

# ACADEMY COLLEGE ANNUAL SECURITY REPORT - 2017

Revised September 29, 2017

## WHO TO NOTIFY

### CAMPUS SECURITY AUTHORITY (CSA)

#### ON DUTY MANAGERS

Steve Guell - Campus Director .....	952.851.0066
Nancy Grazzini-Olson - President.....	952.851.0066
Tenley Burns - Student Services Coordinator .....	952.851.0066
Laura Burroughs - Education Coordinator.....	952.851.0066

## SEXUAL HARASSMENT/SEXUAL VIOLENCE

### ACADEMY COLLEGE

- Instructor
- Laura Burroughs - Education Coordinator
- Steve Guell - Campus Director
- Nancy Grazzini-Olson - President

## SEXUAL ASSAULT RESOURCES

Emergency .....	911
Bloomington Police non-emergency .....	952.563.4900
Crime Victims Hotline .....	612.340.5400
Crisis Intervention Center-HCMC (Hennepin County Medical Center) .....	612.873.3161
Department of Human Rights (Minnesota) .....	711
office .....	651.539.1100
Minnesota Crime Victim Reparations Board.....	651.201.7300
toll free 888.622.8799	
N.O.W. (National Organization for Women) .....	651.222.1605
Office of Justice, Crime Victim Services (MN) .....	800.247.0390 ext.3
Rape and Sexual Abuse Center (24 hrs) .....	612.825.4357
Sexual Assault Resource Service-HCMC.....	612.873.5832
Tubman Crisis Line .....	612.825.0000
United Way .....	211
toll free .....	800.543.7709
website .....	www.211unitedway.org/

## ALCOHOL & DRUG RESOURCES

Alcoholics Anonymous.....	952.922.0880
Greater Minneapolis Intergroup Find meeting locations at website .....	www.aaminneapolis.org/ info@aaminneapolis.org
Alcoholics Anonymous.....	651.227.5502
St. Paul & Suburban Area Intergroup Find meeting locations at website .....	www.aastpaul.org/ lifecycle@aastpaul.org
Alcoholics Anonymous.....	952.888.9300
Richfield/Bloomington Group 9321 Bryant Ave S, Bloomington, MN 55431	
Fairview Recovery Services .....	800.338.2234
2450 Riverside Ave., Minneapolis	
Hazelden.....	651.213.4200
15245 Pleasant Valley Rd., Center City, MN 55012 info@hazelden.org www.hazelden.org	
Tubman Crisis Line.....	612.825.0000

## CRIME REPORT STATISTICS

The following table is the statistical report of crimes occurring on the Academy College campus (as reported to the campus administration and/or the police department).

The table reflects crimes reported for the three previous years. The categories of crime are those required by the Clery Act.

	ON-CAMPUS Includes local police			NON-CAMPUS			PUBLIC PROPERTY		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
<b>Criminal Offenses</b>									
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Forcible sex offenses (including forcible rape)	0	0	0	0	0	0	0	0	0
Nonforcible sex offenses	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Domestic violence	—	0	0	—	0	0	—	0	0
Dating violence	—	0	0	—	0	0	—	0	0
Sexual assault	—	0	0	—	0	0	—	0	0
Stalking	—	0	0	—	0	0	—	0	0
<b>Arrests</b>									
Liquor-law violations	0	0	0	0	0	0	0	0	0
Drug Abuse violations	0	0	0	0	0	0	0	0	0
Illegal weapons possessions	0	0	0	0	0	0	0	0	0
<b>Hate Offenses</b>									
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex offenses - Forcible	0	0	0	0	0	0	0	0	0
Sex offenses - Non-forcible	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

## CAMPUS SECURITY POLICY

### Jeanne Clery Disclosure of Campus Security Policy Annual Campus Crime Report

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Academy College is providing the enclosed information. This report (or print version upon request) includes the Academy College Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Report and is distributed during the initial prospective student meeting, New Student Orientation, employee/faculty new hire orientation and annually through the summer quarter classes. If you should have questions about any of the information provided in this Report, please contact Campus Director, Tracey Schantz, via phone or mail at:

952.851.0066  
1600 W. 82nd St. #100  
Bloomington, MN 55431

### Procedures for Reporting Crimes and Emergencies

A safe campus is best achieved through the cooperation of students, faculty and staff. Students and employees are encouraged to report all criminal acts, suspicious activities or emergencies promptly and have the right to report these matters confidentially. Students and employees should report all criminal actions and emergencies occurring on or around Academy College facilities to the Campus Director or other designated CSA either in person or by calling 952.851.0066 or/and to the Bloomington Police Department by dialing 911.

If you are the victim of a crime and do not want to pursue action within the college or criminal justice systems, you should still consider making a confidential report. With your permission, the Campus Director or their designee may file a report that documents the details of your incident without revealing your identity. Reports can be filed on a voluntary and confidential basis for inclusion in the annual disclosure of crime statistics by contacting the Campus Director or other designated CSA. Names of victims or witnesses are not disclosed in the Crime Report.

All criminal activity is documented by the completion of an Incident Report and is reported to local police agencies. Criminal activity might include, but is not limited to, burglary, motor vehicle theft, aggravated assault, robbery, sexual offense, hate crimes, gender crimes, or murder.

In the event of fire or medical emergencies, students, faculty, and staff should contact the Bloomington Police by dialing 911 and then notify the Campus Director or other designated CSA.

