

A photograph of a Macalester College campus scene. In the foreground, there is a green lawn and a paved walkway. A large, flowering tree with pink blossoms stands in the middle ground. Behind it, there are several red brick buildings with white trim and a stone building with an arched entrance. The sky is blue with some light clouds.

Macalester College 2025 Annual Campus Security and Fire Safety Report

Prepared by: The Department of Public Safety

	INTRODUCTION TO MACALESTER COLLEGE	4
Mission.....		4
Statement of Purpose and Belief.....		4
	DEPARTMENT OF PUBLIC SAFETY	4
Services Provided.....		4
Jurisdiction and Enforcement Authority.....		5
Commitment to the Macalester Community.....		5
Department of Public Safety Training.....		5
Relationship with St. Paul Police Department.....		5
Written Memorandums of Understandings with Local Police.....		5
Monitoring of Non-Campus Student Organizations.....		6
	REPORTING CRIMES AND OTHER EMERGENCIES	6
Response to Reports.....		6
Prompt Reporting.....		7
Voluntary Confidential Reporting.....		7
Confidential Reporting.....		7
Anonymous Reporting.....		7
Statistical Disclosure of Reported Incidents.....		7
Reporting a Crime to the St. Paul Police Department.....		7
Off-Campus Crime.....		8
	RESPONSIBILITIES OF THE MACALESTER COLLEGE COMMUNITY FOR THE PERSONAL SAFETY AND SECURITY OF THEMSELVES AND OTHERS	8
Campus Security Authority.....		8
Pastoral or Professional Counselors and Medical Personnel.....		9
	NOTIFYING THE MACALESTER COLLEGE COMMUNITY ABOUT CRIMES	9
Campus Safety Alerts (Timely Warnings).....		9
Public Safety Notices.....		10
Daily Crime/Fire Log.....		10
Annual Campus Security and Fire Safety Report.....		10
Report Preparation.....		10
Statistical Disclosure of Reported Incidents.....		10
Reportable Offenses.....		10
Reportable Geography.....		11
	EMERGENCY PROCEDURES	11
Emergency Notifications.....		11
Emergency Procedure Testing.....		12
Building or Area Lockdown.....		12
Fire and Emergency Evacuation Procedures.....		13
	ACCESS TO CAMPUS FACILITIES	13
Academic and Administrative Buildings.....		13
Residence Halls.....		13
	MAINTENANCE AND SECURITY OF CAMPUS FACILITIES	10
	CRIME PREVENTION AND EDUCATIONAL PROGRAMS	13
Crime Prevention, Fire Safety, and Safety Awareness Programming.....		14
Crime Prevention Presentations.....		14
Operation Identification / Personal Inventory template.....		14
Safety Escort Program.....		14
Bicycle Registration Program.....		14
	ALCOHOL AND OTHER DRUG PROGRAMS	15
Alcohol and Other Drug Policies.....		15
Community Care Program Provision.....		15
Available Programs.....		15
Self-Assessment Tools.....		16
	VIOLENCE AND THREATS ARE PROHIBITED	16
	FIREARMS AND WEAPON POLICIES	16
	EMERGENCY MEDICAL RESPONSE PROCEDURES	16
	MISSING STUDENTS	16
	SEXUAL VIOLENCE EDUCATION AND PREVENTION	17
	REGISTERED SEX OFFENDER INFORMATION	17
Sex Offender Registry.....		18
	TITLE IX AND SEXUAL MISCONDUCT POLICY	18
B. Non-Title IX Sexual Harassment.....		22
C. Sex Discrimination.....		23
D. Sexual Exploitation.....		23
E. Dating Violence.....		23

F. Domestic Violence.....	23
G. Stalking.....	24
H. Sexual Assault.....	24
I. Retaliation and Interference with Process.....	24
A. Duty to Report.....	25
B. Reports to the College: Designated Officials.....	26
C. Reporting to Law Enforcement.....	26
A. Supportive Measures.....	27
B. Confidential Resources.....	28
C. Emergency Removal and Administrative Leave.....	28
D. Requests for Confidentiality and Non-Action.....	28
A. Filing a Formal Complaint.....	29
B. Consolidation of Formal Complaints.....	29
C. Investigation of Other College Policy Violations.....	29
D. Time Frames for Resolution.....	30
E. Rights and Responsibilities.....	31
F. Advisors.....	34
G. Accommodations.....	34
H. Amnesty for Alcohol and Drug Violations.....	35
I. Application of Policy.....	35
A. General Provisions.....	35
B. Initial Meeting between Complainant and Title IX Coordinator.....	36
C. Notice of Allegations.....	36
D. Informal Resolution.....	37
E. Formal Resolution.....	37
D. Appeals.....	44
	CRIME STATISTICS 54
Definitions Used in this Report.....	54
Geography.....	54
Criminal Offenses.....	55
Hate Crimes.....	55
VAWA Offenses.....	56
Arrests and Referrals for Discipline for Liquor, Drug, and Weapons Law Violations.....	57
Crime Statistics Tables.....	57
Criminal Offenses.....	57
VAWA Offenses.....	58
Arrests and Referrals for Disciplinary Action.....	59
	FIRE DRILLS 57 RESIDENTIAL FIRE SAFETY POLICIES AND PROCEDURES 60
Appliances.....	60
Fire Safety.....	61
Fire Alarm Procedures.....	61
	FIRE SAFETY 62
	FIRE LOG 63
	DEFINITIONS 63
	PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY 63
	FIRE SAFETY SYSTEMS 64
	FIRE STATISTICS 65
2024.....	66
2023.....	66
2022.....	66
	RESOURCES 66
For More Information.....	66
Contact Numbers.....	66
	ATTACHMENT 1 – BIENNIAL REVIEW OF ALCOHOL AND OTHER DRUG PROGRAMS 67

Campus Security Report

Introduction to Macalester College



Macalester College is a nationally prominent, privately supported liberal arts college. It was founded in 1874 as a Presbyterian-related but nonsectarian college; the first class entered on September 15, 1885. Macalester's commitment to academic excellence, internationalism, diversity, and civic engagement is reflected in the lives of its graduates, including former United States Vice President Walter Mondale '50 and former United Nations Secretary-General Kofi Annan '61.

The College consists of a 53-acre campus that is located in the historic Macalester-Groveland residential neighborhood in St. Paul, Minnesota and it operates the Ordway Field Station located on the 280-acre Katharine Ordway

Natural History Study Area. With an annual enrollment in excess of 2,000 students, Macalester employs more than 775 faculty and staff.

Mission

Macalester is committed to being a preeminent liberal arts college with an educational program known for its high standards for scholarship and its special emphasis on internationalism, multiculturalism, and service to society.

Statement of Purpose and Belief

At Macalester College we believe that education is a fundamentally transforming experience. As a community of learners, the possibilities for this personal, social, and intellectual transformation extend to us all. We affirm the importance of the intellectual growth of the students, staff, and faculty through individual and collaborative endeavor. We believe that this can best be achieved through an environment that values the diverse cultures of our world and recognizes our responsibility to provide a supportive and respectful environment for students, staff, and faculty of all cultures and backgrounds.

We expect students to develop a broad understanding of the liberal arts while they are at Macalester. Students should follow a primary course of study in order to acquire an understanding of disciplinary theory and methodology; they should be able to apply their understanding of theories to address problems in the larger community. Students should develop the ability to use information and communication resources effectively; be adept at critical, analytical, and logical thinking, and express themselves well in both oral and written forms. Finally, students should be prepared to take responsibility for their personal, social, and intellectual choices.

We believe that the benefit of the educational experience at Macalester is the development of individuals who make informed judgments and interpretations of the broader world around them and choose actions or beliefs for which they are willing to be held accountable. We expect them to develop the ability to seek and use knowledge and experience in contexts that challenge and inform their suppositions about the world. We are committed to helping students grow intellectually and personally within an environment that models and promotes academic excellence and ethical behavior. The education a student begins at Macalester provides the basis for continuous transformation through learning and service.

Department of Public Safety

In partnership with the campus community guided by the college's mission, the Department of Public Safety is dedicated to a campus environment where living, teaching, learning, and working is safe and secure. This will be accomplished by delivering emergency and routine services to the community.

Public Safety personnel are not sworn police officers but are empowered to make arrests pursuant to Minnesota Statutes covering citizen arrests. Each officer fulfills the Minnesota Statute requiring a criminal history check through the Federal Bureau of Investigation and Minnesota Bureau of Criminal Apprehension.

Services Provided

Staffed by full and part time college employees, the Department of Public Safety protects the Macalester College campus community 24 hours a day and provides the following services:

- Protect campus life and property from all types of threats, harm, and property damage
- Enforce policies and laws as they apply to the campus community
- Respond to emergency and routine calls for service
- Provide ongoing crime prevention education and techniques to community members
- Conduct building inspections, including safety, lighting and security surveys
- Communicate emergency situations and crime prevention to the campus community- Emergency Notifications and Timely Warnings
- Manage and enforce parking regulations
- Maintain security technology devices and infrastructure (access control, cameras, and alarms systems)
- Gather, maintain, and disseminate information on safety and security policies and incidents of crime on campus.
- Provide liaison services with other federal, state, and local public safety agencies

Jurisdiction and Enforcement Authority

The Department of Public Safety's jurisdiction encompasses on-campus and non-campus property. The campus area includes: on-campus property – residence halls, buildings and/or facilities, designated non-campus properties and facilities, public property adjacent or contiguous to on-campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities.

The Department of Public Safety is responsible for providing protective services to the Macalester College Campus. The officers and staff are responsible to Macalester College for the enforcement of College policies and Federal and State laws for administrative purposes only. Public Safety may investigate campus criminal incidents for administrative purposes as they relate to its campus judicial process. Criminal incidents may be investigated for possible criminal prosecution by the St. Paul Police Department or other law enforcement agency with jurisdiction.

Commitment to the Macalester Community

The Department of Public Safety is committed to maintaining a department that is trustworthy and responds professionally and compassionately to our community.

It is critical for the department to provide a mechanism to allow honest feedback from all community members regarding the performance of our staff. The department has established a process for community members to submit an online complaint form whenever a member of the Public Safety Department conducts themselves in a manner that deviates from this commitment. All complaints against a member of the department will be reviewed by Employment Services, with follow up and resolution done in coordination with the Director and/or Captain of Public Safety.

This process includes employees of the St. Paul Police Department or other security services contractors. Reports involving vendors will be reviewed by the Department of Public Safety to determine continued service to the community.

Department of Public Safety Training

As part of the commitment to the community, the Department of Public Safety will provide staff members with community appropriate training. The Managers of Patrol Operations and Technology is primarily responsible for developing, arranging, and, in some cases, conducting ongoing training for campus public safety staff. Training topics may include criminal and civil laws, the Clery Act and campus security authorities, bias and harassment, interpersonal communications, crisis intervention, public relations, emergency procedures and operations, incident command system, emergency medical training, and all facets of protecting persons and property. Training includes initial and ongoing in-service training using department and guest lecturers.

Relationship with St. Paul Police Department

The Department of Public Safety maintains open lines of communication and a close working relationship with the St. Paul Police Department, as well as appropriate elements of the criminal justice system. Meetings with local law enforcement are held both on a formal and informal basis and crime related reports and statistics are routinely exchanged.

Written Memorandums of Understandings with Local Police

The Macalester College Department of Public safety has no active written memorandums of understanding (MOU) with the St. Paul Police Department or any other law enforcement agency for the investigation of alleged criminal incidents.

Monitoring of Non-Campus Student Organizations

Macalester College has no student organizations residing in off-campus property. However, the Department of Public Safety reviews online report data available from the City of St. Paul. This report identifies the date, time, general location, and type of crime that occurred and is used to issue timely warnings/safety alerts and compliance.

Reporting Crimes and Other Emergencies

Macalester College strongly encourages community members – students, faculty, staff and visitors – to report all criminal actions, emergencies, and/or safety concerns occurring within the College’s Clery geography to the Macalester College Department of Public Safety (DPS) (651-696-6555 or from a campus phone 6555) or online at <https://www.macalester.edu/public-safety/> in an accurate, prompt and timely manner. The College’s Clery geography includes:

- On-campus property including campus residence halls, buildings, and/or facilities;
- Designated non-campus property and facilities;
- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities.

The Department of Public Safety has been designated by Macalester College as the official office for campus crime and emergency reporting. DPS strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures Public Safety is able to evaluate, consider and send timely warning notices, disclose crimes through ongoing disclosure process (Daily Crime Log) and accurately document reportable crimes in its annual statistical disclosure. Macalester College encourages accurate and prompt reporting to DPS and/or the local police when the victim of a crime elects to and is able to make such a report.

In addition to the DPS, the College has identified a list of primary campus security authorities (CSA) or preferred receivers of reports to whom crimes can be reported. These Primary Campus Security Authorities are:

- Department of Public Safety
 - By phone at 651-696-6555 or campus extension 6555
 - In person at the Department of Public Safety office located in the Lower Level of the Music Building 130 Macalester Street
 - Online at <https://www.macalester.edu/public-safety/> or anonymously by calling 651-696-SAFE (7233) or emailing pslips@macalester.edu (non-emergency or non-urgent reporting)
- Crimes or emergency situations can be reported to the St. Paul Police Department or local emergency services by calling 911
- Sex offenses and other incidents of sexual or relationship violence can also be reported to the College’s Title IX Coordinator
 - By phone at 651-696-6258 or campus extension 6258
 - At the Title IX Coordinator’s Office Humanities Room 115E
 - Online at www.macalester.edu/titleix or email titleixcoordinator@macalester.edu
- Contact Employment Services by phone 651-696-6280 or campus extension 6280 or in room 201 of 77 Mac. - Dean of Students by phone 651-696-6220 or campus extension 6220 or at the Division of Student Affairs Office in Weyerhaeuser Hall room 119
- Emergency phones and alarms located throughout campus can be used to contact Public Safety to report a crime or emergency.

Response to Reports

Department of Public Safety personnel are available 24 hours a day to answer calls for service by dialing 651-696-6555 or campus extension 6555. In response to a call, DPS will take the required action by responding to the scene and/or providing the crime victims with on and off campus resources as necessary and appropriate. All reported crimes will be investigated by

the college and may become a matter of public record.

Public Safety will respond immediately to all emergency situations. Upon arrival, officers will assess the situation, resolve the issue and/or summon additional resources as determined to be necessary. Public Safety staff are trained to respond to all types of emergency and routine calls for service. Should an incident exceed the officer's authority, ability, or training, Public Safety will contact the appropriate emergency responders.

Incidents occurring within the College's Clery geography are documented and processed for further review by the Director of Public Safety and/or the St. Paul Police Department. Reports and investigative information may be shared with law enforcement or other college departments (including, but not limited to Office of Student Affairs, Residential Life, and Employment Services) as deemed necessary or appropriate.

Crimes should be reported to the DPS to ensure inclusion in the annual crime statistics and to aid in providing timely warning Campus Safety Alerts to the community, when appropriate. For example, a crime that was reported only to the Hamre Center Counseling Center would not be known to DPS, a campus security authority (CSA), or other College official.

Prompt Reporting

The Department of Public Safety strongly encourages victims and witnesses to report crimes promptly to Public Safety and local law enforcement. Public Safety will provide guidance and support in reporting crimes to the local police.

Accurate and timely reporting allows the Department of Public Safety to evaluate and respond to reports appropriately. This also assists with the communication of crimes to the community (timely warning reports) and the accurate documentation of reportable crimes in the annual statistical disclosure.

Voluntary Confidential Reporting

Macalester College encourages anyone who is the victim or witness of a crime to promptly report the incident to the DPS and/or the St. Paul Police Department. The Department of Public Safety does not have a voluntary confidential reporting process because DPS reports are not law enforcement reports and cannot be held in confidence.

Confidential Reporting

All employees and students of Macalester College, including pastoral or professional counselors and medical personnel, are strongly encouraged to report crimes and encourage victims or witnesses of crime to voluntarily report these offenses to Public Safety.

Pastoral or Professional Counselors and medical personnel do not make identifiable reports of incidents to the Official On-Campus resources unless the student specifically requests them to do so; however, the College encourages counselors, if and when they deem it appropriate, inform students they can report incidents of crime to the Department of Public Safety, which can be done directly or anonymously through the anonymous reporting process as outlined below.

- **Pastoral Counselor:** An employee of an 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.
- **Professional Counselor:** An employee of an institution whose official responsibilities include providing physiological counseling to members of the institution's community, and who is functioning within the scope of their license or certification.

Anonymous Reporting

Anonymous Reports may be submitted using the [Online Report Form](#)¹ linked from the College's Title IX website. The form provides the following guidance: A reporter may choose to remain anonymous. If you choose to submit a report anonymously, please note that Macalester College will strive to fully respond, but anonymous reporting limits our ability to do so. If you submit this form with the "Reporting Party" fields blank we will not be able to identify you.

Statistical Disclosure of Reported Incidents

Incidents reported to the Department of Public Safety that meet the definition of a required reporting classification under the Clery Act that occur within the College's Clery geography will be disclosed as a statistic in the appropriate charts within this annual security and fire safety report.

Reporting a Crime to the St. Paul Police Department

A person reporting a crime to the DPS has the right to report the crime to the St. Paul Police Department, Ramsey County Sheriff's Office, and/or MN State Patrol by calling 911. DPS Officers regularly discuss this option with the victim of a crime

and will assist the victim with that process.

Off-Campus Crime

If a community member is the victim of a crime off-campus, they should contact the local law enforcement agency by dialing 911. Additionally, crimes that directly impact Macalester College should be reported to the Department of Public Safety.

In certain situations, the Department of Public Safety may be made aware of criminal activity involving Macalester College students off campus. In these cases, the student may be subject to arrest by the police and college conduct proceedings.

Responsibilities of the Macalester College Community for the Personal Safety and Security of Themselves and Others

Members of the community are encouraged to assume responsibility for their own personal safety and the security of their personal property. The “*See something, say something*” theme is broadly communicated to the members of the community. The following can provide guidance:

- Report all suspicious activity to Public Safety or the Police
- Never take personal safety for granted
- When walking, plan your route, and if walking alone (especially at night) use the safety escort program ▪

Stay alert to your surroundings – avoid distractions such as phones or headphones

- Never leave your valuables (phones, computers, purses, wallets) unattended
- Carry your keys at all times and do not lend them to anyone
- Lock your bicycles, motorcycles, and cars
- Engrave and inventory your personal property

Always lock the door to your residence hall room, whether you are there or not. Be sure your door is locked while sleeping.

Campus Security Authority

A Campus Security Authority or CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

¹ https://cm.maxient.com/reportingform.php?MacalesterCollege&layout_id=2

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

If Campus Security Authorities have information regarding the above criminal offenses, they must forward the information to the Department of Public Safety using the following form:

▪ [Crime Statistic Report Form](#)²

This form should be completed and returned via email or in a “Confidential” envelope to:

Robert Harri
Director
Department of Public Safety
651-696-6686 (Office)
651-696-6135

Any questions regarding this form or reporting requirement should be directed to the Department of Public Safety contact listed above.

Pastoral or Professional Counselors and Medical Personnel

All employees and students of Macalester College, including pastoral or professional counselors and medical personnel, are strongly encouraged to report crimes and encourage victims or witnesses of crime to voluntarily report these offenses to Public Safety.

If requested, pastoral, professional counselors and medical personnel are able to report crimes to the Department of Public Safety while maintaining the confidentiality of the reporting person.

Notifying the Macalester College Community about Crimes

Campus Safety Alerts (Timely Warnings)

Campus Safety Alerts (Timely Warnings) are sent to the Macalester College community to provide timely notification about specific Clery Act crimes that have been reported to the Department of Public Safety and that have occurred on campus, non-campus or public property, where it is determined that the incident may pose a serious or on-going threat to the College community. Such alerts provide an opportunity for individuals to take reasonable precautions for their own safety and aid in the prevention of similar crimes.

These alerts are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: murder and non-negligent manslaughter, manslaughter by negligence, sex offenses, robbery, aggravated assault, burglary, arson, hate crimes, and motor vehicle theft. Alerts for the crimes of aggravated assaults, motor vehicle thefts, burglary, sex offenses, domestic violence, dating violence, and stalking are considered on a case-by-case basis and evaluated on a number of factors (including, but not limited to):

- Nature of the crime
- Timeliness of the report (typically alerts are not issued for any incident reported more than 14 days from the date of occurrence)

² <https://www.macalester.edu/public-safety/wp-content/uploads/sites/88/2017/03/CSA-Crime-Report-Form.pdf>

- Where there is a continuing danger to the community (perpetrator has been apprehended)
- Amount of information known by Public Safety
- Possible risk of compromising law enforcement efforts

Macalester College is not required to provide Timely Warnings with respect to crimes reported to pastoral or professional counselors.

Campus Safety Alerts WILL NOT include any information that identifies the victim.

Campus Safety Alerts will generally be written and distributed by the Director of Public Safety or a designee and are routinely reviewed and approved by the Office of Student Affairs, Communications and Marketing and Administration. The Director of Public Safety has the authority to issue a Campus Safety Alert without such consultation if deemed appropriate or necessary.

As stipulated by the Clery Act, Macalester College will make all efforts to notify all members of the campus community. In an effort to make proper notifications, the following methods may be used to distribute Campus Safety Alerts:

- Daily campus news publication (Mac Daily)
- Department of Public Safety Internet page (<https://www.macalester.edu/public-safety/>)
 - Post are publicly accessible to notify wider community
- Posters (red paper) hung on bulletin boards throughout campus
- Campus-wide email

Posters and postings on the college web site will remain in place for a minimum of 7 days, then archived as appropriate.

Public Safety Notices

The Department of Public Safety may issue *Public Safety Notices* for crimes that occur on or outside the campus Clery geography that do not meet the requirements for a Timely Warning to be issued, but may impact the community. These incidents will be evaluated on a case-by-case basis to determine if they pose a risk to the campus community or if providing a notice will aid College community members in protecting their safety or in the prevention of similar crimes.

Public Safety Notices can be written and issued by the Director of Public Safety or designee, who, while it is not necessary, may consult with the Office of Student Affairs, Communications and Marketing and Administration, and/or other interested departments.

In an effort to notify the College Community, Public Safety Notices can be issued and distributed using one or more of the following methods:

- Daily campus news publication (Mac Daily)
- Department of Public Safety Internet page (<http://www.macalester.edu/public-safety>)
- Posters (blue paper) hung on bulletin boards throughout campus
- Campus-wide email

Daily Crime/Fire Log

The Department of Public Safety maintains a Daily/Fire and Crime Log for public inspection at the Public Safety Administrative Offices in the lower level of the Music Building, 130 Macalester Street St. Paul, MN 55105, during business hours or on the department website at: https://www.macalester.edu/public-safety/cleryact/crime_fire_log/. The Daily Crime/Fire Log includes all crimes and fires that are reported to the Department of Public Safety within the Macalester College Clery Geography.

The Daily Crime/Fire Log includes – case number, nature of offense, the date and time reported, the date and time of occurrence, general description of location the incident occurred and the disposition (if known). The Daily Crime Log does not include any information that may potentially identify the victim, witnesses, or reporting party.

Annual Campus Security and Fire Safety Report

Report Preparation

This report is part of Macalester College's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This report includes information for the Macalester College Campus and the Katharine Ordway Natural History Study Area.

This report is published annually by Macalester College and made available to all current and prospective students, staff, and faculty. Statistics are compiled by the Department of Public Safety in conjunction with the St. Paul Police Department, Inver Grove Heights Police Department, and other applicable law enforcement agencies with jurisdiction over Macalester Property. A request for statistical information is made on an annual basis to Macalester College Campus Security Authorities, which includes, but is not limited to, Student Affairs, Residential Life, Athletics, Employment Services, and the Center for Study Away.

All reasonable attempts are made to identify all reported crimes and to present the statistics in the annual report in accordance with the Campus Security Act and its amendments.

Statistical Disclosure of Reported Incidents

Incidents reported to the Department of Public Safety that fall under the following required reporting classifications as defined by the Clery Act will be disclosed as a statistic in the appropriate crime table within this annual security and fire safety report published by the Department of Public Safety.

