2018 Campus Crime and Fire Safety Report
Table of Contents

Introduction .............................................................................. 3
Department of Public Safety Authority .................................... 3
Crime Prevention Programs ..................................................... 4
Escort Service .......................................................................... 4
Facilities Surveys ..................................................................... 4
Access to Campus Facilities..................................................... 4
Personal Safety Responsibility ................................................. 5
Residence Safety ...................................................................... 5
Property Protection................................................................... 5
Vehicle Protection ..................................................................... 5
Personal Safety ......................................................................... 6
Emergency Phones ................................................................... 6
Crimes and Suspicious Activity ............................................... 6
Crime Reporting Procedures/Policy ......................................... 6
Accurate and Prompt Crime Reporting .................................... 7
Campus Security Authorities ................................................... 7
Confidential Reporting Procedures .......................................... 7
Campus Pastoral and Professional Counselors ....................... 8
Timely Warnings (AKA “Security Alerts”)............................... 8
Emergency Response and Evacuation Procedures ................... 8
Off-Campus Crime ................................................................... 9
Public Crime Log .................................................................... 10
Crime Report Statistics: January 2015 to December 2017 ....... 10
Bemidji State University Crime Statistics ......................... 13
Campus Alcohol Policy and Enforcement ............................. 14
Campus Illegal Drug Use and Enforcement ......................... 15
Drug and Alcohol Education .................................................. 15
Firearms Policy ...................................................................... 15
Campus Policy on Sexual Assault and Related Offenses ...... 17
Sexual Assault and Related Offenses Definitions ................ 17
Sexual Violence Prevention Programs and Education .......... 19
Procedure for Reporting Sexual Assault ............................... 20
Resources On Campus ........................................................... 21
Resources Off Campus ........................................................... 21
Assistance for Victims – Rights and Options ......................... 22
Campus Disciplinary Action, Sexual Assault ......................... 23
Campus Disciplinary Action .................................................. 25
Campus Code of Student Conduct ......................................... 25
Campus Sex Crimes Prevention Act ....................................... 27
Missing Student Notification Policy ....................................... 28
Annual Fire Safety Report ...................................................... 30
Residential Fire Safety Policies .............................................. 30
Fire Evacuation Procedures ................................................... 31
Fire Safety Education and Training ....................................... 32
Fire Statistics ......................................................................... 32
Statistics and Information Regarding Fires in Residence Halls
  (1/1/2017 to 12/31/2017) ....................................................... 33
Statistics and Information Regarding Fires in Residence Halls
  (1/1/2016 to 12/31/2016) ....................................................... 34
Statistics and Information Regarding Fires in Residence Halls
  (1/1/2015 to 12/31/2015) ....................................................... 35
Residence Hall Fire Safety and Sprinkler Systems ................ 36
Appendix I – Terms and Definitions ..................................... 37
INTRODUCTION

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

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

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. This 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/92/2018/09/2018-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.

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
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.

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.

**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.

**RESIDENCE SAFETY**

- Lock your door – even if you are only going out for a short time. It only takes 8 seconds to walk into an open room and steal your valuables.
- Always lock your door and windows when you are asleep. You are also encouraged to lock your door and windows when you are awake.
- Do not prop open locked exterior building doors. These doors are locked for your protection and protection of other residents.
- Never open exterior doors of the building for strangers or non-residents. Always escort your guests to and from the main entrance doors.
- Do not loan your keys or Student ID card swipe to anyone – even a classmate or friend. They may not be careful with them and may misplace them, giving the wrong person access.
- Do not put your name or address on key rings as they may be used to steal your property if found by the wrong person.
- Smoke detectors are provided in each housing unit for your safety and at no time should they be disconnected or removed.

**PROPERTY PROTECTION**

- Personal property (purses, backpacks, calculators, cell phones, etc.) should never be left unattended. Take such items with you if you are leaving the office, classroom, or your residence.
- Take valuables home with you during vacations and school breaks.
- Park your bike where you can keep an eye on it if possible. Always lock your bike.
- 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

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.

**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.

**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.
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.

TIMELY WARNINGS (AKA “SECURITY ALERTS”)

The Bemidji State University Department of Public Safety will issue a Timely Warning for all Clery Act crimes reported to Campus Security Authorities or local police agencies and considered by Bemidji State University officials to represent a serious or continuing threat to students, faculty and staff. Timely warning will not be limited to violent crimes or crimes against persons, and may include crimes against property or other types of serious or continuing threats.

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

The intent of a Timely Warning is to enable the campus community to protect themselves and will include all information that would promote safety and aid in the prevention of similar crimes or protection from specific threats.