#### **Policies for Preparing the Annual Disclosure of Criminal Statistics**

All incidents are reported and documented through an Incident Report, which is kept in a secure location in the Campus Director's office. The annual crime report is prepared by gathering campus crime statistics and data from the local police department and other relevant information by the Campus Director.

#### **Security Policy and Campus Access**

Academy College does not utilize a campus security person or department. Therefore, the Campus Director is the main Campus Security Authority and assumes the responsibility for security and campus access. The Campus Director may designate another employee to assume or assist with these responsibilities in his/her absence.

It is the policy of Academy College that access to the Campus and Institution facilities is limited to authorized personnel, students and invited visitors. Visitors are at all times subject to Academy College policies. Students and employees are responsible for the conduct of their guests.

Normal hours of operation are 8:00 am to 9:00/10:00 pm Monday through Thursday and 8:00 am to 5:00 pm on Friday. Staff and Faculty members may have additional access to the school at the discretion of the Campus Director. Students may not enter the school during any hours other than normal hours of operation unless special permission has been granted by the Campus Director, and supervision by a staff or faculty member is available.

#### **IN COMPLIANCE OF THIS POLICY ALL EMPLOYEES SHALL BE REQUIRED TO:**

1. Keep all unsupervised and unoccupied areas locked
2. Ensure the security contacts are on site during all hours that the building is open to the students and to the public.
3. Report immediately to the Campus Director or other designated CSA any suspicious activities that relate to the Campus or Institutional facilities. If the Campus Director or other designated CSA is not available, contact the Bloomington Police Department by dialing 911.
4. Be familiar with Academy College procedures regarding the handling of any accidents or criminal activities as detailed below:
  - a. Immediately determine the condition of any injured employee, student or other party
  - b. Notify the Bloomington Police Department by calling 911
  - c. Complete an Incident Report
5. Remain current on all Academy College crime, safety and emergency policies and procedures

#### **IN COMPLIANCE OF THIS POLICY ALL STUDENTS SHALL BE REQUIRED TO:**

1. Be familiar with Academy College procedures regarding the handling of any accidents or criminal activities as detailed below:
  - a. Immediately determine the condition of any injured student, employee or other party
  - b. Notify the Bloomington Police Department by calling 911
  - c. Complete an Incident Report

2. Report immediately to the Campus Director or other designated CSA any suspicious activities that relate to the Campus or Institutional facilities. Each incident will become a matter of record through completion of the Incident Report. If further law enforcement assistance is needed, the appropriate agency will be notified. If the Campus Director and other designated CSA are not available, contact the Bloomington Police Department by dialing 911.
3. Notify the Campus Director or other designated CSA of illnesses or injuries acquired while on campus or Institutional facilities.
4. Remain current on all Academy College crime, safety and emergency policies and procedures

#### **Programs to Inform Students and Employees About Campus Security Procedure**

Information programs regarding security issues are conducted quarterly during new student orientation. A notice (or print version upon request) of the revised campus security policies are distributed annually during summer quarter classes, if revisions are made prior to the annual review date the information will be communicated via mail and email correspondence.

Academy College employees are instructed on crime awareness during staff/faculty meetings, and at their time of new hire.

#### **SAFETY AND SECURITY TIPS**

##### **Personal**

- Remain alert and aware of your surroundings
- Avoid isolated areas
- Walk with a companion whenever possible
- Check the back seat before getting into a car
- Keep car doors locked while driving
- Avoid displaying large amounts of cash or jewelry
- Keep your purse and wallet close to your body
- Avoid isolated bus stops at times when few other people are around
- Do not provide your name, phone number or address to strangers
- Never reveal that you are alone or that you will be away from home
- Keep your local police department's phone number listed in your phone

##### **Vehicle**

- Always lock your car and remove the keys
  - Make sure the windows are closed
  - Park in well-lit areas
  - Lock all valuables in the trunk
  - Never leave an ID tag on your key ring
- ##### **Office**
- Place your purse, wallet and other valuables in a private and secure drawer or closet
  - Never leave keys lying out
  - Never leave change or cash on the desk or in a top drawer
  - Lock doors when working beyond normal hours of operation
  - Report any broken or flickering lights, and doors that don't lock properly

All Academy College students, faculty, and staff are encouraged to take responsibility for their own security as well as that of all other students, faculty, and staff members.

#### **Emergency Response and Evacuation Procedures**

##### **WEATHER-RELATED EMERGENCY SITUATIONS**

In the case of a tornado or other severe weather-related emergency situation, students, faculty and staff will be instructed by campus administration via door-to-door notification to calmly move to the designated shelter area until the threat has passed and the Campus Administration has advised that all occupants may return to the classroom and administration area. The designated shelter area for Academy College is the first floor main/public hallway, bathroom area, away from windows and doors.

Instructors should be the last to leave each classroom and must remember to exit with their class roster. After verifying that all students have exited the room, faculty members will close the classroom door and follow the student to the designated shelter area. Upon arrival to the designated shelter area, faculty members are required to verify that all students listed on the course roster have been accounted for. Students and faculty are reminded to

take all personal items of value with them when departing the classroom.

