

# ROCHESTER

COMMUNITY AND TECHNICAL COLLEGE

## CRIME STATISTICS: 2021 - 2022 – 2023

Prepared: Fall 2024



MINNESOTA STATE

*Rochester Community and Technical College,*  
A member of Minnesota State

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## **INTRODUCTION**

Rochester Community and Technical College is the oldest public two-year college in Minnesota, and one of the oldest in the nation. Rochester Community and Technical College is a member of the Minnesota State system. The Campus sits on about 518 acres and serves about 6355 students annually.

### **Mission**

RCTC empowers students to thrive in an ever-changing, diverse society by providing access to exceptional education.

### **Vision**

Rochester Community and Technical College will be a universal gateway to world class learning opportunities.

## **CAMPUS SAFETY AND SECURITY DEPARTMENT**

The Rochester Community and Technical College Campus Safety and Security Department is recognized as the primary campus department responsible for providing security services for students, faculty, staff, and campus visitors. The Department is comprised of full-time professional. Security Officers are NOT licensed police officers and do not possess the power of arrest as defined by Minnesota State Statute; but have been granted the authority by the College President to enforce system and College policies, which are not inconsistent with federal, state, or local law.

The Rochester Police Department provides fully licensed police protection for Rochester Community and Technical College. The Campus Safety and Security Department has developed a working relationship with the Rochester Police Department that allows for immediate response to all crimes, emergencies, or requests for service generated by the campus.

## **CAMPUS SECURITY REPORT**

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

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

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

## Campus Security Authorities (CSA)

<b>Group 1 CSAs (Those with campus security and disciplinary responsibilities)</b>			
<b>Office</b>	<b>Location</b>	<b>Phone</b>	<b>Comments/Hrs.</b>
Director Campus Safety and Security	Coffman Hall, Room 102	507.280.5050	Available when buildings are open
Security Personnel	Coffman Hall, Room 102	507.280.5050	Available when buildings are open

<b>Group 2 CSAs (Others responsible for security including students and employees)</b>			
<b>Office</b>	<b>Location</b>	<b>Phone</b>	<b>Comments/Hrs.</b>
Student Security Personnel	Coffman Hall, Room 102	507.280.5050	Available when buildings are open

<b>Group 3 CSAs (Those with significant responsibility for student and campus activities or disciplinary or judicial proceedings)</b>			
<b>Office</b>	<b>Location</b>	<b>Phone</b>	<b>Comments/Hrs.</b>
Vice President Student Affairs (Title IX Officer)	Student Services Building, Room 208	507.285.7217	8:00 am - 4:30 pm Monday-Friday
Dean Student Success (Student Conduct Officer)	Student Services Building, Room 139	507.285.5504	8:00 am - 4:30 pm Monday-Friday
Vice President of Human Resources and Equity	East Hall, Room 201	507.285.7183	8:00 am - 4:30 pm Monday-Friday
Student Life Coordinator	College Center, Room 405	507.285.7206	8:00 am - 4:30 pm Monday-Friday
Student Engagement Specialist	College Center, Room 402	507.285.7204	8:00 am - 4:30 pm Monday-Friday
Human Resource Specialist	East Hall, Room 201	507.280.5007	8:00 am - 4:30 pm Monday-Friday
College Counselor	Student Services Building, Room 137	507.529.2786	8:00 am - 4:30 pm Monday-Friday
Coordinator of Student Health Services	Health Science Building, room 140	507.280.2887	8:00 am - 4:30 pm Monday-Friday
Student Life Faculty (including Student Club Advisors, Student Life Program Advisors, Music and Theatre Directors, and the Student Government Advisor)	Various faculty offices	Various faculty phone numbers	Variable hours; generally, 8:00 am - 4:30 Monday - Friday
Director of Athletics, Coaches, Assistant Coaches	Rochester Regional Sports Center	507.285.7254	Variable hours; generally, 8:00 am - 4:30 Monday - Friday

It is the policy of Rochester Community and Technical College to report all criminal activity to the Rochester Police Department by reporting incidents directly to their office or to the Campus Safety and Security Department. All crimes or potential crimes that are reported to the Campus Safety and Security Department will be forwarded to the Rochester Police Department. It is also Rochester Community and Technical College's position that all campus community members are responsible for reporting any criminal activity they become aware of to the Campus Safety and Security Department, 851 30<sup>th</sup> Avenue SE, Rochester, MN 55904, phone 507-280-5050, or the Rochester Police Department, 101 4<sup>th</sup> St SE, Rochester, MN 55904, phone 507-328-6800

(non-emergency number) or 911 if emergency.

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

Rochester Community and Technical College publishes the Annual Security Report each year by October 1. All current students, faculty and staff are sent an email that briefly describes the report and also contains the exact Internet address where it can be found at: <https://www.rctc.edu/services/safety/annual-security-report/>. Printed copies of the report are available, at no cost, upon request from Campus Safety and Security Department, Coffman Hall, Room 102.

## **GEOGRAPHY**

Pursuant to the Act, Rochester Community and Technical College's Campus Safety and Security Department and Clery Compliance Officer monitors criminal activity and publishes this report containing a three-year statistical history of select crimes or incidents that occur. The statistics are gathered from three specific geographic areas.

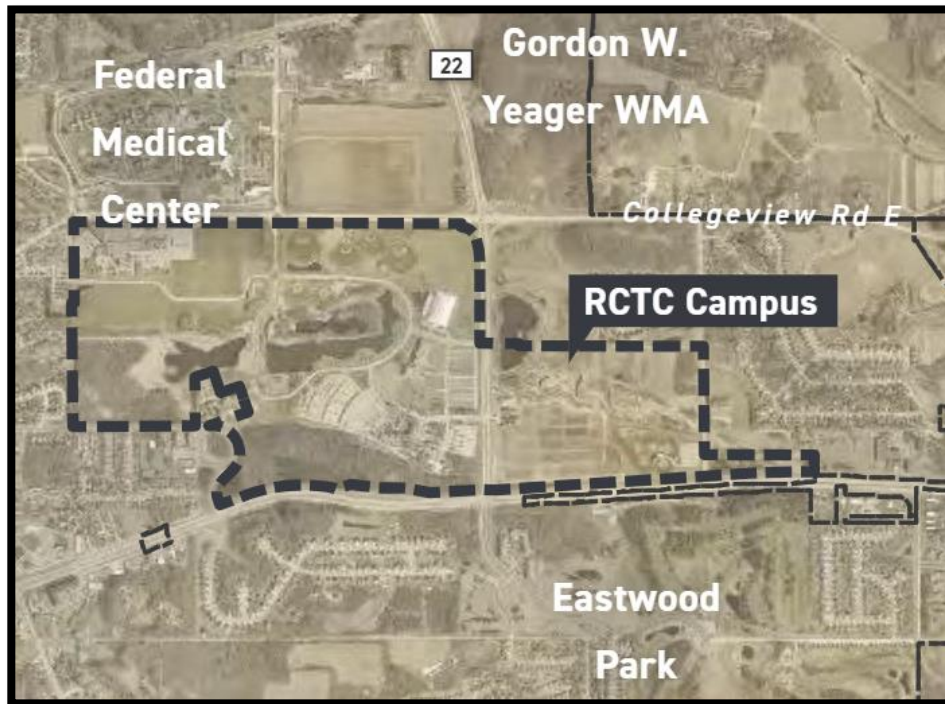
1. Campus.
2. Non-campus property or institution sanctioned buildings or property; and
3. Public property that is adjacent to campus and are submitted on an annual basis to the U.S. Department of Education.

