



**BEMIDJI**  
STATE UNIVERSITY

*Bemidji, Minnesota*

# **2016 Campus Crime and Fire Safety Report**

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## INTRODUCTION

The Department of Public Safety publishes the Annual Security Report each year. The report is distributed to all potential students and employees. All current students, faculty and staff are sent an email that briefly describes the content of the report and also the exact Internet address where it can be found:

<https://www.bemidjistate.edu/services/public-safety/wp-content/uploads/sites/92/2016/09/2016-BSU-Crime-and-Fire.pdf>. Printed copies of the report can be obtained from Admissions (Deputy Hall, Room 102), Human Resources (Deputy Hall, Room 350), or at the Department of Public Safety (Walnut Hall). The report contains information regarding campus safety and security as required by the **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**.

Pursuant to the Act, the Department of Public Safety 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 four specific geographic areas; 1) campus (including residence halls), 2) residence halls (subset of campus), 3) public property that is adjacent to campus, 4) non-campus University property or University sanctioned buildings or property and are submitted on an annual basis to the U.S. Secretary of Education.

## DEPARTMENT OF PUBLIC SAFETY AUTHORITY

The Department of Public Safety at Bemidji State University is recognized as the primary campus department responsible for providing security services for students, faculty, staff and campus visitors. The department is comprised of fulltime professional and part-time paraprofessional officers. Public Safety 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 University President to enforce University policy, which is not inconsistent with federal, state or local law, and to make citizens arrests when necessary.

The Bemidji Police Department provides fully licensed police protection for Bemidji State University. The Department of Public Safety has developed a working relationship with the Bemidji Police Department that allows for immediate response to all crimes, emergencies, or requests for service generated by the campus. On occasion, the Department of Public Safety works with other law enforcement agencies such as the Beltrami County Sheriff's Department, the Minnesota Bureau of Criminal Apprehension, the Paul Bunyan Drug Task Force, the Federal Bureau of Investigation, and the Minnesota State Patrol.

It is the policy of Bemidji State University to report all criminal activity to the Bemidji Police Department by reporting incidents directly to their office or to the Department of Public Safety. All crimes or potential crimes that are reported to the Department of Public Safety will be forwarded to the Bemidji Police Department. It is also the University's position that all campus community members are responsible for reporting any criminal activity they become aware of to the Department of Public Safety, Walnut Hall, 218-755-3888, or the Beltrami County Law Enforcement Center, 218-333-9111 (emergency 911).

Bemidji State University urges all campus entities that are excluded from mandatory reporting, such as professional mental health counselors and pastoral 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 Department of Public Safety.

## CRIME PREVENTION PROGRAMS

The Department of Public Safety presents crime prevention and personal safety programs throughout the academic year. These programs are designed to inform the campus community regarding security procedures and practices, and to encourage responsibility for personal safety. The programs present personal safety and crime prevention techniques. The programs are presented by a certified Campus Crime Prevention Professional who is a full time staff member with the Department of Public Safety. Free programs are offered one or two times each semester. In addition, a program can be scheduled by request by contacting the Director of Public Safety, Walnut Hall, 218-755-3888.

## ESCORT SERVICE

The Department of Public Safety provides an escort service that is available 24 hours a day. Escorts are generally provided within 10-15 minutes of a telephone request to 218-755-3888. Escorts are available to all students, employees and their guests.

## FACILITIES SURVEYS

The Director of Public Safety, or a designee, along with the Physical Plant Director, VP for Academic Affairs, and members of the student body do an annual security survey, where they examine physical security issues such as landscaping, locks, alarms, and lighting.

## PERSONAL SAFETY RESPONSIBILITY

Department of Public Safety staff members are available to assist you in protecting yourself by providing regular foot and/or vehicle patrols. Additionally, the Department of Public Safety publishes and distributes security and safety related materials throughout campus. However, only you can protect yourself by being aware of your surroundings and taking appropriate precautions to avoid being the victim of a crime.

Call for an Escort! Department of Public Safety office located in lower Walnut Hall, 218-755-3888, is always staffed and ready to assist you however they can. Public Safety escorts are available 24 hours a day.

## CRIMES AND SUSPICIOUS ACTIVITY

Students, faculty, staff, and guests of the University are encouraged to immediately report emergencies and criminal activity to BSU Department of Public Safety or the Bemidji Police Department (911). You can reach the Department of Public Safety by calling 3888 from an on-campus phone or 218-755-3888 from an off-campus phone. This number is answered all day, every day. You can also stop by the Department of Public Safety office, which is located in the basement of Walnut Hall

The dispatcher will alert on-duty public safety officer(s) and call Bemidji Police Department when necessary. The public safety officer will respond, assist any victim(s), and prepare reports and other documentation for follow-up. The public safety officer can also assist crime victims in reporting a crime to the Bemidji Police Department and the public safety officer will report the crime to the Bemidji Police Department if the victim is unable to make such a report.

## CRIME REPORTING PROCEDURES/POLICY

If you are the victim of a crime or witness a crime occurring contact the Department of Public Safety at 218-755-3888, Bemidji Police Department at 218-333-9111 (non-emergencies) or 911 (emergencies), or by using the emergency blue light phones located around campus.

All students, faculty, staff, and campus visitors are urged to report any crime they become aware of to the Department of Public Safety and/or the Bemidji Police Department, (non-emergency) 218-333-9111, (emergency) 911.

Individuals reporting to the Department of Public Safety who also elect to file a complaint with the Bemidji Police Department will be provided assistance in making that contact. If the victim is unable to make a police report, the Department of Public Safety will accurately and promptly report the incident to the Bemidji Police Department. In addition, if the Department of Public Safety becomes aware that a crime has been committed, University policy requires this information be forwarded to the Bemidji Police Department in a timely manner.

For on-campus emergencies, dial 911. Emergency services will immediately be dispatched from local agencies to your location, and that information will also be relayed to the Department of Public Safety who will also dispatch personnel to the incident location.

For off campus crimes please contact the Bemidji Police Department. The Bemidji State University Department of Public Safety and Bemidji Police Department have a mutual working agreement and each department augments the other within their jurisdiction during mutual investigations. The Director of Public Safety has regular meetings with the Bemidji Police Chief to exchange ideas and discuss problems which are relevant to the University community as well as the community of Bemidji.

## ACCURATE AND PROMPT CRIME REPORTING

Bemidji State University strongly encourages accurate and prompt reporting of all crimes, especially those on or near campus, to local law enforcement and the University. Accurate and prompt crime reports allow the Department of Public Safety, the Bemidji Police Department, and others to effectively track crime patterns and alert the community. BSU Public Safety officers are NOT sworn police officers though Public Safety officers can assist crime victims in making a police report.

## CONFIDENTIAL REPORTING PROCEDURES

If you are the victim of a crime, and do not wish to pursue action within the college or criminal justice systems, you should still consider making a confidential report. With your permission, the Director of Public Safety, or their designee, may file a report that documents the details of your incident without revealing your identity. With this information, the University can keep accurate records of incidents and better identify crime trends. Reports filed in this matter are counted and disclosed in the annual crime statistics for the institution, but again are entirely confidential.

## CRIME ALERTS (AKA "SECURITY ALERTS")

If the Department of Public Safety receives information that a crime has been committed, that may pose a continuing threat to the safety of any campus member; a "Security Alert" will be issued. Security Alerts are distributed by the Department of Public Safety for the purpose of informing the campus community of a potentially dangerous condition that may affect personal safety. The alert contains information regarding an incident that will allow campus

community members to take the personal safety measures to insure their individual safety. The alert withholds the names of victims as confidential and may also contain a request for information regarding an incident.