#### **FIRE AND OTHER EVENTS REQUIRING EMERGENCY EVACUATION**

In the case of a fire or other event requiring emergency evacuation the following procedures should be followed:

- Attempt to rescue anyone in immediate danger if it does not put you in imminent danger
- Pull the building fire alarm or call 911 (all fire alarm stations are labeled)
- Faculty members exit with your course roster
- Staff or faculty members verify that all students have exited the room and close all doors, windows, and other openings that would aid in the spread of fire or toxic fumes
- Evacuate the building through the nearest exit (floor plans are posted in all classrooms, common areas and the administration offices)

Assemble in groups at least 100 feet away from the building. Faculty members are required to verify that all students listed on the course roster have been accounted for. Staff and faculty members should attempt to quickly identify any individuals they suspect might still be in the building and alert emergency response personnel. Anyone that is aware of a disabled person that is unable to exit the building unassisted should notify emergency response personnel of the person's location.

#### **SIGNIFICANT EMERGENCY OR**

##### **DANGEROUS SITUATION RESPONSE**

In the case of an immediate threat to the health or safety of students or employees involving an armed individual or significant emergency, emergency personnel will be immediately notified by the first Academy College employee with access to an outreach method (via phone or computer). In such an event, each individual should take whatever actions are necessary to protect his or her own life. Anyone that is capable of fleeing the area safely is recommended to do so. If flight is impossible, lock or barricade all doors and secure yourself in a safe area. Remain in place until an "all clear" is received by emergency personnel or an Academy College administration team member.

Emergency response and evacuation procedures will be reviewed and tested on an annual basis.

#### **Security Awareness Program**

Information programs regarding campus security issues are conducted quarterly during new student orientation. During orientation students are briefed on campus security policies, annual crime statistics and the school website address where security policies and crime statistics can be located. Throughout the year, warning of potential threats is disseminated through classroom announcements and/or postings.

#### **CRIMINAL OFFENSES-HATE CRIMES**

Academy College is intolerant of any crimes that involve bodily injury to any person in which the victim is intentionally selected because of their actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability. All relevant data will be collected and reported according to category of prejudice including:

- Larceny-theft
- Simple assault
- Intimidation
- Destruction, damage or vandalism of property

#### **Policy Regarding Off Campus Crime Activity**

Due to the non-resident, commuter nature of the student population at Academy College, no off campus student organizations are recognized. Students that engage in criminal activity off campus are subject to all laws enforced by the designated police department. Statistics are not maintained for student off campus criminal activity.

Should a student, staff or faculty member be a victim of injury or crime during a school-sponsored activity the student, staff or faculty member should notify the appropriate emergency personnel immediately. The student, staff or faculty member should then notify the Campus Director or other designated CSA as soon as possible.

## **SEXUAL HARASSMENT/SEXUAL VIOLENCE POLICY**

Under Minnesota law and as a member of Minnesota Career College Association (MCCA), Academy College will be free of sexual harassment and all forms of sexual intimidation and exploitation. In addition, any other form of harassment, be it verbal, physical, intimidation, or exploitation, will not be tolerated. All students, faculty, staff, and administrators must be assured that Academy College will take action to prevent such misconduct and that anyone who engages in such behavior will be subject to disciplinary procedures.

The Violence Against Women Reauthorization Act of 2013 statute specifies a procedure that will be followed once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported; including a statement of the standard of evidence that will be used during any institutional proceeding arising from such a report.

As members of an educational community – students, faculty, staff and administration – must be able to work in an atmosphere of mutual respect and trust. Any violation of trust or any form of intimidation or exploitation damages the institution's educational process by undermining the essential freedoms of inquiry and expression. Students, teachers and staff must feel personally secure in order for real learning to take place.

The Academy College is a member of the Minnesota Career College Association (MCCA). This association has adopted an explicit policy prohibiting sexual harassment and violence:

"It is the policy of MCCA to prohibit harassment of employees or students. Prompt investigations of allegations will be made on a confidential basis to ascertain the veracity of complaints, and appropriate corrective action will be taken."

"It is a violation of policy for any member of our college community to engage in sexual harassment. It is a violation of policy for any member of our college community to take action against an individual for reporting sexual harassment."

"Incidents of sexual violence will be treated for what they are – violations of the code of criminal sexual code. It is a violation of policy for any member of the college community to take action against an individual for reporting an act of sexual violence."

### **Campus Sexual Violence Prevention Program**

Academy College will not tolerate domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct.

Academy College develops educational programs concerning domestic violence, dating violence, sexual assault, and stalking.

Incoming students and new staff participate in a program, via an online learning platform, that provides definitions and prevention of sexual and dating violence, sexual assault, and stalking. Each Fall quarter, in conjunction with the release of the Annual Security Report, all continuing students and staff members attend an educational program about ongoing prevention efforts and have the opportunity to comment.

#### **HOW TO BE AN ACTIVE BYSTANDER**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employee. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## **Definitions**

Using the definition contained in the Equal Opportunity Commission guidelines, the 1984 "Policy Statement on Sexual Harassment" defines sexual harassment as follows:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature constitutes sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting the individual, (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment."

Sexual harassment can occur in situations where one person has power over another, but it can also occur between equals. Both men and women can be sexually harassed. Sexual harassment can be blatant or subtle. Harassment under the third part of the definition often consists of callous insensitivity to the experience of others.

"Sexual assault: Under Minnesota law, sexual activity, including sexual penetration or sexual conduct carried out under coercion, with the threat of a weapon, through the threat of bodily harm, through the position of authority, or when then victim/survivor is mentally handicapped or physically helpless constitutes criminal sexual conduct."

