departments cannot begin their job until everyone is out of the building. Failing to leave the building puts others at risk. In compliance with Minnesota State Fire Code and state law, everyone is required to leave the building in the event of a building alarm.

- Upon activation of a fire alarm, immediately proceed to the nearest, safest exit
- Before opening doors, feel the door; if it is hot do not proceed through the door. If the door is cool, open the door slowly and proceed to nearest, safest exit
- If on upper floors of a building, do not use elevators, proceed down stairwells to exit, if heavy smoke or fumes are present, use an alternate exit route
- Exit the building and move a safe distance away from the building
- Housing staff will assist exiting residents to a nearby safe location
- Do not re-enter the building for any reason. Emergency Responders or Housing and Residential Life Staff will notify residents if and when it is safe to return to the building

Steps to Be Taken in Case of Fire

In a fire emergency:

- Pull the fire alarm if able.
- Call 9-911.
- Remain calm and act quickly.
- Wear protective clothing such as a coat and shoes and carry a damp towel for use in heavy smoke.
- Close your room door and windows.
- Walk in an orderly manner to the nearest exit. Never use an elevator.
- Move a safe distance away from the building and out of the way of fire department personnel.
- Remain outside until you are told to return by the staff.
- If you think there is a fire in the hallway, feel the door before you open it:
- If the door does not feel hot, open it slightly, holding your head away and brace the door with your foot.
- Put your hand across the opening to test the heat of the air.
- If the door is hot and the hallway unsafe, plug any opening or cracks through which smoke may enter your room using wet towels, sheets, blankets, etc.
- If smoke does enter the room, open the window for ventilation; break it if sealed.
- DO NOT JUMP.
- Make your presence known.
- Wait for rescue

In case of minor fire:

- Pull the fire alarm if able.
- Call 9-911.
- Use a fire extinguisher located in the hallway cabinets or a blanket to smother the fire.
- Call the Lake Superior Hall Information Desk at 218-726-7381.
- Never risk your personal safety!

Fire Safety Education & Training

UMD Housing & Residence Life staff receives training in use of fire extinguishers and fire safety on an annual basis.

Resident Advisors review fire safety and fire evacuation procedures at floor and area meetings at the beginning of fall semester.

Fire evacuation drills are coordinated between UMD Housing & Residence Life, UMD Environmental Health and Safety, and the Duluth Fire Department at the beginning of each fall semester.

Fire Statistics

Duluth	Number of Reported Fires		
Housing Facility	2018	2019	2020
Burntside Hall 1320 Maplewood Court, Duluth, MN, 55812	0	0	1
Griggs Hall 509 Niagara Court, Duluth, MN, 55812	0	1	0
Ianni Hall 506 Niagara Court, Duluth, MN, 55812	0	2	0
Lake Superior Hall 513 Niagara Court, Duluth, MN, 55812	2	0	1
Vermilion Hall 1105 Kirby Drive, Duluth, MN, 55812	0	0	1
Goldfine Hall 1205 Village Lane, Duluth, MN, 55812	0	0	0
Heaney Hall 1220 Village Lane, Duluth, MN, 55812	0	1	1
Junction Apartments 1115 Junction Avenue, Duluth, MN, 55812	0	0	0
Oakland Apartments 621 Oakland Circle, Duluth, MN, 55812	0	0	0

Fire Details

2020

2/10/2020 Burntside Hall: A stove in community kitchen malfunctioned, creating a brief small fire & smoke in building. There were no deaths or injuries. Damage was estimated at \$350.

3/1/2020 Lake Superior Hall: RAs observed scorch marks on shower curtain, the scorch marks were determined to be intentional. There were no deaths or injuries. Damage was estimated at \$15.

10/19/2020 Vermillion Hall: Electrical fire caused by malfunctioning refrigerator in a vacant room. There were no deaths or injuries. Damage is estimated at \$10,000.

10/21/2020 Heaney Hall: Accidental cooking fire. There were no deaths or injuries. Damage was estimated at \$350.

2019

3/21/2019 Heaney Hall: Accidental cooking fire. There were no deaths or injuries. Damage was estimated 0\$.

6/17/2019 Griggs Hall- mechanical fire caused by overheated motor in a heater. There were no injuries or deaths. Damage was \$408.

10/20/2019 Ianni Hall: Door decorations had been intentionally lit on fire. There were no injuries or deaths. Damage was estimated between \$0-100.

11/6/2019 Ianni Hall: door decorations had been intentionally lit on fire. There were no injuries or deaths. Damage was estimated between \$0-100.

2018

4/08/18 Lake Superior Hall: 4th floor, paper wall signs & door decorations lit on fire, \$250 damage to walls and door, no injuries or deaths.

4/08/18 Lake Superior Hall: 6th floor, paper wall signs & door decorations lit on fire, \$250 damage to walls and door, no injuries or deaths.

Planned Fire Safety Improvements

Housing & Residence Life works closely with University code officials to review current systems and plan for future improvements. There are currently no plans deemed necessary for improvements in fire safety systems or procedures.

For More Information

To request copies of this report or to request this publication in an alternative format, contact:

University of Minnesota Duluth Police Department

1049 University Dr.

DAdB 287

Duluth, MN 55812

218-726-7000

The University of Minnesota is committed to the policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status, or sexual orientation.