Security Alerts will be posted on bulletin boards throughout campus, and may also be found on the web at: <https://www.bemidjistate.edu/services/public-safety/alerts/>. Security Alerts will remain posted as long as it is determined a threat exists, or will be removed after thirty days if no similar incidents occur. Anyone with information warranting a Security Alert should report the circumstances to the Department of Public Safety, by phone (218-755-3888) or in person in the basement of Walnut Hall.

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Upon confirmation of a significant emergency, or dangerous situation, involving an immediate threat to the health or safety of students or staff occurring on campus, it is the policy of the Department of Public Safety to make every effort available to contact every student, staff, and faculty member, unless issuing a notification will compromise the efforts to contain the emergency.

Bemidji State University has several methods of mass notification. The Department of Public Safety is a user of Blackboard Connect, a system that both calls primary contact phone numbers for students, staff, and faculty, as well as sending an instant e-mail to all campus accounts. Also, currently utilized in all academic and residential buildings at the Bemidji State University Campus is an "Informer" system that acts like a public address system that can be activated by the Department of Public Safety to communicate live messages to the campus community.

The information collected and inputted into the Blackboard Connect system is extracted from registration records that individuals provided upon Bemidji State University entry. The Blackboard Connect system is only used for purposes of emergency communication and will not be sold or used for marketing or any purpose other than emergency communications. "Emergency communications" is defined to be communication that is vital information to help minimize any significant risk to the health and safety of the community.

### Procedure

Blackboard Connect may be activated by: the Vice President for Finance & Administration, Vice President for Student Development & Enrollment, Vice President of Academic Affairs, Director of Public Safety or designees.

Blackboard Connect is tested once a semester to ensure the system is in good working order and to assist campus community members with emergency preparedness in the event of an actual emergency.

### Registration

1. Learners, faculty and staff are automatically enrolled in Blackboard Connect. Individuals are responsible for providing accurate data. The University assumes no liability or responsibility for improper or outdated data.
2. Learner data is collected from E-services. Every student must assure that their information in E-services is accurate and current for successful Blackboard Connect notification. Students who would like to edit their contact information should log into [MyBSU/MyNTC](#), click on E-services, click on Account Management and then click on Address Info.
3. Faculty and staff data is collected from the BSU/NTC Portal. Faculty and staff who would like to edit their contact information should log into [MyBSU/MyNTC](#), go to Settings in the upper right corner and click on Directory/Contact Info.

The systems mentioned above, along with Bemidji State University's evacuation procedures, are tested independently several times a year. During Minnesota's Severe Weather Awareness Week a full scale test of all emergency notification systems on campus is conducted.

Emergency Procedures Guides are distributed to all campus offices, made available via website ([http://www.bemidjistate.edu/offices/environmental\\_health\\_safety/files/BSU-NTC\\_Emergency\\_Procedures\\_Guide\\_2016.pdf](http://www.bemidjistate.edu/offices/environmental_health_safety/files/BSU-NTC_Emergency_Procedures_Guide_2016.pdf)), and are also available upon request. These guides include information on the following: 911 addresses for campus, general emergency procedures, severe weather, medical emergency, fire or smoke, mechanical/utility, crime reporting, terrorism, violent intruder, suspicious mail, hazardous materials and bomb threat. Also, all new employees are enrolled in a D2L introduction course to campus emergency procedures.

## PREPARING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

It is the policy of Bemidji State University that the Department of Public Safety is recognized as the office responsible for the collection and publication of crime statistics, as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Statistics in this report are gathered from the following sources: Public Safety Incident Reports, Beltrami County Law Enforcement Records, University Conduct Officials, Campus Security Authorities and Third Party Anonymous Reports.

Statistical information is gathered in four different categories; 1) On-campus (includes Residence Halls), 2) Residence Halls (subset of on-campus), 3) Non-campus building or property (Hobson Forest, and Sanford Center) and, 4) Public property that borders campus, including bordering roads and Diamond Point Park.

In addition, for each of the categories listed, separate statistics are included for crimes classified as hate crimes by the Uniform Crime Reporting system. Hate crimes are reportable crimes where it has been determined that the crime was motivated by a victim's race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability.

The statistical information that is required to be published includes:

- Homicide

- °Murder and Non-Negligent Manslaughter

- °Negligent Manslaughter

- Sex Offenses

- °Forcible – Rape, Fondling

- °Non-forcible – Incest, Statutory

- Robbery

- Aggravated Assault

- Burglary

- Motor Vehicle Theft

- Arson

In addition to the aforementioned crimes, statistics are collected and reported for the following crimes when it is determined that the victim was intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability and of domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies.

- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction, Damage or Vandalism of Property
- Any Other Crime Involving Bodily Injury

The law further requires that statistical information for the following categories of arrests or referrals for campus disciplinary action if an arrest was not made:

- Liquor Law Violations
- Drug Law Violations
- Illegal Weapons Possession

\* Note: In order to be included as a statistic, a referral for one of the three categories listed above must also constitute a violation of law.

Additionally, statistics for sexual violence are collected and reported.

- Domestic Violence
- Dating Violence
- Stalking

Each year, an e-mail notification is made to all enrolled students, faculty, and staff members that provide the website to access this report. Copies of the Annual Security Report may also be requested by contacting the Department of Public Safety in Walnut Hall or by calling (218) 755-3888.

## CAMPUS SECURITY AUTHORITIES

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act require the declaration of “Campus Security Authorities”. Campus Security Authorities are defined as, “An official of an institution who has significant responsibility for student and campus activities.” Campus Security Authorities are individuals that reports should be made to for the purpose of making Security Alerts and the annual statistical disclosure. Bemidji State University has determined that the following positions fit the criteria:

President and Vice Presidents, Faculty Advisors to student groups and organizations, Athletic Coaches and Trainers, Department of Public Safety employees, Deans, Student Development Officials, Residential Life staff members and other campus officials who have significant responsibilities for student and campus activities.

## OFF-CAMPUS CRIME

All Bemidji State University organizations that are off-campus are monitored by the Bemidji Police Department, which shares information with the Department of Public Safety.

The Department of Public Safety includes the off-campus student organizations' crime statistics in its annual report under the classification of "Non-Campus Building or Property". Currently there are no off-campus student organizations recognized by the University.

## CAMPUS PASTORAL AND PROFESSIONAL COUNSELORS

Campus pastoral and professional counselors, when acting as such, are not required to report crimes for inclusion in the Annual Crime Report. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform individuals being counseled, of the procedures to report crimes on a voluntary basis for inclusion in the statistics of the annual crime report.

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

A "professional counselor" is an employee of the institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification.

## PUBLIC CRIME LOG

The Bemidji State University Department of Public Safety creates, keeps and maintains a public crime log recording all crimes reported to the Department of Public Safety. The Bemidji State University log is viewable outside the Department of Public Safety office located in Walnut Hall.

The public crime log contains information regarding the nature, date, time and general location of each crime and disposition of the crime if known for crimes on campus, off campus property that is controlled by Bemidji State University and public property that borders campus. Each crime is open to public inspection within two business days of the initial report being made to the Department of Public Safety.

Exceptions to published crimes in the public crime log include where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, jeopardize an ongoing investigation or the safety of the individual, cause a suspect to flee or evade detection, result in the destruction of evidence in which such information may be withheld until that damage is no longer likely to occur from the release of such information.