"By Minnesota law, having a previous relationship of any nature, including, prior sexual contact with the victim/survivor is not an accepted defense for sexual assault. The victim/survivor does not need to prove that she/he resisted and another witness is not needed to prosecute the case. The relative age of the persons involved, the victim/survivor's fear of bodily harm to self or another, the use or threat to use a weapon by the perpetrator, and the infliction of either physical or emotional anguish upon the victim/survivor are among the criteria taken into account by Minnesota State Law on Criminal Sexual Conduct."

"Domestic violence" includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, and person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

"Dating violence" means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

"Stalking" means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

### **Right and duties**

Students and employees have the following rights:

1. For filing criminal charges with local law enforcement officials in sexual assault cases.
2. For the prompt assistance of campus authorities, at the request of the victim, in notifying the appropriate law enforcement officials and disciplinary authorities of a sexual assault incident.
3. For an investigation and resolution of a sexual assault complaint by campus disciplinary authorities.
4. For a sexual assault victim's participation in and the presence of the victim's attorney or other support person at any campus disciplinary proceeding concerning a sexual assault complaint.
5. For notice (to a sexual assault victim) of the outcome of any campus disciplinary proceeding concerning a sexual assault complaint, consistent with laws relating to data practices.
6. For the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities securing and obtaining evidence in connection with sexual assault incidents.
7. For assistance of campus authorities in preserving (for a sexual assault complainant or victim) materials relevant to a campus disciplinary proceeding.
8. For the assistance of campus personnel, in cooperation with the appropriate law enforcement authorities, (at a sexual assault victim's request) in shielding the victim from unwanted contact with the alleged assailant, including transfer of the victim to alternative classes if alternatives classes are available and feasible.

The campus authorities/personnel recognize, and are committed to executing, their duties in carrying out the sexual harassment/sexual violence policies and procedures of the Academy College.

### **Sexual Violence**

Sexual assault is an act of aggression and coercion, not an expression of sexual intimacy. We will do whatever possible to offer safety, privacy and support to the victim/survivor of sexual assault. Helping the victim/survivor look at options for the reporting the assault and taking care of her/him is the immediate concern of the school. In the catalog insert, General Information Fact Sheet is a listing of support services for sexual assault victims/survivors. The school will assist the victim/survivor in contacting an appropriate agency if such assistance is desired.

If the assault takes place at the school facility the victim/survivor should immediately contact the administrative offices for assistance. Administrators are not to reveal the name of the victim/survivor unless (s)he chooses to be identified.

The administrative office shall, at all times, have readily available the name(s) of local law enforcement agencies and sexual assault centers that are to be called for immediate help.

If the assault takes place outside the college facility the victim/survivor should immediately contact, or have a friend contact, the local law enforcement and sexual assault center listed in this brochure. Following the incident the victim/survivor should notify the Administrative office of the assault for support, and assistance.

Further, in either case, the victim/survivor should do the following:

- Go to a safe place following the attack
- Do not shower bathe or destroy any of the clothing worn at the time of attack
- Go to an emergency room for medical care
- Report the assault to the police department
- Report the assault to the Campus Director or designee
- Seek professional counseling to aid in the recovery from the psychological effects of the assault

After any campus sexual assaults are reported, the victims of such crimes have the right to request that Academy College Administration take steps or actions reasonably to prevent any unnecessary or unwanted contact or proximity with alleged assailants, if applicable, assistance in changing academic, living, transportation, and working situations if requested and reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

### **Sexual Harassment**

Members of this college community who believe they have been sexually harassed may properly turn for assistance to the college official listed at the end of this document. Whether or not a person consults with a school official (s) he has the option of making an informal or formal complaint according to the procedures outlined below.

No retaliatory actions may be taken against any person because (s) he makes such a complaint or against any member of the college community who serves as an advisor or advocate for any party in any such complaint. No retaliatory actions may be taken against any member of the school community merely because (s) he is or has been the object of such a complaint.

### **Procedures**

The Academy College expects that all members of the private career school community will conduct themselves in a responsible manner that shows respect for others and the community at large. The same behavioral standards apply to all individuals. As part of the larger community we are subject to, abide by, and support Minnesota statutes and local ordinances regarding criminal sexual conduct.

#### **INFORMAL RESOLUTION**

Early efforts to control a potentially harassing situation are very important.

1. Sometimes sexual harassment can be stopped by telling the person directly that you are uncomfortable with his or her behavior and would like it to stop.
2. Writing a letter to the person or talking to the person's supervisor can also be effective.
3. Go to one of the resources for sexual harassment/violence information listed in the catalog insert, General Information Fact

Sheet, or discuss the matter with a friend.

4. Talk to others who might also be victimized by the harasser, since harassment often involves more than one victim.
5. Any student, staff member or faculty member is encouraged to discuss incidents of possible sexual harassment with one of the designated advisors listed in this brochure. These discussions will be kept confidential and no formal complaint is necessary.

Any advisor contacted by a person who may have been subject to sexual harassment will give advice and guidance on both informal and formal procedures for resolving the problem. All information will be kept confidential. No specific circumstances, including the names of the people involved, will be reported to anyone else without the written permission of the person making the complaint.

Incidents should be reported within 30 days. At any time during the procedures, both the person bringing the complaint and the person against whom the complaint is made may have a representative and others present in discussions with the advisor.