Reportable Offenses

- Murder and Non-Negligent Manslaughter
- Manslaughter by Negligence
- Sex Offenses (Rape, Fondling, Incest, Statutory Rape)
- Robbery

- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Hate Crimes

Reportable Geography

- On-Campus
- Non-campus buildings or on non-campus property
- Public property immediately adjacent to and accessible from the campus

Emergency Procedures

Macalester College has an Emergency Operations Plan that is reviewed and updated on a regular basis. This plan provides a framework for campus departments and outside agencies to work together to prepare for, respond to and recover from emergency situations on campus. The Department of Public Safety should be contacted immediately at **651-696-6555** in the event of an emergency. Officers will respond to assess the situation and determine if additional resources are necessary, which may include, but are not limited to – Police, Fire, or Emergency Medical Services. In addition, if it is determined that a significant emergency exists, the Incident Management Team (IMT) will be activated. The IMT will assemble to assist with the response to the incident, initiate the emergency notification system, and begin emergency operations.

The IMT is composed of personnel from Senior Leadership, Department of Public Safety, Division of Student Affairs, Administration, and Information Technology Services. When assembled, the IMT will guide the response to emergencies using the principles of the Incident Command System (ICS).

Macalester College tested the Emergency Operations Plan in August of 2021 using a tabletop exercise. This exercise tested the Emergency Operations Plan, activation of the Incident Management Team and communications. Additionally, emergency evacuation drills are conducted once per academic term in residential facilities and annually in academic and administrative buildings on campus.

Emergency Notifications

The safety of students, staff, faculty, and visitors is important, especially during an emergency. The use of the emergency notification system provides for the rapid dissemination of time-sensitive information to enhance the safety and security of the college during emergency situations.

Macalester College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

For the purposes of this document, an emergency is defined as any current or imminent event with significant threat to life and/or property and with a high potential to disrupt operations or adversely impact the quality of life at Macalester College. Some examples include, but are not limited to:

- Tornado warning (tornado has been sighted and the National Weather Service has issued a tornado warning) ▪

Large-scale environmental incident within or near a campus building

- Ongoing act(s) of violence or other criminal activity which presents significant risk of physical harm (i.e. active shooter)
- Urgent notification for cancellation of classes due to severe weather or environmental incidents or hazards.

As required, the college will provide follow up messages as the situation changes and more pertinent information develops. When the significant incident has been resolved, an “all clear” notification will be issued.

Macalester College maintains a contract with RAVE Mobile Safety to provide an off-site emergency notification system. The system can be activated during an emergency to provide rapid notification and follow up messaging to members of the college community through a variety of communications means:

- E-mail
- SMS text messaging
- RSS (Rich Site Summary) feeds (www.macalester.edu/alert/)
 - Post are publicly accessible to notify wider community

Members of the Macalester College Community are enrolled automatically using the mobile telephone number provided to either Employment Services or the Registrar's Office. Students should contact the Registrar's Office and Staff or Faculty should contact Employment Services to update telephone numbers.

In general, emergency notifications will be sent to all subscribed users of the system. The Department of Public Safety or the Incident Management Team may review each incident to determine the most appropriate segment of the population to receive the notification.

Each message will list the type of emergency, areas to be avoided (if applicable), probable duration of the emergency (if known), and any special instructions. The emergency notification will not include the name or identifying information of victims.

Authorization to send an emergency notification involving immediate threats to the health and safety of the College Community will be given by the highest-ranking individual listed below as circumstances permit. The President's designees can authorize the immediate issuance of messages without consultation if in their judgment a delay in notification would compromise the health and safety of the College community.

- President
- Provost
- Vice President of Administration and Finance
- Assistant Vice President of Communications and Marketing
- Assistant Vice President of Facilities Services
- Director of Public Safety
- Public Safety Manager
- Environmental Health and Safety Manager
- Public Safety Supervisor

Emergency Procedure Testing

The Communications and Marketing Department conducts a test of the emergency notification system monthly for campus emergency responders and once per academic semester for all students, faculty, and staff registered in the system. The full system tests are publicized in the College's daily communications (Mac Daily).

In addition, the following tests were conducted:

- 07/08/22 – Incident Management Team table top exercise-campus wide power outage
- 01/10/22 – COVID Response plan review and table top exercise
- Week of 09/19/22 – Residence Halls and Academic Buildings were fully evacuated
- Week of 03/06/23 – Residence Halls were fully evacuated
- 03/14/23 – Worked with St. Paul Fire for removal of chemicals. IMT team assembled and ran a tabletop exercise for this event.

Building or Area Lockdown

A lockdown may be implemented in a hazardous or life-threatening situation. It is intended to limit access and exposure to hazards by limiting staff and student movement.

When a lockdown is declared, all community members are to stay in their current position, unless they are immediately adjacent to the dangerous situation. Everyone should close and lock all doors, shut windows and close blinds, stay low to the floor and shelter behind heavy furniture or equipment.

Once in lockdown, buildings will have restricted access until the "All Clear" is given or individuals are directed to leave by emergency response personnel. All college activities, classes and events are immediately paused and will not resume until official notice is given. A lockdown may be called by college officials, law enforcement agencies or other emergency

responders for a variety of reasons, including, but not limited to: weapons, intruders, police activity in or around the school, contamination or hazardous materials or terrorist events.

Fire and Emergency Evacuation Procedures

When community members are notified to evacuate, either by alarm or verbally, occupants must leave the building or area immediately. An order to evacuate may be given without notice for a number of reasons such as fire or fire alarms, bomb threats, natural gas leaks, etc.

When the order to evacuate is given, these procedures should be followed:

- Respond quickly to building evacuation alarms
- Do not use elevators
- Evacuate in an orderly, calm fashion, using the closest available exit
- Once outside, go to your designated meeting place and keep at least 100 feet away from affected building
- When Public Safety Officers give the “all-clear,” the building may be re-entered

Access to Campus Facilities

Academic and Administrative Buildings

The Macalester College Campus grounds are open to the public. With the exception of the Campus Center, Weyerhaeuser Hall, and Weyerhaeuser Memorial Chapel which will be open during normal business hours, academic and administrative buildings will remain secure but accessible to faculty, staff, and students through the access control system.

Residence Halls

Access to residence halls is restricted to Macalester College residential students and authorized staff. Residential facilities are secured 24 hours a day, with large residence halls secured by an access control system. Members of the Department of Public Safety regularly patrol the interiors and exteriors of campus residence halls and, in partnership with Residential Life professional and student staff, campus policies and security measures are enforced within the residence halls.

Maintenance and Security of Campus Facilities

Macalester College facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The Facilities Services Department monitors and maintains all buildings and building systems, provides repairs, and makes modifications as needed, oversees all construction projects, and plans budget expenditures.

Public Safety regularly patrols the campus and reports malfunctioning lights, locks, and other unsafe physical conditions to Facilities Services for correction. It is helpful when other members of the College community report equipment problems to Facilities Services by submitting a ticket or calling the Facilities Services desk at **651-696-6278**. For urgent needs, contact the Department of Public Safety at **651-696-6555**.

Crime Prevention and Educational Programs

Members of the community are encouraged to assume responsibility for their own personal safety and the security of their personal property. The **“See something, say something”** theme is broadly communicated to the members of the community. The following can provide guidance:

- Report all suspicious activity to Public Safety or the Police
- Never take personal safety for granted
- When walking, plan your route, and if walking alone (especially at night) use the safety escort program
- Stay alert to your surroundings – avoid distractions such as phones or headphones
- Never leave your valuables (phones, computers, purses, wallets) unattended
- Carry your keys at all times and do not lend them to anyone

- Lock your bicycles, motorcycles, and cars
- Engrave and inventory your personal property
- Always lock the door to your residence hall room, whether you are there or not. Be sure your door is locked while sleeping. DO NOT PROP INTERIOR OR EXTERIOR DOORS OPEN

Crime Prevention, Fire Safety, and Safety Awareness Programming

Macalester College provides a number of opportunities to inform students, faculty, and staff about campus safety and security procedures. Whenever possible, we encourage our community members to be responsible for their own safety and that of others while on campus. Crime prevention and safety and security awareness are supported by various campus organizations. These programs include, but are not limited to: general safety and security information provided during new student/employee orientation, crime prevention presentations, sexual violence education and prevention, sexual respect promotion, sexual health education, and annual Title IX training.

In addition, Macalester College provides a number of crime prevention services and strategies to ensure safety and security of the community. The Department of Public Safety employs the use of emergency telephones around the campus grounds, emergency alarms in campus buildings, crime prevention through architectural design, a card access system, security cameras, and facilities surveys.

Crime Prevention Presentations

Presentations on crime prevention are made annually to campus groups and organizations such as Facilities Services employees, commuter students, students with disabilities, international students, student government, the faculty and staff advisory committees, specific campus departments and student organizations.

Operation Identification / Personal Inventory template

Community members are strongly encouraged to make a list of serial numbers, take pictures or add owner-recognized numbers on items of value. This assists in if the need should arise to report a theft to the Department of Public Safety or police department and can help identify recovered items.

Safety Escort Program

Public Safety personnel will provide walking escorts to campus community members on campus and within a six-block radius of the campus. Escorts may also be available up to a mile from campus as personnel and a vehicle are available. Such transports will only be provided to the user's residence from campus. To request this service, community members should contact the Department of Public Safety at **651-696-6555**.

Bicycle Registration Program

Community members can register their bicycle with the Department of Public Safety. By completing the form below, a community member will be provided with a registration sticker for their bicycle.

- [Bicycle Registration Form](#)

Alcohol and Other Drug Programs

Macalester College is committed to complying with the Drug Free Schools and Campuses Act and the Drug Free Workplace Act. The requirements for compliance with the Drug Free Schools and Campuses Act of 1989 are addressed in [Section 2.1 Alcohol and Illegal Drugs Policy](#)³ of the Student Handbook and [Section 13.8-Alcohol and Drug Policy](#)⁴ of the Employee Handbook. The College conducts a Biennial Review of its alcohol and other drug programs and policies to determine their effectiveness, implement needed changes, and ensure that disciplinary sanctions are consistently enforced. The latest Biennial Review was finalized in December, 2024 and consists of a review of 2022-2023 and 2023-2024. (refer to Attachment 1 for document). The review of 2024-2025 and 2025-2026 will be submitted by the end of December 2026.

Additional requirements for compliance with the Drug Free Workplace Act of 1988 state that employees of the College are required to report to work on time and in appropriate mental and physical condition for work and to remain in that condition during the work shift. Employees must, as a condition of employment, abide by the terms of this policy and report any criminal convictions under a criminal drug statute for violations occurring on or off campus premises while conducting college business. A report of conviction must be made within five days of conviction.

Alcohol and Other Drug Policies

On Macalester College premises or at College-sponsored activities, the following acts are prohibited:

- Distribution, possession or use of any illegal drug or controlled substance.
- Providing alcoholic beverages to individuals under 21 years of age.
- Being in the presence of alcoholic beverages while under 21 years of age.
- Illegal possession of an open container of an alcoholic beverage, public intoxication, driving while under the influence of drugs or alcohol, and drinking alcoholic beverages in an unauthorized public place.

³https://docs.google.com/document/d/1qha1tNxysdhw9k2zXpbFA_GtGSJ1_wqkATwX5uBiBAg/edit ⁴

<https://www.macalester.edu/employee-handbook/health-and-safety/13-8-alcohol-and-drug-policy/>

- The unlawful possession, use, sale, distribution, cultivation or manufacture of illicit drugs and drug related paraphernalia. This includes but is not limited to cannabis, water pipes, and bongs.
- The use of any substance which creates an odor that may be confused with illegal substances is prohibited. This includes, but is not limited to, odors that smell like cannabis.

In addition to disciplinary sanctions under Macalester procedures, which can include probation, suspension or separation from the College, students and employees may face prosecution and imprisonment under federal and Minnesota laws, which make such acts felony and/or misdemeanor crimes.

Community Care Program Provision

All members of the campus community are encouraged to seek immediate medical or security assistance for students whose health and well-being may be at risk due to the overconsumption of alcohol and/or other drugs. The intent of the community of care provision is to encourage students to request assistance from Macalester staff and/or emergency personnel without fear of disciplinary action being taken against the impaired student or those who seek to help them. For the safety of the student in need, those calling for help should remain with the impaired student until college professional staff arrive.

Neither students who actively seek assistance nor the impaired student(s) will be subject to formal disciplinary action for the consumption of alcohol and/or other drugs if all involved students follow the medical, health, and safety recommendations of the responding staff. Failure to do so may result in formal disciplinary action. Educational sanctions may be enacted without formal disciplinary action. These educational sanctions include such things as meeting with a professional staff member, alcohol workshop, assessment, or writing a reflection paper. If students do not comply with the assigned educational sanctions they will be subject to a formal disciplinary process.

The community of care provision applies to the consumption of alcohol and/or other drugs. Individuals may be held responsible for other policy violations such as property damage, hazing, harassment, or physical and sexual assault if applicable. When necessary, the Dean of Students will render the final decision regarding whether the provision can be applied. The College cannot guarantee that criminal charges will not be brought against the student if local law enforcement officials are required for assistance during the incident. The College may be required to notify parents/guardians if a student is transported to the hospital or a detoxification center for a medical emergency. Taking responsibility for helping a student in need will always be viewed positively in any post-incident follow-up.

Prevention and Harm Reduction Programs

Macalester College provides referral services for substance abuse assessments; as well as educational programs to students about alcohol and other drugs and environmental strategies to promote healthier choices and reduce riskier ones.

For further information about these programs or for individual assistance, visit the Laurie Hamre Center for Health and Wellness-[Alcohol, Tobacco and Other Drugs](#)⁵ site or call 651-696-6275. Some of the current educational and harm reduction initiatives include:

- Anonymous harm reduction supply requests for Fentanyl Testing Strips and Naloxone, that come with drug disposal kits
- 24/7 access to a harm reduction supply cabinet for Fentanyl Testing Strips, Naloxone, and drug disposal kits
- BEST Party Model/safer event hosting workshops
- Social Norming campaigns
- “Mac Facts” course for First Year Courses
- “This Matters At Mac” Orientation programming
- Training for student leaders: RAs, Orientation Leaders, and Health Promotion Assistants (HPAs)
- Peer education through the HPAs
- Students in violation of college AOD policies may be assigned to BASICS (Brief Alcohol Screening and Intervention for College Students)-- the gold standard of interventions, or Motivational Interviewing for cannabis, an evidence-informed

Violence and Threats Are Prohibited

The College does not tolerate acts or threats of violence on campus property or in conjunction with College – related activities. Any threat of violence will be treated as a serious situation. Violations of this policy will result in strict disciplinary action.

Firearms and Weapon Policies

Macalester College is committed to maintaining a safe environment. According to the Firearms/Weapons Policy, members of the college community (students, staff, and faculty) and visitors are prohibited from possessing, carrying or storing firearms while on campus. This does not include law enforcement officials or other specific jobs that may require a weapon as part of their official and required duties.

Emergency Medical Response Procedures

Any medical emergency should be reported to the Department of Public Safety at **651-696-6555** or St. Paul Fire/EMS by dialing **911**.

Macalester College Public Safety Officers are trained in first aid and will respond to all medical emergencies. In addition, MacEMS (medically trained and certified emergency responders) is available during scheduled times on the weekends.

Missing Students

In compliance with the Higher Education Opportunity Act (HEOA) of 2008 Macalester College must develop and implement procedures to be followed when on-campus residential students are determined to be missing for 24 hours.

The College has adopted a missing student notification policy for students residing in college owned and controlled (leased or rented) residential facilities (this includes both on-campus and non-campus Clery geography categories).

In addition to registering a general emergency contact, all residential students have the opportunity to register confidential contact information for a person to be notified by the College in the event the student is officially reported missing through the 1600 Grand application. The student can enter a “Gone or Missing” contact type in the profile section of the Student Dashboard. The College will make sure students are able to update this contact information whenever needed. This procedure and registration process are communicated to the students annually through a Mac Daily announcement. The contact information will be confidential, accessible only by authorized campus officials and law enforcement, and may not be disclosed outside a missing person investigation.

If a student has identified such a contact, the Department of Public Safety or Division of Student Affairs will notify that individual within 24 hours after the student is determined to be missing.

If a member of the College community has reason to believe that a student who resides in college owned, controlled or officially recognized student housing is missing for 24 hours, they should notify:

- The Department of Public Safety at 651-696-6555 (campus extension 6555) or in person in the Campus Center room 105
- Residential Life at 651-696-6215 (campus extension 6215) or in person in the Campus Center room 239 - Division of Student Affairs at 651-696-6220 (campus extension 6220) or in person in Weyerhaeuser Hall room 119

All missing persons reports ***must be referred immediately*** to the Department of Public Safety at 651-696-6555. DPS will generate a missing person report and begin an investigation.

After investigating the Missing Person report, should DPS determine that the student is missing and has been missing for more than 24 hours (regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor), DPS or a representative from the Division of Student Affairs will notify the St. Paul Police Department or law enforcement authority with jurisdiction and the student’s emergency contact no later than 24 hours after the student is determined to be missing, unless the local law enforcement agency was the entity that made the determination that the student was missing.

If the missing person is under the age of 18 and is not an emancipated individual, DPS or a representative from the Division

of Student Affairs must and will notify the student's custodial parent or legal guardian, the missing person contact, and the St. Paul Police or local law enforcement with jurisdiction immediately after DPS has determined that the student has been missing for more than 24 hours, in addition to notifying any additional contact person designated by the student.

If a student has been determined missing for more than 24 hours, in addition to the above notifications, specific procedures to follow include: contacting the student's RAs, checking with emergency health care providers, and taking such other investigative actions as are appropriate under the circumstances. The College will implement these procedures in less than 24 hours if circumstances warrant a faster implementation.

Sexual Violence Education and Prevention

The Office of Student Affairs, Laurie Hamre Center for Health and Wellness, Residential Life, Department of Public Safety, and the Office of Title IX and Bias Harassment collaborate on sexual respect/sexual violence prevention programming, coordinated and led by the Director of Health Promotion and Sexual Respect. Programming includes, but is not limited to:

- Programming by request for various staff and faculty departments (e.g. library staff, athletics)
- Workshops for every varsity athletic team, which support annual NCAA BOG attestation expectations
- Workshops for club sport teams
- Meetings with Macalester College Student Government
- Training of student leadership such as RAs, OLs, Student Athlete Mentors, student tutor mentors, etc.
- Health Promotion Assistant student employee supervision and advising to empower student voice and experience
- Respect and Relationships workshops for first year students, detailing sexual health and consent in relationships
- Social norming campaigns through Instagram and physical marketing
- Respect and Relationships week in February to build healthy relationship skills
- Comprehensive online training for all new students through Vector
- This Matters @ Mac program at New Student Orientation with debrief from orientation leaders
- Consent @ Mac campaign annually in October and February
- Sexual Assault Awareness Month programming annually in April
- Guest speakers on topics including: masculinity, sexual health, community engagement, and survivor advocacy
- Evidence-based active bystander training integrated into various workshops to provide safer and more effective options to help prevent harm and to promote respect
- Promotion of everyday consent across campus populations
- BEST Party model training for those who host parties and other events
- Collaborations with the Advisory Group for Sexual Respect (Coordinated Community Response Team)

For more information, visit the [sexual respect website](#)² or contact:

Tiger Simpson

Director of Health Promotions and Sexual Respect

tsimpso1@macalester.edu

651-696-6385

Registered Sex Offender Information

The Federal Campus Sex Crimes Act, effective October 28, 2002, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state regarding registered sex offenders may be obtained. The Campus Sex Crimes Act also mandates that sex offenders who are already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries on a vocation, 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 Predatory Offender Unit at **(888) 234-1248** or **(651) 793-7070**. Information regarding this program can be found at the following web-site: por.state.mn.us/

²<https://www.macalester.edu/health-and-wellness/sexual-violence-prevention-education/>

Information regarding registered sex offenders may be obtained through the St. Paul Police Department (SPPD). The SPPD may be contacted at **(651) 266-5685**. General information on registration requirements and notification procedures can be found at the following web-site:

www.stpaul.gov/departments/police/administration-office-chief/major-crimes-division/family-sexual-violence-unit-1

In addition, information regarding registered sex offenders may be obtained through the Minnesota Department of Corrections at **(651) 642-0200**. A locator for offenders who have the highest risk for re-offense can be accessed from the Minnesota Department of Corrections' website:

coms.doc.state.mn.us/publicregistrantsearch

Lastly, the Dru Sjodin National Sex Offender Public Website (NSOPW), coordinated by the U.S. Department of Justice, is a cooperative effort between local and state jurisdictions hosting public sex offender registries and the federal government and is offered free of charge to the public

www.nsopw.gov/

Sex Offender Registry

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

In the state of Minnesota, convicted sex offenders must register with the Sex Offender and Crimes Against Minors Registry maintained by the Bureau of Criminal Apprehension.

The Minnesota Predatory Offender Registration and Tracking Program is available via Internet pursuant to MN Statute 243.166 Session updates. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees and volunteers, or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing another is prohibited.

In addition to the above notice to the State of Minnesota, all sex offenders are required to deliver written notice of their status as a sex offender to the college admissions office or employment Services not later than three (3) business days prior to their enrollment in, employment with volunteering at or residence in the college. Such notifications may be disseminated by the college to, and for the safety and well-being of, the college community, and may be considered by the college for enrollment and discipline purposes.

Follow the link below to access the Minnesota Bureau of Criminal Apprehension website.

<https://dps.mn.gov/divisions/bca/Pages/default.aspx>.

Title IX and Sexual Misconduct Policy

I. Scope

This Policy applies to all Macalester College community members, including students, employees, faculty, administrators, staff, trustees, applicants for admission or employment, volunteers, vendors, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, interacting with a member or members of the Macalester community, or having any official capacity with the College or on College property. This Policy applies regardless of the sexual orientation or gender identity of any of the parties. All Macalester College community members are required to follow this Policy.

This Policy applies to Sexual Misconduct committed by or against a College community member that:

- occurs on campus or Macalester College property;
- occurs at College-sponsored events or programs that take place off campus, such as study abroad and internships;
- occurs off campus and outside the context of a College-sponsored event or program, but that the College determines may (i) have continuing adverse effects on campus, College property, or in a College program or activity, (ii) substantially and unreasonably interfere with a community member's employment, education, or environment on campus, College property, or in a College program or activity, or (iii) create a hostile environment for community members on campus, College property, or in a College program or activity.

This Policy applies to Sexual Misconduct within the scope of Title IX, as well as Sexual Misconduct committed by or against a College community member that does not fall within the scope of Title IX. More information about what Sexual

Misconduct falls within the scope of Title IX is provided in Section IV: Prohibited Conduct of the Policy below and more information about the process applicable to different types of Sexual Misconduct is provided in Section IX: Procedures for Formal Complaints below.

II. Notice of Nondiscrimination

In complying with the letter and spirit of applicable state and federal laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Age Discrimination in Employment Act, and The Americans with Disabilities Act and ADA Amendments, and in pursuing Macalester College's own goals of diversity and inclusion, the College does not discriminate on the grounds of sex, gender identity, race, color, national origin, age, religion, creed, disability, marital status, familial status, pregnancy, genetic information, membership or activity in a local human rights commission, veteran status, sexual orientation, status with regard to public assistance, or other categories protected by law, in employment policies and practices, education, and all other areas of the College. This non-discrimination policy applies to all employment practices and terms and conditions of employment, including but not limited to promotions, transfers, compensation, terminations, training and participation in College sponsored benefits or programs.

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." The College is required by Title IX and its regulations not to engage in sex discrimination in its education program or activity, including admissions and employment. Sex discrimination is conduct based upon an individual's sex that excludes an individual from participation in, denies the individual the benefits of, or treats the individual differently, in the education program or activity. Sexual harassment is a form of sex discrimination. In accordance with Title IX and its regulations, this Policy addresses the College's prohibition of the following forms of sex discrimination: Title IX Sexual Harassment, non-Title IX Sexual Harassment, Sex Discrimination, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation. Macalester College does not discriminate on the basis of sex or gender in its educational, extracurricular, athletic, or other programs or in the context of admissions or employment.