The following table is the statistical report of crimes occurring on the Bemidji State University campus (as reported to the Department of Public Safety and/or the Bemidji Police Department). The table reflects crimes reported for the three calendar years of 2013, 2014 and 2015. The categories of crime are those required by the Clery Act.

Statistical information under the heading of "Residence Halls" is also included in the total under the heading of "On-Campus". The statistics indicate the number of crimes reported, not necessarily confirmed cases and/or convictions.

NOTE: Bemidji State University does not have any off-campus student organizations, which would be listed under the category of "Non-Campus Property". Included in "Non-Campus Property" are Hobson Union Forest and the Sanford Center.

**BEMIDJI STATE UNIVERSTY CRIME STATISTICS**

	On-Campus			Residence Halls <sup>1</sup>			Non-Campus			Public		
	'13	'14	'15	'13	'14	'15	'13	'14	'15	'13	'14	'15
<b>Murder / Non-Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sex Offenses : Forcible</b>	5	7	2	5	5	2	0	0	0	0	0	0
- Rape	4	4	0	4	4	0	0	0	0	0	0	0
- Fondling	1	3	2	1	1	2	0	0	0	0	0	0
<b>Sex Offenses : Non-Forcible</b>	0	0	0	0	0	0	0	0	0	0	0	0
- Incest	0	0	0	0	0	0	0	0	0	0	0	0
- Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	1	0	0	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	3	14	3	3	14	2	0	0	0	0	0	0
<b>Motor Vehicle Theft</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arson</b>	2	7	2	2	6	2	0	0	0	0	0	0
	On-Campus			Residence Halls <sup>1</sup>			Non-Campus			Public		
	'13	'14	'15	'13	'14	'15	'13	'14	'15	'13	'14	'15
<b>Liquor Law Violations : Arrests</b>	47	38	61	38	27	28	3 <sup>2</sup>	11 <sup>2</sup>	6 <sup>2</sup>	1	9	1
<b>Liquor Law Violations : Referrals</b>	113	164	153	108	149	145	0	0	0	0	3	0
	On-Campus			Residence Halls <sup>1</sup>			Non-Campus			Public		
	'13	'14	'15	'13	'14	'15	'13	'14	'15	'13	'14	'15
<b>Drug law Violations : Arrests</b>	0 <sup>3</sup>	0 <sup>3</sup>	2 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	1 <sup>3</sup>	0 <sup>3</sup>
<b>Drug Law Violations : Referrals</b>	51	59	89	45	45	63	0	0	0	1	5	0
	On-Campus			Residence Halls <sup>1</sup>			Non-Campus			Public		
	'13	'14	'15	'13	'14	'15	'13	'14	'15	'13	'14	'15
<b>Weapon Law Violations : Arrests</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Weapon Law Violations : Referrals</b>	0	1	0	0	0	0	0	0	0	0	0	0

<sup>1</sup>Residence Halls are a subset of the On-Campus figures.

<sup>2</sup>Occurred at Sanford Center.

<sup>3</sup>Petty Misdemeanors including Possession of Small Amount of Marijuana and Possession of Drug Paraphernalia are no longer being reported as criminal arrest statistics, but where applicable are being reported as disciplinary referrals.

<sup>4</sup>The statistics described in this chart are compliant in accordance with the definitions used in the uniform crime reporting system of the Department of Justice and Federal Bureau of Investigation.

<sup>5</sup>Such statistics shall not identify victims of crimes or persons accused of crimes.

## Hate Crime Statistics for 2013, 2014, and 2015

The statistics below have been classified as “Hate Crimes” and are compliant in accordance with the definitions used in the Hate Crime Statistics Act. Hate crimes are defined as crimes in which the victim is intentionally selected because of their actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim. Such statistics shall not identify victims of crimes or persons accused of crimes.

2015: No (0) Hate Crimes were reported.

2014: No (0) Hate Crimes were reported.

2013: No (0) Hate Crimes were reported

## Sexual Violence Statistics for 2013, 2014 and 2015

The statistics below have been classified as “Sexual Violence” and are compliant in accordance with the definitions used in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). Sexual violence includes a continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relationship violence, stalking, as well as aiding acts of sexual violence. The statistics below exclude non-forcible and forcible sex offenses as they are listed in the “Bemidji State University Crime Statistics” chart on the previous page. Such statistics shall not identify victims of crimes or persons accused of crimes.

2015: No (0) Dating Violence incidents were reported. One (1) public property Domestic Violence incident was reported. No (0) Stalking incidents were reported.

2014: Three (3) residence hall Dating Violence incidents were reported. One (1) public property Domestic Violence incident was reported. No (0) Stalking incidents were reported.

2013: Two (2) residence hall Dating Violence incidents were reported. No (0) Domestic Violence incidents were reported. No (0) Stalking incidents were reported.

## LOCATION DEFINITIONS

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 “Bemidji State University Crime Statistics” chart on page 11.

**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).

**Non-Campus Building or Property:** The term “non-campus building or property” means 1) any building or property owned or controlled by a student organization recognized by the 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.

**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.

## CRIME DEFINITIONS

The definitions below are taken from the Federal Bureau of Investigation Uniform Crime Reporting (UCR) Handbook and used to classify the criminal offenses listed in the “Bemidji State University Crime Statistics” chart on pages 11 and 12.

**Murder and Nonnegligent Manslaughter:** The willful (nonnegligent) killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Sex Offenses, Forcible:** Any sexual act directed against another person, 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.

**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 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 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 or physical incapacity.

**Sexual Assault With An Object:** The use of 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 the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/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.

**Sexual Offenses, Non-forcible:** Unlawful, non-forcible sexual intercourse.

**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.

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

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce health or great bodily harm. (It is not necessary that injury from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed).

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

**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.

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

**Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition).

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone's); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Weapons Law Violations:** The violation of laws or ordinances dealing with weapons offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons, carrying deadly weapons, (concealed or openly); furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of aforementioned.

## SEXUAL VIOLENCE DEFINITIONS

The following definitions are used to classify offenses listed in the “Sexual Violence Statistics for 2013” section.

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

**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 Bemidji State University 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.

**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.

**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, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Silence does not necessarily constitute as consent, and past consent of sexual activities does not imply ongoing future consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

**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.

The following terms “dating violence”, “domestic violence”, and “stalking” were taken from section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

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

**Domestic Violence:** The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Stalking:** The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress. For further details on classification of Stalking crimes, please see Minnesota Statutes 609.749.

## ACCESS TO CAMPUS FACILITIES

Access to all Bemidji State University buildings and facilities are restricted to normal business hours, which is generally from 7:00 a.m. to 10:00 p.m. Monday through Friday during the academic year. Access during summer months and break periods may vary. Use of Bemidji State University facilities is intended for students, faculty, staff, and authorized visitors. Persons not associated with the University may be asked to leave campus and are subject to legal process if non-compliant.

Access to facilities after normal business hours is allowed only by special approval of the individual responsible for a specific space. The individual using a specific space outside of normal business hours must possess verifiable proof of approval. All other use of Bemidji State University facilities outside of normal hours of operation must be approved, and scheduled by the Scheduling Office, Hobson Memorial Student Union, 218-755-3760.

Access to residence halls is restricted to residents and guests only. Residence halls remain locked 24 hours a day and are controlled by an electronic key access system. Contact the Department of Residential Life, 218-755-3750 for further information.