Timely warnings will be posted on bulletin boards throughout campus, and may also be found on the web at: https://www.bemidjistate.edu/services/public-safety/alerts/. Timely warnings 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 Timely Warning 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 ([https://www.bemidjistate.edu/services/public-safety/wp-content/uploads/sites/92/2014/09/Emergency-Procedures-Guide.pdf](https://www.bemidjistate.edu/services/public-safety/wp-content/uploads/sites/92/2014/09/Emergency-Procedures-Guide.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.

**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.
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 online at http://www.bemidjistate.edu/services/public-safety/daily-crime-and-fire-log/

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. The purpose of the daily crime and fire log is to record all fires that occur on-campus student housing facilities, criminal incidents and alleged criminal incidents reported to the Department of Public Safety. Any portion of the log that is older than 60 days will be made available within two business days of a request for public inspection. Requests for inspection can be submitted to the Director of Public Safety, Walnut Hall, 218-755-3888.

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. Bemidji State University may disclose any information withheld once the adverse effect described above is no longer likely to occur. The institution can withhold only that information that would cause the adverse effect.

CRIME REPORT STATISTICS: JANUARY 2015 TO DECEMBER 2017

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.

Pursuant to the Act, the Bemidji State University 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, 2) residence halls (subset of campus if applicable), 3) non-campus property or institution sanctioned buildings or property and 4) public property that is adjacent to campus, and are submitted on an annual basis to the U.S. Department of Education.

The following definitions are taken from the Higher Education Act of 1965, 485(f) (20 U.S.C. 1092(f)), the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”, and are used to classify the locations listed in the Bemidji State University Crime Statistics.

**Campus:** The term “campus” means 1) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and 2) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).
Campus property includes: Bemidji State University grounds, academic buildings, residential buildings, tunnels and campus parking lots.

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

Non-campus property includes: The Bemidji Sanford Center and Hobson Union Forest.

**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.

Bemidji State University public property includes adjacent streets, parking lots, sidewalks, stairwells.

**Types of Crimes required Under the Clery Act (See Appendix I for Terms & Definitions):**

Criminal homicide:
- Murder and non-negligent manslaughter
- Negligent Manslaughter

Sex Offenses:
- Rape
- Fondling
- Incest
- Statutory rape

Robbery
Aggravated assault
Burglary
Motor vehicle theft
Arson

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

Hate crimes, including:
- The number of the following crimes that are determined to be hate crimes:
  - Larceny-theft
  - Simple assault
  - Intimidation
  - Destruction/damage/vandalism of property

For each hate crime recorded an institution must identify the category of bias that motivated the crime. For the purposes of this, the categories of bias include the victim’s actual or perceived:
The following table is the statistical report of crimes occurring in any of the four geographic areas described above in relation to Bemidji State University (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 2015, 2016 and 2017. The categories of crime are those required by the Clery Act. Note: 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.
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<thead>
<tr>
<th>Event</th>
<th>On-Campus</th>
<th>Residence Halls(^1)</th>
<th>Non-Campus</th>
<th>Public</th>
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<th>Non-Campus</th>
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<td>145 132 108</td>
<td>0 0 0</td>
<td>3 1</td>
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<th>Event</th>
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<th>Residence Halls(^1)</th>
<th>Non-Campus</th>
<th>Public</th>
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<td>2(^3) 0(^3) 1</td>
<td>0(^3) 0(^3) 0</td>
<td>0(^3) 0(^3) 0</td>
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<td>Non-Campus</td>
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<td><strong>Stalking</strong></td>
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\(^1\)Residence Halls are a subset of the On-Campus figures.

\(^2\)Occurred at Sanford Center or Hobson Union Forest.

\(^3\)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.

\(^4\)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.

\(^5\)Such statistics shall not identify victims of crimes or persons accused of crimes.

\(^6\)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.

**Hate Crime Statistics for 2015, 2016, and 2017**

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.

2017: No (0) Hate Crimes were reported.

2016: No (0) Hate Crimes were reported.

2015: No (0) Hate Crimes were reported

**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.
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.

**DRUG AND ALCOHOL EDUCATION**

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.

**FIREARMS POLICY**

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

**Definitions.**

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

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

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

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

1. registered to take or is taking one or more courses, classes, or seminars, credit or noncredit, at any system college or university; or
2. between terms of a continuing course of study at the college or university, such as summer break between spring and fall academic terms; or
3. expelled or suspended from enrollment as a student at the college or university, during the pendency of any adjudication of the student disciplinary action.
Campus property. "Campus property" means the facilities and land owned, leased, or under the primary control of Minnesota State), Minnesota State Colleges and Universities, its Board of Trustees, and system office.

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

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

Employees.

1. Prohibition. Employees are prohibited from possessing or carrying a firearm while acting in the course and scope of their employment, either on or off campus property, regardless of whether the employee has a permit to carry a firearm, except as otherwise provided in this policy.