Macalester College will not tolerate Sexual Misconduct in any form. The College will promptly and equitably respond to all reports of Sexual Misconduct in order to take steps to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.

Questions or concerns about Title IX, sex discrimination, sexual harassment, or other forms of Sexual Misconduct may be directed to the College's Title IX Coordinator:

Title IX Coordinator and Nondiscrimination Officer
Laura Creech
Humanities 115E
Telephone: 651-696-6258
Email: titleixcoordinator@macalester.edu
1600 Grand Avenue
Saint Paul, MN 55105-1899

Questions or concerns may also be directed to the U.S. Department of Education's Office for Civil Rights:

The Office of Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
Facsimile: (202) 453-6012 TDD#: (800) 877-8339
Email: OCR@ed.gov
<http://www.ed.gov/ocr>

Nothing in this Policy is intended to interfere with the right of any individual to pursue other avenues of recourse, including filing a complaint with the United States Department of Education's Office for Civil Rights (OCR).

III. Definitions

Complainant refers to an individual who is alleged to be the victim of conduct that could violate this Policy.

Respondent refers to an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.

A report is an account of the Sexual Misconduct that has allegedly occurred that has been provided to the College by the complainant, a third party, or an anonymous source.

A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging a violation of this Policy and requesting that Macalester investigate the allegation of the Policy violation. A formal complaint begins the complaint resolution process as set forth in Section IX: Procedures for Formal Complaints below.

Consent is informed, knowing, and voluntary. Specifically, words or overt actions that clearly communicate a freely given agreement to participate in sexual activity at the time of the activity. Words or overt actions clearly communicate consent when a reasonable person in the circumstance would believe those words or actions indicate a willingness to participate in a mutually agreed-upon sexual activity. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity.

The definition of consent is subject to the following:

- Consent can only be given if one is of legal age. In Minnesota, the legal age of consent is 16 years old. ▪

Consent to one form of sexual activity does not constitute consent to other forms of sexual activity.

- Consent can be withdrawn at any time. When consent is withdrawn, the sexual activity for which consent was initially provided must stop.
- Consent is active, not passive. Silence or the absence of resistance or saying “no” cannot be interpreted as consent.
- Previous or existing sexual, romantic, or marital relationships do not constitute consent. Previous consent or sexual activity does not constitute consent to future sexual acts. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent.
- Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.
- Explicit consent to protected sexual contact does not constitute consent to unprotected sexual contact. If protection is removed during sexual contact, it is the responsibility of the person removing protection to obtain consent to the unprotected sexual contact.
- Consent cannot be obtained, explicitly or implicitly, by use of intimidation, physical force, or the threat thereof, or coercion, as defined below.
- An individual known to be—or who should be known to be—incapacitated, as defined below, cannot consent to sexual activity initiated by another individual.

Coercion is intimidation or conduct that would compel an individual to do something against their will by (1) the use of physical force or confinement or, (2) expressed or implied threats of physical, emotional, property, or reputational harm, or (3) pressure that would cause a reasonable person to fear such harm. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration.

Incapacitation means the physical and/or mental inability to understand the fact, nature, or extent of the sexual situation.

Incapacitation is a temporary or permanent state in which an individual is unable to give consent to sexual contact due to mental, developmental, or physical impairment, or from the influence of alcohol or drugs. States of incapacitation include but are not limited to: sleep, unconsciousness, intermittent consciousness, involuntary physical restraint, or any other state where an individual is unaware that sexual contact is occurring. With respect to incapacitation due to the influence of alcohol or other drugs, incapacitation requires more than being under the influence of alcohol or other drugs; a person is not incapacitated just because they have been drinking or using other drugs. Where alcohol and/or other drugs are involved, incapacitation is determined based on the facts and circumstances of the particular situation, looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation; whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent; and whether such condition was known or reasonably should have been known to the accused or a reasonable sober person in the accused’s position. Use of drugs or alcohol by the accused is not a defense against allegations of Sexual

Misconduct.

Sexual Misconduct: As used in this Policy, Sexual Misconduct means the following forms of sex discrimination and other misconduct: Title IX Sexual Harassment, non-Title IX Sexual Harassment, Sex Discrimination, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation, as each of those terms is defined below. Some instances of Dating Violence, Domestic Violence, and Stalking may not be sexual in nature. For purposes of this Policy, the term “Sexual Misconduct” encompasses all instances of Dating Violence, Domestic Violence, and Stalking (as those terms are defined in this Policy), regardless of whether there is a sexual component to the behavior.

IV. Prohibited Conduct

The College prohibits the following forms of Sexual Misconduct: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sex Discrimination, Sexual Exploitation, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as each term is defined below. Aiding others in acts of Sexual Misconduct also violates this Policy. The College also prohibits Retaliation and Interference with Process, as defined below.

A. Title IX Sexual Harassment

As used in this Policy, Title IX Sexual Harassment includes conduct on the basis of sex that satisfies one or more of the following definitions, when the conduct occurs (1) in the College’s education program or activity and (2) against a person in the United States.

1. **Title IX Quid Pro Quo Harassment:** Title IX Quid Pro Quo Harassment occurs when an employee of the College, including a student-employee, conditions the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct. Such unwelcome sexual conduct could include, but is not limited to, sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal, or physical conduct or communication of a sexual nature.
2. **Title IX Hostile Environment Harassment:** Title IX Hostile Environment Harassment is unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity.

For the purposes of the definition of Title IX Hostile Environment Harassment, a reasonable person means a reasonable person in the shoes of the complainant, considering the ages, abilities, and relative positions of authority of the individuals involved in an incident.

Multiple instances of the following conduct, or other unwelcome conduct on the basis of sex, may constitute Title IX Hostile Environment:

- Unwelcome sexual flirtations, attention, advances, or propositions;
- Requests for sexual favors;
- Punishing or threatening to punish a refusal to comply with a sexual-based request;
- Offering a benefit (such as a grade, promotion, or athletic participation) in exchange for sexual favors or other verbal or physical conduct of a sexual nature;
- Verbal abuse of a sexual nature or obscene language or slurs;
- Jokes and comments of a sexual nature;
- Verbal commentary about an individual’s body, sexual innuendo, or suggestive commentary about a person’s clothing and appearance;
- Displaying derogatory or sexually suggestive pictures or other objects in an office, in a residence hall, or on a computer monitor;
- Visual conduct such as leering or making gestures;
- Unwelcome kissing;
- Unwelcome touching of a sexual nature such as patting, pinching, or brushing against another’s body; ▪
Gossip about sexual relations; and
- Cyber or electronic harassment of a sexual nature.

The circumstances that may be considered when determining whether conduct was so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity include, but are not

limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the victim's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct was merely a discourteous, rude, or insensitive statement;
- Whether the speech or conduct deserves the protection of academic freedom.

3. Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as those terms are defined below (when such conduct occurs (1) in the College's education program or activity and (2) against a person in the United States).

Unwelcome Conduct

For the purposes of the Title IX Sexual Harassment definition, conduct is unwelcome when the individual did not request or invite and regarded it as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that they welcomed it. On the other hand, if an individual actively participates in conduct and gives no indication that they object, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct does not necessarily mean that person welcomes other conduct. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident.

Education Program or Activity

At a minimum, the College's education program or activity includes all of the operations of the College, including (1) locations on campus or otherwise owned or controlled by the College, (2) locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the alleged Sexual Misconduct occurred, and (3) any building owned or controlled by a student organization that is officially recognized by the College. Whether alleged conduct occurred in the College's education program or activity is a fact specific analysis.

B. Non-Title IX Sexual Harassment

While Title IX requires that the alleged conduct meet a certain threshold before it is considered Title IX Sexual Harassment, the College also prohibits unwelcome conduct of a sexual nature or based on sex (1) that may not rise to the level of Title IX Sexual Harassment (as defined above), (2) that did not occur in the College's education program or activity, but may nevertheless cause or threaten to cause an unacceptable disruption at the College or interfere with an individual's right to a non-discriminatory educational or work environment, or (3) occurs outside of the United States.

As used in this Policy, Non-Title IX Sexual Harassment is unwelcome conduct of a sexual nature or based on sex, including sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal, or physical conduct or communication of a sexual nature when:

- Submission to or rejection of that conduct or communication is made a term or condition, either explicitly or implicitly, of an individual's educational experience or employment; [i.e. Quid Pro Quo];
- Submission to or rejection of that conduct or communication is used as the basis for an educational program decision or employment decision affecting that individual; [i.e. Quid Pro Quo]; or
- That conduct or communication has the purpose or effect of substantially and unreasonably interfering with an individual's employment or education or creating an intimidating, hostile, or offensive employment or educational environment. [i.e. Hostile Environment].

Examples of non-Title IX Hostile Environment Harassment may include the same type of conduct listed above for Title IX Hostile Environment Harassment, when such conduct (1) does not rise to the level of being so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; (2) does not occur in the College's education program or activity; or (3) occurs outside of the United States.

For the purposes of the Non-Title IX Sexual Harassment definition, conduct is unwelcome when the individual did not request or invite it and regarded the conduct as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that they welcomed it. On the other hand, if an individual actively participates in conduct and gives no

indication that they object, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct does not necessarily mean that person welcomes other conduct. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident.

Non-Title IX Sexual Harassment does not include conduct covered under the definition of Title IX Sexual Harassment.

C. Sex Discrimination

Sex discrimination is defined and addressed in Macalester College's Nondiscrimination Policy. Sex Discrimination does not include conduct covered under the definition of Title IX Sexual Harassment.

D. Sexual Exploitation

Sexual exploitation occurs when a person takes sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, without that person's consent. Examples of Sexual Exploitation include, but are not limited to:

- Prostituting another person;
- Non-consensual video- or audio-recording or photographing of sexual activity, sexually explicit content, or intimate body parts, including sharing or posting such materials without the consent of those depicted;
- Engaging in voyeurism (e.g. viewing or permitting someone else to view/hear another's sexual activity or intimate body parts, in a place where that person would have a reasonable expectation of privacy, without consent); ▪ Intentional removal or attempted removal of clothing covering an individual's intimate body parts or exposing an individual's undergarments, or that is otherwise sexual in nature, without consent;
- Intentional and repeated invasion of sexual privacy (e.g., walking into another person's room or private space); ▪ Indecent exposure (such as exposing one's genitals or breasts to others without consent);
- Ejaculating on another person without consent;
- Knowingly transmitting a sexually transmitted infection ("STI") or Human Immunodeficiency Virus ("HIV") without prior knowledge and consent of the person being exposed;
- Distributing or displaying pornography to another without that individual's consent;
- Possession of child pornography. (Possession of child pornography must be reported immediately in accordance with the Macalester Policy on Reporting Suspected Child Abuse.)

Sexual Exploitation does not include conduct covered under the definition of Title IX Sexual Harassment.

E. Dating Violence

Dating Violence is defined as violence against an intimate partner (romantic, dating, or sexual partner) of the victim. The existence of such a relationship will be determined with consideration of (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to, sexual or physical abuse, such as Sexual Assault, physical harm, bodily injury, or criminal assault; the threat of such abuse; terroristic threats; criminal sexual conduct; or interference with an emergency call. Dating Violence does not include acts covered under the definition of Domestic Violence.

F. Domestic Violence

Domestic Violence is defined as violence committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabitating with or has cohabitated with the person as a spouse or intimate partner, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction in which such conduct occurred, or by any other individual against the person who is protected from that individual's acts under the domestic or family violence laws of the jurisdiction [\[1\]](#) in which such conduct occurred. Domestic Violence includes, but is not limited to, sexual or physical abuse, such as Sexual Assault, physical harm, bodily injury, or criminal assault; the threat of such abuse; terroristic threats; criminal sexual conduct; or interference with an emergency call.

G. Stalking

Stalking is engaging in a course of conduct (i.e. more than one occurrence) directed at a specific person that would cause a reasonable person to fear for their safety, or the safety of others, or to experience substantial emotional distress. Acts that constitute stalking may include, but are not limited to: direct or indirect actions, including actions through a third-party by any method, device, or means to follow, monitor, observe, surveil, threaten, or communicate to or about a person; or that

interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking behavior includes, but is not limited to:

- Repeated, unwanted and intrusive communications by phone, mail, text message, email and/or other electronic communications, including social media;
- Repeatedly leaving or sending the victim unwanted items, presents or flowers;
- Following or lying in wait for the victim at places such as home, school, work or recreational facilities; ▪

Making direct or indirect threats to harm the victim or the victim's children, relatives, friends or pets; ▪

Damaging or threatening to damage the victim's property;

- Repeatedly posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth that would cause a person to feel threatened or intimidated.

H. Sexual Assault

Sexual Assault is any actual or attempted sexual contact, including contact with an object, with another person without that person's consent. As used in this Policy, sexual contact includes intentional contact by the accused with the victim's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed; touching another with any of these body parts, whether clothed or unclothed; coerced touching by the victim of another's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed; or forcing another to oneself with or on any of these body parts. Sexual Assault includes, but is not limited to, an offense that meets any of the following definitions:

- Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, oral penetration by a sex organ of another person, or oral contact with the sex organ of another person, without consent. ▪ Fondling: the touching of the private body parts (including the genital area, groin, inner thigh, buttocks, or breast) of another person for the purpose of sexual gratification, without consent.
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape: sexual intercourse with a person who is under the statutory age of consent; in Minnesota the age of consent is 16.

I. Retaliation and Interference with Process

Retaliation and Interference with Process is adverse action or threat thereof taken against a person for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this Policy or for making a report or filing a formal complaint, serving as a witness, assisting, participating, or refusing to participate in any manner in an investigation, proceeding, or hearing under this Policy. Retaliation and Interference with Process includes, but is not limited to, any form of intimidation, threats, coercion, reprisal, discrimination, harassment, or any other adverse action or threat thereof.

Encouraging or assisting others to engage in retaliation or to interfere with the process are also considered Retaliation/Interference with Process and violate this Policy. While the College does not prohibit the parties from discussing the allegations in a formal complaint, acts that could constitute Retaliation and Interference with Process may include, but are not limited to: acts or comments that are intended to discourage a person from engaging in activity protected under this Policy or that would discourage a reasonable person from engaging in activity protected under this Policy; acts or comments that are intended to influence whether someone participates in the complaint resolution process, including the live hearing; acts or comments intended to embarrass the individual; adverse changes in employment status or opportunities; adverse academic action; and adverse changes to academic, educational, and extra-curricular opportunities. Retaliation and Interference with Process may be in person, through social media, email, text, and other forms of communication, representatives, or any other person. Retaliation and Interference with Process may be present against a person even when the person's allegations of Sexual Misconduct are unsubstantiated.

[1] In addition to the relationships described above, Minnesota law defines domestic violence to include violence committed between parents and children, blood relatives, persons who are presently residing together or who have resided together in the past, persons involved in a significant romantic or sexual relationship; and a man and woman, if the woman is pregnant and the man is alleged to be the father.

V. Consensual Relationship Policy

Relationships between a faculty member and a student, a student and a staff member, or a supervisor and employee (including student supervisors and student employees) are considered professional, whereby the initiation of a sexual or romantic

relationship is against College Policy. Anyone who engages in a sexual or romantic relationship where a degree of power or authority exists must understand that the degree to which such a relationship is truly mutually consensual can be questioned.

The power differential inherent in faculty/student, staff/student, and supervisor/employee relationships compromises the subordinate's ability to freely decide. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in giving praise or blame, grades, recommendations for further study and future employment, greatly diminish the student's actual freedom of choice should sexual favors be included among the professor's demands or requests. The same is true with respect to a staff member and student, and a supervisor and employee.

Faculty and staff members (including student employees) involved in a pre-existing romantic or sexual relationship with a student or employee for whom the faculty or staff member has a supervisory or academic responsibility or who is otherwise under the direction of the faculty or staff member must promptly report the relationship to their supervisor. Upon receiving notice, the College will make alternative staffing arrangements and such other additional arrangements as are necessary under the circumstances.

VI. Reporting

A. Duty to Report

In order to enable the College to respond effectively and to prevent future instances of Sexual Misconduct, all College employees who are not confidential resources, who receive information about or witness possible Prohibited Conduct under this Policy, must report that information to the Title IX Coordinator. Reports should be made as soon as possible and should include all relevant details known to the employee. Specifically, to the extent known, the names of those involved, including the complainant and respondent, relevant facts, including the date, time, and location of the alleged Prohibited Conduct. Employees who receive such reports should not attempt to "investigate" the allegation or require the individual disclosing the incident to provide all of the details surrounding the alleged misconduct. To the extent the individual reporting the incident provides details, that information should be provided to the Title IX Coordinator. Upon receiving a report of alleged or possible Sexual Misconduct, the Title IX Coordinator will evaluate the information received and send outreach regarding supportive measures, resources, and reporting options.

College employees who are not confidential resources and receive a report of Sexual Misconduct should bring the report directly to the Title IX Coordinator and should not share information about the report with any other individual. If the employee is uncertain whether the information should be reported to the Title IX Coordinator, the employee should seek guidance from the Title IX Coordinator before providing the Title IX Coordinator with any identifiable information regarding the report.

Certain student employees (including, but not limited to, student supervisors, building managers, and course preceptors) who receive such information in the course of their work position or duties also must report to the Title IX Coordinator. Given the scope of their role, resident assistants always have a duty to report information they receive about Prohibited Conduct to the Title IX Coordinator, even while not formally on duty. If the student employee is uncertain whether the information should be reported to the Title IX Coordinator, the student employee should seek guidance from the Title IX Coordinator before providing the Title IX Coordinator with any identifiable information regarding the report.

Nothing in this section should be construed to require reporting for disclosures made during a therapeutic or otherwise privileged context. Macalester community members who have a duty to report Prohibited Conduct may be subject to discipline or corrective action for failing to fulfill this obligation.

Any College employee who knows of or suspects the abuse (physical or sexual) or neglect of a minor on campus or in connection with any College event, program, or activity must report it immediately to the Office of Campus Safety and the Title IX Coordinator. If an employee is a mandatory reporter under Minnesota law, such individual must also immediately report the known or suspected abuse or neglect to the local welfare agency or police/sheriff's department, as required by law. Under Minnesota law, teachers, paraprofessionals, all administration, and support staff in an educational setting are mandatory reporters. See Minnesota Statutes Section 626.556.

B. Reports to the College: Designated Officials

The College encourages anyone who has experienced Sexual Misconduct or who has knowledge about an incident of Sexual Misconduct to report the incident to the College. An individual may provide a report to the College by contacting any of the following:

Title IX Coordinator and Nondiscrimination Officer-Laura Creech
Humanities 115E
titleixcoordinator@macalester.edu
651-696-6258
www.macalester.edu/titleix (online report form)

The Title IX Coordinator is the designated staff member of the College with primary responsibility for the College's Title IX

compliance efforts, including the College's efforts to end Sexual Misconduct, prevent its recurrence, and address its effects. The Title IX Coordinator oversees and monitors the College's overall compliance with Title IX-related policies and developments; offering and coordinating effective implementation of supportive measures; the implementation and oversight of complaint resolution processes; and the provision of educational materials and training for the campus community.

The Title IX Coordinator may appoint a designee to fulfill the functions of the Coordinator under this Policy. When this Policy refers to actions of the Title IX Coordinator, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator's designee.

Department of Public Safety: **651-696-6555**

Title IX Deputies

Head Softball Coach, Athletics – **Jody Gabriel**

Leonard Center 90f

jgabriel@macalester.edu

651-696-6157

Associate Dean, IGC & Co-Director CEC Kofi Annan Institute for Global Citizenship (IGC) – **Ruth Janisch**

309 Markim Hall

janisch@macalester.edu

651-696-6645

Title IX Deputies may receive reports related to Sexual Misconduct under this Policy. The Deputies may serve as designees acting on behalf of the Title IX Coordinator for the purpose of providing outreach and intake with complainant(s) and respondent(s) and implementing supportive or corrective measures related to Title IX concerns. Deputies may also be assigned to resolve complaints of related misconduct, as discussed below in Section X: Complaints of Related Misconduct.

How to Make a Report:

Reports can be made by telephone, mail, email, in person, and online on the [College website](#). Reports may be made at any time, including non-business hours by phone, email, mail, or the College's website. Reports to the College should include as much information as possible, including the names of the complainant, respondent, and other involved individuals, and the date, time, place, and circumstances of the incident, to enable the College to respond appropriately.

The College accepts anonymous reports of Sexual Misconduct. Reports may be made anonymously using the [College website](#). The College will likely be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the College to conduct a meaningful investigation. The individual making the report is encouraged to provide as much detailed information as possible to allow the College to investigate the report and respond as appropriate.

C. Reporting to Law Enforcement

Some types of Sexual Misconduct prohibited by this Policy are also crimes. Individuals who believe they may have been subjected to criminal Sexual Misconduct are strongly encouraged to notify local law enforcement authorities and will be assisted by campus authorities in notifying law enforcement authorities, if the individual so chooses. The College will provide prompt assistance to any complainant who requests help notifying law enforcement. Individuals may file a criminal complaint with law enforcement and a formal complaint with the College simultaneously. Individuals also have the option to decline to notify such authorities. Reporting to law enforcement is not necessary for the College to proceed with an investigation.

Macalester Department of Public Safety: 651-696-6555

Police EMERGENCY: 911

Non-emergency reporting:

- St. Paul Police: 651-291-1111; 367 Grove St., St. Paul, MN 55101
 - Family & Sexual Violence Unit: 651-266-5685

Ramsey County Sheriff (24 hours): 651-767-0640; 425 Grove St., St. Paul, MN 55101

Minnesota law provides individuals who report crimes to law enforcement with certain rights, including the right to assistance from the Crime Victims Reparations Board. Pursuant to state law, victims of crime must be informed of their rights under the Crime Victims Bill of Rights. A summary of crime victims' rights under Minnesota law, as well as links to applicable criminal law definitions, is set forth in Appendix D. For further information, consult Appendix D and Crime Victim Rights, a publication of the Minnesota Department of Public Safety, or Minnesota Statutes Chapter 611A.

VII. Supportive Measures, Confidential Resources, Emergency Removal, and Requests for Confidentiality or Non-Action

A. Supportive Measures

Upon receiving a report of a potential violation of this Policy the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant, respondent, and others adversely impacted by the complaint resolution process, before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties, or the educational environment, or deter Sexual Misconduct.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Supportive measures provided to the complainant or respondent will be kept confidential to the extent that maintaining confidentiality does not interfere with the ability to provide the supportive measures.

Examples of supportive measures include, but are not limited to:

- Establishing a “no contact directive” prohibiting the parties involved from communicating with each other (see Appendix C for more information).
- Changing on-campus housing, dining, or transportation arrangements.
- Special parking arrangements.
- Changing student or employee status or job responsibilities.
- Changing a work or class schedule.
- Providing academic support or assistance with academic issues.
- Providing safety escorts.
- Access to counseling and medical services (those preferring off-campus counseling services will be assisted in locating such resources).
- Making available information about orders for protection and harassment restraining orders and providing referrals related to obtaining and enforcing such orders (see Appendix C for more information).
- Assistance in identifying off-campus and community resources for advocacy, support, and services.
- For students who choose to transfer to another institution, at the student's request, providing information about resources for victims of Sexual Assault at the institution to which the student is transferring.

The College determines which measures are appropriate for a particular individual on a case-by-case basis. Such measures will vary based on the particular facts and circumstances, including but not limited to the specific need expressed by the individual, the age of the individual(s) involved, the severity or pervasiveness of the allegations, any continuing effects on the individual, whether the complainant and respondent share the same residence hall, dining hall, class, transportation, or job location, and whether other judicial measures have been taken to protect the individual. The Title IX Coordinator will be responsible for determining what measures will be put in place.

Additional services are available on-campus and in the community, as described in Appendix A: Resources and on the College's website. In addition, information regarding the confidentiality of supportive measures is in Appendix B: Additional Information Regarding Privacy and Confidentiality.