Although the Department of Public Safety routinely patrols all campus facilities, it is impossible to maintain a continuous presence in all facilities at all times. Students, faculty, staff and visitors are urged to take appropriate steps to insure their own personal safety. Please report suspicious individuals and activities or hazardous conditions immediately to the Department of Public Safety, 218-755-3888. Take advantage of the escort service provided by the Department of Public Safety which is available 24 hours a day.

The Department of Public Safety works closely with the campus Physical Plant Office regarding security considerations of facilities. If you encounter what you believe is a safety or security deficiency regarding Bemidji State University facilities, contact the Department of Public Safety, 218-755-3888 and/or the Physical Plant Office, 218-755-3988. The Physical Plant Office and the Department of Public Safety conduct annual campus inspections of campus facilities.

The Director of Public Safety, or a designee, along with the Physical Plant Director, VP for Academic Affairs, and members of the student body do an annual security survey where they examine physical security issues such as landscaping, locks, alarms, and lighting.

## CAMPUS ALCOHOL POLICY AND ENFORCEMENT

Bemidji State University forbids the use (consumption), possession, manufacture, sale, transportation or furnishing of alcoholic beverages on campus. Bemidji State University also forbids the maintenance of unlawful drinking places on campus. The 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 use.

Any alcohol related violation of law that the Department of Public Safety becomes aware of, will be referred to the Bemidji Police Department. Violations of law regarding underage consumption or possession may, and frequently do result in criminal prosecution. Violators are also subject to fine and imprisonment. In addition to any action taken by local law enforcement authorities, persons found in violation of the campus alcohol policy will be referred to the University Conduct Officer.

## CAMPUS ILLEGAL DRUG USE AND ENFORCEMENT

Bemidji State University forbids the illegal use, possession, sale, manufacture, or distribution of drugs or actions involving drugs that may involve medical or psychological hazards to individuals, or actions involving drugs that may lead to interference with the rights and privileges of others.

Any use of drugs on campus that is a violation of law that the Department of Public Safety becomes aware of, will be referred to the Bemidji Police Department. Violations of law regarding illegal drugs may, and frequently do result in criminal prosecution. Violators are also subject to fine and imprisonment. In addition to any action taken by local law enforcement authorities, persons found in violation of the campus illegal drug policy will be referred to the University Conduct Officer.

Bemidji State University's Task Force for Student Safety and the Student Center for Health and Counseling provide ongoing alcohol prevention and education. In addition, the Student Center for Health and Counseling provides alcohol and drug education, counseling resources and treatment referrals. For more information, contact Student Health Services, Cedar Hall, 218-755-2053.

### Minnesota State Alcohol Violations

Minnesota has many statutes which regulate and control alcohol use and misuse. Fines and penalties are given on the basis of minimum requirements and prior violations. Some crimes and violations are as follows:

**Driving under the influence** (blood alcohol content .08) *First offense*: \$700 fine, max. 90 days in jail, revocation of driver license min. 30 days. *Second offense* (within five years): \$3000 fine, max. One year in jail, revocation of license min. 90 days. Driving with an alcohol concentration of .04 or more is relevant evidence of whether or not the person is under the influence of alcohol and therefore subject to arrest.

**Implied Consent** By driving a motor vehicle in this state, a person agrees to submit to testing for intoxication.

**Persons under the age of 21** "Not A Drop" Law, If you drink any amount of alcohol and drive, you lose your license in for 30 day on a first offense, 6 months for a second violation in Minnesota. *Misdemeanors*: Consumption and possession unless in parent or guardian's home, purchase or attempts to purchase alcohol, entering licensed premises, misrepresenting age.

**Aiding Minors** Gross Misdemeanor: to sell, furnish or give a minor alcohol, to induce a minor to purchase alcohol, to lend or permit use of license to a minor.

**Consent for Sexual Activity** A person under the influence of any amount of an intoxicating substance including alcohol, marijuana, narcotics, or other substances, whether ingestion of the substance is known or unknown, cannot give legal consent for sexual activity. Sexual activity is defined as oral, anal, or vaginal penetration or contact on or near contact of breasts or genitals.

**Misrepresentation of Age** It is unlawful for any person under the age of 21 years to claim to be 21 years old or older for the purpose of purchasing alcoholic beverages.

**Furnishing Alcohol to Persons Under 21** It is unlawful to sell, barter, furnish or give alcoholic beverages to persons under 21. People who are injured by an underage drinker may sue adults who supplied alcohol to the underage drinker

*A violation of any law regarding alcohol is also a violation of BSU's University Code of Conduct and will be treated as a separate*

## RESIDENCE SAFETY

- 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 the protection of other residents.

- Never open exterior doors of the building for strangers or non-residents. Always escort your guests to and from the main entrance doors.
- Do not leave your keys lying around in public places or in your jacket pocket when you are not wearing it.
- Do not put your name and address on key rings as they may be used to steal your property if found by the wrong person.

## PROPERTY PROTECTION

- Participate in Operation Identification. Contact the Department of Public Safety, 218-755-3888 for further information.
- Personal property (purses, brief cases, calculators, etc.) should not be left unattended. Take such items with you if you are leaving the office, classroom or residence hall room.
- Lock your door whenever you leave your room or office.
- 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 vacations.
- 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.
- Utilize bike racks and always lock your bike. There are several good anti-theft devices available and casehardened heavy locks and chains afford the best protection.

## VEHICLE PROTECTION

- Always lock your car doors and never leave your keys in the vehicle.
- Try to park your car in well-lit areas.
- Avoid leaving property where it's visible; utilize your trunk if necessary.

## PERSONAL SAFETY

- Avoid walking alone at night.
- Refrain from taking short cuts, walk where there is plenty of light and traffic.
- Avoid walking and jogging alone after dark. If you must travel alone at night, use the Department of Public Safety's Escort Service (218-755-3888) to escort you to your on-campus destination.
- 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 for a lighted area or a group of people.
- Have your keys ready when returning to your residence hall or apartment and keep personal or valuable items concealed and close to your body.
- Watch for suspicious persons in and around University buildings or parking lots. Do not pursue them. Immediately contact the Department of Public Safety (218-755-3888). Call the Department of Public Safety if you should enter your room and find a stranger, regardless of the "cover story" supplied.
- If you see any suspicious activity or people on or near campus, call the Department of Public Safety (218-755-3888). Do not assume the person is a visitor or University staff member that you have not seen before.

## EMERGENCY PHONES

- There are nine emergency blue light tower telephones installed on the University campus. These telephones are identified by a blue light and provide a direct line to the Public Safety Dispatcher.
- All elevators on campus have an emergency phone located within them that provides a direct line to the Public Safety Dispatcher.
- All Residence Hall entrances have an emergency phone located within them that provides a direct line to the Public Safety Dispatcher.
- A map of all campus emergency blue light phones may be found at:  
<https://www.bemidjistate.edu/services/public-safety/wp-content/uploads/sites/92/2014/09/Campus-Blue-Light-Map.pdf>

## CAMPUS POLICY ON SEXUAL ASSAULT PROGRAMS AND PROCEDURES

Bemidji State University follows the Minnesota State Colleges and Universities System's Board Policy 1B.3 Sexual Violence and System 1B.3.1 Sexual Violence Procedure. Complete MnSCU 1B.3.1 procedure can be accessed at: [www.mnscu.edu/board/procedure/1b03p1.html](http://www.mnscu.edu/board/procedure/1b03p1.html).

