

**DCTC
Crime Awareness
and
Campus Security
Annual Report**

January 1, 2011 – December 31, 2011

To help ensure the safety and security of the Dakota County Technical College Community, please use the following phone numbers to contact security or law enforcement on campus.

Dakota County Sheriff's Office, Deputy Sheriff, School Resource Officer
DCTC Security Office, Room 2-514
651-423-8388

Rosemount Police Department 911

DCTC Evening Security Pager 651-610-1824 Answered from 3:00 p.m.—11:00 p.m.
Enter the call back number after the tones.

Dakota County Technical College (DCTC) encourages all students and college community members to be fully aware of the safety issues on campus and to take action to prevent and to report illegal and inappropriate activities. Personal awareness and the application of personal safety practices are the foundation of a safe community.

Pursuant to the Student Right to Know and Campus Security Act, DCTC monitors criminal activity, publishes this report, and maintains a three-year statistical history on the main campus and at off-campus facilities it owns or uses. The college will notify current and prospective students and employees of its availability and will provide a copy of the report upon written request.

DCTC currently has a variety of policies and procedures relating to campus security, and it expressly reserves the right to modify them or adopt additional policies or procedures at any time without notice. Such changes may appear in successive issues of this report.

DCTC employs a Dakota County Sheriff's Deputy to serve as the primary liaison for campus security with all law enforcement agencies. They are a sworn peace officer. Other campus security staff are employees of DCTC and they are not certified or sworn police officers. Campus Security staff are authorized under state statute, when appropriate, to make a citizen's arrest.

- A. The Campus Security Deputy works closely with the Rosemount Police Department and state and federal law enforcement agencies to track and responds to campus criminal activity.

REPORTING POLICIES

The Campus Security Office, located in Room 2-514 (Phone: 651-423-8388), is manned by the campus Dakota County Sheriff's Deputy and is the office to which all criminal reports should be made. Everyone on campus is encouraged to report **immediately** any and all potentially criminal activity to Campus Security and/or the Dakota County Sheriff's Department Personnel/Rosemount Police Department. Individuals reporting to DCTC who also wish to file a complaint with the Dakota County Sheriff's Department Personnel/Rosemount Police Department will be provided assistance from the college upon request.

1. DCTC normally requires a written complaint from someone to begin the investigation process. The college also usually needs the assistance of the complainant in the disciplinary process against the accused. DCTC will make exceptions when necessary,

including cases presenting clear danger to the victim and/or the college community.

2. DCTC issues an annual report of criminal reports made to Campus Security and other law enforcement agencies regarding crimes occurring on college property or facilities. The annual report includes reported crimes alleged to have occurred on the campus and facilities owned or rented by the college and/or recognized student organizations. See page 10 for crime statistics.
3. When reports are made to Campus Security, he/she will decide if a threat continues to exist to the campus community. If a threat continues to exist, a warning will be sent informing the campus community.

REPORTING PROCEDURES

All criminal activity occurring on campus should be reported immediately to Campus Security and/or to the Rosemount Police Department. Campus Security will assist the complainant in completing criminal reports. In appropriate cases, reports will also be shared with the Vice President of Finance, Operations, Student Services and Marketing.

Every effort should be made to ensure that physical evidence is maintained and protected. Immediate reports will assist in preserving evidence.

If you are a victim of a crime or witness a crime:

- A. Call Campus Security (651-423-8388) or the Rosemount Police Department (911) for any emergency, including medical assistance, fires, suspicious persons or activities.
- B. Obtain a description of the offenders), including sex age, race, hair, clothing and other distinguishable features. Attempt to obtain a description and license number of any vehicle involved. Note the direction taken by offenders or vehicles and report those to Campus Security or the police.
- C. Preserve the crime scene. Do not touch any items involved in the incident, and do not allow anyone in the crime area until Campus Security/campus security and/or until the Rosemount Police Department arrive.
- D. Maintain all physical evidence. Do not wash off or destroy what may be critical evidence.