2. Employee reporting responsibility. An employee with a reasonable basis for believing an individual is in possession of or carrying a firearm in violation of this policy has a responsibility to report the suspected act in a timely manner, unless doing so would subject the employee or others to physical harm. Reports should be made to the official designated in the applicable policy included in this report. This policy shall not prohibit prompt notification to appropriate law enforcement authorities when an immediate threat to personal safety exists. Employees shall not make reports of a suspected violation knowing they are false or in reckless disregard of the truth.

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

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

Exceptions. The following are exceptions to this policy:

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

Authorized uses. This policy does not prohibit:

1. Lawful possession or carry related to an academic use or use at a campus shooting range, such as law enforcement programs, approved in writing by the college or university president; or

2. Transport of an unloaded firearm directly between a parking area or parking facility and the location authorized for its use, or transport of an unloaded firearm directly between a parking area or parking facility and a storage facility provided by the college or university.

3. Possession or carry of a pistol by a visitor who has a lawful permit to carry a pistol pursuant to Minnesota Statutes section 624.714, subd. 1a.

4. Possession or carry of a firearm by a licensed peace officer under Minnesota Statutes section 626.84, subd.1(c) or by a qualified law enforcement officer pursuant to 18 United States Code section 926B when possession or carry is otherwise authorized by law.
Violations. Violations of this policy by students or employees are misconduct subject to discipline, up to and including expulsion or termination.

Referral to Law Enforcement. (Minnesota State Institution) may refer suspected violations of weapons law to appropriate law enforcement authorities, and provide access to investigative or other data as permitted by law.

Complete Minnesota State Colleges and Universities policy can be accessed at: http://www.minnstate.edu/board/policy/521.html

CAMPUS POLICY ON SEXUAL ASSAULT AND RELATED OFFENSES

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 MinnState 1B.3.1 procedure can be accessed at: http://minnstate.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 AND RELATED OFFENSES DEFINITIONS

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

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

Student: is defined to include 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.

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 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.

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

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

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

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

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

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

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

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

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

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

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

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

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to investigators or police. Although the Department of Public Safety strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. The Department of Public Safety will assist any victim with notifying local police if they so desire. Bemidji Police Department may also be reached directly by 218-333-9111 or in person at 613 Minnesota Ave NW, Bemidji, MN 56601.

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.

**ASSISTANCE FOR VICTIMS – RIGHTS AND OPTIONS**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, Bemidji State University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Minnesota, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

1. Be informed of prosecutor’s decision to decline prosecution or dismiss the case along with information about seeking a protective or harassment order at no fee
2. Protection against employer retaliation for victims to take reasonable time off to attend order for protection or harassment restraining order proceedings
3. Domestic abuse victims have the ability to terminate a lease without penalty
4. Sexual assault victims can make a confidential request for HIV testing of a convicted offender
5. Sexual assault victims do not have to pay the cost of a sexual assault examination
6. Sexual assault victims may not be required to undergo a polygraph examination in order for an investigation or prosecution to proceed.
Further, Bemidji State University complies with Minnesota law in recognizing Orders of Protection and Harassment Restraining Orders. Any person who obtains an order of protection from Minnesota or any reciprocal state (Under VAWA’s full faith and credit provision, every state must recognize and enforce protection orders issued in other states, as if issued in the enforcing state) should provide a copy to the Bemidji State University Department of Public Safety and the Office of the Title IX Coordinator. A complainant may then meet with the Bemidji State University Department of Public Safety to develop a Safety Action Plan, which is a plan for campus officials and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but in not limited to: escorts, changing classroom location or allowing a student to complete assignments from home, etc. Bemidji State University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services. Protection from abuse orders may be available through the local county court at no cost. To the extent of the victim’s cooperation and consent, Bemidji State University offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal investigation of the complaint. If reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).)

Further, Bemidji State University will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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,
Student conduct procedures for addressing allegations of sexual violence will follow 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 (Tennessen 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 positng 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.
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.

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 ([https://www.bemidjistate.edu/offices/student-life-success/handbook/conduct/](https://www.bemidjistate.edu/offices/student-life-success/handbook/conduct/)).

**Statement of Responsible Behavior:**

Students will adhere to federal, state, local, State University Board and Bemidji State University laws / regulations that govern individual actions and relationships among university members for the common good.

Students will work as honest and respectful partners with the University in fulfilling its academic and administrative mission and responsibilities, fulfilling their academic endeavors in an honest and forthright manner.

Students will speak and listen to others with care, seeking personal understanding and maintaining respect and civility.

Students will respect and protect the personal privacy, rights, and safety of others with regard to physical and sexual boundaries, living space, possessions, electronic accounts and academic endeavors. Behaviors that violate these responsibilities and may result in Student Conduct action are contained within the following Student Code of Conduct:

**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 on the Policy Webpage.)

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.)