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

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

**Campus Property Includes:**

The black dotted line (see graphic below) surrounds the Rochester Community and Technical College Campus and identifies College property (i.e., On-Campus Property). The area within the dotted line consists of the buildings and grounds identified as the address of 851 30<sup>th</sup> Avenue SE, Rochester, MN.



**Residential Facilities:** Rochester Community and Technical College is a two-year institution with no residential facilities.

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

**Non-campus property includes:**

- Rochester Public Safety Training Center, 1421 3<sup>rd</sup> Ave. SE, Rochester, MN 55904

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

Rochester Community and Technical College public property includes adjacent streets, parking lots, and sidewalks.

## **TYPES OF CRIMES (Required under the Clery Act) (See Appendix 1 for definitions)**

### Criminal Homicide:

- Murder and non-negligent manslaughter
- Negligent Manslaughter

### Sex Offenses:

- Rape
- Fondling
- Incest
- Statutory rape

### Robbery

### Aggravated assault

### Burglary

### Motor Vehicle Theft

### Arson

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

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

### Hate crimes, including:

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

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

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

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

### Dating violence

### Domestic violence

### Stalking

## COLLEGE CRIME STATISTICS (2021-2023)

### Criminal Offenses

OFFENSE	CALENDAR YEAR	ON CAMPUS PROPERTY	PUBLIC PROPERTY	NON-CAMPUS PROPERTY	TOTAL
Murder/Non-negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Fondling	2021	0	0	0	0
	2022	0	1	0	1
	2023	0	0	0	0
Incest	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Robbery	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Aggravated Assault	2021	1	0	0	1
	2022	0	0	0	0
	2023	0	0	0	0
Burglary	2021	2	0	0	2
	2022	1	0	0	1
	2023	1	0	0	1
Motor Vehicle Theft	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Arson	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0



### VAWA Offenses

OFFENSE	CALENDAR YEAR	ON CAMPUS PROPERTY	PUBLIC PROPERTY	NON-CAMPUS PROPERTY	TOTAL
Domestic Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Dating Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Stalking	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

### Arrests

OFFENSE	CALENDAR YEAR	ON CAMPUS PROPERTY	PUBLIC PROPERTY	NON-CAMPUS PROPERTY	TOTAL
Weapons: Carrying, Possessing, etc.	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug Abuse Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Liquor Law Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

### Disciplinary Actions

OFFENSE	CALENDAR YEAR	ON CAMPUS PROPERTY	PUBLIC PROPERTY	NON-CAMPUS PROPERTY	TOTAL
Weapons: Carrying, Possessing, etc.	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug Abuse Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	1	0	0	1
Liquor Law Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

### Hate Crimes

Rochester Community and Technical College strives to foster a safe and healthy learning environment that embodies diversity and inclusion of all members of the Rochester Community and Technical College

community. The Hate Crime statistics are separated by category of prejudice.

If a Hate Crime occurs where there is an incident involving Intimidation, Vandalism/Destruction/Damage, Larceny/Theft, Simple Assault, gender identity, national origin or another bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

Note: A hate or bias-related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, some subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's race, sexual orientation, gender, religion, ethnicity, or disability, the assault is then also classified as a hate/bias crime.

### **Hate Crimes Statistics**

2023: There were no reported hate crimes, as defined by applicable federal law

2022: There were no reported hate crimes, as defined by applicable federal law

2021: There were no reported hate crimes, as defined by applicable federal law

### **Unfounded Crimes**

2023: 0 unfounded crime

2022: 1 unfounded crime

2021: 0 unfounded crimes

## **EMERGENCY RESPONSE AND TIMELY WARNING**

Rochester Community and Technical College is required by policy and fire code to have evacuation and emergency operations plans in place. The Colleges, general emergency evacuation procedures may be found at: <https://www.rctc.edu/services/safety/emergency/>. Within this link, such items as active shooter, bomb threat, fires, etc., are separately addressed.

Rochester Community and Technical College's current Emergency Operations Plan is based on the all-hazards concept, incorporating the National Incident Management System, and coordinated with the system office and local emergency response agencies. This plan is used to respond to any level of emergency impacting Rochester Community and Technical College and outlines the responsibilities and actions necessary to protect life, property, and the environment. Some of the processes and procedures are included in this report.

The College's Emergency Operation Plan has been posted at: <https://www.rctc.edu/wp-content/uploads/2024/11/EOP-PLAN-UPDATED-11.18.24.pdf>

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

**Active messaging:** Rochester Community and Technical College has the ability to address the campus through a public address system that covers all interior campus offices, classrooms and public spaces.

**Passive messaging:** Rochester Community and Technical College will provide emergency information via the main web page. The administration will use campus wide mass email and any other available media such as signs, reader boards and internal closed-circuit televisions to disseminate emergency notifications to students, faculty, and staff. Twitter and Facebook social media will also be used to disseminate emergency notification either individually or through the RCTC Alert system.

**Individual messaging:** Rochester Community and Technical College utilizes an emergency notification system branded RCTC Alert, provided by Blackboard Connect, which disseminates emergency notification through SMS text, direct phone calls and email, at the selection of the recipient. This is an opt out/in system. RCTC Alert also posts messages to the College's primary Facebook and Twitter accounts.

Every semester, approximately 10-days prior to the start of the term, the Information Technology Department uploads all email addresses for current students and employees into the emergency notification system, using the local Active Directory. The process is repeated 10-days after the semester start (after drop/add period for enrollment).

Students, faculty, staff, and others have the option to sign up for emergency notifications via text, phone, and alternative e-mail addresses by setting up an account by using either their college email address or a personal email address as a user ID. They will then establish a password for this account. Passwords must be at least 8 characters, including 1 lowercase letter, 1 capital letter, and 1 number. Spaces and special characters are not permitted. Students, employees, and visitors will remain in the system until they request deactivation using the system.

The following link: <https://www.rctc.edu/services/safety/emergency-alerts/> provides additional directions for this process.

Students, faculty, and staff have the option of permanently opting out of RCTC Alert on those additional platforms in which they add aside from their college e-mail address. For additional information on access, issues concerning individual accounts or other questions contact: Executive Director of Communications, Marketing and External Relations, East Hall Room 133, 507.536.5604.

Rochester Community and Technical College, upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on campus proceeds as follows:

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

The following procedures are specific to Rochester Community and Technical College:

## **DETERMINATION OF NOTIFICATIONS AND CONTENTS**

Rochester Community and Technical College and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification and determining what segment or segments of the College community should receive the information. Campus community members in the immediate area of the dangerous situation will receive the emergency notification first. The College may issue subsequent notifications to a wider group of community members. In addition to the emergency notification system, the College will also post relevant messages about the dangerous condition on the College website to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, College officials will distribute the notification to the entire campus community.

Rochester Community and Technical College's Campus Safety and Security personnel, in connection with the Executive Director of Communications, Marketing and External Relations, designated College Administrators, and local first responders are responsible for issuing the emergency notification and will determine the contents of the notification. The College has developed a wide range of template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the on-going situation and modify it to meet the specifics of the present incident.