Campus Security will accept third-party reports in cases of sexual assault in order to protect the victim's identity.

Persons filing a complaint with Campus Security will be provided a copy of the College Incident Report upon request.

All employees, faculty, or staff who become aware of an allegation of violation of DCTC policy, student code of conduct, or civil or criminal law should report the allegation to their supervisor and Campus Security. The following people with significant responsibility for student and campus activities (not including counselors) must report potential criminal activity of which they are aware to the campus Dakota County Sheriff's Deputy: Affirmative Action Officer, Career Services, College President, Deans, Department Chairs, Director of Admissions, Director of Financial Aid, Director of Student Life, faculty, Health Services staff, Registrar, Vice President of Academic Affairs, Director of Administrative Services, Director of Operations, Dean of Student Affairs and Director of Marketing as well as any assistants and associates of the college.

All persons in the DCTC community are encouraged to assist anyone in reporting alleged criminal activity, but should not attempt to investigate and allow Campus Security to investigate.

Student organizations with control of any facility are encouraged to report safety and security concerns to Campus Security.

Counselors are required to provide statistical information relating to crimes on campus but may continue to honor the confidentiality of victims.

All DCTC recognized organizations that are off-campus will still be monitored by the local police department, which shares information with DCTC. DCTC includes the off-campus student organizations' crime statistics in its annual report as part of the crime at DCTC.

COLLEGE'S RESPONSE TO REPORTS

All allegations will be investigated. These investigations may be made in conjunction with law enforcement.

Reports will be classified by the Security Office in conjunction with the appropriate police agency according to the FBI Uniform Crime Reporting Definitions.

When alleged perpetrators are identified as students, the case will be forwarded to the Vice President of Academic Affairs, Director of Operations, and Dean of Student Affairs for investigation and appropriate action. Criminal investigation, arrest, and prosecution can occur independently, before, during, or after the campus judicial process.

The college will issue a timely warning to members of the campus community in cases where the Campus Security determines there is a continuing threat. In such cases, warnings will be published in campus bulletins, campus newspapers, etc.

POLICY CONCERNING SAFETY OF AND ACCESS TO CAMPUS FACILITIES

Campus Security is available to assist you in protecting yourself by providing regular foot and/or vehicle patrols and safety and security programs, as well as various safety and security posters and brochures. However, only you can protect yourself by being aware of your surroundings and taking appropriate steps in preventing crime from happening.

Call for an escort! The Security Office is open from 7:00 a.m. to 10:00 p.m. Monday through Friday. Escort service is available from 2:00 p.m. to 10:00 p.m. by using the escort service. Escorts are available by calling the security pager at 651-610-1824. Leave your call back number after the tones.

Be aware of when there is patrol. The campus Sheriff's Deputy normally patrols the campus between the hours of 7:00 a.m. and 3:00 p.m. They may be contacted at 651-423-8388 or 911 emergency. The area is also routinely patrolled by the Rosemount Police Department.

Protect your property.

- A. Personal property, (purses, briefcases, book bags, calculators, etc.) should never be left unattended. Take such items with you if you are leaving an office or classroom.
- B. Lock your door whenever you leave your classroom or office.
- C. Always escort your guests to and from the main entrance doors.
- D. Protect all valuables in your classroom or office. Do not leave valuables in plain view.
- E. Always lock your bike. There are several good anti-theft devices available. Case-hardened heavy locks and chains afford the best protection.

Protect yourself walking.

- A. Avoid walking alone after dark. If you must travel alone at night, use the DCTC Escort Service phone, located in the front lobby of the college, to call for an escort to your car.
- B. Walk along well lit routes.
- C. Have your keys ready when returning to your car. Keep your personal or valuable items concealed and close to your body.
- D. Be alert to your surroundings. If you suspect you are being followed, run in a different

direction, go to the other side of the street and yell for help, or head quickly for a lighted area or group of people.

Help us protect you.

