

Policy 132 Appendix

Date: 7/1/16

Revision date:

Procedure:

Part A. Education and Resources

Pine Technical and Community College educates the campus community about sexual assaults, relationship and dating violence, and stalking through presentations during new student orientation and various college-wide presentations given through the course of the academic year. Training will be provided on awareness of sexual violence prevention measures and procedures for responding to incidents of sexual violence. At a minimum, all incoming students and all new employees must be provided this training. Prior to serving as either an investigator or decision maker for complaints under this policy, administrators must complete training provided by the Minnesota State College and Universities system office. Anyone involved in the adjudication process must receive annual training on the issues related to sexual violence and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Informational brochures regarding sexual violence are available through the PTCC Student Affairs and Human Resources Office. PTCC maintenance staff also conducts regular security patrols of the campus and provides escorts.

If you are the victim of a sexual assault:

1. Go to a safe place
2. If you are on campus contact the Title XI Coordinator: Paula Hoffman, Director of Academic Success at 320-629-5180 or any of the following employees:
 - a. Amy Kruse, Chief Human Resources Officer, krusea@pine.edu, 320-629-5129
 - b. Jason Spaeth, Dean of Customized Training and Continuing Education, spaethj@pine.edu, 320-629-5175
 - c. Steve Lange, Physical Plant Coordinator, langes@pine.edu, 320-629-5155
 - d. Confidential Reporter: Jennifer Baker-Jones, Counselor, bakerj@pine.edu, 320-629-4556
 - e. Confidential Reporter: Laureen Williams, Student Parent Grant Coordinator, williamsl@pine.edu, 320-629-5198
 - f. Any college administrator, supervisor, or manager.



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3. Timely and prompt reporting of a sexual assault within 72 hours is critical in preserving evidence important in proving a criminal case against the assailant. Do not bathe, douche, use the toilet, or change clothing.
4. If you have been the victim of a sexual assault, you should seek medical attention immediately regardless of whether you report the matter to the police.
5. You may file a police report with the appropriate law enforcement agency. For on campus incidents contact the Pine County Sheriff's Department at 911, or the non-emergency dispatch number at 320-629-8380. If you would like assistance in filing a police report, one of the employees listed above can assist you.
6. Contact any of the following for support, assistance, and referral:
 - a. On Campus
 - i. Jennifer Baker Jones, Counselor, bakerj@pine.edu
 - b. Regional
 - i. Window Victim Services www.windowhinckley.com
Crisis Line 1-800-644-0003
 - ii. Canvas Health www.canvashealth.org
Mobile Crisis Response Line: 800-523-3333
 - iii. Central MN Sexual Assault Center www.cmsac.org 320-251-4357
24 Hour Crisis Response: cmsac@cmsac.org
 - c. State
 - i. Minnesota Coalition Against Sexual Assault (MNCASA)
www.mncasa.org 651-209-9993
 - ii. Minnesota Day One Crisis Hotline www.dayoneservices.org 1-866-223-1111
 - d. National
 - i. National Coalition Against Domestic Violence (NCADV)
www.ncadv.org
Hotline 1-800-799-7233
 - ii. National Center for Victims of Crime www.victimsofcrime.org
7. In order to reduce contact between the victim and the alleged assailant, PTCC will, at the request of the survivor, attempt to provide a change in classes, academic schedules, dormitory rooms, transportation or working arrangements as applicable and take other appropriate remedial measures. PTCC will provide written notice to victims of these options. These options are available to victims regardless of whether the victim chooses to report the crime to law enforcement or campus authorities.
8. You have the right to petition for an Order for Protection (OFP) or a harassment Restraining Order (HRO), Student Affairs and Human Resources has information available on how to file for and request an OFP or HRO. PTCC may take actions it deems necessary or appropriate in response to all protection, restraining or no contact orders.





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9. You may contact the Minnesota Crime Victims Reparations Board at 651-201- 7300. The Crime Victims Reparations Board provides financial help to victims and their families for losses incurred as a result of a violence crime. You may also visit <https://dps.mn.gov> for additional information.
10. PTCC will provide written notification to the victim of physical health, mental health, victim advocacy, legal assistance and other support services available on campus and in the community as noted above as well as written explanation of his or her rights and options under MnSCU Policy 1B.3 - Sexual Violence Policy.