In those cases, where there are no pre-determined template messages in the system, the individual authorizing the alert will develop the most succinct message to convey the appropriate information to the community.

In the event of a situation that poses an immediate threat to members, of the campus community, the College has various methods in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an emergency to all or a segment of the campus community. These methods of communication include the RCTC Emergency Alert, campus-wide e-mail system, Rochester Community and Technical College web page messages and text messaging (if the member of the campus community participates in this option).

## **VERIFICATION AND CONFIRMATION**

Rochester Community and Technical College's Campus Safety and Security personnel and/or other campus first responders may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Campus first responders become aware of these situations when they are reported to Rochester Community and Technical College or upon discovery by other College personnel.

Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, first responders will make the appropriate notification, and an RCTC Emergency Alert will be issued.

Rochester Community and Technical College authorized representatives will immediately initiate all or some portions of the College's emergency notification system. If, in the professional judgment of the first responders, issuing a warning potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, Rochester Community and Technical College may elect to delay issuing a notification of urgency. As soon as the condition that may compromise efforts is no longer present, the College will issue the emergency notification to the campus community.

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

- President

- Executive Director of Communications, Marketing and External Relations
- Director of Campus Safety and Security
- Safety and Security Officers
- Vice President of Student Affairs
- Vice President of Academic Affairs
- Vice President of Finance and Facilities
- Vice President of Human Resources and Equity
- Executive Assistant to the President
- Chief Information Officer

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

Rochester Community and Technical College will test the emergency response and evacuation procedures annually in accordance with this policy and applicable state and federal regulations. Tests may be announced, or unannounced and emergency response and evacuation procedures will be publicized in conjunction with at least one test per calendar year. Results of each test will be documented and include a description of the exercise, the date, time, and whether it was announced or unannounced. This information will be maintained by the Campus Safety and Security Department. Records for all Clery related requirements are maintained for seven years and available upon request.

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

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

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

## **CAMPUS SECURITY POLICIES**

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

Crimes can also be reported directly to the Campus Safety and Security Department at 507-280-5050, Director of Campus Safety and Security, Vice President of Student Affairs or Vice President for Finance and Facilities. Please notify those listed above anytime 911 services are requested (fire, law enforcement, medical) on campus.

All criminal activity occurring on campus should be reported immediately to Rochester Community and Technical College Campus Safety and Security Department whether in person at Coffman Hall Room 102 or by telephone at 507-280-5050. If the victim chooses, an additional report can be filed with the appropriate local law enforcement agency. Rochester Community and Technical College Campus Safety and Security Department or others listed above can assist the complainant in completing reports. Internal reports may be shared with other departments on campus as necessary to complete an investigation and/ or to ensure the safety of the campus community. The Campus Safety and Security Department or others listed above will assist Police Department(s) with investigations as required. Depending on many factors Rochester Community and Technical College may or may not hold reports of crime in confidence and may be required by law to release information based on the events or nature of the crime. Whenever possible, Rochester Community and Technical College will attempt to protect the identity of crime victims. In addition, crimes can be reported to any of the Campus Security Authority (CSA) above who have significant responsibility for student and campus activities (not including counselors). (Please see list of CSAs above.)

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

Rochester Community and Technical College safety and security personnel and officials ARE NOT certified or sworn peace officers and do not possess law enforcement (arrest) authority.

Rochester Community and Technical College works closely with Rochester Police Department, Olmsted County Sheriff Department, State Patrol, Bureau of Criminal Apprehension, and other state and federal law enforcement agencies as required. Rochester Community and Technical College has a memorandum of understanding with Rochester Police Department to confer and cooperate, to the extent permitted by law, regarding incidents of sexual violence including a college student-victim or student-suspect.

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

Rochester Community and Technical College continuously reviews the physical security infrastructure to ensure appropriate steps are taken to maintain and enhance the safety and security of the campus. Landscaping and lighting are checked weekly by Campus Safety and Security personnel during their normal rounds on campus and discrepancies are addressed within the week by the College's physical plant personnel. The campus works closely and routinely with the system Emergency Preparedness and Security Specialist and the Physical Plant Department to evaluate campus physical security and vulnerability, programming resources to address any potential threats, vulnerabilities, or contingencies.

The campus and all facilities are open during the following hours:

Building	Monday - Friday	Saturday	Sunday	Campus Holiday
Main Campus	6:30 am – 9:00 pm	9:00 am – 5:00 pm	Closed	Closed
Heintz Center	6:30 am – 9:00 pm	9:00 am – 5:00 pm	Closed	Closed
Sports Center	7:00 am – 9:00 pm	8:00 am – 8:00 pm	8:00 am – 8:00 pm	Closed

Campus facilities, offices, classrooms, and other spaces use a combination of keyless entry, keys issued to authorized personnel only, and manually operated locks. All buildings are physically locked and alarmed when buildings are closed and after staff are off duty. Typically, security and/or maintenance opens and/or grants access and secures all facility access points after hours.

The following guidelines are designed to provide maximum security and protection for all concerned, and still, provide convenient access to buildings.

1. Keys are only issued to authorized faculty, staff, and students
2. Exterior building doors should not be propped open when the doors are locked.
3. Building evacuation is mandatory for all fire alarms.
4. Individual academic buildings are usually open from 7:00 a.m. until after evening classes and for scheduled weekend classes and special events.
5. Employees and students in buildings after normal hours should have a college I.D. in their possession and present it when requested.
6. Problems related to people in buildings after hours are reported to the campus maintenance staff at 507-358-2230

Rochester Community and Technical College assigns all faculty and staff training each Fall Semester through the state of Minnesota’s Enterprise Learning Management system online/on-demand compliance training courses to ensure a safe and inclusive work environment. This includes *Preventing Sexual Harassment* and *General Safety*, which contains an Active Shooter component. New employees are assigned the training as part of onboarding and are instructed to complete the training within 30 days of being assigned the modulars. Seasonal employees with work assignments only in the Spring Semester are assigned the training each January.

In addition, Rochester Community and Technical College’s Campus Safety and Security provides the following programs upon request to inform students, faculty and staff about campus security procedures and practices:

Program	Frequency/Dates	Audience
Active Shooter Response	Upon request (Recent trainings: February & August 2023)	Faculty, staff, and students
General Safety Procedures	Upon Request	Faculty, staff, and students

Other in-person training is provided upon request through Campus Safety and Security which can be requested via email at: [security@rctc.edu](mailto:security@rctc.edu) or by calling 507-280-5050.

New students, excluding concurrent enrollment students, are required to complete Sexual Violence Prevention Training which is delivered through Desire2Learn Brightspace, the College’s electronic learning platform. New students are enrolled in the course at the start of each academic term.

Rochester Community and Technical College encourages students, faculty, and staff to be responsible for their

own security and the security of others by following the tips provided below.

#### **PERSONAL SAFETY RECOMMENDATIONS:**

- Security staff are available to assist you in protecting yourself by providing crime prevention programs and services. However, only you can protect yourself by being aware of your surroundings and taking appropriate steps in preventing crime from happening.
- Protect your room or apartment: Lock your door even if you are only going out for a short time or only going a short distance. It only takes seconds to walk into your open room and steal your valuables.
- Always lock your door when you are asleep. You are also encouraged to lock your door when you are awake.
- Do not prop open locked exterior building doors. These doors are locked for your protection and protection of other residents. Never open exterior doors of the building for strangers or non-residents. Always escort your guests to and from the building.
- Do not loan your keys to anyone, even a classmate or a friend. They may not be careful with them and may misplace them, giving the wrong person access.
- Do not leave your keys lying around in public places or your jacket pocket when you are not wearing it.
- Do not put your name or address on key rings as they may be used to steal your property if found by the wrong person.