- A. If you see any suspicious activity or suspicious persons on or near campus, call Campus Security immediately (phone: 651-423-8388) or call the front desk to contact Campus Security.
- B. Soliciting is not permitted at DCTC. Violations of this rule should be reported to Campus Security immediately.
- C. Report all thefts and property loss immediately to Campus Security.
- D. Be security conscious at all times.

SECURITY CONSIDERATIONS FOR CAMPUS FACILITIES

- A. The DCTC campus is for the use of the students, faculty, staff and their escorted guests, and those on official business with DCTC. All others are subject to being charged with trespassing. Access to campus buildings is limited to normal business hours. Students, faculty and staff, and visitors are encouraged to report needed repairs to the maintenance office.
- B. Policies and procedures for safe access to buildings:
 - Keys are issued only to authorized administrations, faculty, and staff.
 - Exterior building doors should not be blocked open when the doors are locked.
 - Building evacuation is mandatory for all fire alarms.
 - Employees and students in buildings should have a DCTC ID in their possession and present the ID when requested to do so.
 - Anyone who observes a person who may be unauthorized should immediately call security.
 - On-campus telephones are located in most labs or offices for emergency calls to Campus Security. These telephones are also capable of use when you are dialing 9-911.
 - Problems related to people in buildings after hours should be reported to Campus Security by calling 651-610-1824.

PROGRAMS TO EDUCATE DCTC COMMUNITY REGARDING SECURITY

DCTC encourages students and employees to be responsible for their own security and the security of others.

The Campus Security provides assistance in presenting programs on campus security and safety. Campus Security develops and presents educational programs in areas such as crime prevention, sexual assault awareness, personal safety and fire prevention.

The Campus Security Office has available, at no cost, brochures, flyers, pamphlets, movies, videos, and posters concerning various safety and security issues.

The DCTC Health Services Office provides information and referrals for students coping with alcohol and drug abuse.

2009 Crime Statistics					Bias-Motivated Incidents					
INCIDENTS	On Campus	College Controlled	Public Property	GRAND TOTAL	Racial Bias	Ethnic Bias	Religious Bias	Sexual Orientation Bias	Bias Based on Disability	Gender Bias
Aggravated Assault	1	2	0	3	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
Burglary	0	1	0	1	0	0	0	0	0	0
Homicide										
Murder and non negligent manslaughter	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Sex Offenses										
Forcible	0	0	0	0	0	0	0	0	0	0
Non-Forcible	0	3	0	3	0	0	0	0	0	0
Arrests (Persons)										
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Violations	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals										
Liquor Law Violations	0	0	0	1	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	13	0	0	0	0	0	0
Illegal Weapons Violations	0	0	0	0	0	0	0	0	0	0

Category	2008	2009	2010
Aggravated Assault	0	0	0
Arson	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Manslaughter	0	0	0
Murder	0	0	0
Robbery	0	0	0
Forcible Sex Offenses	0	0	0
Non-Forcible Sex Offences	0	0	0
Arrests			
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0
Disciplinary Referrals			
Liquor Law Violations	0	1	0
Drug Abuse Violations	9	11	11
Illegal Weapons Possession	0	0	0

This is a statistical report of alleged criminal activity reported to Campus Security, The Rosemount Police Department, and/or the Dakota County Sheriff's Office and occurring on the campus of Dakota County Technical College or property controlled by the college for the calendar years 2008-2011. This table includes reported criminal activity in the categories mandated by the Cleary Act of 1998.

DCTC issues an annual report of crimes occurring on campus that are made known to Security directly or through college departments or personnel and related law enforcement agencies. The report is made available by Security, and requests for any additional information regarding this report and its statistics may be made to the college Security Department, room 2-514, or by phone at 651-423-8388. The statistics in this report follow the uniform crime procedures of the Federal Bureau of Investigation. These statistics should be considered in relation to the occurrences of crime in society generally, college demographics, and statistics from other institutions of similar description.