In support of the system policy, Bemidji State University reaffirms the policy that sexual violence, sexual harassment, domestic and dating violence, and stalking will not be tolerated and are prohibited at Bemidji State University. Bemidji State University is committed to eliminating sexual violence in all forms and every effort will be made to assure that all members of the University community are provided an atmosphere free from sexual assault and harassment. This policy applies to Bemidji State University students and employees and to others, as appropriate, where incidents of sexual violence on Bemidji State University property have been reported.

Reports of sexual violence committed by a student at a location other than on Bemidji State University property are also covered by this policy. Reports of sexual violence committed by a Bemidji State University employee at a location other than Bemidji State University property are covered by this policy.

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

Allegations of discrimination or harassment are governed by Minnesota State Colleges and Universities Board Policy 1B.1.

Bemidji State University 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 Bemidji State University policies that may require separate proceedings. To further its commitment against sexual violence, Bemidji State University provides reporting options, an investigative and disciplinary process, and prevention training as appropriate.

## SEXUAL ASSAULT PROGRAMS AND PROCEDURES DEFINITIONS

**Bemidji State University Property:** "Bemidji State University property" means the facilities and land owned, leased, or under the primary control of Bemidji State University.

**Employee:** "Employee" means any individual employed by Bemidji State University including student workers.

**Student:** The term “student” includes all persons who: 1) Are enrolled in one or more courses, either credit or non-credit through a college or university. 2) Withdraw, transfer or graduate, after an alleged violation of the student conduct code or; 3) Are not officially enrolled for a particular term but who have a continuing relationship with Bemidji State University or; 4) Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid or; 5) Are not Bemidji State University employees and are not enrolled in the institution but live in a Bemidji State University residence hall.

## SEXUAL VIOLENCE PREVENTION PROGRAMS AND EDUCATION

To prevent sexual violence, educational efforts have been undertaken to inform employees and students of their responsibilities regarding such behavior, how to identify and eliminate potential sexual assault and harassment and what steps can be taken if instances of sexual assault and harassment are experienced.

Bemidji State University conducts a number of programs aimed at preventing sexual offenses to prevent domestic violence, dating violence, sexual assault, and stalking as well as making the community aware of the potential of such crimes. These programs include nightly security patrols of the campus, campus escorts, security alerts, and campus inspections designed to identify and correct facility and grounds deficiencies. In addition, residence hall staff, the Department of Public Safety, Health Services and the Counseling Center, provides educational staff training and student programs pertaining to sexual assault awareness. Sexual violence awareness training, “Personal Empowerment Through Self-Awareness” (PETSA), is provided to all incoming students and new staff by an online training module available via D2L. In addition, The Lifestyle Educators are a peer education student group trained and supervised by professional staff from the Student Center for Health and Counseling. This student leadership group is producing additional sexual violence prevention videos with a bystander intervention focus. Literature on sexual assault reporting, risk reduction and University response is available at the Department of Public Safety.

A guiding principle in the reporting of sexual assault is to avoid re-victimizing the sexual assault survivor by forcing the person into any plan of action. Sexual assault survivors may contact any of the several Bemidji State University departments or community services listed further in this report for assistance. These resources provide immediate aid or on-going consultation for survivors of sexual assault.

## PROCEDURE FOR REPORTING SEXUAL ASSAULT

If you are a victim of a sexual assault your first priority should be to get to a safe place. If you are on campus, contact the Department of Public Safety (218-755-3888), Bemidji Police Department (218-333-9111), a Campus Security Authority, or the Affirmative Action Officer/Title IX Coordinator (218-755-4121) as soon as possible after the offense. Timely and prompt reporting of a sexual assault within 72 hours is critical in collecting and preserving evidence important in proving a criminal case against the assailant. Do not bathe, douche, use the toilet, or change clothing. Note everything about the location. If you have been the victim of a sexual assault, you should seek medical attention from the Sanford Bemidji Hospital (218-751-5430) or Bemidji State University Health Services (218-755-2053) immediately regardless of whether you report the matter to the police.

You may file a police report with the appropriate law enforcement agency. For on campus incidents, contact the Bemidji Police Department (218-333-9111). If you would like assistance in filing a police report, the Department of Public Safety or other campus office(s) can assist you. Filing a report with the Department of Public Safety will not obligate you to pursue prosecution, nor will it subject the victim to scrutiny or judgment. Filing a report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim.

- Provide the opportunity for collection of evidence that is helpful for prosecution, and cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change prior to a medical exam).
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual crisis intervention.

Every attempt is made to maintain the anonymity of the sexual assault survivor. Every attempt will be made not to release names to the media, unless requested by the sexual assault survivor. Names and addresses of survivors are shared with the Bemidji Police Department. The Department of Public Safety will attempt to provide support and advice for sexual assault survivors. Each report of sexual assault will be investigated in order to provide better protection for the survivor of a sexual assault and all members of the campus community. Sexual assault survivors should be aware of the University’s responsibility to release information regarding the fact that an assault occurred for the protection and safety of others.

The Department of Public Safety is the office of official record for reports of sexual assault, as it is in all reported law violations. Students, faculty and staff are encouraged to contact the Department of Public Safety to report any information regarding assaults.

Sexual assault survivors have the right to make anonymous (third-party) reports to the Department of Public Safety. Third party reports may prevent the University and the Bemidji Police Department from actively investigating the criminal activity.

Counseling and medical services are available both on, Bemidji State University Health Services (218-755-2024 or 218-755-2053) and off campus. The Department of Public Safety has information on additional resources including the Support Within Reach Sexual Violence Resource Center available to victims of sexual violence both on campus and in the community.

If you are the victim of a sexual assault, Bemidji State University encourages you to contact one or more of the following:

#### RESOURCES ON CAMPUS

Public Safety	218-755-3888
Residential Life	218-755-3750
Affirmative Action	218-755-4121
Counseling Center	218-755-2024
Health Services	218-755-2053

#### RESOURCES OFF CAMPUS

Bemidji Police Emergency	911
Bemidji Police Non-Emergency	218-333-9111
Sexual Assault Program	218-444-9524 or 1-800-708-2727
Sanford Hospital	218-751-5430

If the Director of Public Safety (or a designee) determines that a threat continues to exist for the campus community, information about the reported sexual assault will be reported to the community whether reported by a sexual assault survivor or through a third-party report. Taking care to protect the identity of the survivor, as much detail as possible regarding the incident will be released such as location, date, time, and information that might help identify the assailant. The Department of Public Safety will inform the campus community of the reported sexual assault by posting “Security Alerts”.

Each report will be taken as presented by the complainant and will withhold the name of the victim as confidential. Appropriate criminal classifications will be determined after a review of all the facts presented.

In order to reduce contact between the victim and the alleged assailant, Bemidji State University will, at the request of the survivor, attempt to provide a change in classes, academic schedules, dormitory rooms, transportation or working arrangements as applicable and take other appropriate remedial measures. Bemidji State University will provide written notice to victims of these options. The options are available to victims regardless of whether the victim chooses to report the crime to law enforcement or campus authorities.

You have the right to petition for an Order for Protection (OFP) or a Harassment Restraining Order (HRO), the Department of Public Safety has information on where to file for and request an OFP or HRO. Bemidji State University may take actions it deems necessary or appropriate in response to all protection, restraining or no contact orders.

You may contact the Minnesota Crime Victims Reparations Board at 651-201-7300. The Crime Victims Reparations Board provides financial help to victims and their families for losses incurred as a result of a violence crime. You may also visit <https://dps.mn.gov> for additional information.