#### **PROTECT YOUR PROPERTY:**

- Personal property (purses, briefcases, calculators, computers, etc.) should never be left unattended. Take such items with you if you are leaving the office, classroom, or any other unsecured location.
- Lock your door whenever you leave your room or office. Always lock your door when sleeping. Always lock your car doors. Protect all valuables in your room or office. Do not leave valuables in plain view.
- Take valuables home with you during vacation.
- You are encouraged to open a savings or checking account rather than allow large sums of money to accumulate in your room. If you open a checking account, remember the number of the last check written. The theft of a single check can go undetected until a bank statement discloses a forgery.
- Park your bike where you can keep an eye on it if possible. Always lock your bike. There are several good anti-theft devices available. Case hardened heavy locks and chains afford the best protection.

#### **PROTECT YOUR AUTOMOBILE**

- Always lock your car doors and never leave your keys in the vehicle. Try to park your car in a well-lit area.
- Avoid leaving property where it is visible.
- For an escort, contact security at 507-280-5050.

#### **PROTECT YOURSELF AT NIGHT:**

- Avoid walking alone at night.
- Refrain from taking shortcuts, walk where there is plenty of light and traffic. Walk with a friend
- For an escort to your vehicle parked on College property, contact Security at 507-280-5050.

#### **PROTECT YOURSELF WALKING AND JOGGING:**

- Walk along well-lit routes.
- Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly to a lighted area or a group of people.
- Have your keys ready when returning to your residence hall or apartment, and keep your valuables concealed and close to your body.



## **HELP US PROTECT YOU:**

- Watch for suspicious persons in and around campus buildings and in parking lots. Do not pursue them. Call Campus Safety and Security immediately.
- If you see any suspicious activity or people on or near campus, call the Rochester Police Department (911). If dialing from a campus phone, you must dial 9-911. Do not assume that what you observe is an innocent activity or that it has already been reported.
- Do not assume the person is a visitor or college staff member that you haven't seen before.
- Suspicious people may be loitering about at unusual hours and locations, running, especially if something of value is being carried or exhibiting unusual mental or physical symptoms. Persons could be under the influence of drugs or otherwise needing medical or psychiatric assistance. They may be carrying property that may be suspicious, depending on the circumstances, going room to room trying door handles. Door-to-door soliciting is not permitted on campus. Violations of this rule should be reported to Campus Safety and Security or administration immediately.
- Report all thefts and property loss immediately to Campus Safety and Security or the Rochester Police Department.
- Be security conscious at all times.

## **DAILY CRIME LOG**

Rochester Community and Technical College's Campus Safety and Security Department maintains a written daily crime log. The crime log is maintained in compliance with the Clery Act, which mandates the College publish information about reported crimes within Rochester Community and Technical College's Campus Safety and Security patrol jurisdiction and includes records by date the crime was reported, any crime that occurred within the institutions designated Clery geography and that is reported to the Campus Safety and Security Department. The crime log discloses specific information about criminal incidents, not crime statistics. The information in the crime log contains the nature, date, time and general location of each crime and disposition of the complaint, if known. The log has a more specific location focus than the statistical disclosure and designed to disclose crime information on a more-timely basis. Rochester Community and Technical College **MUST** make an entry or an addition to an entry to the log within two business days of the report of the information to the Campus Safety and Security Department unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

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

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

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

The Campus Safety and Security Department makes the crime log for the most recent 60-day period open to public inspection during normal business hours. Rochester Community and Technical College must also make any portion of the crime log, older than 60 days available within two business days or a request for inspection. Requests for this information should be made to Director Campus Safety and Security, Coffman Hall Room 102, Rochester Community and Technical College, 851 30<sup>th</sup> Avenue SE, Rochester, MN 55904.

## **SEXUAL ASSAULT AND RELATED OFFENSES**

Rochester Community and Technical College does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Sexual violence includes a continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relations violence, stalking, as well as aiding acts of sexual violence. Sexual assault and related offenses are governed and adjudicated under Minnesota State Board Policy 1B.3 Sexual Violence Policy, the Violence Against Women Act as amended and the Clery Act as amended. As a result, Rochester Community and Technical College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a Rochester Community and Technical College official. In this context, Rochester Community and Technical College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of Minnesota State Board Policy 1B.3 Sexual Violence Policy, visit <http://www.minnstate.edu/board/policy/1b03.html> and System Procedure 1B.3.1 Response to Sexual Violence and Title IX Sexual Harassment <https://www.minnstate.edu/board/procedure/1b03p1.html>. Rochester Community and Technical College follows this policy and procedure.

### **Part 1. Policy statement**

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

#### **Subpart A. Application of policy to students, employees, Board of Trustees, and others**

This policy applies to all Minnesota State students and employees, Board of Trustees and to others, as appropriate, where incidents of sexual violence on system property have been reported. Reports of sexual violence committed by a student at a location other than on system property are covered by this policy pursuant to the factors listed in Board Policy 3.6, Part 2. Reports of sexual violence committed by a system employee at a location other than system property are covered by this policy.

Reports of sexual violence committed on system property by individuals who are not students or employees are subject to appropriate actions by Minnesota State, including but not limited to pursuing criminal or civil action against them.

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

#### **Subpart B. College and university policies**

Each Minnesota State college and university shall adopt a clear, understandable written policy on sexual violence that applies to its campus community, including but not limited to its students and employees. The policy content and implementation must be consistent with the standards in this policy and System Procedure 1B.3.1

## Part 2. Definitions

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

### Affirmative consent

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

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

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

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

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

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

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

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

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

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

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

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

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

**Educational Programming/Training:** Rochester Community and Technical College educates the campus community about sexual assaults, relationship, and dating violence, and stalking through presentations during the academic year including Welcome Day. All new students participate in an online learning module called Sexual Violence Prevention Training (SVPT).

The Title IX Coordinator, Investigators and Decision-Makers receive annual training. Informational brochures regarding sexual violence are available through the Campus Safety and Security Office, Student Health Services and Advising and Counseling Office. Campus Safety and Security also conducts security patrols of the campus and provides escorts. Information offered by Rochester Community and Technical College includes areas involving stalking, sexual harassment, sexual and domestic violence.