PROGRAMS TO ENFORCE DCTC COMMUNITY REGARDING PREVENTION OF CRIMES

The Campus Security Office presents one or more safety seminars a year. Members of the DCTC community will be encouraged to attend. At the seminars, aspects of safety, including maintenance of personal safety including maintenance of personal security and reporting any alleged crimes, will be discussed. Campus Security will invite various speakers, including members of city and county law enforcement, to discuss the prevention of crime. As crime can occur both to you (your person) and your property, both areas of prevention will be discussed.

The Security Office also has available, at no cost, brochures, flyers, pamphlets, movies, videos, and posters regarding the prevention of crime.

POLICY REGARDING THE ILLEGALITY OF ALCOHOLIC BEVERAGES ON CAMPUS AND ENFORCEMENT OF UNDERAGE DRINKING LAWS

DCTC forbids consumption, possession, manufacture, sale, transportation, or furnishing of alcoholic beverages on campus. DCTC also forbids the maintenance of unlawful drinking places on campus. This prohibition of possession or consumption of alcoholic beverages on campus applies regardless of age. The only exception is authorized use for special (non-student) functions. Only the President may authorize such programming use.

DCTC enforces the Minnesota drinking laws, including the prohibition of us by persons under 21 years of age, and college policy. Possession or consumption of alcohol on campus is prohibited by DCTC and may result in a student disciplinary complaint.

If the accused is not cooperative or is underage, Campus Security and/or the Rosemount Police may be called to assist.

POLICY REGARDING THE ILLEGALITY OF DRUGS ON CAMPUS AND THE ENFORCEMENT OF FEDERAL AND STATE DRUG LAWS

DCTC forbids the possession, use or sale of illegal drugs (other than by a doctor's prescription) on campus. This includes but is not limited to possession, sale, use, growing, manufacturing, and making of narcotic drugs.

DCTC enforces both Minnesota and federal drug laws regarding the use, possession, and sale of illegal drugs.

DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS

The purpose of this policy is to set forth the college's policy regarding alcohol and other drug use, including unlawful drug use and abuse in the workplace in accordance with the Drug Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226).

The college recognizes the reality of chemical dependency and is aware of its occasional presence in the college community. As a safeguard against this dependency, campus organizations provide prevention programs for the DCTC community.

The college encourages and provides reasonable assistance to any student or faculty or staff member who seeks information on chemical dependency or treatment for chemical dependency. The Health Services Office and the counselor in the Learning Center provide information and referral for those seeking help with substance abuse.

SEXUAL VIOLENCE POLICY AND PROCEDURES

Sexual violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Dakota County Technical College (DCTC). DCTC 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 other policies that may require separate proceedings. To further its commitment against sexual violence, DCTC provides reporting options, internal mechanisms for dispute resolution, and prevention training or other related services as appropriate.

Subpart A. Application of policy to students, employees, and others. This policy applies to all DCTC students and employees and to others, as appropriate, where alleged incidents of sexual violence have occurred on college property. Incidents of sexual violence alleged to have been committed by a student at a location other than on college property are covered by this policy pursuant to the factors listed in DCTC Student Conduct Code and Minnesota State Colleges and Universities Board Policy 3.6 , Part 5 (Student Conduct). Incidents of sexual violence alleged to have been committed by a DCTC employee at a location other than college property are covered by this policy.

Individuals alleged to have committed acts of sexual violence on college property who are not students or employees are subject to appropriate actions by DCTC, including, but not limited to, pursuing criminal or civil action against them.

Definitions.

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

Subpart B. 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 DCTC student conduct codes and employee disciplinary standards. Sexual assault includes but is not limited to:

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.

Involvement in any sexual act when the victim is unable to give consent.

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).

Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

Subpart C. Consent. Consent is informed, freely given and mutually understood. 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, and the condition was known or would be known to a reasonable person, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

Subpart D. Non-forcible sex acts. Non-forcible acts include unlawful sexual acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by Minnesota law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.