Bemidji State University will provide written notification to the victim of physical health, mental health, victim advocacy and other support services available on campus and in the community as noted above as well as written explanation of his or her rights and options under Bemidji State University Sexual Violence policy.

The University will take appropriate action to safeguard the survivor and, at the same time, protect the rights of the alleged perpetrator.

The University will normally not take any disciplinary action against a member of the campus community without a written complaint and the assistance of the complainant in the disciplinary process, unless the University determines there is a clear danger to the victim or the college community.

## CAMPUS DISCIPLINARY ACTION, SEXUAL ASSAULT

Victims of sexual assault or those witnessing any type of sexual violence or relationship violence are strongly encouraged to report the incident to the Department of Public Safety (218-755-3888) and the Bemidji Police Department (218-333-9111) or the Affirmative Action Officer/Title IX Coordinator (218-755-4121). The Department of Public Safety is the office of official record for reports of sexual assault, as it is in all reported law violations. A report with the Department of Public Safety can ensure that proper steps are taken to ensure the safety of the survivor as well as the safety of the campus community as a whole. Filing a report with the Department of Public Safety can also initiate the Bemidji State University disciplinary process, and is an option for any person wishing to report a case of misconduct.

Bemidji State University will normally not take any disciplinary action against a member of the campus community without a written complaint and the assistance of the complainant in the disciplinary process, unless the University determines there is a clear danger to the victim or the Bemidji State University community.

Because of laws concerning government data contained in the Minnesota Government Data Practices Act, Bemidji State University cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged or confidential communications with licensed health care professionals or similar professionals. On campus licensed health care professionals include the Bemidji State University Counseling Center (218-755-2024).

In order for Bemidji State University to proceed with an investigation, a complaint whether by victim or third party must be filed with the University Conduct Officer. Reports made through the Department of Public Safety will be forwarded to the Bemidji Police Department. After receiving a report/complaint, the Affirmative Action Officer/Title IX Coordinator, who must receive annual investigatory training, shall take the steps listed below to insure a prompt, fair, and impartial process following Minnesota State Colleges and Universities Board Policy 1B.3 Sexual Violence and System Procedure 1B.3.1 Sexual Violence Procedure:

1. Conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings. Both the complainant and respondent are allowed to have an advisor accompany them through the process. The advisor, however, will not normally be allowed to participate in questioning involving a student;
2. Investigate the complaint without identifying the complainant if, in the judgment of the designated officer, this would increase the likelihood of satisfactory resolution of the complaint;
3. 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;
4. Inform the complainant, respondent, witnesses and other involved individuals of the prohibition against retaliation and reprisal;
5. Create, gather and maintain investigative documentation as appropriate;
6. Disclose appropriate information to others only on a need to know basis consistent with state and federal law; and provide a data privacy notice (Tennessee warning) in accordance with state law;
7. Inform the complainant and respondent of the status of the investigation at reasonable times until final disposition of the complaint;
8. Conduct further investigation as deemed appropriate by the designated officer; prepare an investigation report for review by the decision-maker;
9. Take additional investigative measures as requested by the decision-maker;
10. Provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
11. Notify both the victim and the accused party in writing of the outcome of the investigation;
12. Provide the investigation report to the complainant or respondent upon request unless the information is protected under state or federal law.

Bemidji State University will complete an investigation and issue a written response within

60 days after a complaint is made, unless reasonable cause for delay exists. Bemidji State University will notify the complainant and respondent if the written response is not expected to be issued within the 60 day period.

The complainant and 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. 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.

Bemidji State University uses a preponderance of the evidence standard of evidence in determining violations of its Sexual Violence policy.

Students who are found to have violated the Sexual Violence policy could face sanctions up to and including suspension or expulsion from Bemidji State University. Employees found to violate the policy may be disciplined up to and including termination.

During and upon completion of the complaint process, the complaint file shall be positing in the Affirmative Action Officer/Title IX Coordinator's office . Access to the data shall be in accordance with the respective collective bargaining agreement or personnel plan, the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act or other applicable law.

## CAMPUS DISCIPLINARY ACTION

The Bemidji State University disciplinary process is an option for any person wishing to report a case of student misconduct or violation of the campus Code of Conduct. In order for the University to proceed with the conduct process, a written complaint (whether by the victim or a third party) must be filed with the University Conduct Officer. If the complaint is criminal in nature, it will be forwarded to the Department of Public Safety. The Department of Public Safety will inform local law enforcement officials of the complaint. Bemidji State University will, upon written request, disclose to the alleged victim of a crime of violence, or non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Bemidji State University will provide the results of the disciplinary hearing to the victim's next of kin if so requested.

## CAMPUS CODE OF STUDENT CONDUCT

The following information was taken directly from the Bemidji State University Code of Conduct, which is available in its entirety from the Student Development & Enrollment, Deputy Hall, 218-755-2075 and via web ([http://www.bemidjistate.edu/students/handbook/docs/policy\\_pdfs/conduct/code\\_of\\_conduct.pdf](http://www.bemidjistate.edu/students/handbook/docs/policy_pdfs/conduct/code_of_conduct.pdf)).

The Code of Conduct governing the behavior of students of Bemidji State University:

1. Insures the basic rights of individuals and reflects the practical necessities of the community
2. Prohibits and limits acts which interfere with the basic purposes, necessities, or processes of the University, or with the rights of its members; and
3. Reconciles the principles of maximum freedom and necessary order. The Code of Conduct shall be made public in an appropriate manner and may be revised by the University in consultation with faculty, students, and administration. Misconduct that can result in Student Conduct action consists of the following offenses:
  - A. Violation of written policies or regulations contained in any official publication or administrative announcement of the MnSCU Board or Bemidji State University. This includes, but is not limited to, the State University Internal Rules, BSU Student Handbook, Policies and Procedures Manual, Residential Life Agreement terms, Residence Halls Agreement terms, Catalog, etc.
  - B. Violation of local, state, or federal law on University property, or off-campus when such violation of the law is directly related to the University Community.

- C. Academic dishonesty, including, but not limited to, cheating and plagiarism. (See Academic Integrity Policy and Related Policies and Procedures in the [BSU Student Handbook](#).)
- D. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities, including its public service functions on or off campus, or other authorized non-university activities when the conduct occurs on University premises.
- E. Knowingly furnishing false information to the University or other similar forms of dishonesty in University-related affairs, including knowingly making false oral or written statements to any University Conduct Board or Student Conduct Officer.
- F. Forgery, alteration, destruction, or misuse of University documents, records, identification cards, or papers.
- G. Failure to comply with directions of, or to present identification to, University officials or law enforcement officers acting in the performance of their duties. This includes failure to comply with conditions of sanctions resulting from previous University conduct action.
- H. Unauthorized entry into or use of University facilities or equipment, or unauthorized possession, duplication, or use of keys to any university premises.
- I. Use, possession or carrying of firearms (including, but not limited to, pistols, rifles, air guns, shotguns, or ammunition), incendiary devices, smoke devices, hand bills, dangerous knives, explosives, bows and arrows, or other dangerous weapons while on University owned or controlled property, or at University-sponsored or supervised activities, except by authorized law enforcement officers and other persons specifically authorized by the University. (Regarding recent new Minnesota "conceal and carry" gun legislation, it is specifically noted that MnSCU and BSU policy prohibit students from possessing or carrying a firearm while on University property, regardless of whether the student has a permit to carry a firearm, except as otherwise provided by MnSCU or BSU policy. The full [MnSCU policy](#) may be accessed electronically.)
- J. Use, possession, or distribution of alcoholic beverages, except as permitted by law and University policy. (See [Alcohol and Other Drug Policy](#).)
- K. Unauthorized use, possession, manufacture, or distribution of any controlled substance or illegal drugs and / or drug paraphernalia. (See [Alcohol and Other Drug Policy](#).)
- L. Theft of, damage to, or unauthorized use of property of the University or property of any of its members or visitors.
- M. Physical abuse, verbal abuse, threats, or harassment of a person including but not limited to stalking, defamation, intimidation or harassment through other persons, or use of electronic or other communication devices such as video, computers or telephones.
- N. Conduct that threatens or endangers the health or safety of a person, to include oneself.
- O. Engaging, individually or in concert with others, in sexual misconduct; i.e. non-consensual physical conduct of a sexual nature including but not limited to **domestic violence, dating violence, stalking**, sexual physical abuse, rape or any other form of sexual assault, or threat of sexual violence.