Any concern about a violation of a supportive measure should be reported to the Title IX Coordinator. Complaints of a violation of a supportive measure will be handled as discussed in Section X: Complaints of Related Misconduct below.

B. Confidential Resources

The College recognizes that some individuals may wish to keep their concerns confidential. Confidential communications are those communications which legally cannot be disclosed to another person, without the reporter's consent, except under very limited circumstances such as allegations involving the physical or sexual abuse of a child (under the age of 18) or vulnerable adult or an imminent threat to the life of any person. Individuals who desire to keep a conversation related to Sexual Misconduct confidential should speak with a medical professional, professional counselor, minister or other pastoral counselor, or trained victims' advocates. These resources include:

ON-CAMPUS

- [Center for Religious and Spiritual Life](#): 651-696-6298; Multi Faith chaplains
- [Health and Wellness Center](#) 651-696-6275; counselors, physicians, registered nurses or nurse practitioners

OFF-CAMPUS

- [SOS Sexual Violence Services of Ramsey County](#): 651-266-1000; trained victims' advocates available 24/7

Individuals who desire semi-confidentiality (but less than absolute confidentiality) may speak with sexual violence prevention education staff, health promotion staff, or administrative staff at the Health and Wellness Center or Macalester Emergency Medical Services student EMTs. It is important to understand that these individuals are available for processing and support or assessing next steps, and are not able to promise absolute confidentiality. These individuals may be required to report non-identifying data regarding the number of incidents reports they receive. Semi-confidentiality means that communications with these individuals are not protected by a legal privilege and they may be required to be disclosed in a criminal or civil lawsuit. These resources include:

- [Health and Wellness Center](#): 651-696-6275; sexual violence prevention education staff, health promotion staff, and administrative staff
- Macalester Emergency Medical Services: 651-696-6555; student EMT's, while on call Friday and Saturday nights (9 pm — 2 am)

A person who speaks to a confidential resource should understand that, if the person does not report the concern to the College, the College will be unable to provide certain supportive measures that would require involvement from the College (such as issuing a no-contact directive), or conduct an investigation into the particular incident, or pursue disciplinary action.

C. Emergency Removal and Administrative Leave

The College retains the right to remove a student respondent, in whole or in part, from the College's education program or activity on an emergency basis, following an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct justifies removal. Removal may include, but it not limited to:

- Prohibiting a respondent from being on Macalester property.
- Prohibiting a respondent from participating in Macalester-sponsored events.
- Prohibiting a respondent from residing in a Macalester residence.

If a student respondent is removed on an emergency basis, the College will provide the student respondent with notice and an opportunity to challenge the decision immediately following the removal. To challenge the decision the respondent should contact the Title IX Coordinator in writing at titleixcoordinator@macalester.edu.

The College retains the right to place a non-student employee respondent on administrative leave during the pendency of the complaint resolution process.

D. Requests for Confidentiality and Non-Action

When the College receives a report of Sexual Misconduct, it has a legal obligation to respond in a timely and appropriate manner. Making a report to the College does not require an individual to begin or participate in the complaint resolution process or to report to local law enforcement. However, based on the information gathered, the College may determine that it has a responsibility to move forward with the complaint resolution process (even without the participation of the complainant). If a complainant requests that their name or other identifiable information not be shared or that no action be taken against the respondent, the Title IX coordinator will evaluate the request based upon several factors, including:

- The seriousness of the alleged misconduct;
- The respective ages and roles of the complainant and the respondent;
- Whether there have been other Sexual Misconduct complaints about the same respondent;
- Whether the respondent has a history of arrests or records from a prior school indicating a history of Sexual Misconduct;
- Whether the respondent allegedly threatened further Sexual Misconduct or other violence against the complainant or others;

- Whether the Sexual Misconduct was committed by multiple respondents;
- Whether the Sexual Misconduct was perpetrated with a weapon;
- Whether the College possesses other means to obtain relevant evidence of the Sexual Misconduct (e.g., security footage, eyewitness, physical evidence);
- Whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group; and
- The extent of any threat to the College community.

The College will take all reasonable steps to respond to the report consistent with the request for confidentiality or request not to pursue an investigation made by the complainant, however, the scope of the response by the College may be impacted or limited based on the nature of the complainant's request. The College likely will be unable to conduct an investigation into the particular incident or to pursue disciplinary action against the respondent and also maintain confidentiality.

The College will strive to accommodate the complainant's requests for confidentiality or non-action in most cases, to the extent possible consistent with the College's legal obligations. There may be times when, in order to provide a safe, non-discriminatory environment for all students and employees, the College may not be able to honor a complainant's request for confidentiality or non-action. The presence of one or more of the factors above could lead the College to move forward with a complaint resolution process (even without the participation of the complainant). If the Title IX Coordinator determines that the College cannot maintain a complainant's confidentiality or request for no action, the Title IX Coordinator will inform the complainant prior to starting an investigation. In such cases, The Title IX Coordinator may, at the complainant's request, communicate to the respondent that the complainant asked the College not to investigate and that the College determined it needed to do so. A complainant can choose not to participate in any investigation or complaint resolution process.

In instances where the College moves forward with a complaint resolution process without the participation of the complainant, the complainant will have the same rights as provided to a complainant under this Policy, even if the individual did not sign the formal complaint.

Additional information regarding confidentiality and privacy is available in Appendix B.

VIII. Formal Complaints

A. Filing a Formal Complaint

The filing of a formal complaint typically begins the complaint resolution process under this Policy. Generally, the complainant files a formal (signed, dated) complaint with the Title IX Coordinator. However, in some cases, the College may move forward with a complaint resolution process even if the complainant chooses not to make or move forward with a formal complaint. If the College decides that it has an obligation to move forward with a complaint resolution process, the Title IX Coordinator will sign the formal complaint and the College will notify the complainant before proceeding. See Section VII.C: Requests for Confidentiality or Non-Action above for more information. The Title IX Coordinator signing the formal complaint does not make the Title IX Coordinator a party to the complaint resolution process or adverse to the respondent.

Formal complaints of Sexual Misconduct should be made through the Title IX Coordinator.

B. Consolidation of Formal Complaints

The College reserves the right to consolidate formal complaints into one complaint resolution process as to allegations of Sexual Misconduct against more than one respondent, by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

C. Investigation of Other College Policy Violations

If a formal complaint of Sexual Misconduct also implicates alleged violations of other College policies, the Title IX Coordinator, in coordination with other appropriate school officials, will evaluate the allegations to determine whether the investigation of the alleged Sexual Misconduct and the other alleged policy violations may be appropriately investigated together without unduly delaying the resolution of the Sexual Misconduct formal complaint. Where the Title IX Coordinator, in coordination with other appropriate school officials, determines that a single investigation is appropriate, the determination of responsibility for each of the alleged policy violations will be evaluated under the applicable policy. The adjudication may be conducted in accordance with this Policy or the adjudication of the other policy violation may be conducted separately from the adjudication of the alleged Sexual Misconduct.

D. Time Frames for Resolution

The College is committed to the prompt and equitable resolution of allegations of Sexual Misconduct. As is discussed in more detail above and below, different procedures apply to cases involving allegations of Title IX Sexual Harassment than to other cases of alleged Sexual Misconduct. The time frames for each phase of the different procedures are as follows:

1. Cases Involving Allegations of Title IX Sexual Harassment

Specific time frames for each phase of the complaint resolution process for formal complaints involving allegations of Title IX Sexual Harassment are set forth in Section IX: Procedures for Formal Complaints below. Each phase of the process will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days ▪
- Investigation: forty-five (45) calendar days
- Review of directly-related evidence and investigator consideration of evidence response statements: seventeen (17) calendar days
- Review of investigation report and written response: five (5) calendar days
- Live Hearing and Determination: twenty (20) calendar days
- Appeal: fifteen (15) calendar days

2. Cases Involving Other Allegations of Sexual Misconduct

Specific timeframes for each phase of the complaint resolution process for formal complaints involving allegations of any other form of Sexual Misconduct are set forth in Section IX: Procedures for Formal Complaints below. Each phase of the process will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: forty-five (45) calendar days
- Review of investigation report and written response/rebuttal, if applicable: ten (10) calendar days
- Adjudication: twenty (20) calendar days
- Appeal: fifteen (15) calendar days

In any Sexual Misconduct complaint resolution process, the process may include additional days between these phases as the College transitions from one phase to another. The parties will be notified when each listed phase begins and when it ends. If any transition period will last longer than five (5) calendar days, the parties will be notified of the delay and the reason for it.

Circumstances may arise that require the extension of time frames based on the complexity of the allegations, the number of witnesses involved, the availability of the parties involved, the availability of witnesses, the effect of a concurrent criminal investigation, unsuccessful attempts at informal resolution, any intervening school break, the need for language assistance or accommodation of disabilities, or other unforeseen circumstance.

In cases where an alleged incident has also been reported to law enforcement, the College will not delay its complaint resolution process in order to wait for the conclusion of a criminal investigation or proceeding. The College will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, the College may need to temporarily delay an investigation under this Policy while law enforcement is in the process of gathering evidence. This process typically takes seven (7) to ten (10) days. Once law enforcement has completed its gathering of evidence, the College will promptly resume and complete its investigation and resolution procedures.

To the extent additional time is needed during any of the phases of the process discussed above or further below, the College will notify all parties of the delay and the reasons for it. When a time frame for a specific phase of the process, as set forth below, is less than five (5) calendar days, the College may, in its discretion, use business days to calculate the time frame deadline. Efforts will be made to complete the process in a timely manner balancing principles of thoroughness, fundamental fairness, and promptness.

Complainants are encouraged to begin the complaint resolution process as soon as possible following an alleged Sexual Misconduct incident. There is no statute of limitation for reporting prohibited conduct to the College under this Policy; however, the College's ability to respond may diminish over time, as evidence may erode, memories may fade, and respondents may no longer be affiliated with the College. If a formal complaint is brought forward more than five (5) calendar years after an alleged incident, the College, in its discretion, may decline to process a formal complaint under these procedures, but reserves the right to take other administrative action as appropriate depending on the specific circumstances of the formal complaint, and will provide reasonably appropriate supportive measures, assist the complainant in identifying external reporting options, and take reasonable steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. If the respondent is still a member of the College

community as a student or employee, the formal complaint generally will be processed under these procedures.

E. Rights and Responsibilities

1. Equitable Rights for the Complainant and Respondent

In all Sexual Misconduct complaint resolution processes under this Policy, the complainant and respondent are entitled to:

- Be treated with respect, sensitivity, and dignity;
- Appropriate support from the College;
- Privacy to the extent possible based on applicable law and College policy;
- Information about applicable support and resources;
- Information on the Policy and processes;
 - The right to participate or decline to participate in the complaint resolution process, with the acknowledgement that not participating, either entirely or in part, may not prevent the process from proceeding with the information available;
 - To be accompanied to any complaint resolution process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The College will not limit the choice or presence of advisor for either the complainant or respondent in any meeting related to the complaint resolution process. See Section VIII.F: Advisors below for additional information and requirements regarding the conduct of advisors.
- Equitable procedures that provide both parties with a prompt and impartial complaint resolution process conducted by officials who receive annual training on conduct prohibited by the Policy;
- Notice of the allegations and defenses and an opportunity to respond;
 - Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings at which the party's participation is invited or expected, with sufficient time for the party to prepare to participate;
- Timely notice of meetings that are part of the complaint resolution process at which the complainant or respondent may be present;
- Equal opportunity to identify relevant witnesses and other evidence and to suggest possible topics to be covered with witnesses during the formal complaint resolution process;
- Be free from retaliation;
- The right to appeal the decision and/or the sanctions in certain circumstances, as discussed in Section IX.D: Appeals below;
- The right to notification, in writing, of the resolution, including the outcome of any appeal;
 - The right to the assistance of campus personnel (during and after the complaint resolution process), in cooperation with the appropriate law enforcement authorities, in shielding the complainant or respondent, at their request, from unwanted contact with the complainant or respondent, including but not limited to a College issued no-contact directive, transfer to alternative classes or to alternative College-owned housing (if alternative classes or housing are available and feasible), change in work location or schedule, or reassignment (if available and feasible); and to receive assistance with academic issues;
 - The complainant has the right to decide when to repeat a description of an incident of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, and the respondent has the right to decide when to repeat a description of a defense to such allegations;
- The right to the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a Sexual Assault incident;
- The right to the assistance of campus authorities in preserving materials relevant to a campus complaint proceeding;
 - The right to be provided access to their description of the incident, as it was reported to the College, including if

the individual transfers to another post-secondary institution, subject to compliance with FERPA, the Clery Act, Title IX, and other federal or state law. Requests for an individual's description of the incident should be made to the Title IX Coordinator.

In addition, the Title IX Coordinator will ensure both parties receive a written explanation of available resources, and are offered the opportunity to discuss those resources.

2. Additional Rights Regarding Access to Information in Certain Cases

In cases involving allegations of Title IX Sexual Harassment, the following rights will be afforded to the complainant and the respondent:

- The parties will be provided an equal opportunity to inspect and review a copy of any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, as set forth in Section IX.E.2: Access to Information below.

- The parties will be provided a copy of the investigation report for their review and written response, as set forth in Section IX.E.2: Access to Information below.

- The complaint resolution process will include a live hearing, at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions, as set forth in Section IX.E.3.a: Live Hearing below.

In cases involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, *occurring outside* of the education program or activity or against a person *outside* of the United States, the following rights will be afforded to the complainant and the respondent:

- The complainant and respondent have the right to timely and equal access to information that will be used during informal and formal disciplinary meetings during the adjudication phase of the complaint resolution process, as set forth in Section IX.E.2: Access to Information below.

3. Additional Rights of a Complainant in Cases Involving Allegations of Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking

A complainant who alleges (i) Title IX Sexual Harassment or (ii) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, has the following rights:

- To be informed by the College of options to notify proper law enforcement authorities of a Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident, and the right to report to law enforcement at any time or to decline to notify such authorities;
- Not to be questioned or have evidence considered regarding the complainant's prior sexual conduct with anyone other than the respondent, unless such questions or evidence are to prove that someone other than the respondent committed the alleged Sexual Misconduct;
 - Not to be treated by campus authorities in a manner that suggests that they are at fault for the Sexual Misconduct or that they should have acted in a different manner to avoid the Sexual Misconduct;
- To the complete and prompt assistance of campus authorities, at the complainant's request, in notifying the appropriate law enforcement officials and College officials of a Sexual Assault Dating Violence, Domestic Violence, or Stalking incident and filing criminal charges with local law enforcement officials in Sexual Assault, Dating Violence, Domestic Violence, or Stalking cases;
- To be offered fair and respectful health care, counseling services, or referrals to such services and notice of the availability of campus or local programs providing Sexual Assault advocacy, Dating Violence, Domestic Violence, or Stalking services;
- To be offered assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety.
- For students who choose to transfer to another post-secondary institution, at the student's request, the right to receive information about resources for victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking at the institution to which the victim is transferring.

4. Right to Presumption of Non-Responsibility

The presumption is that the respondent is not responsible for a Policy violation. The respondent is presumed not responsible until a determination regarding responsibility is made at the conclusion of the complaint resolution process. The respondent will be deemed responsible for a Policy violation only if the appointed Title IX Hearing Panel/adjudicators conclude that there is sufficient evidence, by a “preponderance of evidence,” to support a finding that the respondent is more likely than not engaged in Sexual Misconduct.

5. Rights Regarding Non-Participation and Silence

Either party may decline, at any time, to provide information or participate further in the complaint resolution process. If, at any time during the complaint resolution process, a party decides not to participate, the College may still proceed with the complaint resolution process. If at any time the complainant declines to participate in the process, the College’s ability to meaningfully investigate and adjudicate a formal complaint may be limited. In such cases, the College will proceed with the complaint resolution process, if possible to do so without the complainant’s participation, and will make a determination based upon the information available. The respondent also has the right to decline to participate in the complaint resolution process. In such cases, the College will proceed with the complaint resolution process and will make a determination based upon the information available. A respondent’s silence in response to a complainant’s allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant’s allegations undisputed. Similarly, a complainant’s silence in response to a respondent’s denials or defenses will not necessarily be viewed as an admission of the denials or defenses, but may leave the respondent’s denials or defenses undisputed. Even if a party decides not to participate or chooses to stop participating at a phase of the process, the party will still be given the option to participate during additional phases of the process.

In cases involving allegations of Title IX Sexual Harassment, if a party is not willing to answer all relevant questions from the other party’s advisor, the Title IX Hearing Panel will not be able rely on any statement of that party in reaching a determination regarding responsibility. The Title IX Hearing Panel, however, will not draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross-examination or other questions. For more information, see Section IX.E.3.a: Live Hearings below.

6. Right to Report Concerns of Conflict of Interest or Bias

If a complainant or respondent has any concern that any individual acting for the College under this Policy has a conflict of interest or bias, for or against complainants or respondents generally or for or against the individual complainant or respondent, such concern should be reported in writing to the Title IX Coordinator. Any concern regarding a conflict of interest or bias must be submitted within two (2) calendar days after receiving notice of the person’s involvement in the process. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest or bias exist on the part of anyone investigating or adjudicating a formal complaint under this Policy.

If a complainant or respondent has any concern that the Title IX Coordinator has a conflict of interest or bias, such concern should be reported in writing to the College’s President. If the Title IX Coordinator has a conflict of interest with respect to a formal complaint, the President will appoint another person to oversee adherence to the Sexual Misconduct Policy with respect to the formal complaint at issue.

The parties should be mindful that the College has a small and close-knit campus community. That a party simply knows an individual acting for the College under this Policy or has had some limited interaction with such individual generally will not be deemed a disqualifying conflict of interest or bias in most instances. However, the College encourages the parties to bring any concern of conflict of interest or bias to the Title IX Coordinator’s attention for consideration.

7. Responsibilities of Complainants, Respondents, and Others Involved in the Complaint Resolution Process

Responsibility to Act in Good Faith: Reports and formal complaints of alleged Sexual Misconduct should be made only in good faith. Formal complaints that are not made in good faith may be a form of retaliation under this Policy and/or may violate other College policies. An allegation that a person has violated the obligation to act in good faith will be handled through the procedures identified in Section X: Complaints of Related Misconduct below.

Responsibility to be Truthful: All parties and witnesses have an obligation to be truthful in this process. Engaging in dishonesty may be a form of retaliation under this Policy and/or violate other College policies. Comments or actions intended to influence other individuals to not be truthful in the complaint resolution process may also violate this Policy and/or other College policies. An allegation that a person has violated the obligation to be truthful will be handled through the procedures identified in Section X: Complaints of Related Misconduct below.

F. Advisors

The complainant and the respondent have the right to be accompanied to meetings by an advisor of their choice, who may be, but is not required to be, an attorney. Generally, the advisor selected by the complainant or respondent should be free of conflicts of interest in the complaint resolution process and, if a member of the College community, the advisor should be free of conflicts in his or her position in the community. An individual has the right to decline a request to serve as an advisor in the College’s complaint resolution process.

Guidelines for advisors are:

- The purpose of the advisor is to support an individual during the complaint resolution process. An advisor is permitted to accompany the individual to interviews or other meetings or proceedings during the complaint resolution process. In selecting an advisor, each party should consider the potential advisor's availability to attend interviews and meetings that may occur in-person. As a general matter, the College will not delay its processes to accommodate the schedules of advisors.
- Advisors may confer with their advisee, but, with the exception of live hearings for cases involving allegations of Title IX Sexual Harassment (discussed below), advisors may not actively participate in the complaint resolution process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint resolution process. The advisor may not appear in lieu of the complainant or respondent or speak on their behalf in either in-person or written communications to the College. The advisor may not communicate directly with the investigator, Title IX Hearing Panel/adjudicators, appeal officers, Title IX Coordinator, or any other school official involved in the complaint resolution process and may not interrupt or otherwise delay the complaint resolution process.
- In complaint resolution processes involving allegations of Title IX Sexual Harassment:
 - At the live hearing, advisors will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions. Additional information about an advisor's role at the live hearing is included in Section IX.E.3.a: Live Hearing below.
 - Advisors will receive a copy of all directly-related evidence and the investigation report, as set forth in Section IX.E.2: Access to Information below.
- In complaint resolution processes involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside of* the College's education program or activity or against a person *outside of* the United States:
 - Advisors may have access to information as is described further below in Section IX.E.2: Access to Information below.
- If a party selects an attorney as an advisor, the advisor's participation in the complaint resolution process is in the role of an advisor and not as an attorney representing a party. The advisor will have access to highly confidential information and is prohibited from sharing information obtained as an advisor during the complaint resolution process with anyone, including other individuals who may be part of an attorney-client relationship with the party.
- Parties must notify the Title IX Coordinator who they have selected as their advisor. The College will notify a party to a complaint resolution process if another party involved in the complaint resolution process has obtained an advisor. The notice will indicate if the other party's advisor is an attorney.
- Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of these requirements. Failure to comply with these requirements, including violations of confidentiality, or other forms of interference with the complaint resolution process by the advisor may result in disqualification of an advisor. The College reserves the right to dismiss an advisor.

G. Accommodations

Individuals who need reasonable accommodation should contact the Title IX Coordinator. The College will consider requests for reasonable accommodations submitted to the Title IX Coordinator on a case-by-case basis. Accommodations the College may provide include:

- Providing reasonable accommodations as required by law to an individual with a disability who requests an accommodation necessary to participate in the complaint resolution process.
- Providing an interpreter for individuals who are limited English-language proficient.

The Director of Disability Services may provide consultation and guidance to the Title IX Coordinator regarding reasonable accommodations.

H. Amnesty for Alcohol and Drug Violations

The College strongly encourages reporting instances of Sexual Misconduct. The College recognizes that, at times, complainants or witnesses may be hesitant to report to College officials or to participate in a complaint resolution process because they fear that they themselves may be accused of policy violations, such as relating to alcohol or drug consumption, at the time of the incident. Consequently, individuals who, in good faith, report such information to the College, respond to allegations of a violation of this Policy, or participate as a witness in an investigation into allegations of violations of this

Policy, will not be disciplined by the College for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident, except as outlined in this section. The College may still require the individual to participate in training or educational programming. The amnesty provided under this section is separate from and in addition to the amnesty provided under the College's Community of Care Provision to individuals who seek immediate medical or security assistance for students whose health and well-being may be a risk due to the overconsumption of alcohol and/or drugs. The College may still pursue disciplinary action for the alleged violation of other College policies in instances where any individual is harmed by the conduct constituting a violation of the other College policies.

I. Application of Policy

When the College receives a formal complaint of a violation of this Policy, the College generally will apply the complaint resolution procedures from the policy that is in effect at the time that the report or formal complaint is made and generally will apply the Sexual Misconduct definitions from the policy that was in effect at the time of the alleged misconduct occurred. For cases involving allegations of Title IX Sexual Harassment, the College will apply the definitions from the policy that is in effect at the time the formal complaint is made to determine what procedures apply and the definitions from the policy that was in effect at the time the alleged misconduct occurred to determine whether a policy violation occurred.

IX. Procedures for Formal Complaints

The College will use the procedures outlined below to investigate and adjudicate, in a prompt and equitable process, formal complaints of Sexual Misconduct brought to the Title IX Coordinator. Different procedures apply to the complaint resolution process depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged.

Upon receiving a formal complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process. The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information at the end of the investigation phase, the Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase.

If a formal complaint includes both an allegation of Title IX Sexual Harassment and an allegation of Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment, the College reserves the right to process the allegations in the same complaint resolution process or to separate the allegations into separate complaint resolution processes.

A. General Provisions

1. Fair and Impartial Process

The College will provide a fair and impartial complaint resolution process. A fair process is one that treats the parties equitably, provides complainant an opportunity to file a formal complaint alleging a violation of the Policy and an opportunity to present evidence of the allegations prior to a decision on responsibility, provides respondent notice of the allegations and an opportunity to respond to and present evidence related to those allegations prior to a decision on responsibility, and provides both parties an opportunity to challenge the credibility of the other party and any witnesses prior to a decision on responsibility. In cases involving allegations of Sexual Misconduct that is not Title IX Sexual Harassment, the ability to challenge credibility is accomplished through the parties' ability to suggest questions to be asked of the other party and witnesses during the investigation, through the Written Response Statements in response to the investigation report, and through the Written Rebuttal Statements in response to the other party's Written Response Statement as discussed in section E. Formal Resolution below.