Subpart E. System property. “College property” means the facilities and land owned, leased, or under the primary control of DCTC.

Subpart F. Employee. “Employee” means any individual employed by DCTC, including student workers.

Subpart G. Student. “Student” means an individual who is:

admitted, enrolled, registered to take or is taking one or more courses, classes, or seminars, credit or noncredit, at the college; or

between terms of a continuing course of study at the college, such as summer break between spring and fall academic terms; or

expelled or suspended from enrollment as a student at the college, during the pendency of any adjudication of the student disciplinary action.

Procedure

Part 1. Procedure objective.

The purpose of this procedure is designed to further implement Dakota County Technical College (DCTC) Policy 1B.3 prohibiting sexual violence. This procedure provides a process through which individuals alleging sexual violence may pursue a complaint.

This procedure is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation and reprisal.

Part 2. Definitions.

Subpart A. Policy definitions. The definitions in DCTC Policy 1B.3 also apply to this procedure.

Subpart B. Campus security authority. Campus security authority includes the following categories of individuals at the college:

The college security department; including, but not limited to, trespass or restraining orders, in addition to disciplinary action under the applicable student or employee conduct standard.

Part 3. Reporting incidents of sexual violence.

Subpart A. Prompt reporting encouraged. Complainants of sexual violence may report incidents at any time, but are strongly encouraged to make reports promptly in order to best preserve evidence for a potential legal or disciplinary proceeding.

Complainants are strongly encouraged to report incidents of sexual violence to law enforcement for the location where the incident occurred. Complainants are also encouraged to contact the local victim/survivor services office, counseling and health care providers, and DCTC campus security authorities for appropriate action.

Subpart B. Assistance in reporting. When informed of an alleged incident of sexual violence, all DCTC students and employees are urged to encourage and assist complainants, as needed, to report the incident to local law enforcement, local victim/survivor services and campus security authorities.

DCTC campus security authorities, when informed of an alleged incident of sexual violence, shall promptly assist the complainant, including providing guidance in filing complaints with outside agencies including law enforcement; obtaining appropriate assistance from victim/survivor services or medical treatment professionals; and filing a complaint with campus officials responsible for enforcing the student conduct code or employee conduct standards.

When appropriate, DCTC 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.

Part 4. Confidentiality of reporting.

Subpart A. Confidential reports. Because of laws concerning government data contained in Minnesota Statutes Chapter 13, the Minnesota Government Data Practices Act, DCTC cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged communications with licensed health care professionals. Some off-campus reports also may be legally privileged by law, such as reports to clergy, private legal counsel, or health care professionals.

Subpart B. Reports to campus security authorities. Complainants of sexual violence may contact any campus security authority for appropriate assistance or to report incidents. Absolute confidentiality of reports made to campus security authorities cannot be promised. However, campus security authorities shall not disclose personally identifiable information about a complainant of sexual violence without the complainant's consent except as may be required or permitted by law. There may be instances in which DCTC determines it needs to act regardless of whether the parties have reached a personal resolution or if the complainant requests that no action be taken. In such instances, DCTC will investigate and take appropriate action, taking care to protect the identity of the complainant and any other reporter in accordance with this procedure.

Subpart C. Required Reports. Any campus security authority or any college employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual violence must follow college or university procedures for making a report for the annual crime statistics report. In addition, the campus security authority shall report to other college officials, as appropriate, such as the campus affirmative action office, the campus office responsible for administering the student conduct code, and/or the designated Title IX compliance coordinator, in order to initiate any applicable investigative or other resolution procedures.

Campus security authorities may be obligated to report to law enforcement the fact that a sexual assault has occurred, but the name or other personally identifiable information about the complainant will be provided only with the consent of the complainant, except as may be required or permitted by law.

Part 5. Policy notices.