#### RESOLUTIONS OF INFORMAL COMPLAINTS

1. Any student or employees may discuss an informal complaint with an advisor. If the person who discussed an informal complaint with an advisor is willing to be identified to other advisors (the advisors form a panel in this situation), but not the person against whom the informal complaint is made, the panel will make a confidential record of the circumstances and will provide guidance about various ways to resolve the problem or avoid future occurrences.
2. If the person bringing the complaint is willing to be identified to the person against whom the complaint is made and wished to attempt informal resolution of the problem, the panel will make a confidential record of the circumstances (signed by the complainant) and suggest and/or undertake appropriate discussions with the persons involved.
3. When a number of people report incidents of sexual harassment that have occurred in a public context (for instance, offensive sexual remarks in a classroom lecture) or when the panel receives repeat complaints from different people that an individual has engaged in other forms of sexual harassment, the panel may inform the person complained against without revealing the identity of the complainants.

#### FORMAL COMPLAINT BY STUDENTS

1. A formal complaint of sexual harassment must include a written statement signed by the complainant specifying the incident of sexual harassment. The statement may be prepared by the complainant or by an advisor as a record of the complaint. The complaint must be addressed to the Campus Director, who will then formally ask the panel to investigate the complaint and present its findings and recommendations. The Campus Director shall then report his or her findings to the President with appropriate recommendations.
2. The panel will investigate formal complaints in the following manner:
  - a. The advisor who is first contacted, after initial discussion with the complainant and with that person's written consent, will deliver the complaint to the panel specifying the individuals involved. The panel will decide whether the circumstances reported in the complaint warrant an investigation.
  - b. If the circumstances warrant an investigation, the panel will inform the person complained against of the name of the persons making the complaint as well as of the substance of the complaint. The panel will then limit the investigation to what is necessary to resolve the complaint or make a recommendation. If it appears necessary for the panel members to speak to any people other than those involved in the complaint, they will do so only after informing the complaining person and the person complained against.
  - c. The panel's first priority will be to attempt to resolve the problem through a mutual agreement of the complainant and the person complained against.
  - d. The chair of the panel will be in communication with the complainant until the complaint is resolved. The complainant will be informed of procedures being followed through the investigation although not of the specific discussions held with the person complained against.

- e. The panel will resolve the complaints expeditiously. To the extent possible, the panel will complete its investigation and make its recommendations within 60 days from the time the formal investigation is initiated.
  - f. If a person making a formal complaint asks not to be identified until a later date (for example, until the end of the course), the panel will decide whether or not to hold the complaint without further action until the date requested.
  - g. If a formal complaint has been preceded by an informal investigation, the panel will decide whether there are sufficient grounds to warrant a formal investigation.
3. After an investigation of the complaint, the panel will:
    - a. Resolve the complaint to the satisfaction of the complainant and the person complained against and report its findings and the resolution to the President, or
    - b. Report its findings with appropriate recommendations for corrective action to the President, or
    - c. Recommended Corrective and/or Disciplinary Action. The purpose of any recommended corrective action to resolve a complaint will be to correct or remedy the injury, if any, to the complainant and to prevent further harassment. Recommended action may include: written or verbal reprimand of the harasser; suspension, dismissal, or transfer of the harasser; both the person bringing the complaint and the person against whom the complaint is made may have a representative and others present during an institutional disciplinary hearing

Corrective action will be carried out by the Directors of Administration or Education at the direction of the President.

#### FALSE CHARGES

If the panel determines that a complaint was made by student or employee with the knowledge that the facts were false, the panel shall so notify the President and may recommend appropriate disciplinary action.

#### Crime Victims Ombudsman

The Office of Crime Victims Ombudsman (OCVO) offers assistance to crime victims who feel that their rights have been violated, or who feel that they have been treated unfairly by the criminal justice system or by victim assistance program.

The OCVO is an impartial investigator and liaison who serves as a source of assistance and information for victims and for the program staff. The OCVO provides information concerning the treatment of victims and witnesses and also serves as a central referral source to appropriate programs for crime victims' assistance.

The OCVO's statewide scope assures a high quality of service. The office monitors for fair and proper administration of services and information, and has demonstrated a commitment to stringent compliance with crime victims' rights under Minnesota law.

Anyone wishing further information or those crime victims who feels that their rights have been violated, should contact the Office of Crime Victim Ombudsman at 651-642-0550, or call toll free at 1-800-247-0390, during business hours.

#### Minnesota Crime Victim Reparations Board

Help to crime victims with some of their financial losses. Contact the Minnesota Crime Victims Reparations Board at 651-201-7300 or 1-888-622-8799.

#### WHO MAY BE ELIGIBLE?

- A victim who has been physically or emotionally injured as a result of a crime OR in an effort to prevent a crime or apprehend a suspect.
- A person who is paying for services for a victim.
- A family member or estate of a victim who was killed.

#### Campus Sex Crime Prevention Act

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation,

volunteers services or is a student.

The Minnesota Bureau of Criminal Apprehension administers a predatory offender registration and tracking program. Any questions regarding the program may be directed to the Criminal Assessment Program at 888.234.1248 or 651.793.7070. Information regarding this program can be found at the following website: <http://www.dps.state.mn.us/bca/invest/documents/page-07.html>

In addition, information on the notification process may be obtained through the Minnesota Department of Corrections at 651.361.7340 or 866.396.9953 or via email: [notification.doc@state.mn.us](mailto:notification.doc@state.mn.us). An offender locator, for offenders that have the highest risk of re-offense, can be accessed from the Minnesota Department of Corrections website: <https://www.doc.state.mn.us/level3/search.asp>

#### DRUG-FREE SCHOOLS & WORK PLACE POLICY

In accordance with the Drug-Free Schools and Communities Act amendments of 1989, Public Law 101-226, this institution is hereby declared a drug and alcohol free school and work place.