Part B. Procedures for Campus Disciplinary Action for Sex Offenses

Victims of sexual assault or those witnessing any type of sexual violence or relationship violence are strongly encouraged to report the incident to local law enforcement for the location where the incident occurred. Complainants are also encouraged to contact the local victim/survivor services offices, counseling and health care providers, and the campus Title IX coordinator. The Title IX coordinator is the office of official record for reports of sexual assault, as it is in all reported law violations. A report with the Title IX coordinator can ensure that proper steps are taken to ensure the safety of the survivor as well as the safety of the campus community as a whole. Filing a report with the Title IX coordinator can also initiate the PTCC disciplinary process, and is an option for any person wishing to report a case of misconduct.

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

Because of laws concerning government data contained in the Minnesota Government Data Practices Act, PTCC cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged or confidential communications with licensed health care professionals or similar professionals.

PTCC has two confidential reporters on campus (Jennifer Baker-Jones, Counselor, 320-629-4556; Lauren Williams, Student Parent Grant Coordinator 32-629-5198). Absolute confidentiality of reports made to campus authorities cannot be promised. However, confidential reports shall not disclose personally identifiable information about a complainant of sexual violence without the complainant's consent except as may be required or permitted by law. There may be instances in which PTCC determines it needs to act regardless of whether the parties have reached a personal resolution or if the complainant requests that no action be taken. In such instances, PTCC will investigate and take appropriate action, taking care to protect the identity of the complainant and any other reporter in accordance with this procedure.

In order for PTCC to proceed with an investigation, a complaint [whether by the victim or a third party] must be filed with the Title IX Coordinator. Reports made through other campus



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authorities will be forwarded to the Title IX Coordinator. After receiving a report/complaint, the Title IX Coordinator, who must receive annual investigatory training, shall take the steps listed below to insure a prompt, fair, and impartial process following Minnesota State Board Policy IB.3 Sexual Violence and System Procedure IB.3.1 Sexual Violence Procedure:

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

Pine Technical & Community College will complete an investigation and issue a written response within 60 days after a complaint is made, unless reasonable cause for delay exists. PTCC will notify the complainant and respondent if the written response is not expected to be issued within the 60 day period.

PTCC uses a preponderance of the evidence standard of evidence in determining violations of its Sexual Violence policy.

Relationship to parallel proceedings: In general, PTCCC investigation and disciplinary procedures for allegations of sexual violence will proceed independent of any action taken in criminal or civil courts. If PTCC becomes aware of a criminal proceeding involving the alleged incident, they may contact the prosecuting authority to coordinate when feasible. Criminal or civil court proceedings are not substitute for PTCC procedures.

Appeal: The complainant and the respondent may appeal the decision of the decision-maker. An appeal must be filed in writing with the president or designee within ten (10) business days after notification of the decision. During the pendency of the appeal disciplinary or corrective action taken as a result of the decision shall be enforced. In addition, in cases involving sanctions of suspension for ten (10) days or longer, students shall be informed of their right to a contested case hearing under Minnesota Statutes, Chapter § 14.

Withdrawn complaint: If a complainant no longer desires to pursue a complaint through the college proceeding, the college reserves the right to investigate and resolve the complaint as it deems appropriate.

Sanctions: Students who are found to have violated the Sexual Violence policy could face sanctions up to and including suspension or expulsion from PTCC. Employees found to violate the policy may be disciplined up to and including termination. The appropriate sanction will be determined on a case-by-case basis taking into account the severity of the conduct, the student's or employee's previous disciplinary history or other factors as appropriate.

False statements prohibited: PTCC takes allegations of sexual violence very seriously and recognizes the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual violence or during the investigation of such a complaint or report may be subject to discipline or under certain circumstances, legal action.

Maintenance of report/complaint procedure documentation: During and upon completion of the complaint process, the complaint file shall be positioned in a secure location in the Student Affairs and/or Human Resources Office. Access to the data shall be in accordance with the respective collective bargaining agreement or personnel plan, the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act or other applicable law.

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