*Note: Consent does not exist when acts are committed by force, intimidation, coercion, or through use of authority, or the victim's mental or physical incapacity even if that lack of capacity is chemically self-induced. The expectation is that consent is clear and mutual.*

P. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University or members of the academic community.

Q. Gambling for money or other things of value, except as permitted by law.

R. Hazing: An act which endangers the mental or physical health or safety of a person, subjects a person to public humiliation or ridicule, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a student group or organization. Hazing, whether occurring on or off campus, shall be considered a violation of this code.

S. Discrimination/Harassment. (In compliance with MnSCU policy 1B.1 and procedure 1B1.1, a separate investigative and decision making process has been established at Bemidji State University for review of complaints of discrimination and/or harassment. (See the Student Handbook page on [Harassment and Discrimination](#).)

The University reserves the right to review student behavior that occurs off campus if the behavior violates University policy and is of principle interest regarding the mission of the University.

## CAMPUS SEX CRIMES PREVENTION ACT

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers services or is a student.

The Minnesota Bureau of Criminal Apprehension administers a predatory offender registration and tracking program. Any questions regarding the program may be directed to the Criminal Assessment Program at 888-234-1248 or 651-603-6748. Information regarding this program can be found at the following website:

<http://www.dps.state.mn.us/bca/invest/documents/page-07.html>

In addition, information regarding registered sex offenders may be obtained through the Minnesota Department of Corrections at 651-642-0200. An offender locator, for offenders that have the highest risk for re-offense, can be accessed from the Minnesota Department of Corrections website: <http://doc.state.mn.us/publicviewer/main.asp>

## MISSING STUDENT

If a member of the college community has reason to believe that a student who resides in on-campus housing is missing, they should **IMMEDIATELY** notify the Department of Public Safety by calling 218-755-3888 or going to the Public Safety Office in Walnut Hall.

The Public Safety dispatcher will send an officer to meet with the caller, if the caller is on campus. If the caller is not on campus, the dispatcher will have an officer call the person. The officer will take a report, notify the Director of Public Safety or their designee, and begin an investigation.

If the officer determines that the student is missing and has been missing for more than 24 hours, Public Safety will notify the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18, and is not an emancipated individual, Public Safety will notify the students

parent or legal guardian immediately after it has been determined that the student has been missing for more than 24 hours.

## MISSING STUDENT NOTIFICATION POLICY

This policy outlines the official notification procedures of Bemidji State University for missing students who reside in on-campus housing, in accordance with the requirements of the Higher Education Opportunity Act (HEOA) of 2008. The purpose of this policy is to promote the safety and welfare of members of the University community through compliance with the requirements of the HEOA.

If a member of the college community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify Public Safety (218-755-3888).

Upon receiving information that a student cannot be located and may be missing, Public Safety officers in conjunction with Residential Life personnel will initiate an investigation which will include the following:

- Conduct a welfare check into the student's room.
- Call known contacts (parents, guardians, roommates, and friends).
- Contact employers and associates, if known.
- Contact the student's professor to ascertain the student's recent attendance in class.
- If the student has a vehicle, the Public Safety parking officer will attempt to locate the vehicle.

If the student cannot be located after reasonable efforts, Residential Life personnel or a Public Safety officer will then contact the student's emergency contacts no later than 24 hours after the student has been determined to be missing. If a Confidential Contact has been listed (see below), that person must be contacted. If the missing student is under the age of 18 and is not an emancipated individual, Residential Life personnel or a Public Safety officer will notify the student's parents or legal guardian no later than 24 hours after the student has been determined to be missing. Public Safety will file a Missing Persons Report with the Bemidji Police Department to initiate an investigation no later than 24 hours after the student has been determined missing.

## CONFIDENTIAL CONTACT

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by Bemidji State University in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Bemidji State University will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential will be given a "Missing Person Emergency Contact Registration Card" at the time of check in. Students wishing to provide this information will be asked to complete the card and either leave it at the hall desk at the time of check in or bring the card to the Department of Public Safety in Walnut Hall. These cards will remain on file at the Department of Public Safety. This information will be registered confidentially, only accessible to authorized campus officials and will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

# ANNUAL FIRE SAFETY REPORT

If a fire occurs in any Bemidji State University building, pull the alarm and leave the building. When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus ring to the Public Safety dispatcher. After you have safely left the building, call Public Safety and inform the dispatcher of the situation. If you encounter possible evidence of a fire and are unsure if Public Safety has been informed, please immediately contact the dispatcher and advise them of what you have found.

Smoking, open flames and most electrical appliances are banned in residence halls. Specific information on allowable and prohibited items and behavior can be found in the Residential Life Guidebook.

## RESIDENTIAL FIRE SAFETY POLICIES

### TAMPERING WITH FIRE EQUIPMENT

Fire safety equipment that has been tampered with may fail to operate correctly in an emergency. This could prove fatal. Tampering with fire safety equipment (including but not limited to fire alarm pull stations, fire extinguishers, smoke detectors, sprinkler heads, and exit signs) when there is not a fire or any reason to believe that one exists will result in disciplinary action, civil penalties and possible eviction.

The Department of Public Safety and the Department of Residential Life will pursue prosecution to the full extent of the law of any individuals suspected of creating a false fire alarm or tampering or interfering with any fire alarm system or equipment.

Chapter 609.686 of the Minnesota State Criminal Code states the following regarding fire alarms and tampering with a fire alarm system:

- It is a MISDEMEANOR to intentionally create false fire alarm or to tamper with any fire alarm system, fire protection device or fire pull station.
- It is a FELONY to tamper with a fire alarm system or equipment if one has reason to know that this action creates a potential for bodily harm

### FIRE SAFETY REGULATIONS

All students are expected to observe the following fire safety regulations:

- Flammable liquids (i.e. gasoline, white gas, propane, kerosene, etc.) are not permitted in residence halls.
- No ironing or cooking (except microwaves) is permitted in student rooms
- No appliances with heating units, with the exception of hair dryers, coffee makers and hot air popcorn poppers may be used in student rooms. When in use these appliances must not be left unattended. All appliances must be UL or FM approved.
- Smoke detectors must not be tampered with in any way.
- Light fixtures, electrical outlets and switches, etc. are not to be tampered with in any way. Items that might serve as electrical conductors should not be hung from them.