2. Trained Officials

Each complaint resolution process will be conducted by individuals, including coordinators, investigators, Title IX Hearing Panel members/adjudicators, and any person who facilitates an informal resolution process, who do not have a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent. In addition, those individuals will receive annual training as required under state and federal laws. For a description of the training content, see Appendix E.

3. Reservation of Flexibility

The procedures set forth in this Policy reflect the College's desire to respond to formal complaints in good faith and in compliance with legal requirements. The College recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. The College reserves the right to modify the procedures or to take other administrative action as appropriate under the circumstances.

In instances where a formal complaint is made against an individual who is not a student or employee of the College, the College reserves discretion to use a process or procedures other than those outlined below, as appropriate under the circumstances.

B. Initial Meeting between Complainant and Title IX Coordinator

In most cases, the first step of the complaint resolution process is a meeting between the complainant and the Title IX

Coordinator. The purpose of the meeting is to allow the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report or formal complaint; it is not intended to be a full investigation interview.

As part of the initial meeting with the complainant, the Title IX Coordinator will:

1. Assess the nature and circumstances of the allegation;
2. Address immediate physical safety and emotional well-being of the complainant and the campus, in consultation with appropriate campus officials;
3. Notify the complainant of the right to contact law enforcement and seek medical treatment;
4. Notify the complainant of the importance of preservation of evidence;
5. Provide the complainant with information about on- and off-campus resources;
6. Notify the complainant of the range of supportive measures with or without filing a formal complaint; 7. Provide the complainant with an explanation of the procedural options, including how to file a formal complaint, if not already filed, and the complaint resolution process;
8. Advise the complainant of the right to have an advisor of choice;
9. Discuss the complainant's expressed preference for the manner of resolution and any barriers to proceeding; and
10. Explain the College's policy prohibiting retaliation.

All reports and formal complaints of Sexual Misconduct will be reviewed by the Title IX Coordinator to determine the risk of harm to individuals or to the campus community. Steps will be taken to address these risks in consultation with members of the College's Campus Security.

If the Title IX Coordinator determines that the report or formal complaint, even if substantiated, would not be a violation of this Policy, they may dismiss the matter or refer it to another applicable disciplinary procedure. The parties will be notified of that determination and the complainant will be informed of other procedures for resolving the formal complaint and of other resources that may be available to the complainant.

C. Notice of Allegations

When the Title IX Coordinator has received a formal complaint, the Title IX Coordinator will assess the formal complaint to determine if it states any allegations of Sexual Misconduct. If the formal complaint alleges Sexual Misconduct, the Title IX Coordinator will provide a written notice of allegations to the parties who are known. The written notice will include:

1. Notice of the College's complaint resolution process, including the informal resolution process; 2. Notice of the allegations, including the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known; 3. A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the complaint resolution process;
4. Notice that the parties have the right to an advisor of choice, who may be, but is not required to be, an attorney;
5. Notice that the parties have the right to inspect and review evidence, as applicable under this Policy; and
6. Notice of policy provisions that prohibit knowingly making false statements or knowingly submitting false information during the complaint resolution process, including Section VIII.E.7: Responsibilities of Complainants, Respondents, and Others Involved in the Complaint Resolution Process above.

If the College decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the notice will be updated to provide notice of the additional allegations to the parties whose identities are known.

In addition, upon receiving a formal complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process.

When the Title IX Coordinator has received a formal complaint of Sexual Misconduct, the Title IX Coordinator will also meet with the respondent and will:

1. Notify the respondent of the formal complaint and alleged policy violations;
2. Provide the respondent an explanation of the complaint resolution process, including the informal resolution process;
3. Notify the respondent of the importance of preservation of evidence;
4. Notify the respondent of any supportive measures that have been put in place that directly relate to the respondent (i.e., no-contact directive);
5. Notify the respondent of available supportive measures;
6. Provide the respondent with information about on- and off-campus resources;
7. Advise the respondent of the right to have an advisor of choice; and
8. Explain the College's policy prohibiting retaliation.

Meetings between the Title IX Coordinator and complainant and between the Title IX Coordinator and respondent may take place in person, via Skype, or by phone depending on the circumstances.

The stage of initial review of the formal complaint by the Title IX Coordinator and initial notice of the allegations to the parties generally will take no more than ten (10) calendar days. In some cases, more time may be required.

D. Informal Resolution

Following a formal complaint, at any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process. In cases involving allegations of Sexual Assault or more serious Sexual Misconduct, informal resolutions may not be appropriate. In addition, in cases involving allegations that an employee engaged in Title IX Sexual Harassment against a student, informal resolution is not appropriate.

If the complainant, the respondent, and the College all agree to pursue an informal resolution, the Title IX Coordinator will attempt to facilitate a resolution that is agreeable to all parties. The Title IX Coordinator will not be an advocate for either the complainant or the respondent in the informal resolution process, but rather will aid in the resolution of formal complaints in a non-adversarial manner. Under the informal process, the College will only conduct such fact-gathering as is useful to resolve the formal complaint and as is necessary to protect the interests of the parties, the College, and the College community.

The College will not require a complainant or respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. Participation in informal resolution is voluntary, and the complainant and respondent have the option to discontinue the informal process and request a formal complaint resolution process at any time prior to reaching an agreed upon resolution. In addition, the College also always has the discretion to discontinue the informal process and move forward with a formal complaint resolution process. If at any point during the informal resolution process prior to reaching an agreed upon resolution, the complainant or respondent or the College wishes to end the informal resolution process and proceed with the formal resolution process, the informal resolution process will stop and the formal resolution process outlined below will begin.

Prior to engaging in an informal resolution process, the College will provide the parties with a written notice disclosing: the allegations, the requirements of the informal resolution process, including the circumstances under which the informal resolution process precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. In addition, the College will obtain the parties' voluntary, written consent to the informal resolution process.

Informal resolution may involve the imposition of individual and community remedies designed to maximize the complainant's access to the educational and extracurricular activities of the College. Examples of potential remedies are provided in Section VII.A: Supportive Measures. The recommended resolution may also include other institutional responses, requirements, or sanctions imposed on the respondent. Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent, and the overall intent of the College to stop, remedy, and prevent policy violations.

The informal resolution process ends when a resolution has been reached or when the complainant, the respondent, or the College terminates the process. A successful informal resolution results in a binding agreement between the parties. If the parties to the formal complaint and the College agree in writing to the terms and conditions of a recommended resolution, which will include a description of the information relied upon in the informal process, within five (5) calendar days of the Title IX Coordinator presenting the recommended resolution to the parties, the case will be resolved without further process under this procedure. If all parties to the formal complaint and the College do not agree in writing to the terms and conditions of the recommended resolution within five (5) calendar days of the Title IX Coordinator presenting the recommended resolution to the parties, the formal complaint will be referred to the Formal Resolution process.

Appeals are not allowed in cases where the parties have agreed to a voluntary alternative resolution of the matter.

The informal resolution process generally will take no more than fifteen (15) calendar days. In some cases, more time may be required.

E. Formal Resolution

If the formal complaint is not processed or resolved through the Informal Resolution process discussed above, the formal complaint will be processed according to the formal resolution process outlined below.

1. Investigation

The Title IX Coordinator will appoint one or more investigators. The parties will receive written notice of the appointed investigator(s). If any party has a concern that an investigator has a conflict of interest or bias, the party should report the concern in writing to the Title IX Coordinator as indicated in Section VIII.E.6: Right to Report Concerns of Conflict of Interest or Bias above.

The investigation will be prompt and equitable, and all individuals will be treated with appropriate sensitivity and respect. The investigator will conduct the investigation in a manner appropriate to the circumstances of the case, which will typically include audio-recorded interviews with the complainant, the respondent, and any witnesses. The interviews may take place in person, via video, or by phone depending on the circumstances. The complainant and respondent will have the opportunity to advise the investigator of any witnesses they believe should be interviewed, other evidence they believe should be reviewed by the investigator, and questions they would like the investigator to consider asking the other party and any witnesses, including questions challenging credibility. The investigator, in consultation with the Title IX Coordinator, has discretion to

assess the relevancy of any proposed witnesses, evidence, and questions, and to determine which interviews to conduct, including the discretion to conduct interviews of individuals not identified by the parties. The investigator may also determine whether to ask some or all of the questions suggested by the parties. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. The complainant and respondent will be given equal opportunity to present witnesses they believe should be interviewed, and other inculpatory and exculpatory evidence, as part of the investigation. In cases involving allegations of Title IX Sexual Harassment, any witness that a party wishes to call at a hearing must be suggested as part of the investigation process, prior to the issuing of the investigation report.

Near the end of the investigation, the parties will be informed of a close of evidence date. The parties must submit any and all evidence they would like considered as part of the investigation by the close of evidence date. After the close of evidence date, the parties will not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the investigator, in consultation with the Title IX Coordinator, determines otherwise.

At the conclusion of the investigation, the investigator generally will compile an investigation report that fairly summarizes the relevant evidence. The investigation report may consist of any information, documents, data, or other evidence that will be provided to the Title IX Hearing Panel/adjudicators. At the investigator's discretion, such information may include, as applicable: the formal complaint; the notice of allegations; any other evidence obtained during the investigation; and the investigator's report of the investigation. The investigation report will be forwarded to the Title IX Coordinator who will review the investigation report and has the discretion to ask the investigator for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report.

The time frame for this phase of the process (from the date the investigator is appointed to Title IX Coordinator review) is typically up to 45 calendar days; however, in some cases more time may be needed. In cases involving allegations of Title IX Sexual Harassment, the College will strive to complete the initial investigation in this 45-day time frame, but the final investigation report will not be completed until after the review of directly related evidence. See Section IX.E.2: Access to Information below for more information.

2. Access to Information

The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information, the Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase.

a. Cases Involving Allegations of Title IX Sexual Harassment

Review of Directly Related Evidence

For formal complaints involving allegations of Title IX Sexual Harassment, the parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source. The Title IX Coordinator or investigator will send such evidence to each party and each party's advisor in electronic format or hard copy. The parties will have a ten (10) calendar day period to review the evidence and prepare a written response to the evidence (the "Evidence Response Statement"). Each party's Evidence Response Statement may not exceed 2,000 words in length. The Evidence Response Statement must be submitted to the Title IX Coordinator within the ten (10) calendar day period described above. The Evidence Response Statement may be used as an opportunity to clarify information contained in the directly related evidence, to present the party's viewpoint about whether the evidence directly related to the allegations is relevant and therefore whether it should be included in the investigation report, and to identify evidence previously provided to the investigator that was not included in the directly related evidence which the party believes is directly related and relevant. While the parties may be assisted by their advisors in preparation of the Evidence Response Statement, the Evidence Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Evidence Response Statement.

The parties and parties' advisors may use the evidence reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the evidence with any other individual. Prior to being provided the evidence obtained as part of the investigation that is directly related to the allegations, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the parties' Evidence Response Statements and may remove or redact any portions of the parties' Evidence Response Statements that exceed the word limit of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent or information subject to a legal privilege without a waiver).

The investigator will consider the parties' Evidence Response Statements prior to completion of the investigation report.

All the evidence made available for the parties' review will be available during the hearing.

For formal complaints involving allegations of Title IX Sexual Harassment, the Title IX Coordinator or investigator will send the investigation report to each party and each party's advisor in electronic format or hard copy at least ten (10) days prior to the live hearing. The parties will have a five (5) calendar day period to review the investigation report and prepare a written response to the report (the "Written Response Statement"). Each party's Written Response Statement may not exceed 2,000 words in length. The Written Response Statement must be submitted to the Title IX Coordinator within the five (5) calendar day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report or identify information previously given to the investigator(s) that is not included in the investigation report which the party believes should have been included, or raise other concerns regarding the evidence. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

The parties and parties' advisors may use the investigation report only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the investigation report with any other individual. Prior to being provided the investigation report, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the parties' Written Response Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' Written Response Statements that exceed the word limits of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

b. Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking *Occurring Outside of* The Education Program or Activity or Against a Person *Outside of* the United States

For formal complaints involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, *occurring outside of* the education program or activity or against a person *outside of* the United States, the investigation report will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a five (5) calendar day period for the complainant and respondent to have access to review the investigation report and prepare a response to the investigation report, as discussed below. The parties' access to the investigation report generally will be provided during normal business hours in a designated on-campus location. The investigation report cannot be removed from that location, nor can duplications be made or pictures taken of the report. The investigation report may be made available to the parties electronically depending on the circumstances.

Both parties will have the opportunity to provide a written response to the investigation report (the "Written Response Statement"). To do so, the party must submit a Written Response Statement, which may not exceed 4,500 words in length, to the Title IX Coordinator. The Written Response Statement must be submitted by the conclusion of the 5-day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify information previously given to the investigator that is not included in the investigation report which the party believes should have been included, identify questions a party believes the other party has not yet answered or evidence the other party has not explained, raise other concerns regarding the evidence, and to challenge the credibility of the other party and witnesses. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

The parties will have an opportunity to review the Written Response Statement submitted by the other party and, if desired, may submit a rebuttal statement ("Written Rebuttal Statement") not to exceed 2,500 words. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the other party's Written Response Statement and submit a Written Rebuttal Statement. The parties' access to the Written Response Statement generally will be provided during normal business hours in a designated on-campus location. The Written Response Statement cannot be removed from that location, nor can duplications be made or pictures taken of the contents. The Written Rebuttal Statement may only be used to respond to arguments made or concerns raised in the other party's Written Response Statement and to challenge the credibility of the other party and any witnesses. While the parties may be assisted by their advisors in preparation of the Written Rebuttal Statement, the Written Rebuttal Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Rebuttal Statement.

The parties will have an opportunity to review the Written Rebuttal Statement submitted by the other party. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the other party's Written Rebuttal Statement. The parties' access to the Written Rebuttal Statement generally will be provided during normal business hours in a designated on-campus location. The Written Rebuttal Statement cannot be removed from that

location, nor can duplications be made or pictures taken of the contents. While the parties have the opportunity to review the rebuttal statement of the other party, no further responses are permitted by either party.

The parties and parties' advisors may use the investigation report and written statements of the other party reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the report and written statements with any other individual. Prior to being provided the report and written statements, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the Written Response Statement and Written Rebuttal Statement. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator for clarification, additional investigation, and/or to have information removed or redacted from the investigation report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' written statements that exceed the word limits of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

3. Adjudication

Upon completion of the investigation, the Title IX Coordinator will compile the adjudication file, which will be shared with the Title IX Hearing Panel/adjudicators. In cases involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Domestic Violence, Dating Violence, or Stalking occurring outside of the College's education program or activity or against a person outside of the United States, the parties will be given access to any information that is included in the adjudication file to the extent that it includes additional information that the parties did not review as part of the Access to Information step discussed above in Section IX.E.2: Access to Information.

a. Cases Involving Allegations of Title IX Sexual Harassment

Upon completion of the investigation in cases involving allegations of Title IX Sexual Harassment, the matter will be submitted to a Title IX Hearing Panel to hold a live hearing and to make a determination regarding responsibility and, if appropriate, sanctions.

The Title IX Hearing Panel will conduct a prompt and equitable live hearing and adjudication.

Appointment of the Title IX Hearing Panel

The Title IX Coordinator will designate a panel of three adjudicators to serve as the Title IX Hearing Panel. Generally, the Title IX Hearing Panel will be chosen from a pool of trained community members. The College reserves the right to appoint any trained individuals who are without conflict or bias to the Title IX Hearing Panel. The Title IX Hearing Panel will not include the Title IX Coordinator or the investigator from the same matter. If any party has a concern that a member of the Title IX Hearing Panel has a conflict of interest or bias, the party should report the concern in writing as indicated in Section VIII.E.6: Right to Report Concerns of Conflict of Interest or Bias above.

Live Hearings

At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such questions will be conducted directly, orally, and in real time by the party's advisor and will never be conducted by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question at the hearing, the Title IX Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant in the formal complaint, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party is not willing to answer any relevant question from the other party's advisor, or a witness is not willing to answer any relevant question from either advisor, the Title IX Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Title IX Hearing Panel, however, will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

All evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available at the hearing.

The hearing will generally be held by video-conference with the parties, witnesses, and Title IX Hearing Panel located in separate locations and technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or the witness answering questions. The College reserves the right to determine that a hearing will instead be conducted with all participants, including the parties, witnesses, and the Title IX Hearing Panel physically present in the same location. In the event that the live hearing is held with the participants in the same location, at the request of either party, the College will

provide for the parties to be located in separate rooms with technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or witness answering questions.

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

College Appointed Advisors

If a party does not have an advisor present at the live hearing, the College will provide an advisor to the party, without fee or charge to that party, to conduct cross-examination on behalf of that party. If a party will not have an advisor present at the hearing, the party must inform the Title IX Coordinator at least three (3) calendar days prior to the live hearing so that the College may appoint an advisor for the hearing. The appointed advisor's role will be limited to relaying the party's questions to be asked of other parties and witnesses. The appointed advisor shall not perform any function beyond relaying the party's desired questions. The College reserves the right to appoint any individual as the College determines appropriate to act as an advisor at a live hearing. The College's appointment of an advisor is final and a party who refuses to work with an appointed advisor at the live hearing will forfeit their right to conduct cross-examination or other questioning at the hearing.

Live Hearing Procedures

Additional information about live hearings is available upon request to the Title IX Coordinator.

Decision-Making Process

The presumption is that the respondent is not responsible for a Policy violation. The respondent will be determined responsible for a Policy violation only if the Title IX Hearing Panel concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent engaged in Sexual Misconduct. If the Title IX Hearing Panel determines that the respondent is responsible for a Policy violation, the Title IX Hearing Panel will then determine what sanctions and remedies are warranted.

As discussed above, if a party or witness does not submit to cross-examination at the live hearing, the Title IX Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Title IX Hearing Panel, however, will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

When a respondent is found not responsible for a Policy violation, but nevertheless is found to have engaged in inappropriate conduct—for example, inappropriate remarks that do not rise to the level of a violation of this Policy—the College may, in its discretion, require the respondent to receive appropriate education and/or training. The College may also recommend counseling or other support services for the respondent.

b. Cases Involving Allegations of Other Sexual Misconduct

Upon completion of an investigation in matters involving allegations of Sexual Misconduct that are not Title IX Sexual Harassment, the Title IX Coordinator will appoint appropriate adjudicators. Typically, a panel of two adjudicators will be appointed to each case. However, the College reserves the right to appoint additional adjudicators to assist in making a determination in any given case. In addition, in any complaint resolution process, the assigned adjudicators may request to have a third adjudicator appointed to the case at any point during the adjudication prior to the issuance of the written notice of determination. Generally, the adjudicators will be chosen from a pool of trained community members. The College reserves the right to appoint any trained adjudicators who are free from conflict of interest or bias. If any party has a concern that the adjudicators have a conflict of interest or bias, the party should report the concern in writing as indicated in Section VIII.E.6: Right to Report Concerns of Conflict of Interest or Bias above.

The adjudicators will review the adjudication file. The adjudicators may, in their discretion, seek additional information from the investigator, the parties, or another individual, or request additional investigation by the investigator. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that occurred outside of the education program or activity or against a person outside of the United States), if such information is shared with the adjudicators, the parties will be notified and provided access to that information.

The respondent is presumed to be not responsible for a Policy violation. The adjudicators will use a preponderance of the evidence standard to determine whether there is sufficient evidence to conclude it is more likely than not that the respondent violated the Policy. If the adjudicators determine that the respondent is responsible for a Policy violation, they will then impose remedies and/or sanctions as necessary to end the misconduct, prevent its recurrence, and address its effects.

As part of that determination of sanctions and remedies, the Title IX Coordinator may, in their discretion, provide the adjudicators with information regarding previous violations of the Sexual Misconduct Policy or other College policies by the respondent, if any. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that occurred outside of the education program or activity or against a person outside of the United States), if such information is shared with the adjudicators, the parties will be notified and provided access to that information.

When a respondent is found not responsible for a Policy violation, but nevertheless is found to have engaged in inappropriate

conduct – for example, inappropriate remarks that do not rise to the level of a violation of this Policy – the College may, in its discretion, require the respondent to receive appropriate education and/or training. The College may also recommend counseling or other support services for the respondent.

4. Sanctions and Remedies

The Title IX Hearing Panel/adjudicators will impose sanctions and/or remedies as necessary to end the misconduct, prevent its recurrence, and address its effects. The College reserves the right to take whatever measures determined necessary in response to an allegation of Sexual Misconduct in order to protect the rights and personal safety of the College community. Not all forms of Sexual Misconduct are considered equally serious offenses and, as a result, different remedies or sanctions may be imposed depending on the severity of the offense and any previous conduct violations.

Individuals who are found responsible under this Policy may face sanctions as appropriate for students, employees, visitors, or others, including, but not limited to the following sanctions. Each of these sanctions and other sanctions may be imposed alone or in combination for a respondent found responsible for Sexual Misconduct:

- Assigned disciplinary status:
 - Warning;
 - Probation;
 - Suspension ranging from one day to five years; or
 - Expulsion;
- Temporary or permanent withholding of transcripts or degree;
- Revocation of admission to the College or of a job offer;
- Temporary or permanent restricted access to areas of campus and campus events;
- Temporary or permanent restricted access to or participation in activities, organizations or courses; ▪
- Temporary or permanent removal from class or residential assignment;
- Conditions for presence on campus or at College events;
- No-trespass or no-contact directives;
- Required attendance at educational trainings or meetings;
- Change in living assignment;
- Drug and/or alcohol testing;
- Eviction;
- Behavioral contracts;
- Required assessment or counseling;
- Community service hours;
- Loss of salary or benefit such as sabbatical or research or travel funding, removal or non-renewal of scholarships or honors;
- Suspension of employment from one day to five years;
- Suspension of promotion or salary increase increments;
- Transfer or change of job or responsibilities, revocation of tenure, demotion, or termination of employment; ▪
- Ineligibility for or restrictions on rehire or readmission;
- Payment of restitution or costs incurred.

For any suspension or other temporary restriction, reinstatement may be conditioned upon behavioral contracts, required attendance at educational programs, required assessment, education, or counseling, demonstrated rehabilitation, conditions upon the individual's presence on campus or at College events, and/or any other disciplinary accountability measures outlined by the Student, Employee, or Faculty Handbooks.

Violations of imposed sanctions should be immediately reported to the Title IX Coordinator.

When an investigation reveals that a campus organization (such as a student club, athletic team, campus academic department, or staff/faculty committee) has committed or promoted behavior involving Sexual Misconduct, the organization may be sanctioned. Sanctions to the organization may include, but are not limited to, loss of College privileges (including, but not limited to, prohibition on the organization's participation in certain activities and the use of College facilities), educational requirements for organization members, required additional oversight of organization activities, temporary loss of funding and/or loss of recognition by the College, and permanent loss of organization recognition, in addition to individual members of the organization who are determined responsible for a Policy violation being subject to the sanctions listed above. All campus organizations/departments are responsible for the actions of its members when they are operating on behalf of the organization/department.

Remedies for the complainant are designed to restore or preserve equal access to the College's education program or activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. Remedies for the complainant include implementing or extending all or some of the following actions, without limitation:

- A mutual or one-sided no-contact directive;
- Prohibiting an individual involved from being on College property;
- Prohibiting an individual involved from participating in College-sponsored events;
- Changing an individual's on-campus residency, dining, or transportation arrangements, or prohibiting an individual from residing in a College residence;
- Special parking arrangements;
- Assistance in finding alternative housing, including reassignment to a different residence hall or room;
- Changing an individual's student or employee status or job responsibilities;
- Changing an individual's work or class schedule, including transferring to a different section of a course;
- Providing academic accommodations or providing assistance with academic issues, including permission to withdraw from a course without penalty;
- Providing security escorts;
- Access to counseling and medical services;
- Making information about orders for protection, harassment restraining orders, and criminal no-contact orders available to a complainant; and/or
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.
- Remedies designed to address the Macalester community include:
 - Increased monitoring, supervision, and/or security at locations or in connection with activities where the prohibited conduct occurred or is likely to reoccur;
 - Targeted or broad-based educational programming or training for relevant persons or groups.