Subpart A. Distribution of policy to students. DCTC shall, at a minimum, at the time of registration make available to each student information about its sexual violence policy and procedure, and shall additionally post a copy of its policy and procedure at appropriate locations on campus at all times. DCTC may distribute its policy and procedure by posting on an Internet or Intranet Web site, provided all students are directly notified of how to access the policy by an exact address, and that they may request a paper copy.

Subpart B. Distribution of policy to employees. DCTC shall make available to all employees a copy of its sexual violence policy and procedure. Distribution may be accomplished by posting

on an Internet or Intranet Web site, provided all employees are directly notified of the exact address of the policy and procedure and that they may receive a paper copy upon request.

Subpart C. Required Notice.

Notice of complainant options. Following a report of sexual violence the complainant shall be promptly notified of:

Where and how to obtain immediate medical assistance; complainants should be informed that timely reporting and a medical examination within 72 hours are critical in preserving evidence of sexual assault and proving a criminal or civil case against a perpetrator. Complainants should be told, however, that they may report incidents of sexual violence at any time.

Where and how to report incidents of sexual violence to local law enforcement officials, and/or appropriate DCTC contacts for employees, students and others. Such contacts should be identified by name, location and phone number for 24-hour availability, as applicable.

Resources for where and how complainants may obtain on- or off-campus counseling, mental health or other support services.

Notice of complainant rights. Complainants shall be notified of the following:

Their right to file criminal charges with local law enforcement officials in sexual assault cases.

Rights under the crime victims' bill of rights, Minnesota Statutes Sections 611A.01 – 611A.06, including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety.

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.

Assistance available from campus authorities in preserving for a sexual violence complainant materials relating to a campus disciplinary proceeding.

That complaint of incidents of sexual violence made to campus security authorities shall be promptly and appropriately investigated and resolved.

That, at a sexual assault complainant's request, the college may 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 a work site, or if such alternatives are available and feasible.

Subpart D. Complaint procedure. DCTC shall notify students of the process used to investigate and resolve allegations of sexual violence, as provided in part 6, subpart H.

Part 6. Investigation and disciplinary procedures.

Subpart A. Immediate action. DCTC may, at any time during the report/complaint process, reassign or place on administrative leave an employee alleged to have violated this policy, in accordance with the procedures in DCTC Procedure 1B.1.1. Such action must be consistent with the applicable collective bargaining agreement or personnel plan.

The college may summarily suspend or take other temporary measures against a student alleged to have committed a violation of this policy, in accordance with DCTC Procedure 1B.1.1 or DCTC Student Conduct Code.

Subpart B. General principles. Procedures used in response to a complaint of sexual violence should avoid requiring complainants to follow any plan of action, to prevent the possibility of re-victimization. Mediation or other negotiated dispute resolution processes between the complainant and the respondent concerning allegations of sexual violence shall be used only if both parties voluntarily consent. No party shall be required to participate in mediation.

College investigation and disciplinary procedures concerning allegations of sexual violence against employees or students shall:

Be respectful of the needs and rights of individuals involved. Proceed as promptly as possible.

Permit a student complainant and a student respondent to 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 shall have the right to representation consistent with the appropriate collective bargaining agreement or personnel plan.

Be conducted in accordance with applicable due process standards and privacy laws.

Inform both the complainant and respondent of the outcome in a timely manner, as permitted by applicable privacy law.

The past sexual history of the complainant and respondent shall be 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.

Subpart C. Relationship to parallel proceedings. In general, DCTC investigation and disciplinary procedures for allegations of sexual violence will proceed independent of any action taken in criminal or civil courts. The college need not, and in most cases should not, delay its proceedings while a parallel legal action is on-going. If DCTC is aware of a criminal proceeding involving the alleged incident, they may contact the prosecuting authority to coordinate when feasible. Criminal or civil court proceedings are not a substitute for DCTC procedures.

Subpart D. False statements prohibited. DCTC 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 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.

Subpart E. Withdrawn complaint. If a complainant no longer desires to pursue a complaint through the college's proceedings, the college reserves the right to investigate and resolve the complaint as it deems appropriate.