<b>Name of Prevention Program(s)</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Prohibited Behavior Covered</b>
Sex and Drugs	September 27, 2023	Hill Theater	Substance abuse, sexual communication, and sexual assault
Sexual Violence Prevention Training	Start of each academic term for all new students	Virtual through Desire2L BrightSpace	Stalking, relationship violence, sexual and domestic violence
Spectrum of Violence Workshop <i>in partnership with Victim Services</i>	April 4, 2023 and virtually anytime	Heintz Center 1100 and presentation link on D2L	Sexual Violence
Building Healthy Relationships <i>in partnership with Planned Parenthood</i>	October 19, 2022	Coffman 202	Unhealthy and Unsafe Dating Behaviors
Ending Cycles of Abuse <i>in partnership with Planned Parenthood</i>	October 18, 2022	Heintz Center 1012	Relationship Violence, Sexual and Domestic Violence
Sex Discussed Here	Sept 13, 2022	Hill Theater	Sexual Assault, Drinking and Sex (Consent)
Building Safe Online Spaces Together	April 2022	Virtually <a href="https://www.nsvrc.org/saam">https://www.nsvrc.org/saam</a>	Sexual Harassment, Assault, and Abuse
Healthy Relationships in a Digital Age	April 26, 2022	Virtually	Dating Violence and Stalking
Not Your Typical Sex Talk	April 4, 2022	Virtual	Dating Violence (Consent)

<b>Name of Awareness Program(s)</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Prohibited Behavior Covered</b>
Sexual Assault Awareness Month at What's Up Wednesday	April 23, 2024	3 <sup>rd</sup> Floor College Center	Sexual Violence
Paint the Town Teal <i>(in partnership with Victim Services of Olmsted County)</i>	April 6, 2023	3 <sup>rd</sup> Floor College Center	Sexual Violence (Consent)
Denim Day	April 27, 2022	3 <sup>rd</sup> Floor College Center and Virtually	Sexual Violence (Consent)

**Procedures for Reporting a Complaint:** Rochester Community and Technical College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on

and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. Rochester Community and Technical College will make such accommodations, if the complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to report the crime to the Rochester Community and Technical College Campus Safety and Security Department or local law enforcement.

Students and employees should contact the Title IX coordinator, Teresa Brown at 507-285-7217, to request accommodations. Victim advocacy resources are available through the 24-hour crisis line at 507-289-0636.

After an incident of sexual assault or domestic violence, the victim should consider seeking medical attention as soon as possible at Saint Mary's Hospital at 1216 2<sup>nd</sup> St SW, Rochester MN 55902, or Olmsted Medical Center Hospital and Emergency Department at 1650 4<sup>th</sup> ST SE, Rochester MN 55904.

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

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to Rochester Community and Technical College investigators or police. Although Rochester Community and Technical College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. Rochester Community and Technical College will assist any victim with notifying local police if they so desire. Rochester Police Department may also be reached directly by calling 507-328-6800, in person at 4001 West River Parkway NW, Rochester, MN 55901.

Additional information about the Rochester Police Department may be found online at:  
<https://www.rochestermn.gov/government/departments/police>.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Dr. Teresa Brown, Student Services building Room 208, 851 30<sup>th</sup> Avenue SE, Rochester, Minnesota 55904; phone 507.285.7217; email [teresa.brown@rctc.edu](mailto:teresa.brown@rctc.edu) by calling, writing, going online or coming into the office to report in person and Rochester Community and Technical College Campus Safety and Security Department, if the victim so desires. Rochester Community and Technical College will provide resources, on campus, off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain

confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

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

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

Rochester Community and Technical College Campus Safety and Security Department when informed of an alleged incident of sexual violence, shall promptly assist the complainant, as requested. Rochester Community and Technical College may:

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

When appropriate, Rochester Community and Technical College may pursue legal action against a respondent, including, but not limited to, trespass or restraining orders, in addition to disciplinary action under the applicable student or employee conduct standard.

**Assistance for Victims - Rights and Options:** Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, Rochester Community and Technical College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Minnesota, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

1. Be informed of prosecutor's decision to decline prosecution or dismiss the case along with information about seeking a protective or harassment order at no fee
2. Protection against employer retaliation for victims to take reasonable time off to attend order for protection or harassment restraining order proceedings

3. Domestic abuse victims have the ability to terminate a lease without penalty
4. Sexual assault victims can make a confidential request for HIV testing of a convicted offender
5. Sexual assault victims do not have to pay the cost of a sexual assault examination
6. Sexual assault victims may not be required to undergo a polygraph examination in order for an investigation or prosecution to proceed.

Further, Rochester Community and Technical College complies with Minnesota law in recognizing Orders of Protection and Harassment Restraining Orders. When notified of a protection order security staff shares that information throughout relevant campus entities and when requested assist in a safety plan for the petitioner. the College's Campus Safety and Security Department will retain a copy of the order when provided.

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



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

\*Criteria for Order reflects Minnesota Statutes

The institution does not publish the name of crime victims nor house identifiable information regarding victims

in the Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request with Melanie Callister, College Registrar, Student Services Building Room 105; phone 507.280.2926; email [melanie.callister@rctc.edu](mailto:melanie.callister@rctc.edu).

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

Service	Name of Person / Office to Contact	Contact Information
Counseling	Deb Vang, Counseling	507.259.2789
Health	Katie Swegarden, Health Services	507.280.2887
Mental Health	Health Services	507.285.7261
Victim Advocacy	<i>See Off Campus Resources</i>	
Legal Assistance	<i>See Off Campus Resources</i>	
Financial-aid assistance	Beth Diekmann, Financial Aid	507.285.7467
Visa and Immigration Assistance	<i>See Off Campus Resources</i>	
Other	Welcome and One Stop Center	507.285.7557

**Off Campus Resources**

Service	Name of Person / Office to Contact	Contact Information
Counseling	United Way 211	800.543.7709
Health	Health Access Minnesota	507.859.8649
Mental Health	Crisis Response Southeast Minnesota	844.274.7472
Victim Advocacy	Olmsted County Victim Services	507.328.7270
Legal Assistance	Legal Assistance of Olmsted County	507.287.2036
Financial-aid assistance	Federal Financial Aid Information Line	800.433.3243
Visa and Immigration Assistance	Southern Minnesota Regional Legal Services - Immigrant Legal Services	888.575.2954

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

<https://www.rainn.org> – Rape, Abuse, and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<https://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

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

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

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

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas, it is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (call 911)
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink unattended, just get a new one.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they have had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come and get you or make up an excuse for you to leave.
  - d. Lie If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave that to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgement before doing anything you may regret later.

**Complainants' rights:** are as follows:

1. Complainants have the right to file criminal charges with local law enforcement officials in any sexual assault case
2. They have all of the rights under the crime victims bill of rights, Minn. Stat. §§ 611A.01 – 611A.06,

including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety

3. Complainants are afforded the availability of prompt assistance from campus officials, upon request, in notifying the appropriate campus investigating authorities and law enforcement officials, and, at the direction of law enforcement authorities, assistance in obtaining, securing, and maintaining evidence in connection with a sexual violence incident
4. Campus Security Authorities will assist in preserving sexual violence complainant materials relating to a campus disciplinary proceeding
5. Complaints of incidents of sexual violence made to campus security authorities must be promptly and appropriately investigated and resolved
6. Upon a sexual assault complainant's request, Rochester Community and Technical College will take action to prevent unwanted contact with the alleged assailant, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes, or to a work site or to alternative college-owned housing if such alternatives are available and feasible. Any accommodations or protective measures provided to the victim will be maintained in confidence, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
7. Upon the request of the complainant, students who report sexual assaults to (Minnesota State) and subsequently chose to transfer to another college or university will be provided with information about resources for victims of sexual assault at the college or university to which the complainant is transferring

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

Procedures used in response to a complaint of sexual violence complainants should avoid requiring complainants to follow any plan of action, to prevent the possibility of re-victimization. The process will be respectful of the needs and rights of individuals involved and they will be treated with dignity. It is never assumed or suggested that the complainant or victim was at fault for the sexual assault or should have behaved differently to prevent the assault. All proceedings will be acted on promptly and conducted within reasonable timeframes. The process will allow for extensions of those timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay. The process will be consistent with these policies and transparent to the complainant and the respondent. Student complainants and respondents will have the same opportunity to have an appropriate support person or advisor present at any interview or hearing, in a manner consistent with the governing procedures and applicable data practices law. Employees have the right to representation consistent with the appropriate collective bargaining agreement or personnel plan. All procedures will be conducted in accordance with applicable due process standards and privacy laws. The complainant and respondent will simultaneously be informed, in writing, of the outcome in a timely manner, as permitted by applicable privacy law. Outcomes will be based on a preponderance of evidence standard, meaning that it is more likely than not that the policy, procedure, or code has been violated. The past sexual history of the complainant and respondent are deemed irrelevant except as that history may directly relate to the incident being considered. A respondent's use of any drug, including alcohol, judged to be related to an offense may be considered to be an exacerbating rather than mitigating circumstance.