STATEMENT ABOUT ALCOHOL AND DRUGS: Bemidji State University recognizes its educational responsibility to its members regarding the use of alcohol and other drugs. This responsibility includes providing information regarding the effects of alcohol and other drugs, raising issues regarding responsible versus irresponsible use, and establishing written standards and sanctions for illegal use and/or use which results in behavior that violates the University’s Code of Student Conduct, and civil and state laws. Sanctions for violations of the University policy on alcohol and other drugs may include, but are not limited to:

- sanctions outlined in Section III of the Student Code of Conduct, including suspension, dismissal, or expulsion from the university
- educational programing on alcohol and other drug use
- disposal of the alcohol
- notification of law enforcement including citation or arrest for criminal offenses
- counseling, medical, and/or chemical dependency assessment and referrals
- loss of privileges, including living in campus housing or participation in intercollegiate athletics
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. (In compliance with MnSCU policy 1B.3 and procedure 1B3.1, a separate investigative and decision making process has been established at Bemidji State University for review of complaints of sexual violence. See the Student Handbook page on 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 page on Equal Opportunity and Non Discrimination in Employment and Education.)

**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: https://por.state.mn.us/Home.aspx

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: https://mn.gov/doc/

**MISSING STUDENT NOTIFICATION POLICY**

If at any time a student, faculty or staff member becomes aware or suspects a student is missing for 24 hours, report immediately to the Bemidji State University Department of Public Safety or Bemidji Police Department. Any missing student report by any other Campus Security Authority, will be referred immediately to the Department of Public Safety and/or the Bemidji Police Department.

Students have the option of identifying and designating a contact person or persons whom Bemidji State University shall notify within 24 hours of the determination that the student is missing, as determined by the Bemidji State University Department of Public Safety or local law enforcement agency. Students are advised that their contact information will be registered confidentially and will only be accessible to authorized campus officials. Information may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

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.

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 Bemidji State University Department of 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 students are under 18 years of age and not emancipated, Bemidji State University MUST notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact
person designated by the student. Bemidji State University will notify local law enforcement within 24 hours of the determination that the student is missing, unless law enforcement was the agency that made the determination that the student is missing.
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.
## 2017 Statistics

### STATISTICS AND INFORMATION REGARDING FIRES IN RESIDENCE HALLS (1/1/2017 TO 12/31/2017)

<table>
<thead>
<tr>
<th>Res Hall</th>
<th># Fires in Hall</th>
<th>Fire #</th>
<th>Date</th>
<th>Time</th>
<th>Cause</th>
<th>Number of Injuries that Required Treatment in a Medical Facility</th>
<th>Deaths Related to Fire</th>
<th>Value of Property Damage Caused By Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oak</td>
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## 2016 Statistics

### Statistics and Information Regarding Fires in Residence Halls (1/1/2016 to 12/31/2016)

<table>
<thead>
<tr>
<th>Res Hall</th>
<th># Fires in Hall</th>
<th>Fire #</th>
<th>Date</th>
<th>Time</th>
<th>Cause</th>
<th>Number of Injuries that Required Treatment in a Medical Facility</th>
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<tbody>
<tr>
<td>Oak</td>
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# 2015 Statistics

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<th>Fire #</th>
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<th>Time</th>
<th>Cause</th>
<th>Number of Injuries that Required Treatment in a Medical Facility</th>
<th>Deaths Related to Fire</th>
<th>Value of Property Damage Caused By Fire</th>
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</table>
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.

<table>
<thead>
<tr>
<th>Res Hall</th>
<th>Fire Alarm Monitoring</th>
<th>Smoke Detectors in Rooms *</th>
<th>Sprinkler System</th>
<th>Fire Extinguishers in Public Spaces</th>
<th>Fire Extinguishers in Kitchens</th>
<th>Number of Supervised Fire Drills Per Year</th>
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*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.
Aggravated Assault
An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon (or displays weapon in a threatening manner) or by means likely to produce death or great bodily harm (e.g. victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness).

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

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

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.

Criminal Homicide – Negligent Manslaughter
The killing of another person through gross negligence.

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

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

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

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

Intimidation
To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack. Note: This offense includes stalking.
Larceny-Theft
The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another person.

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

Motor Vehicle Theft
The theft or attempted theft of a motor vehicle.

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

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

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

1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to
as “date rape” or “acquaintance rape.” This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.

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

3. The intentional touching or coercing, forcing, or attempting to coerce or force another to touch an unwilling person’s intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).

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

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

**Sex Offenses – Defined**

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

Reported offenses may include:

- **Forcible Rape** - The carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

- **Forcible Sodomy** - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Sexual Assault with an Object** - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will where in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

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

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

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

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

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

- **Statutory Rape** - non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

**Sexual Violence**

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

**Stalking**

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

**Weapons Law Violations**

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