Subpart F. DCTC discretion to pursue certain allegations. DCTC 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 the college.

Subpart G. DCTC's discretion to deal with policy violations disclosed in investigation. DCTC reserves the right to determine whether to pursue violations of policy by students or employees other than the respondent, including a complainant or witness that comes to light

during the investigation of an incident of sexual violence. In order to encourage reporting of sexual violence, under appropriate circumstances college or university administrators may choose to deal with violations of DCTC policy in a manner other than disciplinary action.

Subpart H. Procedure for employees, students and individuals who are both an employee and student.

Employees. If the respondent is an employee, the investigation and disciplinary decision-making shall be conducted pursuant to the procedures outlined in Board Procedure 1.B.1.1 except that use of the optional “Personal Resolution” described in Part 3. Subpart B. should not be encouraged in dealing with allegations of sexual violence due to the seriousness of the conduct.

Nothing in this procedure is intended to expand, diminish or alter in any manner any right or remedy available under a collective bargaining agreement, personnel plan or law. Any disciplinary action imposed as a result of an investigation conducted under this procedure will be processed in accordance with the applicable collective bargaining agreement or personnel plan.

Students. The college may elect to process complaints against students under this procedure using either the investigation and decision making process of DCTC Procedure 1B.1.1 or DCTC Student Conduct Code.

If a college elects to use its procedures under DCTC Student Conduct Code for incidents of sexual violence, the conduct panel shall make written findings and recommendations, including proposed sanctions, if any, which will be submitted to a decision maker designated by the President. If the decision maker issues an adverse decision against the student, the student may appeal to the president or designee.

Individuals who are both an employee and a student. If the respondent is both a student and employee, the investigation shall be conducted by the designated officer, as defined by DCTC Procedure 1.B.1.1., Part 2, Subpart A. The results of the investigation shall be submitted for review to both the decision maker appointed under DCTC Procedure 1.B.1.1 Part 2, Subpart B, concerning the personnel action, and to the President or designee concerning the student action.

Subpart I. Sanctions. Sanctions that may be imposed if a finding is made that sexual violence has occurred include, but are not limited to, suspension, expulsion of students or termination from employment. 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.

Subpart J. Retaliation prohibited. Actions by a student or employee intended as retaliation, 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.

Part 7. Sexual violence prevention and education.

Subpart A. Campus-wide training. DCTC will regularly offer educational programs to students and employees to promote the awareness of sexual violence offenses, including sexual violence prevention measures and procedures for responding to incidents. This education shall emphasize the importance of preserving evidence for proof of a criminal offense.

Additionally, DCTC will encourage affiliated student organizations to join the college in developing educational programs, brochures, posters and other means of information to decrease the incidence of sexual violence and advise individuals of the legal and other options available if they are the complainants of an incident or they learn of such an incident.

Subpart B. Training for individuals charged with decision making authority. DCTC shall provide appropriate training and other resources to individuals charged with decision making responsibilities under applicable procedures in order to facilitate a fair, respectful and confidential procedure on allegations of sexual violence in accordance with this and other applicable policies, procedures and laws.

Part 8. Maintenance of report/complaint procedure documentation.

Data that is collected, created, received, maintained or disseminated about incidents of sexual violence will be handled in accordance with the privacy requirements of the Minnesota Statutes Chapter 13 (Minnesota Government Data Practices Act), and other applicable laws.

Information on reports of incidents of sexual violence that are made to Campus Security Authorities shall be documented in accordance with the Jeanne Cleary Disclosure of Campus Security and Campus Crime Statistics Act, codified at 20 United States Code section 1092 (f). Such information will be used to report campus crime statistics on the college campus as required by that Act.

During and upon the completion of the complaint process, the complaint file shall be maintained in a secure location. Access to complaint file information shall be in accordance with the applicable collective bargaining agreement or personnel plan, the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act and other applicable law and policy.