In addition, the College may recommend education, training, counseling, or other support services for those involved in the complaint resolution process, including complainants and witnesses, in some instances—for example, when individuals have engaged in high-risk use of alcohol or drugs.

The Title IX Coordinator is responsible for effective implementation of any remedies.

5. Notice of Determination

The complainant and respondent will be simultaneously informed in writing of the determination of any formal complaint resolution process.

Prior to being provided the notice of determination, the parties and parties' advisors will be required to sign a non-disclosure agreement. The parties and parties' advisors are prohibited from disseminating or otherwise sharing the notice of determination with any other individual, except as permitted in the non-disclosure agreement.

For formal complaints involving (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside of* an education program or activity or against a person *outside* the United States, the written notice will include the allegations potentially constituting Sexual Misconduct, a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held), findings of fact supporting the determination, conclusions regarding the application of the College's Policy to the facts, the determination regarding responsibility as to each allegation, any imposition of sanctions, whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant, and the rationales for the determination and sanctions (including how the evidence was weighed, how the information supports the result, and the standard of evidence applied). The written notice will also include information about the procedures and permissible bases for appeal, as set forth

below, and when the result becomes final. In addition, the written notice will include any other steps the College has taken to eliminate the conduct and prevent its recurrence.

For all other formal complaints of Sexual Misconduct, the written notice will include the determination of the adjudicators.

The College will seek to complete the adjudication process and provide the written notice of determination within twenty (20) calendar days of the hearing or, when no hearing is held, within twenty (20) calendar days of the adjudicators receiving the adjudication file; however, in some cases, more time may be required.

The determination of the adjudicators may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final and the sanctions, if any, will be effective.

6. Dismissal of Formal Complaint Prior to Adjudication

If the allegations in a formal complaint are initially included in the notice of allegations as allegations of Title IX Sexual Harassment, but facts are gathered during the course of the complaint resolution process that indicate that the alleged conduct does not meet the definition of Title IX Sexual Harassment, the College will dismiss the formal complaint as to those allegations. Even if a formal complaint or any allegations of Title IX Sexual Harassment are dismissed, the College reserves the right to move forward with a complaint resolution process using the other Sexual Misconduct definitions and the other procedures in this Policy, as applicable.

In cases involving allegations of any Sexual Misconduct, the College may, at its discretion, dismiss the case prior to adjudication in certain circumstances. Circumstances that may lead to dismissal prior to adjudication, include, but are not limited to: the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, the respondent is no longer enrolled or employed by the College, or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If the College dismisses a formal complaint, the College will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. A dismissal of a formal complaint may be appealed as provided below.

D. Appeals

Either the complainant or respondent may appeal a decision to dismiss a formal complaint or any allegations therein, as discussed above in Section IX.E.6: Dismissal of Formal Complaint Prior to Adjudication. The parties may also appeal the Title IX Hearing Panel's/adjudicators' decision regarding responsibility.

Grounds for appeals are as follows:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or Hearing Panel/adjudicator(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- The decision violated academic freedom; and
- The sanction or remedy by Macalester under the formal resolution process was unreasonably severe or inadequate.

1. Submitting an Appeal

Either party may request an appeal by submitting a Written Appeal Statement, not to exceed 2,000 words, challenging the outcome of the complaint resolution process. The Written Appeal Statement must explain which of the grounds above the party is citing for the appeal. A Written Appeal Statement must be submitted to the Title IX Coordinator within five (5) calendar days following the date that the Notice of Determination was received by the complainant and the respondent. While the parties may be assisted by their advisors in preparation of the Written Appeal Statement, the Written Appeal Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

The Title IX Coordinator will review the Written Appeal Statement to determine whether the appeal states a permissible ground for appeal (as set forth above), such that the appeal will be considered. The Title IX Coordinator may remove or redact any portions of the Written Appeal Statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution proceeding (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

If the Title IX Coordinator determines that the appeal states a permissible ground for appeal, the non-appealing party will be

notified of the appeal and provided an opportunity to review the Written Appeal Statement and submit a Written Appeal Response Statement in support of the outcome. Any Written Appeal Response Statement from the non-appealing party in support of the outcome must not exceed 2,000 words and must be submitted to the Title IX Coordinator within two (2) calendar days of receiving notice of the appeal. While the party may be assisted by their advisors in preparation of the Written Appeal Response Statement, the Written Appeal Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The Title IX Coordinator will review the Written Appeal Response Statement and may remove or redact any portions of the Written Appeal Response Statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution proceeding (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

The Title IX Coordinator generally will compile an appeal file, which may consist of any information, documents, or other evidence that is provided to the appeal officer. Such information may include the Written Appeal Statement, the Written Appeal Response Statement, the Notice of Determination, the adjudication file in its entirety or in part, any previously undiscovered evidence (if discovery of new evidence is a ground for the appeal), and any other information determined to be necessary for the appeal officer's decision, at the Title IX Coordinator's discretion.

For formal complaints involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the appeal file will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the appeal file and such access generally will be provided during normal business hours in a designated on-campus location. The appeal file cannot be removed from that location, nor can copies be made or pictures taken of the contents.

In cases where the appeal file is made available for review as discussed above, the parties and parties' advisors may use the appeal file reviewed at this step and any additional information reviewed during the consideration of the appeal (see below), only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the appeal file or additional information with any other individual. Prior to being provided access to the appeal file or any additional information, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

2. Consideration of Appeal

Appeals will be considered by an appeal officer appointed by the Title IX Coordinator. Generally, the appeal officer will be as follows: When the respondent is a student, the appeal officer is the Vice President for Student Affairs or designee; when the respondent is a faculty member, the appeal officer is the Provost and Dean of the Faculty or the designee; when the respondent is a member of the staff, the appeal officer is the Director of Employment Services or the designee; and when the respondent is the President of the College, the appeal officer is the Chair of the Board of Trustees or designee. If the appropriate appeal officer is not able to consider the appeal for any reason, the Title IX Coordinator will assign an alternative appeal officer as designee in their place. The College reserves the right to appoint any trained appeal officer, regardless of whether the respondent is a student, faculty member, or staff member. The appeal officer(s) will not be one of the Title IX Hearing Panel members/adjudicators, the investigator, or the Title IX Coordinator on the same matter. The parties will receive written notice of the appointed appeal officer. If any party has a concern that the appeal officer has a conflict of interest, the party should report the concern in writing to the Title IX Coordinator as indicated in Section VIII.E.6: Right to Report Concerns of Conflict of Interest or Bias above.

The appeal officer will review the appeal file and consider whether it is more likely than not that the above-listed grounds for appeal have been satisfied. The appeal officer may choose to seek additional information from the parties and consider other additional information, in the appeal officer's sole discretion. For cases of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, if the appeal officer receives any additional information, the parties will have an opportunity to review the additional information.

If the appeal officer determines that there is sufficient evidence to conclude that it is more likely than not that one of the above grounds for appeal is satisfied, they will generally remand the matter for further investigation, deliberations by the Title IX Hearing Panel/adjudicators, and/or an additional live hearing, as determined by the appeal officer. If remanded, the appeal officer, in consultation with the Title IX Coordinator, will determine whether the matter should be returned to the previous Title IX Hearing Panel/adjudicators or whether new Title IX Hearing Panel/adjudicators should review the matter, and, if the reasons for remand relate to the investigation or warrant additional investigation, whether the matter should be remanded to the previous investigator or whether a new investigator should be appointed. If the appeal officer grants an appeal finding the imposed sanction to be [unreasonably] severe or inadequate, the appeal officer has the discretion to modify the sanctions determination or to remand the matter to Title IX Hearing Panel/adjudicators for a new sanctions determination. If the appeal officer modifies the sanctions determination, the appeal officer's sanctions decision will be subject to an appeal.

The appeal officer may not change the adjudicators' determination of whether the respondent was responsible or not responsible for a Policy violation. Only the Title IX Hearing Panel/adjudicators reviewing the matter on remand from an

appeal may change the determination of the original Title IX Hearing Panel/adjudicators of whether the respondent was responsible or not responsible for a possible violation. Upon return, the investigator and/or Title IX Hearing Panel/adjudicators will utilize the same process as required for all complaint processes under this Policy. If the matter is remanded, the determination made on remand will be appealable under the procedures discussed in this Section.

If the appeal officer determines that there is insufficient evidence to conclude that it is more likely than not that one or more grounds for appeal have been satisfied, the appeal officer will dismiss the appeal. This dismissal decision is final and is not appealable. If the appeal officer dismisses the appeal, the sanctions will be effective on the date the appeal officer's decision is provided to the parties.

The appeal officer will simultaneously issue to the parties a written decision describing the result of the appeal and the appeal officer's rationale for the result. The College seeks to complete the appeal process within fifteen (15) calendar days following the appeal officer's receipt of the appeal file from the Title IX Coordinator; however, in some cases, more time may be required.

X. Complaints of Related Misconduct

Any complaint relating to retaliation or interference with process in violation of this Policy, violation of the obligation to act in good faith, the obligation to be truthful, supportive measures, sanctions, or a nondisclosure agreement, or violation of the College's consensual relationship policy should be reported promptly to the Title IX Coordinator. The College will provide a prompt and equitable process for the resolution of complaints alleging retaliation or interference with process, violation of the obligation to act in good faith, the obligation to be truthful, supportive measures, sanctions, or a nondisclosure agreement, or violation of the College's consensual relationship policy.

When the College receives a complaint of retaliation or interference with process, violation of the obligation to act in good faith, the obligation to be truthful, supportive measures, sanctions, or a nondisclosure agreement, or violation of the College's consensual relationship policy, the Title IX Coordinator may exercise discretion to determine an appropriate responsive process based on the facts and circumstances. At the Title IX Coordinator's discretion, options for resolution include, but are not limited to, informal discussions and resolution facilitated by the Title IX Coordinator, investigation and/or determination by the Title IX Coordinator, or assignment of a designated individual to investigate the complaint and/or determine an appropriate response. This process will be separate and distinct from Section IX: Procedures for Formal Complaints outlined above for addressing Sexual Misconduct complaints. The Title IX Coordinator will document the complaint received, the process used, and the outcome. In instances where the outcome of the process results in a suspension longer than one year, expulsion, or termination of employment, the impacted individual may appeal the decision in accordance with the appeal rights as set forth in this Policy. The College will notify the parties of the outcome of the complaint.

XI. Records

The Title IX Coordinator is responsible for maintaining the official College records of Sexual Misconduct reports and formal complaints. When a formal complaint is pending, each official having a role in the response and resolution process is responsible for handling records appropriate to their role. When the process is complete, the official records relating to the formal complaint will be provided to the Title IX Coordinator, who will maintain such records in accordance with the College's record retention requirements and applicable law. Records related to Sexual Misconduct reports and formal complaints will be treated as confidential and shared only on a need-to-know basis, as required by law, or to conduct a complaint resolution process.

XII. Effective Date and Responsible Official

This Policy is effective August 14, 2020. This Policy amended and supersedes previous policies in the Student Handbook, Faculty Handbook, and Employee Handbook.

This Policy is distributed annually to all students and employees of the College and is posted in the following locations:

- Office of Student Affairs, Weyerhaeuser Hall, Rm. 119
- Information Desk, Ruth Stricker-Dayton Campus Center
- Online at <https://www.macalester.edu/title-ix/sexualmisconductpolicy/>

This Policy also will be provided by the College to any student, employee, or other individual who reports to the College that they have been a victim of Sexual Misconduct.

Responsible Official: Title IX Coordinator and Nondiscrimination Officer

Appendix A: Resources

The College will support any person adversely impacted by Sexual Misconduct. Both the College and the Twin Cities

community provide a variety of resources to assist and support individuals who have experienced Sexual Misconduct or are affected by allegations of Sexual Misconduct. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to report to the College or to law enforcement.

Support services that may be available include, but are not limited to, connecting the individual with appropriate, fair, and respectful on-campus and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and support services; making changes to academic, living, transportation, and/or working arrangements; assistance in filing a criminal complaint; and providing information about restraining orders and other available protections and services. To receive information about obtaining support services, individuals should contact the Title IX Coordinator or a confidential resource.

The College will provide written notification to affected individuals about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the College and in the community. The College will also provide written notification to affected individuals about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or supportive measures. In addition, when a student or employee reports to the College that they have been a victim of alleged Sexual Assault, Domestic Violence, Dating Violence, or Stalking, regardless of location, the College will provide a written explanation of available rights, options, and procedures. The College is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged incident of Sexual Misconduct. The College will provide appropriate supportive measures with or without a formal complaint, even when a complainant asks to keep a reported violation of this Policy confidential or requests that the College not investigate the matter, and regardless of whether an individual chooses to report to law enforcement.

Emergency numbers and information about health care options, as well as other resources, are listed below and on the College's website. Individuals who believe they have been subjected to any form of Sexual Misconduct are encouraged to seek support from these resources.

Immediate Assistance Following an Incident of Sexual Assault

- Get to a safe place.
- Call **911** if in immediate danger, if you are injured, or the community is in possible danger. ▪

Consider securing immediate professional support on or off campus to assist you in the crisis.

- Seek a medical evaluation for personal wellness/testing and possible evidence collection, even if you are uncertain you want to press charges or pursue legal action.
 - Take steps to preserve evidence, which may be necessary to the proof of criminal sexual violence or in obtaining a protection order. It is very important to preserve evidence. You may not know right now whether you will contact the police. But, in case you later decide to, the evidence available immediately after the assault is crucial. To preserve evidence follow these recommendations: Prior to seeking medical attention, do not shower, bathe, wash your hands, brush your teeth, use the toilet or clean up in any way. Bring another set of clothes to the hospital since clothes will be collected as part of the evidence. If you have changed clothes, bring your soiled clothing with you for evidence collection.
- Even after the immediate crisis has passed, contact confidential on-campus and/or off-campus resources—for emotional support, information, and/or advocacy.
 - Report the conduct to the Title IX Coordinator at **651-696-6258**. The Title IX Coordinator can arrange for supportive measures, including no-contact directives. The College will also assist in any needed advocacy for community members who wish to obtain harassment restraining orders or orders for protection from local authorities. Alternatively, you can contact the Court Administration Office located at the Ramsey County Courthouse to obtain harassment restraining orders and orders for protection.
 - File criminal charges with the local Police Department, if desired. Designated staff members will help the employee or student in reporting the assault to the police and/or in filing a criminal charge. Designated staff members will also accompany the complainant to the police station upon request.
- The College will assist the employee or student, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with the incident, and in preserving any materials relevant to a College disciplinary proceeding, regardless of whether the employee or student files a formal complaint with the College.

Emergency Contacts

24-Hour Emergency

Local law enforcement: **911**

24-Hour Emergency

Department of Public Safety: **(651) 696-6555**

On-Campus Places to Report Sexual Misconduct

Title IX Coordinator and Nondiscrimination Officer

titleixcoordinator@macalester.edu

Humanities room 115E

651-696-6258

Department of Public Safety:

651-696-6555

Deputy Title IX Coordinators

Angela Walker

Weyerhaeuser Hall 119

awalker4@macalester.edu

651-696-6220

Jody Gabriel

Leonard Center 90f

jgabriel@macalester.edu

651-696-6157

Ruth Janisch

Markim Hall 309

janisch@macalester.edu

651-696-6645

[Anonymous Online Report Form](#)

On-Campus Confidential Resources and Support

Macalester College Center for Religious and Spiritual Life

Multifaith chaplains

<https://www.macalester.edu/religiouslife>

651-696-6298

Macalester College Health and Wellness Center

Counselors, physicians, registered nurses or nurse practitioners, physician assistants, medical assistants

<https://www.macalester.edu/healthandwellness/>

651-696-6275

On-Campus, confidential community advocate office hours

OutFront MN

Mondays 12:30-3:30

2446 University Ave W suite 112

St Paul, MN 55114

612-822-0127

Saint Paul Intervention Project

Tuesdays 3:00-5:00pm

394 Dayton Ave

St Paul, MN 55102

651-645-2824

Ramsey County SOS

Wednesdays 1:00-4:00pm

555 Cedar St

St Paul, MN 55101

651-266-1000

Isuroon
Thursdays 2:00-5:00pm
1600 E Lake St Suite 1
Minneapolis, MN 55407
612-886-2731

On-Campus Semi-Confidential Resources and Support (no duty to report to Title IX, do not have statutory confidentiality)

Macalester College Health and Wellness Center
Executive Director, sexual Respect staff, health promotion staff, and administrative staff
<https://www.macalester.edu/healthandwellness/>
651-696-6275

Macalester Emergency Medical Services
Student EMTs – while on call Friday and Saturday nights (9pm – 2am)
651-696-6555

Off-Campus Places to Report Sexual Misconduct

Police: St. Paul, Minneapolis: **911**

Non-emergency reporting:

St. Paul Police: **651-291-1111**, Family & Sexual Violence Unit: **651-266-5685**

Ramsey County Sheriff (24 hours): **651-767-0640**

Off-Campus Confidential Resources

SOS Sexual Violence Services of Ramsey County:
24-hr Hotline: **(651) 266-1000**

Macalester Employee Assistance Program:
(877) 622-4327
www.myCigna.com Employer ID: macalester

Sexual Violence Center Minneapolis:
(612) 871-5111, 24-hour hotline; free and confidential

RAINN (Rape, Assault, and Incest National Network)
1(800)-656-HOPE, 24-hour hotline; free and confidential

Health Care Options

Sexual Assault Nurse Examiners (SANEs) available at area hospitals:

United Hospital Emergency Room, 333 N. Smith Ave., St. Paul, MN, 55102 **(651) 241-8755** (direct connection to the Emergency Room)

- Sexual Assault Care Services

Regions Hospital Emergency Center: 640 Jackson St., St. Paul, MN 55101 **(651) 254-3456**

Hennepin County Medical Center Emergency Room: 701 Park Ave, Minneapolis, MN, 55415, **612-873-3000**

- Sexual Assault Resources Service: **(612) 873-5832**

United Hospital and Regions Hospital in St. Paul and Hennepin County Medical Center (HCMC) in Minneapolis provide sexual assault care services assistance to victims of rape and sexual assault 24 hours per day. Sexual Assault Nurse Examiners (SANEs) perform a special exam and collect evidence in a “rape kit.”

In addition to answering any questions, SANEs will carry out a special exam which involves:

- Collecting and saving evidence that will be needed to report sexual assault to law enforcement. Medical evidence can be collected up to 72 hours after the assault or longer, but the sooner the better;
- Evaluating risk for pregnancy and discussing safe prevention options;
- Evaluating risk of contracting a sexually transmitted infection and offering medication to reduce that risk; ▪

Evaluating and documenting any injuries;

- Providing resources to help during your recovery. This will include advocate services, agencies for medical follow-up, information about reporting this crime to law enforcement, information about the Crime Victims Reparations Fund and many other resources.

Choosing to be seen by a SANE is about your health and safety; you have the right to decline any part of the exam at any time.

You may take a friend or victim advocate with you to the hospital. [SOS Sexual Violence Services of Ramsey County](#) is available 24 hours per day and can provide a trained advocate to accompany you to the hospital.

You do not need to decide if you want to report a sexual assault to law enforcement right away. You can discuss your options for reporting with your SANE, a sexual assault advocate, or your friends and family. If you decide to report after you leave the hospital, the evidence collected during the exam will be saved for at least 30 days. If you have already reported your assault, your SANE will make sure the correct law enforcement agency is made aware that evidence was collected.

The county in which you were assaulted is required by law to pay for your forensic exam. If you have injuries that require medical care, such as stitches or x-rays, your insurance will be billed if that is possible. Any charges beyond this will be covered by the hospital at which you were seen.

For more information about Sexual Assault Nurse Examiners, please visit the links in the list of health care options above.

Victim Services and Legal Information and Assistance

[Resource List for Victims](#)

[Domestic Abuse Service Center](#) (for victims of domestic violence and dating violence): [Hennepin County Government Center](#), Rm. #A-0650 (lower level), 300 S. 6th St., Minneapolis, MN 55487, **(612) 348-5073**

[Minnesota Office of Justice, Crime Victim Service Programs](#): Monday – Friday, 8:00 am – 4:30 pm, (651) 201-7300 or (888) 622-8799. Press ext. 1. for financial help or ext. 3 for information and referral. **(651-205-4827 TTY)**

[Ramsey County Victim/Witness Services](#), Ramsey County Attorney's Office: **(651) 266-3222**

[Hennepin County Victim Services](#), Hennepin County Attorney's Office: **(612) 348-4003**

[LawHelpMN.org](#): legal information on a variety of sexual assault issues

[Southern Minnesota Regional Legal Services](#): **1-888-575-2954** (Monday-Friday 9:00 am-11:45 am and 1:00 pm-3:00 pm), free legal assistance for qualifying clients, available services include assistance for victims of domestic violence, dating violence, sexual assault, or stalking in obtaining orders for protection and other matters

[Minnesota Coalition Against Sexual Assault](#) (MNCASA): **(651) 209-9993**, 161 St. Anthony Ave., Ste. 10001, St. Paul, MN 55103, provides sexual assault information and referral service to sexual assault programs in Minnesota

[U.S. Department of Education, Office for Civil Rights \(OCR\)](#): 400 Maryland Ave. SW, Washington, DC, 20202-1100

Customer Service Hotline: **(800) 421-3481**, TDD#: **(877) 521-2172**, OCR@ed.gov

Visa and Immigration Assistance

- International Student Programs Office: Kagin Commons, 1st Floor, **651-696-6992**, www.macalester.edu/isp
- Immigrant Law Center of Minnesota: 1-800-223-1368, 450 North Syndicate St., Suite 200, St. Paul, MN 55104, legal assistance in variety of immigration-related matters including support for survivors of sexual assault, trafficking, domestic abuse, and other crimes
- [Southern Minnesota Regional Legal Services](#): 1-888-575-2954 (Monday-Friday 9:00 am-11:45 am and 1:00 pm-3:00 pm), free legal assistance for qualifying clients, available services include immigration assistance

Student Financial Aid

Financial Aid Office: Weyerhaeuser 031, **651-696-6214**, macalester.edu/financialaid

Appendix B: Additional Information Regarding Privacy and Confidentiality

The College is committed to protecting the privacy of all individuals involved in a report of Sexual Misconduct. The College will protect a complainant's confidentiality to the extent possible, regardless of whether the complainant specifically requests confidentiality, and will keep confidential the identity of any individual who has made a report or filed a formal complaint alleging a violation of this Policy, as well as any complainant, respondent, and witness, except as permitted by law or to carry out the complaint resolution process pursuant to this Policy.

The College will strive to protect the privacy of all individuals involved to the extent possible consistent with the College's legal obligations. However, the College may be required to share information with individuals or organizations outside the

College under reporting or other obligations under federal and state law, such as reporting of Clery Act crime statistics and mandatory reporting of child abuse and neglect. In addition, if there is a criminal investigation or civil lawsuit related to the alleged misconduct, the College may be subject to a subpoena or court order requiring the College to disclose information to law enforcement and/or the parties to a lawsuit. In these cases, personally identifying information will not be reported to the extent allowed by law and, if reported, affected students will be notified consistent with the College's responsibilities under FERPA, as allowed by law. Except for the reasons described above, the allegations will not be shared with law enforcement without the consent of the individual who has alleged the Sexual Misconduct.

Confidentiality of Supportive Measures

The College will maintain as confidential any supportive measures provided to an individual, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The College will only disclose information necessary to provide the supportive measures in a timely manner to individuals who need to know the information in order to effectively provide supportive measures. The Title IX Coordinator will determine what information about an individual should be disclosed and to whom this information will be disclosed based on the facts and circumstances of the specific situation and the supportive measure to be provided. The College will inform the individual before sharing personally identifying information that the College believes is necessary to provide supportive measures. The College will tell the individual which information will be shared, with whom it will be shared, and why it will be shared.