- No candles or other open flame may be burned in student rooms. The burning of incense, sage, sweet grass and cedar is permitted if burned in an appropriate fire safe container. (See University policy)
- Motorbikes or other motorized vehicles may not be stored in student rooms or in any residence hall location.
- Only fire retardant or flame proof materials and decorations may be used. The Holiday Decoration policy is available from any member of the Residential Life Staff.
- Excessive use of paper on a student's door is not permitted. As a guideline no more that 20 percent of the door may be covered.
- Only metal or flame-retardant wastebaskets are allowed in student rooms.
- Only UL approved halogen light fixtures may be used.
- Do not leave cooking food unattended in Residence Hall kitchens.

## FIRE EVACUATION PROCEDURES

At the first indication of a fire, whether it is a persistent smoke or fire alarm, smoke, or flames, follow the below procedure.

### IF YOU SEE A FIRE

- Leave the area immediately.
- Contact the fire department at (9-911) and/or the Department of Public Safety (3888).

### WHEN THE FIRE ALARM SOUNDS

- Always assume there is a fire. Don't ignore it.
- If time permits, take a jacket and shoes, and a towel to cover your face.
- Stay low and crawl to your door. Smoke fills a room from the ceiling down.
- Test the door with the back of your hand.
- If the door is hot, keep the door closed and stay in the room.
- If the door is cool, open it slowly. Walk quickly and calmly to the ground level, closing all doors behind you. Do not use an elevator. An elevator may open at a floor on fire or stop working, trapping you inside.
- If there is smoke in the hallway, crawl to the stairs. Count the doors as you go so you do not get lost. If the smoke and heat are too great, try an alternate escape route. If both escape routes are blocked, return to your room.
- Once you have exited the building move away from the building and stay at least 300 feet away.

### IF YOU ARE TRAPPED INSIDE YOUR ROOM

- Close the door between you and the fire.
- Cover up cracks and vents to keep smoke and toxic gases out.
- Put a wet cloth over your nose and wait at a window.
- Open the window a few inches for fresh air. **Do not** break the glass.
- Hang a sheet or some other article out your window to sign the fire department.
- **Do not** panic.

### ONCE YOU HAVE EVACUATED THE AREA

- Notify authorities of anyone that may not be able to physically respond to the fire alarm or use sound judgment to evacuate the area (e.g. wheelchair users or someone under the influence of alcohol or drugs).
- Do not reenter the building until you are told to do so by authorities.

## FIRE SAFETY EDUCATION AND TRAINING

Floor meetings are conducted at the beginning of each academic semester to provide verbal instructions on safety procedures in the residence halls, including fire safety.

### FIRE DRILLS

Fire drills are used to familiarize occupants with the building's alarm system, emergency exits that may not normally be used, and methods of reporting fires. All residents must evacuate when the fire alarm is activated. Residential Life conducts fire drills twice a semester, including one drill per semester between sunset and sunrise. Your cooperation and support is essential during all fire drills.

### FIRE SAFETY TIPS

- Evacuate promptly.
- Make a fire escape plan and practice it. Locate two fire exits close to your room and count the number of doors between your room and each exit.
- Make a plan to assist others who are unable to evacuate on their own. Even if it is a temporary disability, plan ahead for fire emergencies.

### IF YOUR CLOTHES CATCH FIRE

- Stop, do not run.
- Drop to the ground or floor immediately and cover your face with your hands.
- Roll over back and forth to smother the flames.

## FIRE STATISTICS

All statistics are those fires that are defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. The number of incidents reported is per calendar year; January 1-December 31 for the previous three years.

Any student or employee who gains knowledge of a fire occurring in a campus residential facility should be reported immediately to the Department of Public Safety at 218-755-3888.

# 2015 Statistics

## STATISTICS AND INFORMATION REGARDING FIRES IN RESIDENCE HALLS (1/1/2015 TO 12/31/2015)

Res Hall	# Fires in Hall	Fire #	Date	Time	Cause	Number of Injuries that Required Treatment in a Medical Facility	Deaths Related to Fire	Value of Property Damage Caused By Fire
Oak	1	1	8/22/2015	Unknown	Burnt light switch	0	0	\$0.00
Pine	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cedar	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tamarack	1	1	3/1/2015	Unknown	Burnt poster	0	0	\$0.00
Linden	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Birch	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Laurel House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A

# 2014 Statistics

## STATISTICS AND INFORMATION REGARDING FIRES IN RESIDENCE HALLS (1/1/2014 TO 12/31/2014)

Res Hall	# Fires in Hall	Fire #	Date	Time	Cause	Number of Injuries that Required Treatment in a Medical Facility	Deaths Related to Fire	Value of Property Damage Caused By Fire
Oak	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pine	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cedar	1	1	Summer 2014	Unknown	Arson – Burning of furniture	0	0	\$0.00
Tamarack	5	5	Unknown	Unknown	Arson – Burning of a door	0	0	\$0.00
			9/9/2014-9/11/2014	Unknown	Arson – Burning of a poster	0	0	\$0.00
			10/24/2014-10/25/2014	Unknown	Arson – Burning of a sign	0	0	\$0.00
			10/2014	Unknown	Arson – Burning of hall decoration	0	0	\$0.00
			11/2014	Unknown	Arson – Burning of hall decoration	0	0	\$0.00
Linden	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Birch	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A

# 2013 Statistics

## STATISTICS AND INFORMATION REGARDING FIRES IN RESIDENCE HALLS (1/1/2013 TO 12/31/2013)

Res Hall	# Fires in Hall	Fire #	Date	Time	Cause	Number of Injuries that Required Treatment in a Medical Facility	Deaths Related to Fire	Value of Property Damage Caused By Fire
Maple	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Oak	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pine	2	2	11/20/13 12/2013	Afternoon Unknown	Arson – Burning of flyers Arson – Burning of paper on a corkboard	0	0	\$0.00
Cedar	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tamarack	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Linden	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Birch	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A

## RESIDENCE HALL FIRE SAFETY AND SPRINKLER SYSTEMS

The table below describes the fire safety systems in place for each residence hall. As residence halls get remodeled or built they will be outfitted with sprinkler systems.

Res Hall	Fire Alarm Monitoring	Smoke Detectors in Rooms *	Sprinkler System	Fire Extinguishers in Public Spaces	Fire Extinguishers in Kitchens	Number of Supervised Fire Drills Per Year
Oak	Yes	Yes	No	Yes	Yes	4
Pine	Yes	Yes	No	Yes	Yes	4
Cedar	Yes	Yes	No	Yes	Yes	4
Tamarack	Yes	Yes	Yes	Yes	Yes	4
Linden	Yes	Yes	Yes	Yes	No	4
Birch	Yes	Yes	Yes	Yes	Yes	4
Laurel House	Yes	Yes	No	Yes	Yes	0

\*All smoke detectors are hardwired and are equipped with battery backup.

### The Annual Fire and Security Report

Bemidji State University reserves the right to change without notice any of the materials (information, requirements, regulations, procedures) published in this report. Revisions are publicized to the University community through the Department of Public Safety web site and take precedence over information in the printed edition. It is the responsibility of members of the University community to take note of publicized changes on the website. This report is not regarded as a contract and is subject to change without notice.

## Visit the Department of Public Safety

website at:

<https://www.bemidjistate.edu/services/public-safety/>



\*Note: Bemidji State University is committed to a policy of nondiscrimination in employment and education opportunity. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activity in a local commission as defined by law. Inquiries regarding compliance, rights and other information may be addressed to the Affirmative Action Officer/Americans with Disabilities Coordinator at 218-755-4121.