As part of our institutional philosophy, Academy College is dedicated to the advancement and well-being of the student population we serve. As such, all students and employees are encouraged to abstain from the use of illegal drugs and irresponsible use of alcohol. Academy College maintains drug and alcohol education information and a list of counseling and support services that can be obtained at Student Services.

Preamble to the Drug Free School and Work Place policy for the Academy College hereafter referred to as the "college", "institution", or "we".

This college embraces the spirit of the public law that requires colleges to provide a drug free campus and work place. The college will abide by the law as outlined in the accompanying policy.

The college recognizes that drug and alcohol abuse and dependence can cause harmful effects to virtually every aspect of a person's life: i.e., relationships, family, job, school, physical and emotional health.

Any student or employee, who suspects either they or someone else may be at risk, is invited to seek services, which can be of help.

Academy College maintains drug and alcohol education information and a list of counseling and support services which it considers an integral part of the Drug-Free Schools & Work Place Policy. See catalog insert, General Information Fact Sheet.

STUDENTS AND EMPLOYEES are prohibited from the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol anywhere on property belonging to the college including grounds, parking areas, anywhere within the building (s), or while participation in school-related activities. Students or employees who violate this policy will be subject to disciplinary action up to and including expulsion or termination of employment.

As a condition of enrollment or employment, students and employees must: abide by the terms of the policy or; we will take one or more of the following actions within 30 days with respect to any student or employee who violates this policy by:

1. Reporting the violation to law enforcement officials.
2. Taking appropriate disciplinary action against such student or employee, up to and including expulsion or termination of employment.
3. Requiring such student or employee to participate in a substance abuse rehabilitation program approved for such purposes by a federal, state, local health, law enforcement or other appropriate agency.

In compliance with the law, this college will make a good faith effort to maintain drug and alcohol free awareness program.

The following facts, health risks, and actions associated with unlawful use, possession, or distribution of illicit drugs and alcohol is provided by the Minnesota Prevention Resource Center. We consider the content an integral part of our drug-free school and work place policy.

The Federal Government has recently taken a number of legal steps to curb drug abuse and distribution. These anti-drug laws will affect several areas of our lives. For instance, the Department of Housing and Urban Development, which provides public housing funds, has the authority to evict residents found to be involved in drug-related

crimes on or near the public housing premises. Businesses with federal contracts are subject to loss of those contracts if they do not promote a drug-free environment. In our particular situation, students involved with drugs could lose their eligibility for financial aid. Further, they could also be denied other federal benefits, such as veteran's benefits, disability, retirement, health, welfare, and Social Security. Finally, a record of a felony or conviction in a drug-related crime may prevent a person from entering certain career fields.

Drugs and alcohol are highly addictive. Drugs and alcohol are highly injurious to the person and can cause harmful effects to virtually every aspect of a person's life, i.e., relationships, family, job, school, physical and emotional health. People who use drugs and alcohol may lose their sense of responsibility, become restless, irritable, paranoid, depressed, inattentive, anxious, or experience sexual indifference, loss of physical coordination and appetite, coma, convulsions, or even death.

Persons who use drugs and alcohol face not only health risks, but also their ability to function in their personal and professional lives can be impaired as well. Some examples of this are a hangover, or a feeling of being "burnt out," being preoccupied with plans for the next drink or "high", or slowed reflexes that can be especially dangerous while driving. Alcohol related driving deaths are the top killer of 15 to 24 year olds.

There are danger signals that could indicate when someone is in trouble with drugs or alcohol:

- inability to get along with family or friends
- resistance to discipline at home or school
- uncharacteristic temper flare-ups
- getting into a "slump" at work or school
- increased "secret" type behavior
- increased borrowing of money
- abrupt changes in mood or attitude
- a complete set of new friends

We recommend that any person observing any of the above changes in either staff or students immediately notify the contact person named in this policy, or anyone else in authority at the college.

## **A MATTER OF FACTS: INFORMATION ABOUT ALCOHOL & OTHER DRUGS**

(Prepared by the Minnesota Prevention Resource Center, Minnesota Institute of Public Health, for the Chemical Dependency Program Division, Minnesota Department of Human Services)

### **HEALTH RISKS ASSOCIATED WITH USE/ABUSE OF ALCOHOL & OTHER DRUGS**

About this pamphlet: We are confronted almost daily with stories about problems caused by the abuse of alcohol and the use of other drugs. Employers and educational institutions, among others, are working to prevent people from becoming harmfully involved in chemical use/abuse. Prevention works best when information is used by individuals to make personal decisions in their own best interest. To make such decisions we need reliable and honest information about alcohol and other drugs and the risks associated with use. This pamphlet is intended to provide some of the information you need to make your personal decisions about alcohol and other drugs.

For more information about alcohol and other drug prevention, contact the Minnesota Prevention Resource Center at (612) 427-5310 or 1-800-247-1303.