Statistical Reporting and Clery Act Timely Warning

Under the federal Clery Act, the College has legal obligations to maintain certain records, report statistical information relating to certain criminal offenses, and to provide the College community with general information regarding incidents of sexual violence and other crimes occurring on campus. These crimes include Sexual Assault, Domestic Violence, Dating Violence, and Stalking. In addition, the College has obligations under Minnesota law to maintain certain records and report statistical information to the state of Minnesota regarding certain reports of Sexual Assault. However, publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify either party, to the extent permitted by law. As required by state and federal law, the College includes statistics about certain offenses in its annual security reports and provides those statistics to the United States Department of Education and the Minnesota Office of Higher Education in a manner that does not include any personally identifying information about individuals involved in an incident. To ensure that a complainant's personally identifying information will not be included in publicly available recordkeeping, the Title IX Coordinator and/or Director of Public Safety describe the alleged incidents by removing the complainant's and respondent's names and any other identifiers that would enable the public to identify either party in the context of the incident report. In completing this recordkeeping and statistical reporting, the College will protect a complainant's confidentiality to the extent possible even if the complainant does not specifically request confidentiality.

In addition, the Clery Act requires the College to issue a crime alert (timely warning) to the campus community about certain reported offenses which may represent a serious or continuing threat to students and employees. The timely warning may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future. The timely warning will not include any identifying information about the complainant. In issuing timely warnings, the College will protect a complainant's confidentiality to the extent possible even if the complainant does not specifically request confidentiality.

Minnesota law, Minn. Stat. 135A.15, requires institutions to collect statistics, without inclusion of any personally-identifying information, regarding the number of reports of Sexual Assault received by an institution and the number of types of resolutions. Data collected for purposes of submitting annual reports containing those statistics to the Minnesota Office of Higher Education under Minn. Stat. 135A.15 shall only be disclosed to the complainant, persons whose work assignments reasonably require access, and, at the complainant's request, police conducting a criminal investigation. Nothing in this paragraph is intended to conflict with or limits the authority of the College to comply with other applicable state or federal laws.

Appendix C: Information Regarding Restraining Orders, Orders for Protection, Domestic Abuse No-Contact Orders, and College No-Contact Directives

Individuals who would like to avoid contact with another individual have several options available to them, including seeking a harassment restraining order or protective order from a civil court, or requesting a no-contact directive from the College.

Harassment restraining orders and orders for protection are legal orders issued by a state court that forbid someone from harassing and/or making contact with another. A harassment restraining order is a civil court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. An order for protection is a civil court order that may prohibit one family or household member from committing domestic abuse against, living with, or having contact with another family or household member.

The Minnesota Judicial Branch is responsible for issuing harassment restraining orders or orders for protection, and one can

be obtained through making an application to the Ramsey County District Court. Petition forms to apply for harassment restraining orders or to seek an order for protection are available at the Court Administration Office located at the Ramsey County Courthouse or online from the [Minnesota Judicial Branch website](#). Forms must be submitted to the Court Administrator at the Ramsey County Government Center during business hours. Individuals seeking a harassment restraining order or an order for protection may obtain assistance from the Ramsey County Domestic Abuse/Harassment Office, located at the Juvenile and Family Justice Center, 25 W. 7th St. #B122m St. Paul, MN 55102 at 651-266-5130. Individuals seeking a harassment restraining order or an order for protection may seek assistance over the phone with the MN Courts Self-Help Center at (651) 435-6535.

Domestic abuse no-contact orders are legal orders issued by a court against a defendant in a criminal proceeding for domestic abuse, harassment or stalking of a family or household member, violation of an order for protection, or violation of a prior no-contact order. A domestic abuse no-contact order may be issued before the end of the criminal case or following a conviction.

A **no-contact directive** is a College-issued directive that prohibits one or both parties from communication or contact with another. No-contact directives may be mutual or one-sided. Generally, no-contact directives issued prior to the conclusion of a complaint resolution process will be mutual and serve as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another. To request a no-contact directive from the College, individuals should contact the Title IX Coordinator.

The College is responsible for honoring requests for information about available options for orders for protection, restraining orders, and no-contact directives and has a responsibility to comply with and enforce such orders. To request additional information about available options for orders for protection, restraining orders, and no-contact directives, contact the Title IX Coordinator. An order for protection, harassment restraining order, and/or a domestic abuse no-contact order can be enforced by contacting local law enforcement. A College no-contact directive may be enforced by contacting the Department of Public Safety or Title IX Coordinator. The College will fully cooperate with any harassment restraining order and/or order for protection issued by criminal, civil, or tribal court.

Appendix D: Minnesota Criminal Law Definitions and Crime Victim Bill of Rights

Some of the conduct prohibited by this Policy may be crimes. Links to relevant Minnesota criminal law definitions are provided below. The Minnesota criminal law citations are provided for informational purposes only. The definitions set forth in Section IV: Prohibited Conduct above will be used for all purposes under this Policy.

Sexual Assault:

See [Minnesota Statutes Section 609.341](#) et seq. for applicable criminal law definitions relating to sexual assault. Minnesota law prohibits criminal sexual conduct in the first through fifth degrees as set forth in Minnesota Statutes Sections 609.342-609.3451; criminal sexual conduct includes non-consensual sexual contact and non-consensual sexual penetration as those terms are defined in Minnesota Statutes Section 609.341.

Dating Violence:

See Minnesota Statutes Sections 518B.01; [609.2242](#) for applicable criminal law definitions relating to dating violence. Minnesota law does not specifically define dating violence; however, Minnesota law prohibiting domestic abuse includes physical harm, bodily injury, or assault committed between persons involved in a significant romantic or sexual relationship.

Domestic Violence:

See Minnesota Statutes Sections 518B.01; [609.2242](#) for applicable criminal law definitions relating to domestic violence. Minnesota law prohibits domestic abuse committed against a family or household member by a family or household member, as those terms are defined in Minnesota Statutes Section 518B.01.

Stalking:

See [Minnesota Statutes Section 609.749](#) for applicable criminal law definitions relating to stalking. Minnesota law prohibits stalking as defined in Minnesota Statutes Section 609.749.

Crime Victim Bill of Rights

When a crime is reported to law enforcement, victims have certain rights as the case moves through the criminal justice system. These rights include the right to be notified of certain court and correctional events, the right to participate in prosecution, the right to protection from harm, and the right to apply for financial assistance. A summary of these rights is provided below.

- When a crime is reported to law enforcement:
- Victims have the right to:
- Ask the law enforcement agency to keep your identity private in reports available to the public.

- Be notified of certain crime victim rights and information on the nearest crime victim assistance program or resource.
- Apply for reparations (financial compensation) for non-property losses related to a violent crime.
- In cases of violent crime and domestic abuse where an arrest has been made, be provided notice of the release of the offender along with information on the release conditions and supervising agency.

When a case is prosecuted:

Victims have the right to be notified of:

- The prosecution process and your right to participate in it.
- Information on the nearest crime victim assistance program or resource.
- The right to apply for reparations (financial compensation) for non-property losses related to a violent crime.
- A proposed pretrial diversion referral.
- A change in the hearing schedule if subpoenaed or asked to testify.
- The right to request restitution from the offender upon conviction.
- The contents of a proposed plea agreement.
- The outcome of the case.
- After conviction and upon request, the release or escape from custody of the offender from jail or prison or transfer to a lower security facility.
- An appeal and the right to attend the related hearing and to be notified of the result of that appeal.
- In felony or violent crime cases, a proposed modification to the sentence, the related hearing, and the right to provide input.
- A petition for expungement, upon request.

Victims have the right to participate in the process:

- Provide input in a pretrial diversion decision.
- Ask the prosecutor to request a speedy trial.
- Be notified of and attend the plea and sentencing hearings.
- Object to a proposed plea agreement at the plea hearing.
- When a presentence investigation (PSI) is conducted, provide information about the impact of the crime and your position regarding the proposed disposition.
- Give a victim impact statement at the sentencing hearing in writing or orally.
- Certain rights address victims' safety, privacy, and protection, including the right to:
- Be notified of and provide input for a bail hearing in cases of violent crime and domestic abuse.
- A secure waiting area or safeguards against the offender and his/her supporters in the courthouse.
- Report witness tampering or violations of no contact or restraining orders.
- Ask that your home and employment addresses, telephone numbers, and birthdate be withheld from the offender and in open court.
- Protection against employer retaliation for you or your family member(s) taking reasonable time off to attend hearings or to testify in cases of violent crime.

- Make a confidential request that the court order an HIV test of the convicted offender in cases of sexual assault and some violent crimes.
 - In homicide cases, to seek a court order preventing an offender from disposing of the deceased victim's property.
- Laws also prevent an offender from financially benefitting from the crime.

To address the financial impact of the crime, victims have the right to:

- Apply for reparations (financial compensation) for non-property losses related to a violent crime.
- Seek restitution from the offender for out-of-pocket expenses directly related to the crime if the offender is convicted.
- Ask the offender's probation officer to schedule a hearing if the offender fails to pay restitution.
- Pursue a civil case against the offender for your losses, whether or not criminal charges have been filed.

Domestic violence, sexual assault, and stalking victims have the right to:

- Be informed by the prosecutor of any decision to decline or dismiss a case along with information about seeking an order for protection or harassment restraining order at no cost.
- Terminate a lease without penalty or payment to escape a violent situation.
- If a domestic violence victim, obtain at no cost a copy of the incident report the responding law enforcement agency is required to write.
- If a sexual assault victim, have a confidential sexual assault examination at no cost and receive notice of rights and resources from the medical facility.
- If a sexual assault victim, refuse a polygraph examination without impacting whether the investigation or prosecution will proceed.

Complete information about crime victims' rights can be found at:

<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>. Information about victims' rights also is available from the Title IX Coordinator or from the Minnesota Department of Public Safety, Office of Justice Programs, and in Minnesota Statutes Chapter 611A.

Appendix E: Description of Training for College Officials

Title IX Coordinators, investigators, Title IX Hearing Panel members/adjudicators, and any person who facilitates an informal resolution process will receive annual training on the definition of Title IX Sexual Harassment; the scope of the College's education program or activity; how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable; how to serve impartially, including by avoiding prejudgment of the facts at interest, conflicts of interest, and bias; issues related to sexual harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking; and how to conduct an investigation and decision-making process that protects the safety of all and promotes accountability. Investigators will receive training on issues of relevance to create an investigator report that fairly summarizes relevant evidence. Title IX Hearing Panel members will receive training on any technology to be used at a live hearing and issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The training is free of bias such as sex stereotypes or generalizations, promotes impartial investigations and adjudications, and includes the following topics, as applicable: relevant evidence and how it should be used, proper techniques for questioning witnesses, basic rules for conducting proceedings, avoiding actual or perceived conflicts of interest, and the College's policies and procedures.

Crime Statistics

The Department of Public Safety compiles all information and statistics for this report. Statistics are collected using official college records from the Offices of Student Affairs, Employment Services, Campus Security Authorities, and law enforcement agencies

College policies and procedures are compiled from various sources and can be viewed in the annual report, which is posted on Macalester's Website by October 1. Printed copies are also available in the offices of Public Safety, Dean of Students, Admissions, and Human Resources. All reasonable attempts have been made to identify all reported crimes and to present the statistics in the annual report in accordance with the Campus Security Act and its amendments. Visit Macalester's Department

Definitions Used in this Report

Geography

On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

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

Note: Statistics for college residential facilities are recorded and included in both the all on-campus category and the residential facility category.

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

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The Macalester College crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

Criminal Offenses

The statistics contained in this report are published in accordance with the definitions used by the Federal Bureau of Investigation Uniform Crime Reporting (UCR) Handbook. Macalester College submits these statistics to the Department of Education on an annual basis and they are available for review through the Department of Education website.

Murder and Non-Negligent Manslaughter: The willful (nonnegligent) killing of one human being by another.

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

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

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

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

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

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

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

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

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

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle, including cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including 'joyriding.'

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

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

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

Hate Crimes

Criminal offenses which also meet the definition of a hate crime will be included in both the criminal offense category and the hate crime category. In addition to the criminal offenses listed in the previous section, the following crimes are included if it is determined that the crime was motivated by bias.

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

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

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

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

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

VAWA Offenses

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence. (In Minnesota Statutes, dating violence would generally fall within the Domestic Assault Statute (609.2242) of the Minnesota Criminal Code.)

Domestic Violence: A Felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- 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
- 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.

In Minnesota State statutes, domestic violence would generally fall within the Domestic Assault statute (609.2242) of the Minnesota Criminal Code.

Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

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

Arrests and Referrals for Discipline for Liquor, Drug, and Weapons Law Violations Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Law Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

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

Crime Statistics Tables

Criminal Offenses

2024 Statistics	On Campus	Non Campus	Public Property	Total	Residential Facility
Murder and Non-Negligent Manslaughter	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0
Rape	8	0	0	8	8
Fondling	3	5	0	8	1
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	5	1	0	6	0
Motor Vehicle Theft	1	0	0	1	0
Arson	0	0	0	0	0

2023 Statistics	On Campus	Non Campus	Public Property	Total	Residential Facility
Murder and Non-Negligent Manslaughter	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0

Rape	9	0	0	9	8
Fondling	2	0	0	2	2
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	2	0	1	3	0
Arson	0	0	0	0	0

2022 Statistics	On Campus	Non Campus	Public Property	Total	Residential Facility
Murder and Non-Negligent Manslaughter	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0
Rape	4	0	0	4	4
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Robbery	0	0	1	1	0
Aggravated Assault	2	0	0	2	2
Burglary	1	0	0	1	0
Motor Vehicle Theft	1	0	6	7	0
Arson	0	0	0	0	0

Hate Crime Statistics	
2024	Zero (0) hate crimes, as defined by applicable federal law, were reported on Macalester College in 2023
2023	Zero (0) hate crimes, as defined by applicable federal law, were reported on Macalester College in 2022.
2022	Zero (0) hate crimes, as defined by applicable federal law, were reported on Macalester College in 2021.
2021	Zero (0) hate crimes, as defined by applicable federal law, were reported on Macalester College in 2020.

Unfounded Crimes	
2024	Zero (0) unfounded crimes for calendar year 2023.
2023	Zero (0) unfounded crimes for calendar year 2022.

2022	Zero (0) unfounded crimes for calendar year 2021.
2021	Zero (0) unfounded crimes for calendar year 2020.

VAWA Offenses

2024 Statistics	On Campus	Non Campus	Public Property	Total	Residential Facility
Domestic Violence	0	0	0	0	0
Dating Violence	1	0	0	1	1
Stalking	2	0	0	2	2

2023 Statistics	On Campus	Non Campus	Public Property	Total	Residential Facility
Domestic Violence	0	0	0	0	0
Dating Violence	4	0	0	4	4
Stalking	3	0	0	8	0

2022 Statistics	On Campus	Non Campus	Public Property	Total	Residential Facility
Domestic Violence	0	0	0	0	0
Dating Violence	1	0	0	1	1
Stalking	5	0	0	8	3

Arrests and Referrals for Disciplinary Action

2024 Statistics	On Campus	Non Campus	Public Property	Total	Residential Facility
Weapons Law Violations					
Arrest	0	0	0	0	0
Disciplinary Referral	0	0	0	0	0
Drug Law Violations					
Arrest	0	0	0	0	0
Disciplinary Referral	12	0	0	12	12
Liquor Law Violations					
Arrest	0	0	0	0	0
Disciplinary Referral	52	0	0	52	52

2023 Statistics	On Campus	Non Campus	Public Property	Total	Residential Facility
Weapons Law Violations					
Arrest	0	0	0	0	0
Disciplinary Referral	0	0	0	0	0
Drug Law Violations					
Arrest	0	0	0	0	0
Disciplinary Referral	10	0	0	10	10
Liquor Law Violations					
Arrest	0	0	0	0	0
Disciplinary Referral	57	0	0	57	57

2022 Statistics	On Campus	Non Campus	Public Property	Total	Residential Facility
Weapons Law Violations					
Arrest	0	0	0	0	0
Disciplinary Referral	0	0	0	0	0
Drug Law Violations					
Arrest	1	0	0	1	0
Disciplinary Referral	15	0	0	15	15
Liquor Law Violations					
Arrest	0	0	0	0	0
Disciplinary Referral	44	0	0	44	44

Annual Fire Safety Report

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics. The following public disclosure report details all information required by this law as it relates to the College.

The Facilities Services Department's Health and Safety Manager is responsible for Life and Fire Safety, OSHA compliance, and environmental, health, and safety concerns.

The Annual Fire Safety Report is available each year on October 1, and will be published along with the annual Campus Crime report.

Fire Drills

Building evacuation/fire exit drills will be conducted as follows: (1) Residence Halls (Dormitories) and program houses once

per semester after sunset (2) Other buildings annually or as required by local codes.

Residential Fire Safety Policies and Procedures

The following Residential Life policies are made available to all students on the Student Affairs website:

(www.macalester.edu/studentaffairs/) and in the Student Handbook:

(https://docs.google.com/document/d/1qha1tNxysdhw9k2zXpbFA_GtGSJ1_wqkATwX5uBiBAg/preview).

Appliances

The use of potentially hazardous electrical appliances is not allowed in student rooms. Hazardous appliances include:

- Any appliance not in good working condition
 - Any appliance with an open flame or heating element such as hot plates, broiler ovens, toaster ovens, pizza ovens, toasters, etc. These appliances may be used only in designated kitchen areas on floors and in the main building's kitchens.
- Charcoal or gas grills, charcoal and charcoal lighter fluids may not be stored or used in any residence hall room or area.
- No major appliances are permitted in the halls including, but not limited to, large refrigerators, stoves, dishwashers, microwaves, ceiling fans, space heaters, etc.
- Air conditioners are not allowed in any college dwelling, except if installed by the college.
- Waterbeds or hot tubs are not permitted.
- Macalester College has committed to climate neutrality. We recommend students using appliances that are energy star rated. See information on Sustainability for more information at macalester.edu/sustainability/.
- Rooms are not wired to permit the use of major electrical appliances. Major appliances, including microwaves, can also become a health concern if students do not keep them clean.

Students are permitted to bring their own refrigerator provided it is the compact type which is less than 3.6 cubic feet in capacity as well as in safe electrical condition. All refrigerators should be connected directly to the wall outlet and not on an extension cord or power strip. For proper ventilation and sanitation, refrigerators should be placed on the ground and not placed in a closet. Only one refrigerator is allowed per three people in a room. We encourage students to plan ahead and speak with roommates before purchasing a refrigerator.

College-owned houses (excluding cottages), apartments, the Stadium Residence Hall, and the Interfaith House in Kirk Section 8 are provided full-sized refrigerators, microwaves, dishwashers, and stoves that are maintained by the college. Other appliances (hot plates, broiler ovens, toaster ovens, pizza ovens, toasters, etc.) are allowed in these kitchens but not in individual student rooms.

Fire Safety

Arson, use of fire, and/or tampering with fire and/or safety equipment is not permitted. This includes but is not limited to fire alarms, smoke detectors, fire hoses, fire extinguishers, alarmed emergency exits and fire doors. Hanging from or hanging anything on sprinkler heads or pipes is not permitted.

The burning of candles or incense is not permitted in any college owned residence. Students with religious observance needs not met by this policy should contact their Residence Hall Director. This includes students who identify as pagans who have a need to cleanse their residence hall space.

Knowingly pulling a fire alarm when no known fire exists is against federal law and a danger to the community. Creating situations that endanger the quick evacuation of a room or building (tampering with locks or obstructing an exit) is prohibited. Not evacuating a building during a fire alarm is against college policy. Staff is not responsible for evacuating residents. Students may be fined for not evacuating.

No natural vegetation of a combustible nature will be permitted (i.e. Christmas trees, evergreen bough, etc.).

Students are not permitted to use halogen lights or lamps in any College-owned residence.

Each room is equipped with a smoke detector. It is not to be disconnected at any time for any reason. Students found tampering with smoke detectors will be referred to the conduct system. Residents should notify the hall staff immediately if a smoke detector is not working properly.

Any resident who tampers with fire equipment will be referred for disciplinary action and/or civil prosecution, which may result in termination of the resident's housing contract or affect the status of the student at the college. The cost incurred for any damage caused by the misuse of fire equipment will be passed along to the student(s) involved. Any fires deliberately set constitute arson and may be grounds for disciplinary action and/or civil proceedings.

Fire Alarm Procedures

Macalester College Department of Public Safety monitors all fire systems for the college. If no alarm is sounding and smoke or fire is present, manually sound the alarm and call the fire department at **911** then the Department of Public Safety at **651-696-6555**. When notified of an alarm sounding or fire a Public Safety Officer will respond immediately to the affected area and take appropriate action.

Do not attempt to extinguish the fire. If a fire alarm sounds, all residents of the hall must leave the building via the nearest exit. Before leaving, residents should follow these steps:

1. Feel the door before opening it to determine if it is hot. If so, do not open the door. Place a wet towel at the bottom of the door to keep out the smoke.
2. Hang a sheet out the window to attract the attention of fire fighters.
3. If the door is not hot, open it slowly. If there is excessive heat or smoke in the hallway, return to the room and close the door.
4. Before leaving the room, put on shoes and a coat, close all windows, turn off the lights and shut the door.
5. Exit by way of the nearest usable stairway or door. Do not linger.
6. Once outside, go to your designated meeting place (<https://www.macalester.edu/security/wp-content/uploads/sites/427/2014/07/evacuationmap.pdf>) (map located within each building). Stay approximately 100 feet from the building.
7. Never use the elevator when evacuating a building.
8. Do not re-enter the building unless instructed by safety personnel.

Fire Safety

1. If you discover a fire, explosion, or smell smoke in the building: Sound the alarm.
2. Immediately call 911, and then call the Department of Public Safety at **651-696-6555** and give the following information:
 - Your name
 - Building name
 - Floor
 - Room number
 - Type of incident
3. When a fire alarm sounds, complete evacuation is required. Close doors and windows on your level. If the alarm stops sounding, continue evacuation and warn others who may attempt to enter the building.
4. Do not use elevators during a fire emergency.
5. Proceed to the meeting area. [See building evacuation meeting place map.](#)⁸ Account for all person/s assigned to your area. Leave walks and driveways open for arriving firefighters. Do not return to the building until directed to do so by Safety and Public Safety Officers. The silencing of audible alarms or horns does not mean it is safe to re-enter the building.
6. Notify fire fighters on the scene if you suspect someone may be trapped inside the building.
7. If you are trapped during a fire:
 - Wet and place cloth material around and under the door to prevent smoke from entering.
 - Close as many doors as possible between you and the fire.
 - Be prepared to signal someone outside, but do not break glass until absolutely necessary, as smoke may be drawn into the room.
8. If caught in smoke:

- Drop to the floor and crawl toward an exit.
- Stay as low as possible.
- Take shallow breaths through your nose and use a shirt or towel as a filter.

DO'S

- Leave the immediate fire area and close doors behind you.
- Use the stairwells to evacuate the building.
- If caught in heavy smoke, stay near the floor, take short breaths through your nose, and move to the exit by crawling.

DO NOT'S

- DO NOT attempt to fight the fire.
- DO NOT use the elevators.
- DO NOT return to a building until told to do so by the fire captain.

What Will Happen Next

The fire department is dispatched by the 911 operator. Public Safety and Facilities Services personnel prepare for the arrival of the fire department and direct them to the scene. Firefighters arrive to handle the emergency.

⁸<https://www.macalester.edu/security/wp-content/uploads/sites/427/2014/07/evacuationmap.pdf>

Fire Log

The Department of Public Safety and Environmental Health and Safety will keep a log of the date of any reported fire in a housing facility, including the nature of the fire, time of day the fire occurred, and the general location of the fire within the specific building.