Rochester Community and Technical College takes allegations of sexual violence very seriously and recognizes

the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual violence, or who provides false information during the investigation of such a complaint or report, may be subject to discipline or, under certain circumstances, legal action. Complaints of conduct that are found not to violate policy are not assumed to be false.

If a complainant no longer desires to pursue a complaint through Rochester Community and Technical College proceeding, Rochester Community and Technical College reserves the right to investigate and resolve the complaint as it deems appropriate. Rochester Community and Technical College reserves discretion whether to pursue alleged violations of policy under appropriate circumstances, including, but not limited to, a determination that an effective investigation is not feasible because of the passage of time, or because the respondent is no longer a student or employee of Rochester Community and Technical College.

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

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

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

Sanctions that may be imposed if a finding is made that sexual violence has occurred include, but are not limited to, suspension, or expulsion of students, or termination from employment for employees. The appropriate sanction will be determined on a case-by-case basis, taking into account the severity of the conduct, the student's or employee's previous disciplinary history, and other factors as appropriate. Witnesses or victims who report in good faith an incident of sexual violence will not be sanctioned by Rochester Community and Technical College for admitting in the report to a violation of the student conduct policy on the use of alcohol or drugs.

Actions by a student or employee intended as retaliation, coercion, discrimination, reprisal, or intimidation against an individual for making a complaint or participating in any way in a report or investigation under this policy are prohibited and are subject to appropriate disciplinary action.

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

The Minnesota Level 3 Sex Offender Registry is available via Internet. **Information regarding Level 3 sex offenders can be found at <https://mn.gov/doc/community-supervision/community-notification/> and information regarding Level 2 offenders is available at the Rochester Police Department.**

**Filing an Appeal:** The complainant or the respondent may appeal the decision of the decision maker. An appeal must be filed in writing with the president or designee within ten (10) business days after notification of the decision. The appeal must state specific reasons why the complainant or respondent believes the decision was improper. In a complaint against a president or other official who reports directly to the chancellor, an appeal may be considered by the chancellor whether or not the chancellor served as the decision maker.

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

The president or designee shall review the record and determine whether to affirm or modify the decision. The president or designee may receive additional information if the president or designee believes such information would aid in the consideration of the appeal. The decision on appeal shall be made within a reasonable time and the complainant, respondent and designated officer shall be notified in writing of the decision, consistent with applicable state and federal data privacy laws. The decision on appeal exhausts the complainant's and respondent's administrative remedies under this procedure except as provided herein.

## DRUG AND ALCOHOL POLICIES

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

The possession or consumption of alcohol is prohibited in all Rochester Community and Technical College campus buildings and grounds and applies regardless of age. Consuming alcohol and loitering with an open container of alcohol is a violation of Rochester City Ordinance 5-19, Sec. 5-19-30 (e) and Minnesota State Board Policy 5.18. The only exception is for special events authorized by the Minnesota State Colleges and Universities Board of Trustees.

Students are subject to the Student Code of Conduct while participating in school sponsored activities at off campus locations. Any violations of the Student Code of Conduct while participating in any such activities will be investigated by Rochester Community and Technical College Campus Safety and Security Department and Dean of Student Success.

**Students** who are found to be in possession of an open container or consuming alcohol while on campus will be subject to disciplinary action for violating the Student Code of Conduct. If students are not cooperative the Rochester Police Department may be called to assist, and the student may be subject to citation or arrest.

**Employees** who are found to be in possession of an open container or consuming alcohol while on campus will be subject to disciplinary action.

**Non-students/ non-employees** who are found to be in possession of an open container or consuming alcohol while on campus may be asked to leave campus, may be prohibited from returning for one year, if uncooperative the Rochester Police Department may be called to assist, and the individual may be subject to citation or arrest.

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

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

**Students** who are believed to be under the influence of a controlled substance may be subject to disciplinary action for violating the Student Code of Conduct.

**Employees** who are believed to be under the influence of a controlled substance may be subject to disciplinary action.

**Non-students/ non-employees** who are believed to be under the influence of a controlled substance may be asked to leave campus, may be prohibited from returning for one year, and if uncooperative the Rochester Police Department may be called to assist, and the individual may be subject to citation or arrest.

**For petty misdemeanor crimes, such as possession of larger quantities of marijuana, the following actions will be taken:**

**Students** who are found to be in violation of the law may be subject to disciplinary action for violating the Student Code of Conduct. If students are not cooperative the Rochester Police Department may be called to assist, and the student may be subject to citation or arrest.

**Employees** who are found to be in violation of the law while on campus may be subject to disciplinary action.

**Non-students/ non-employees** who are found to be in violation of the law while on campus may be asked to leave campus, may be prohibited from returning for one year, if uncooperative the Rochester Police Department may be called to assist, and the individual may be subject to citation or arrest for misdemeanor and felony level drug crimes the Rochester Police Department will be contacted.

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

On campus resources are available at:

- RCTC Counseling Center 507-285-7260
- RCTC Student Health Service 507-285-7261

Some Community Resources include:

- Olmsted County Adult Chemical Dependency, Adult and Family Services Division: 507-328-6400  
Substance Abuse Service Mayo Clinic: 507-538-3270
- Alcoholism & Drug Dependence Unit. (Adult Inpatient) Mayo Hospital: 507-266-0909
- Cronin Homes, Inc. (Halfway House): 507-282-1204
- The Gables Recovery Home (Treatment – Adult Women): 507-282-2500 Outpatient Chemical Dependence Service, Mayo Clinic: 507-538-3270
- Family Service Rochester (Assessment, counseling, treatment): 507-287-2010 Zumbro Valley Crisis Receiving Unit (Detoxification): 507-535-5625
- Zumbro Valley Mental Health Center (Counseling, education, treatment): 507-289-2089



## FIREARMS POLICY

**Board Policy 5.21 Possession or Carry of Firearms** <https://www.minnstate.edu/board/policy/521.html>

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

### **Definitions.**

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

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

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

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

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

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

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

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

### **Employees.**

1. **Prohibition.** Employees are prohibited from possessing or carrying a firearm while acting in the course and scope of their employment, either on or off campus property, regardless of whether the employee has a permit to carry a firearm, except as otherwise provided in this policy.
2. **Employee reporting responsibility.** An employee with a reasonable basis for believing an individual is in possession of or carrying a firearm in violation of this policy has a responsibility to report the suspected act in a timely manner, unless doing so would subject the employee or others to physical harm. Reports should be made to the official designated in the applicable policy included in this report. This policy shall not prohibit prompt notification to appropriate law enforcement authorities when an immediate threat to personal safety exists. Employees shall not make reports of a suspected violation knowing they are false or in reckless disregard of the truth.