**Alcohol** (ethanol, ethyl, booze, cocktails, brew, liquor, juice, drink)  
The Facts:

- Alcohol is a drug. It acts as a central nervous system depressant. It is a colorless, inflammable, and intoxicating liquid which is absorbed into the bloodstream through the stomach and small intestine. It is the psychoactive ingredient in wine, beer, and distilled liquor.
- Several factors influence the effects of alcohol, including the amount of alcohol consumed; the rate at which it is consumed; the presence of food in the stomach during consumption; and the individual's weight, mood, and previous experience with drug.
- Alcohol; can be very damaging when used in large amounts over a long period of time, or when drunk heavily in a short period of time ("binge" drinking).

Possible Signs of Use/Abuse

- Flushing (skin appears to be reddish); dulling of senses; staggering;

double vision; dizziness; sudden mood changes; slurred speech; impaired coordination, reflexes, memory & judgment; clammy, cold skin; decreased body temperature; and impaired decision making

Possible Health Risks of Use/Abuse

- Malnutrition; lowered resistance to disease; irreversible brain or nervous system damage; gastrointestinal irritation; damage to liver, heart, and pancrea; addiction/alcoholism, coma; and death from overdose, injury or accident
- For pregnant women: fetal alcohol syndrome (FAS) or fetal alcohol effects (FAE) which may cause miscarriage, premature birth, low birth rates, small size, facial deformation, and mental retardation in newborns.

**Marijuana** (Cannabis Sativa, grass, pot, weed, joint, reefer, Acapulco Gold, smoke, Mary Jane, dope, sinsemilla)

The facts:

- Marijuana is the common name for the hemp plant, Cannabis Sativa. A marijuana cigarette (joint) is composed of dried particles from the hemp plant.
- The psychoactive ingredient in marijuana is tetrahydrocannabinol (THC). The amount of THC in a joint is what affects the user. THC is used medically as an anti-nauseate for cancer patients receiving chemotherapy.
- Today's marijuana is more potent than the pot of the 1960's.
- Hashish or hashish oil are derivatives from the cannabis sativa plant and produce similar effects as marijuana.

Possible signs of Use/Abuse of Marijuana:

- Increased heart and pulse rate; bloodshot eyes; increased appetite; dryness in the mouth and throat; hallucinations, paranoia or panic; impaired memory; an altered sense of time; and decreased concentration, reaction time, and coordination

Possible Health Risks of Use/Abuse of Marijuana:

- Damage to heart and lungs; damage to brain nerve cells; lung cancer; memory disorders; interference with psychological maturation; temporary loss of fertility in both women and men; psychological dependence; and bronchitis, infections, colds, and other viruses
  - For pregnant women: premature birth of low birth weights
- Cocaine** (coke, snow, toot, white lady, flake, blow, Big C, Snowbirds, lady, nose candy)

The Facts:

- Cocaine is an addictive drug. It is extracted from the leaves of the South American coca plant. It is a white powder that can be inhaled, injected, or smoked (free based).
- Cocaine stimulates the central nervous system, increasing alertness and activity.
- In order to extend a seller's supply and profits, cocaine sold on the streets is often mixed with other substances such as sugar, salt, cornstarch or possibly other drugs. Its unknown purity content increases the dangers of using cocaine.
- Initially, users of cocaine experience a "high". But when the "high" wears off, a devastating "low" follows. To avoid this "low" users are often compelled to use more.

Possible Signs of Use/Abuse:

- Euphoria; dilated pupils; narrowing of blood vessels; increased blood pressure, heart rate, breathing rate, and body temperature; decreased appetite; insomnia; runny nose; violent, erratic, or paranoid behavior; sweating; anxiety; and tremor

Possible Health Risks of Use/Abuse

- Seizures; heart and respiratory failure; psychosis; sexual dysfunction; death; and addiction
- For the user who shares or use unsterile needles to inject cocaine: tetanus, hepatitis or AID
- For pregnant women: miscarriage, stillbirths, premature labor or delivery, or hemorrhaging. Babies exposed to cocaine (cocaine babies) may be irritable and unresponsive. Cocaine babies may suffer strokes, have malformed kidneys and genitals, and may be at risk for seizures or sudden infant death syndrome

**Crack** (rock, readyrock)

The Facts:

- Crack is a smokeable form of cocaine. It acts as a central nervous system stimulant.
- Smoking crack provides intensified cocaine effects because higher doses of the drug reach the brain with more immediacy.
- Crack is extremely addictive. The instant "high" crack provides is followed by a "low" that leaves the user craving for more.

Possible Signs of Use/Abuse of Crack:

- Euphoria; alertness; increase pulse rate, body temp, & blood pressure; excitability; decreased appetite; oily skin; severe coughing; congestion; black phlegm; nausea; weight loss; insomnia; nervousness; irritability; anxiety; and paranoia

Possible Health Risks of Use/Abuse of Crack:

- Malnutrition; respiratory problems; damage to liver and lungs; addiction; psychosis; heart failure; coma; convulsions; and death
- For pregnant women: miscarriages, stillbirths, or premature delivery. Babies exposed to crack (crack babies) are irritable unresponsive. Crack babies may suffer from heart failure, have malformed kidneys and genitals, and may be at increased risk for seizures or sudden infant death syndrome (SIDS).

**Caffeine**

Caffeine may be the world's most popular legal drug. It is a white, bitter, crystal-like substance found in coffee, tea, cola, and chocolate. It is also found in products such as aspirin, nonprescription cough and cold remedies, diet pills, nonprescription stimulants (such as No Doz or Vivarin), k and some street drugs. Small doses of caffeine may; increase the user's metabolism, body temperature, and blood pressure. Other effects include frequent urination, increased blood sugar levels, tremors, impaired coordination, decreased appetite, delayed sleep and boredom. Extremely high doses may cause nausea, diarrhea, sleeplessness, headache and nervousness. Poisonous doses of caffeine rarely occur but may result in convulsions, respiratory arrest and death.