The Daily Crime/Fire Log is available at the Facilities Services Desk in the Lower Level of the Music Building, 130 Macalester Street St. Paul, MN 55105, during business hours or on the department website at:

https://www.macalester.edu/public-safety/cleryact/crime_fire_log/. The Daily Crime/Fire Log includes all crimes and fires that are reported to the Department of Public Safety within the Macalester College Clery Geography.

Definitions

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or that is burning in an uncontrolled manner.

Fire drill: A supervised practice of a mandatory evacuation of a building for a fire.

Cause of fire: The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Fire-related injury: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.

Fire-related death: Any instance in which a person is killed as a result of a fire, including death resulting from a natural or

accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire. Deaths within 1 year of injuries sustained as result of the fire are also included.

Fire safety system: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices; stand-alone smoke alarms devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

Value of property damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

Plans for Future Improvements in Fire Safety

Macalester has an active Safety Committee that evaluates and recommends fire safety improvements annually to the college administration. These recommendations will be reviewed and those determined necessary will be made.

Fire Safety Systems

All large Macalester resident buildings have an automatic fire sprinkler system and smoke, heat, and carbon monoxide detectors in the common areas that report to a central panel in the building and report to a central campus monitoring system. Smaller residential houses have smoke, heat, and carbon monoxide detectors in common areas that sound locally and report to a central campus monitoring system. In addition, there are local sounding smoke detectors inside each sleeping room.

Building Name	Address	Fire Alarm	Sprinkler System	Smoke/CO Detection	Fire Ext.	Evac. Plans/Placards	Annual Drills
30 Mac	30 Macalester St.	Yes	Yes	Yes	Yes	Yes	2
Cultural House	37 Macalester St.	Yes	Yes	Yes	Yes	Yes	2
Bigelow Hall	40 Macalester St.	Yes	Yes	Yes	Yes	Yes	2
Doty Hall	1607 Grand Ave	Yes	Yes	Yes	Yes	Yes	2
Dupre Hall	1594 Grand Ave	Yes	Yes	Yes	Yes	Yes	2
George Draper Dayton	16 Cambridge Ave	Yes	Yes	Yes	Yes	Yes	2
Grand Cambridge	1679 Grand Ave	Yes	Yes	Yes	Yes	Yes	2
Kirk Hall	85 Snelling Ave S	Yes	Yes	Yes	Yes	Yes	2
Stadium Res. Hall	19 Snelling Ave S	Yes	Yes	Yes	Yes	Yes	2
Summit House	1576 Summit Ave	Yes	Yes	Yes	Yes	No	2
Turck Hall	1605 Grand Ave	Yes	Yes	Yes	Yes	Yes	2
Wallace Hall	1632 Summit Ave	Yes	Yes	Yes	Yes	Yes	2
53 Mac	53 Macalester St.	Yes	No	Yes	Yes	No	2
57 Mac	57 Macalester St.	Yes	No	Yes	Yes	No	2
Briggs House	1644 Summit Ave	Yes	No	Yes	Yes	No	2
Japanese House	1661-63 Princeton	Yes	No	Yes	Yes	No	2
RA House	1662 Princeton Ave	Yes	No	Yes	Yes	No	2

Russian House	1668 Princeton Ave	Yes	No	Yes	Yes	No	2
Arabic House	176 Vernon St.	Yes	No	Yes	Yes	No	2
French House	182 Vernon St.	Yes	No	Yes	Yes	No	2
German House	190 Vernon St.	Yes	No	Yes	Yes	No	2
Spanish House	196 Vernon St.	Yes	Yes	Yes	Yes	No	2
Eco House	200 Vernon St.	Yes	No	Yes	Yes	No	2
Chinese House	216 Vernon St.	Yes	No	Yes	Yes	No	2
63 Mac	63 Macalester St.	Yes	No	Yes	Yes	No	0
The Grove	246 Snelling Ave	Yes	Yes	Yes	Yes	No	0
Portuguese House	204 Vernon St.	Yes	No	Yes	Yes	No	2

Fire Statistics

Required statistics for each on-campus student housing facility include: the number of fires and cause of each fire, the number of deaths related to the fire, the number of injuries related to the fire that resulted in treatment at a medical facility, and the value of property damage related to the fire.

Building Name	Address	2022	2023	2024
30 Mac	30 Macalester Street	0	0	0
Cultural House	37 Macalester Street	0	0	0
Bigelow Hall	40 Macalester Street	0	0	0
Doty Hall	1607 Grand Avenue	0	0	0
Dupre Hall	1594 Grand Avenue	0	0	0
George Draper Dayton	16 Cambridge Avenue	0	0	0
Grand Cambridge Apartments	1679 Grand Avenue	0	0	0
Kirk Hall	85 Snelling Avenue S	0	0	0
Stadium Residence	19 Snelling Avenue S	0	0	0
Summit House	1576 Summit Avenue	0	0	0
Turck Hall	1605 Grand Avenue	0	0	0
Wallace Hall	1632 Summit Avenue	0	0	0
53 Mac	53 Macalester Street	0	0	0
57 Mac	57 Macalester Street	0	0	0
Briggs House	1644 Summit Avenue	0	0	0
Japanese House	1661-63 Princeton Ave	0	0	0
RA House	1662 Princeton Avenue	0	0	0

Russian House	1668 Princeton Avenue	0	0	0
Arabic House	176 Vernon Street	0	0	0
French House	182 Vernon Street	0	0	0
German House	190 Vernon Street	0	1	0
Spanish House	196 Vernon Street	0	0	0
Eco House	200 Vernon Street	0	0	0
Chinese House	216 Vernon Street	0	0	0
1665 Lincoln	1665 Lincoln Avenue	0	0	0
63 Mac	63 Macalester Street	0	0	0
The Grove	246 Snelling Avenue	0	0	0
Portuguese House	204 Vernon Street	0	0	0

2024

No fires were reported in 2024.

2023

There was one cooking related fire reported in an oven located at 190 Vernon Street but there were no injuries or damage.

2022

No fires were reported in 2022.

Resources

For More Information

For concerns, questions, or complaints regarding the contents of this document or to request a copy of this report in a different format, contact the Macalester College Department of Public Safety:

Public Safety Administrative Office
Music Building Lower Level
130 Macalester Street
St. Paul, MN 55105
651-696-6278
publicsafety@macalester.edu

Contact Numbers

Macalester College Main Phone Number 651-696-6000
Officer of Student Affairs 651-696-6220
Title IX/Nondiscrimination Office 651-696-6258
Laurie Hamre Center for Health and Wellness 651-696-6275
Residential Life 651-696-6215
Facilities Services 651-696-6278
Public Safety Non-Emergency 651-696-6278
Emergency 651-696-6555

Tip Line 651-696-SAFE
St. Paul Police/Fire/Medical 911
Community Resources 211

Macalester College Department of Public Safety Internet Page: macalester.edu/public-safety/

Attachment 1 – Biennial Review of Alcohol and Other Drug Programs

Macalester College
Biennial Review of Alcohol and Other Drug Programs
Academic Years 2020-2021 and 2021-2022



Biennial Review Working Committee members:

Jen Jacobsen, Executive Director, Hamre Center for Health and Wellness
Cassandra Worner, Health Promotion Specialist, Hamre Center for Health and Wellness
Jonathan Cardenas, Associate Director of Residential Life - Student and Community Support
Jim Kurtz, Director, Public Safety

Bill Collumbien, Captain, Public Safety

Jason Dempster, Associate Director of Employment Services - Benefits and Compensation
Tom Halverson, Dean of the Faculty

Laurie Adamson, Director, Student Leadership and Engagement

In compliance with Part 86, Drug and Alcohol Abuse Prevention Regulations, Education Department General Administrative Regulations (EDGAR). Submitted December 22, 2022.

Table of Contents

[Introduction/Overview](#)

[Biennial Review Process](#)

[AOD Comprehensive Program Goals and Objectives for Biennium being reviewed](#)

[Annual AOD Policy Notification to Students and Employees](#)

[AOD Prevalence and Incidence Rate Data](#)

[AOD Needs Assessment and Trend Data](#)

[AOD Policy, Enforcement & Compliance Inventory & Related Outcomes/Data AOD](#)

[Prevention and Intervention Inventory & Related Outcomes/Data AOD Goal](#)

[Achievement and Objective Achievement](#)

[AOD Strengths and Weaknesses](#)

[Recommendations for the Biennium \(AY 2022-2023 and 2023-2024\) Goals and Objectives for next Biennium \(AY 2022-2023 and 2023-2024\)](#)

Introduction/Overview

The Drug Free Schools and Communities Act (DFSCA) and Part 86 of the Department of Education's General Administrative Regulations (Edgar Part 86) requires institutions of higher education to adopt and implement drug and alcohol abuse prevention programs for students and employees. Macalester College has developed and implemented alcohol and other drug abuse education and prevention programming designed to prevent the unlawful possession, use, and distribution of illicit drugs and alcohol on campus and at campus events. This program supports the academic mission of Macalester College by reducing the negative impact to students and the campus community around the misuse and abuse of alcohol and other drugs and to create a campus environment that promotes healthy lifestyle choices.

Biennial Review Process

The process of conducting a biennial review provides Macalester College with an opportunity to examine the reach and impact of our alcohol and other drug prevention efforts. Specifically, we undertake this biennial review to determine program effectiveness and implement programmatic changes as needed. The co-authors of the review met directly with collaborators.

The following documents were collected and assessed when conducting the Biennial Review:

- Macalester Student AOD Policy
- Macalester [Employee AOD Policy](#)
- [Tobacco Free Policy at Macalester College](#)
- Student Conduct Data
- NCHA Needs Assessment (Spring 2021)
- [Campus Security and Fire Safety Report](#) (Clery Act)
- Alcohol.edu Report (2020)

AOD Comprehensive Program Goals and Objectives for Biennium being reviewed

There have been two significant changes since the last biennial review was completed.

(1) The COVID-19 pandemic disrupted normal campus operations, which included having no or limited students in the residence halls for periods of time, reductions of programming (particularly in-person programming), and a shift in needs of the Macalester student body.

(2) The personnel involved with our AOD work on campus have changed on every single level since May 2020 – the President, the Provost, the AVP of Student Affairs/Dean of Students, the Executive Director of Health & Wellness, the Director of Health Promotion and Sexual Respect, and our two Health Promotion Specialists. With these changes came a shift in vision and priorities toward a more consistently evidence-based, theory driven, assessment-informed, and more public health-oriented approach.

*Recommendations from 2018-2020 Biennium– there were no Goals or Objectives included. One area of focus for recommendations looked at **policies and procedures**.*

- Review and update Campus Policies as needed. These policies include Student Alcohol and

Illegal Drug Policy, Employee Alcohol and Drug Policy, and the Tobacco-Free Policy. • Strengthen the Annual AOD Policy Notification for Students and Employees - we recommend that the student email (containing the link to the policy) summarize the Alcohol Policy, The Community of Care Provision, and the Illegal Drug Policy. We recommend that the employee email (containing the link to the policy) summarize the Alcohol and Drug Policy and encourage employees who may have a drug or alcohol related problem to contact the Employee Assistant Program or seek other professional assistance.

- Review and revise the student-athlete handbook to include a statement addressing ATOD use and expectations as a student-athlete. This statement should include the Community of Care provision. The handbook should also include a section that addresses large group parties.
- Explore what it would take to become a site for the disposal of unused, leftover Rx drugs. Develop a policy on how we destroy leftover medication. In addition, create a Rx drug management and disposal education program.
- Pilot the use of preliminary breath tests (PBT) to start in the fall 2020 (may be postponed due to Covid19) with Public Safety as the lead. Public Safety will draft a policy on how to administer the PBT with ultimate approval from Student Affairs leadership.

A second area of focus for recommendations looked at **behavioral and social norming**.

- Utilize Student Athlete Mentors (SAMs) to publicize the Community of Care provision within the athletic community to promote help seeking.
- When planning Springfest and Winter Ball, ask the Program Board to consider whether alcohol needs to be available and if alcohol is available, what actions will create a legal and safe environment.
- Consider how we train and cross-train our student leaders about the Community of Care Provision and ATOD prevention messages. We recommend the creation of a common message reinforcing our values around substance use that includes the Community of Care provision and other harm reduction messages.
- Create visual and written content to educate all students about the Community of Care provision and ATOD policies and resources. The content will include our shared values around substance use that highlights safety, legality, and access to resources.
- Develop a common language that focuses on harm reduction. This statement will affirm how we, as a community, approach ATOD prevention. This statement may be used in handbooks, on tickets for events where alcohol is served, during training for student leaders, publicity for events, as a pop-up message in workshop sign-ups, and publicized in the Mac Daily. It will address students over 21 years old, under 21 years old, and employees.
- Add a section on alcohol service guidelines that is in conjunction with the Request to Serve Alcohol Form found on the website. Include a message on this site asking for people to consider if alcohol is central to or necessary for this event.

[Annual AOD Policy Notification to Students and Employees](#)

As a part of its activities, Macalester College distributes materials that include the following:

- Standards of conduct that prohibit the unlawful possession, use or distribution of illicit drugs and alcohol on college property or as a part of our activities.
- A description of the health risks associated with alcohol abuse and illicit drug use
- Federal, state and local laws with applicable legal sanctions.
- Information regarding counseling and treatment programs available on campus and in the community.
- Prevention and education programming offered.
- Information regarding disciplinary sanctions for students and employees who violate standards of conduct.

The student AOD policy, including the tobacco-free policy, is contained in the Student Handbook. The Student Handbook is found on the Macalester College website and Macalester credentials are required to access the Student Handbook. It is not published in hard copy, and is available upon request. The Student Handbook, highlighting and linking to the Alcohol and Other Drug Policy, was distributed through an all-student email September 2020 and September 2021. *The Community of Care Provision* within the Student Alcohol and Illegal Drugs Policy encourages members of the campus community to seek immediate medical or security assistance for students whose health and well-being may be at risk due to the overconsumption of alcohol and/or other drugs.

The [Employee Handbook](#) is found on the Macalester College website and is not published in hard copy. The Employee Handbook, highlighting and linking to the Alcohol and Other Drug Policy, was distributed through an all-employee email September 2021. Macalester encourages any employee who may have a drug or alcohol-related problem to contact the Employee Assistant Program or seek other professional assistance. Macalester will support any employee desiring assistance.

General Spending Guidelines (found in the Department Chair Handbook, Provost website; not published in hard copy, available upon request) specify that while entertaining students, alcohol should not be served at any department event involving students, even if the students are over 21.

In compliance with federal law that requires the College to publish and distribute the Jeanne Clery Disclosure of Campus Security Policies, [Campus Crime Statistics and Fire Safety Report](#). Students and employees are annually notified of the Report through an email with a direct link to the report. This report contains the Alcohol and Other Drug Policies and the Community of Care Provision. They are directed to view the Report online or view a hard copy on reserve at the Library Circulation Desk.

[AOD Prevalence and Incidence Rate Data](#)

Macalester conducted the American College Health Association-National College Health Assessment-III survey in Spring 2021; 514 students participated reflecting a 25% response rate. The ACHA has instructed colleges that this new instrument (ACHA-NCHA-III) is substantially different from the previous version (ACHA-NCHA-II) and strongly discourages longitudinal data comparison, therefore no trend data is included in this review. The 2021 ACHA-NCHA-III survey is our new baseline.⁶

Drug	Percentage self-reporting use monthly or more often in the previous three months
Tobacco or nicotine delivery products (cigarettes, e cigarettes, Juul or other vape products, water pipe or hookah, chewing tobacco, cigars, etc.)	6.0% 2.0% daily or almost daily
Alcoholic beverages (beer, wine, liquor, etc.)	57.0% 2.7% daily or almost daily
Cannabis (marijuana, weed, hash, edibles, vaped cannabis, etc.) Please report nonmedical use only.	27.2% 6.8% daily or almost daily
Cocaine (coke, crack, etc.)	0.2%
Prescription stimulants (Ritalin, Concerta, Dexedrine, Adderall, diet pills, etc.) Please report nonmedical use only.	0.4%
Methamphetamine (speed, crystal meth, ice, etc.)	0.0%
Inhalants (poppers, nitrous, glue, gas, paint thinner, etc.)	0.2%
Sedatives or Sleeping Pills (Valium, Ativan, Xanax, Klonopin, Librium, Rohypnol, GHB, etc.) Please report nonmedical use only.	0.2%
Hallucinogens (Ecstasy, MDMA, Molly, LSD, acid, mushrooms, PCP, Special K, etc.)	0.2%
Heroin	0.0%
Prescription opioids (morphine, codeine, fentanyl, oxycodone [OxyContin, Percocet], hydrocodone [Vicodin], methadone, buprenorphine [Suboxone], etc.) Please report nonmedical use only.	0.2%
Other	0.4%

One drink of alcohol is defined as 12 oz. can or bottle of beer or wine cooler, a 4 oz. glass of wine, or a shot of liquor straight or in a mixed drink:

The last time you drank alcohol in a social setting, how many drinks of alcohol did you have? (This question only includes students who drank alcohol within the last 3 months.)

Overall Mean 3.16

Over the last two weeks, how many times have you had five or more drinks (males) or four or more drinks (females) containing any kind of alcohol at a sitting?

27.8%

Macalester College implemented AlcoholEdu during the Summers of 2020 and 2021 requiring all incoming first-year students to complete the course for continued enrollment. AlcoholEdu is a science-based online alcohol prevention program designed specifically for college students as the cornerstone of Macalester's comprehensive prevention program. The purpose of AlcoholEdu is to prevent or reduce alcohol-related problems among college students while providing a statistically accurate description of the alcohol-related attitudes, experiences, behaviors, and health education needs of Macalester first-year students.

AlcoholEdu 2020-2021 Key Findings

Participation: 586 students completed the online course by September 2020. This is the pre matriculation data or summer data. Not all students are included in the post-matriculation dataset due to completion of some sections and surveys after the initial deadline. Fall Semester 2020 data refers to the 428 students who completed the pre- and post-surveys.

Knowledge gains:

- 39% increase in mean knowledge score from pre-course to post-course.
- 89% reported that the course prepared them to identify or help someone with alcohol poisoning.
- 93% reported the course prepared them to prevent an alcohol overdose.
- 95% reported the course helped them establish a plan for responsible decisions around alcohol.
- 50% reported the course changed their perceptions of others' drinking related behaviors.

The College Effect: Student drinking rates nationally follow a typical pattern; alcohol use generally rises the summer before a student enters college, and then increases substantially after arriving on campus. On Macalester's campus, drinking rates pre- and post-matriculation were as follows:

Summer 2020	Fall Semester 2020
50% abstainer	48% abstainer
30% nondrinker	32% nondrinker
12% moderate drinker	13% moderate drinker
4% heavy episodic drinker	6% heavy episodic drinker
1% problematic drinker	2% problematic drinker

Abstainers used no alcohol in the past year, nondrinkers consumed no alcohol in the past two weeks but may have consumed in the past year, moderate drinkers consumed 1-4 (males) or 1- 3 drinks (females) on their highest drinking day in the prior two weeks, heavy episodic drinker consumed 5-9 drinks (males) or 4-7 drinks (females) on their highest drinking day in the prior two weeks, and problematic drinkers 10 or more drinks (males) or 8 or more drinks (females) on their highest drinking day in the past two weeks.

The following information is garnered from post-matriculation data.
Why students don't drink:

- 76% Don't have to drink for a good time
- 75% I have other things to do
- 71% I don't want to lose control
- 70% Going to drive

Positive Behavioral Intentions: after completing the online course, students reported increases in positive behavior intentions.

- 58% intend to reduce number of drinks each time they drink
- 53% intend to reduce drinking frequency
- 73% intend to alternate alcohol and non-alcohol drinks
- 68% intend to pace drinks
- 76% intend to set a limit on how many drinks consumed

AlcoholEdu 2021-2022 Key Findings

Participation: 584 students completed the online course by September 2021. This is the pre matriculation data or summer data. Not all students are included in the post-matriculation dataset due to completion of some sections and surveys after the initial deadline. Fall Semester 2021 data refers to the 320 students who completed the pre- and post-surveys.

Knowledge gains:

- 96.4% reported that the course prepared them to identify or help someone with alcohol poisoning.
- 96.8% reported the course prepared them to prevent an alcohol overdose.
- 97.5% reported the course helped them establish a plan for responsible decisions around alcohol.
- 77.1% reported the course changed their perceptions of others' drinking related behaviors.

The College Effect: Student drinking rates nationally follow a typical pattern; alcohol use generally rises the summer before a student enters college, and then increases substantially after arriving on campus. On Macalester's campus, drinking rates pre- and post-matriculation were as follows:

Summer 2021	Fall Semester 2021
56% abstainer	56% abstainer
30% nondrinker	30% nondrinker
9% moderate drinker	8% moderate drinker
4% heavy episodic drinker	5% heavy episodic drinker
1% problematic drinker	1% problematic drinker

Abstainers used no alcohol in the past year, nondrinkers consumed no alcohol in the past two weeks but may have consumed in the past year, moderate drinkers consumed 1-4 (males) or 1- 3 drinks (females) on their highest drinking day in the prior two weeks, heavy episodic drinker consumed 5-9 drinks (males) or 4-7 drinks (females) on their highest drinking day in the prior two weeks, and problematic drinkers 10 or more drinks (males) or 8 or more drinks (females) on their highest drinking day in the past two weeks.

[AOD Needs Assessment and Trend Data](#)

AOD prevention work is also student success work, suicide prevention work, and sexual violence prevention work. As such, it is integrated with our work on JED Campus (mental health and suicide prevention) and as a part of our Department of Justice/Office of Violence Against Women grant and identified in the strategic planning process for both of those areas.

As noted before, we no longer have trend data because of the change in the ACHA-NCHA instrument precluding the use of longitudinal data. Our needs assessment here focuses on unwanted consequences from AOD use.

Consequences of alcohol use

Within the last 12 months, have you experienced any of the following when drinking alcohol?

15.4%- Did something I later regretted

7.8%- Had unprotected sex

5.6%- Blackout (forgot where I was or what I did for a large period of time and cannot remember, even when someone reminds me)

4.5%- Physically injured myself

3.1%- Seriously considered suicide

Nationwide, 19% of student attrition can be attributed to alcohol use (Anderson & Santos, 2018).

Consequences of cannabis use

Within the last 30 days, did you drive within 6 hours of using cannabis/marijuana? 3.1%

Within the last 12 months, have any of the following affected your academic performance?

Negatively impacted performance in a class or delayed progress towards degree

50.2%- Stress

40.7%- Anxiety

31.8%- Depression – students who self-report frequent cannabis use 46.7% vs 27% of student who do not– statistically significant difference

30.4%- Sleep difficulties -- students who self-report frequent cannabis use 41.4% vs 26.3% of students who do not – statistically significant difference

Students who self-report frequent cannabis use are 15% more likely to stop out than students who self-report no or minimal use (Arria, 2013).

Injunctive norms, attitudinal norms, and self-reported behaviors

The average Macalester student prefers to be drunk while having sexual contact with other people.	% responding <i>Disagree</i> and <i>Strongly Disagree</i>	87.5%
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I prefer to be drunk while having sexual contact with other people[Not including those with no sexual partners].	% responding <i>Disagree and Strongly Disagree</i>	90.0%
The average Macalester student prefers to be high on cannabis/marijuana while having sexual contact with other people.	% responding <i>Disagree and Strongly Disagree</i>	90.6%
I prefer to be high on cannabis/marijuana while having sex with other people[Not including those with no sexual partners].	% responding <i>Disagree and Strongly Disagree</i>	90.6%
In the past 30 days, I have been sober (under minimal influence of alcohol and/or other drugs) for sexual contact with other people [Not including those with not sexual partners in 30 days]:	% responding <i>Most of the time and Always</i>	84.5%
How acceptable do you believe the average Mac student finds it to encourage another person to drink alcohol?	% responding <i>Unacceptable and Very Unacceptable</i>	63.0%
How acceptable do you find it to encourage another person to drink alcohol?	% responding <i>Unacceptable and Very Unacceptable</i>	81.7%
I am comfortable interrupting when someone is being encouraged (by another person)	% responding <i>Strongly Agree and</i>	78.6%