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

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

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

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

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

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

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

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

## APPENDIX 1 TERMS AND DEFINITIONS

### **Aggravated Assault**

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

### **Arson**

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

### **Burglary**

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

### **Affirmative Consent**

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

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

The killing of another person through gross negligence.

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

### **Dating and Relationship Violence**

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

### **Destruction/Damage/Vandalism of Property**

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

### **Drug law violations**

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

**Intimidation**

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

**Larceny-theft**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another person.

**Liquor law violations**

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

**Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle.

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

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

**Murder and Non-negligent Manslaughter**

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

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

**Robbery**

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

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

**Sexual Assault**

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

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

### **Simple Assault**

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

### **Sex Offenses – Defined**

#### **Forcible Sex Offenses.**

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

Reported offenses may include:

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

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

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

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

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

Unlawful, non-forcible sexual intercourse. Reported offenses may include:

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

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

### **Sexual Violence**

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

### **Stalking**

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

### **Weapons law violations**

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

### **Resources:**

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

## **APPENDIX 2 COLLEGE DRUG FREE SCHOOLS AND COMMUNITIES ACT BIENNIAL REVIEW**

### **Introduction**

The Drug-Free Schools and Communities Act of 1989 Amendments requires institutions of higher education to design and implement alcohol and illicit drug programs on their campuses. As a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education has to certify that it has adopted and implemented a program to prevent "the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees" on campus property or as part of any campus activity.

This legislation directed Colleges/Universities to:

1. To develop a written policy on alcohol and other drugs
2. To develop a process that ensures policy distribution to all students, staff, and faculty
3. To enumerate federal, state, or local sanctions for unlawful possession or distribution of illicit drugs and alcohol
4. To describe health risks associated with alcohol abuse or illicit drug use
5. To describe College drug and alcohol programs available for students and employees
6. To specify disciplinary sanctions imposed on students and employees for policy violations
7. To conduct biennial reviews to assess the effectiveness of its alcohol and drug programs.

The law further requires an institution of higher education to review its program to:

1. To determine its effectiveness and implement changes if they are needed, and
2. To ensure that the sanctions developed are consistently enforced

In compliance with federal legislation, the Drug Free Schools and Communities Committee of Rochester Community and Technical College has prepared this biennial review.

### **Biennial Review Process**

A committee was convened and oriented to the requirements of the Drug Free Schools Act and the completion of a Biennial Review to comply with the act.

The committee reviewed components essential to the College's drug and alcohol program: policy statements, publications, services, data collection, campus life, and data on student and employee conduct.

### **General Conclusion**

Rochester Community and Technical College appears to be in full compliance with federal legislation. The College has developed and maintains a drug prevention policy. The College distributes the drug-free policy to all staff, faculty, and students annually. The College provides services and activities to promote a strong drug-free campus environment. The College tracks the number of drug and alcohol related offenses, sanctions, and referrals.

## **Rochester Community and Technical College Compliance with Federal Legislation**

### **Drug and Alcohol-Free Campus and Worksite Policy**

#### **Part 1. Scope of Policy**

The Rochester Community and Technical College Drug-and Alcohol-Free Campus Policy is for Students and Employees of the College and includes all campus locations.

#### **Part 2. Purpose**

Rochester Community and Technical College, along with all Minnesota State colleges and universities (Minnesota State), is committed to ensuring an educational and employment environment where students and employees can work, learn, and develop to their full potential. Because the use and abuse of alcohol and controlled substances negatively impacts the ability of students and employees to work, learn and develop to their full potential, and to comply with federal and state laws, Rochester Community and Technical College has adopted and will implement the following drug-and alcohol-free campus policy.

#### **Part 3. Drugs, Alcohol Prohibited**

The unlawful manufacture, growing, possession, use, dispensation, sale or distribution of controlled substances and the manufacture, use, sale, distribution or possession of alcoholic beverages by Rochester Community and Technical College students and employees is strictly prohibited: 1) on Rochester Community and Technical College property; 2) while participating in a student activity, activities sponsored by officially recognized student organizations, or an event or activity sponsored or sanctioned by Rochester Community and Technical College or Minnesota State Colleges and Universities, including off-site activities; and 3) while performing work, including overtime work and rest breaks.

#### **Subpart A. Exceptions**

The use of alcoholic beverages may be permitted only:

1. For Rochester Community and Technical College or Minnesota State Colleges and Universities educational/awareness programs; or
2. For a specific event or circumstance authorized by the above. However, in no case may students or employees violate Liquor laws.

#### **Subpart B. Employees**

No Rochester Community and Technical College employee may

1. report to work under the influence of alcohol, controlled substances or other drugs which affect her/his alertness, coordination, reaction, response, judgment, decision-making or safety; or
2. operate, use, or drive any Rochester Community and Technical College or state equipment, machinery, or vehicle while under the influence of alcohol, controlled substances or mind-altering drugs.

An employee who is under the influence of alcohol, controlled substances or other mind-altering drugs, or who is taking medically authorized drugs or other substances which may affect job performance, has an affirmative duty to immediately notify the appropriate supervisor that the employee's mental or physical condition precludes her/his ability to operate, use or drive Rochester Community and Technical College or state equipment.

Employees are discouraged from consuming alcoholic beverages off-site during lunch or dinner meals when returning to perform work on behalf of Rochester Community and Technical College. In any



situation subsequent to the intake of alcohol, an employee whose behavior or condition adversely affects her/his performance is subject to discipline.

Since engaging in off-duty sale, purchase, transfer, use or possession of controlled substances may have a negative effect on an employee's ability to perform his/her work, an Rochester Community and Technical College employee involved in such circumstances is subject to discipline.

Employees working on federal grants or contracts who are convicted of a criminal drug statute violation occurring in the workplace are required to notify Rochester Community and Technical College or Minnesota State Colleges and Universities within five (5) working days of such a conviction.

#### **Part 4. Penalties for Policy Violations**

Rochester Community and Technical College employees and students who violate this policy are subject to Rochester Community and Technical College and system sanctions and may be subject to legal sanctions under local, state, or federal law.

Rochester Community and Technical College students will be disciplined according to the Student Code of Conduct. Disciplinary sanctions include, but are not limited to, warning, confiscation, restitution, dismissal, suspension, expulsion, and referral for prosecution.

Rochester Community and Technical College employees covered by a Collective Bargaining Agreement will be disciplined according to the process delineated in the appropriate agreement. Other employees will be disciplined according to the Excluded Administrators Plan or the Commissioner's Plan. Discipline may include, but is not limited to, oral and written reprimand, suspension, termination, and referral for prosecution.

#### **Part 5. Information**

Rochester Community and Technical College provides voluntary educational programs designed to inform students and staff about the health risks associated with drug and alcohol use, community resources available to provide assistance to individuals dealing with drug and/or alcohol abuse issues, the legal ramifications associated with illegal use of drugs and/or alcohol, and penalties for policy violations under Minnesota Law.

#### **Rochester Community and Technical College Student Code of Conduct**

Unauthorized use, sale, possession, or presence on campus or at Rochester Community and Technical College sponsored events of alcoholic beverages or controlled substances and/or drug paraphernalia. The state of being under the influence of alcohol or controlled substances on College-controlled property, or at College sponsored events. A complete copy of the Drug and Alcohol-Free Campus Policy is available for students and employees in the Vice Presidents of Student Affairs Office within the Student Services Building (SS212) in and the Human Resources Office.

#### **Distribution of Written Policy**

Rochester Community and Technical College drug and alcohol policies are found in the Annual Campus Crime Report published by the Campus Safety and Security Department, Rochester Community and Technical College Website, and Human Resources. One or more of these publications is sent or given to every student and employee annually.

The information is also found on the following websites:

- College Policies: <https://www.rctc.edu/policies/administration/alcohol-on-campus/>
- Campus Safety and Security Department: <https://www.rctc.edu/services/safety/>
- Counseling & Advising: <https://www.rctc.edu/services/counseling-career-center/>

## **Legal Penalties**

### **Minnesota State Law**

Under Minnesota law, it is a crime for any person to drive, operate, or be in physical control of any motor vehicle when the person is under the influence of alcohol or a controlled substance.

A person who commits first-degree driving while impaired is guilty of a felony and may be sentenced to imprisonment for not more than seven years, or to payment of a fine of not more than \$14,000, or both.

Other penalties for violating state laws prohibiting driving under the influence include:

- driver's license suspension or revocation.
- impounding motor vehicles.
- further criminal prosecution.

Please follow the link below to view current provisions under Minnesota Law for driving while impaired.

### **2023 Minnesota Statute Chapter 169A**

<https://www.revisor.mn.gov/statutes/cite/169A>

Under Minnesota law, it is also a crime for a person under the age of 21 years to consume, possess or purchase any alcoholic beverages.

- Underage consumption: \$100 fine.
- Possession by persons under 21: \$100 fine.
- Use of false identification for alcohol purchase: \$100 fine.
- Furnishing alcohol to persons under 21: \$3,000 fine and/or 1 year in jail.

Please follow the link below to view current illegal acts related to alcohol under Minnesota law and current violations and penalties related to liquor laws.

### **2023 Minnesota Statute Section 340A.503**

<https://www.revisor.mn.gov/statutes/cite/340A.503>

### **2023 Minnesota Statute Chapter 340A, Sections 701-706**

<https://www.revisor.mn.gov/statutes/cite/340A>

State guidelines for the sentencing of any person convicted of drug and alcohol-related criminal offenses are established by the Minnesota Sentencing Guidelines Commission. The actual length of a sentence depends upon the individual's criminal and driving history.

Possession or sale of controlled substances, including but not limited to, narcotics, depressants, stimulants, and hallucinogens is prohibited by Minnesota law.

Please follow the links below to view current state and federal laws, mandatory sentences, and outlined penalties related to drugs and controlled substances.

### **2023 Minnesota Statute Chapter 152**

<https://www.revisor.mn.gov/statutes/cite/152>

### **US Federal Laws, Ch 13: Sec 841-847**

<http://uscode.house.gov/view.xhtml?path=/prelim@title21/chapter13&edition=prelim>

### **Health Risks**

The health risks associated with alcohol and illicit drug use and abuse can be significant and can have an impact on physical, mental, social, and financial health as well as impact academic success.

### **Alcohol Use and Abuse**

Alcohol use and abuse can lead to many health consequences which include, but are not limited to:

- cardiovascular disease
- insomnia
- compromised immune system
- memory loss
- diabetes
- accidents/trauma/injury
- violence
- dementia
- organ failure (liver cirrhosis)
- financial difficulties
- depression

Drinking problems can negatively impact mental health as “alcohol abuse and alcoholism can also worsen existing conditions such as depression or anxiety. Furthermore, alcohol problems often extend beyond the drinker to his/her spouse and children as well.

According to the 2021 College Student Health Survey (CSHS) by Boynton Health at the University of Minnesota, 62.5% of Rochester Community and Technical College (RCTC) students report using alcohol and 11.4% report high-risk drinking (5 or more drinks in one sitting). Several students also reported negative consequences as a result of their drinking. Some of the concerning consequences that students reported are: 9.7% report doing something they have later regretted, 3.9% report driving while under the influence, 8.0% reported memory loss, 1.4% report being taken advantage of sexually, 2.2% missed a class, 4.9% performed poorly on a test or important project, 3.9% think they might have a drinking problem.

### **Controlled Substance Use and Abuse:**

According to the 2021 College Student Health Survey (CSHS), in the last 12 months, 18.4% of RCTC students report using marijuana and 4.0% using other illicit drugs with the most common being cocaine and amphetamines. The long-term effects of marijuana use and abuse are not as well researched, however, can have negative health consequences as well. Marijuana use and abuse can lead to pulmonary issues/disease, cancer, psychosocial impacts, poor motivation, reproductive health issues, and

can lead to other addictions and substance abuse. Being under the influence of other illicit drugs can have similar negative consequences.

### **Campus Resources**

#### **Students:**

- RCTC Counseling Center 507-285-7260
- RCTC Student Health Service 507-285-7261

#### **Employees:**

- [State Employee Assistance Program](#), Rochester office: 651-259-3840 or 1800-657-3719

### **National Self-Help Resources**

National Institute on Drug Abuse (NIDA), U.S. Department of Health [www.drugabuse.gov](http://www.drugabuse.gov)

### **Local Self-Help Resources:**

- Alcoholics Anonymous (Rochester) 507- 281-1747 [www.aadistrict1.org](http://www.aadistrict1.org)
- Al-Anon 507-281-4729 [www.rochrecovery.org/AlAnon/](http://www.rochrecovery.org/AlAnon/)
- MN Narcotics Anonymous 877-767-7676 [www.naminnesota.org](http://www.naminnesota.org)

### **Regional Services and Programs:**

- Olmsted County Adult Chemical Dependency, Adult and Family Services Division: 507-328-6400
  - Substance Abuse Service Mayo Clinic: 507-538-3270
  - Cronin Homes, Inc. (Half-way House): 507-282-1204
  - The Gables Recovery Home (Treatment – Adult Women): 507-282-2500
  - Outpatient Chemical Dependence Service, Mayo Clinic: 507-538-3270
  - Family Service Rochester (Assessment, counseling, treatment): 507-287-2010
  - Zumbro Valley Crisis Receiving Unit (Detoxification): 507-281-6248
  - Zumbro Valley Mental Health Center (Counseling, education, treatment): 507-289-2089
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**Student Conduct**

The Dean of Student Success at RCTC provides disciplinary sanctions to those students whose behavior has not met the standards of the student code of conduct. Students may be assigned appropriate sanctioning or be referred to appropriate professionals.

**Counseling**

Licensed mental health therapists from Zumbro Valley Health Center (ZVHC) are available to both RCTC and Winona State University-Rochester students. These services include individual counseling and/or referrals for students who are currently dealing with or recovering from substance use. In addition, programming efforts including a fall Mental Health Fair bring community organizations to campus to promote their services, many of which address the needs of those with chemical abuse issues and co-occurring disorders.

**Distribution of Annual Notification**

Rochester Community Technical College annually provides the alcohol and drug policies, resources, programs, and health risks to all employees and students through the Annual Compliance and Security Act. Employees and students receive the document via e-mail. A copy of the annual report is located at: <https://www.rctc.edu/services/safety/annual-security-report/>