**Tobacco**

Tobacco is used in a variety of ways. It is smoked through pipes, cigars and cigarettes. Tobacco is also chewed and inhaled in the form of snuff. Nicotine is the active ingredient in all forms of tobacco. Nicotine stimulates the heart and central nervous system. Nicotine causes an increased heart rate and blood pressure, dilated pupils, and increased salivation. Possible health risks of smoking tobacco include arteriosclerosis, emphysema, chronic bronchitis, heart disease, and lung cancer. Possible health risks of chewing or inhaling tobacco include oral cancer, decreased taste sensation and ability to smell, and dental problems.

**CSA Schedule Drugs:**

The Controlled Substance Act (CSA) places drugs in one or more of five categories for schedule(s) based on eight criteria including the drug's abuse potential and accepted medical use. Alcohol and tobacco are not included as CSA schedule drugs. Schedule II, III, IV, and V drugs have accepted medical uses while schedules I drug do not. Schedule I and II drugs have the highest potential for abuse while schedule IV and V drugs have the least abuse potential. Schedule I drugs include Heroin, Crack, LSD, street-grade Cocaine, Methamphetamine, Mescaline, and Marijuana.

**Narcotics:** Opium, II, III, V; Morphine: II, III, Codeine, II, III, V; Heroin I; Hydromorphone: II, Meperidine: II, Methadone: II, Other Narcotics: I, II, III, IV, V.

**Depressants:** Chloral Hydrat: IV; Barbiturates: II, III, IV; Benzodiazepines: IV; Methaqualone: I; Glutethimide: III; Other depressants: III, IV.

**Hallucinogens:** Mescaline and Peyote: I Phencyclidine: II; LSD: I; Amphetamine Variants: I; Phencyclidine Analogues: I; Other Hallucinogens: I.

**Stimulants:** Cocaine: I, II; Crack: I; Methamphetamine: I; Amphetamines: II; Phenmetrazine: II; Methylphenidate:II; Other stimulants: III, IV.

**Cannabis:** Marijuana: I; Hashish: I; Hashish Oil: I; Tetrahydrocannabinol: I, II.

**Steroids:** Anabolic steroids are schedule IV drugs in Minnesota

**SELECTED LAWS ALCOHOL CRIMES & PENALTIES UNDER MINNESOTA LAW**

Minnesota has many statutes that regulate and control the use and abuse of alcohol. In addition to Driving While Impaired (DWI) laws, Minnesota has laws regulating the sale, purchase, possession, and consumption of alcohol.

**DWI Laws**

There are four DWI and Implied Consent packages that aim at preventing the operation of motor vehicles, boats, snowmobiles/all terrain vehicles, and aircraft by inebriated persons.

A. Elements of DWI offense, Minnesota has one of the most comprehensive DWI statutes in the nation. The elements of the offense

may be outlined as follows: it is a crime for any person to drive, operate, or be in physical control of a motor vehicle, within this state or upon the ice of any boundary water of this state, while the person is under the influence of alcohol, a controlled or hazardous substance, or a combination of the two, or the person has an "alcohol concentration": of 0.10 or more.

1. Driving, Operating and Physical Control: The statute does not prohibit only "driving" while under the influence, but extends to "operating" and "physical control" of the motor vehicle. While "driving" normally includes starting motors, steering towed vehicles, etc. "Physical control" is broader yet, and applies to any person who places himself or herself in a position to either restrain a vehicle from being moved or to direct its motion, including persons found alone, asleep, in a parked vehicle.

2. Motor Vehicle: The law applies to any kind of motor vehicle including farm tractors, bulldozers, front-end loaders, mopeds, garden tractors, and riding lawn mowers.

3. Under the Influence: "Under the influence is defined in terms of impaired ability to drive safely. It is not synonymous with an "alcohol concentration" of 0.10 or more. On the contrary, an alcohol concentration of "more than 0.05 and less than 0.10" is relevant evidence of whether or not the person is under the influence of alcohol. In reality, most human beings are visibly impaired at alcohol concentrations well below the 0.10 line.

B. Criminal Penalties: Generally a first offense is a misdemeanor, with a maximum of 90 days in jail and a fine of \$700. If the person has a prior "impaired driving conviction" within the previous ten years, the crime is a gross misdemeanor, raising the maximum sentence to a year in jail; and a fine of \$3000. "Impaired driving convictions" include adult convictions and juvenile adjudications.

C. Driver License Revocations:

a. First offense: not less than 30 days

b. Second offense in less than five years: not less than 90 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed. After the second offense, subsequent offenses call for longer periods of revocations; and under certain circumstances the registration plates and registration certificate of all motor vehicles registered in the name of any person whose license is revoked may be impounded.

D. Implied Consent: The implied consent statute provides that by driving a motor vehicle in this state, a person implicitly consents to submit to testing for intoxication. If testing is refused, you may be subject to criminal penalties, and your right to drive will be revoked for a minimum period of one year. If a test is taken and the results indicate that you are under the influence of alcohol or a controlled substance, you will be subject to criminal penalties, and your right to drive may be revoked for a minimum period of 90 days.

#### Liquor Control Violations, Persons Under The Age Of 21 Years.

A. Consumption: It is a misdemeanor for any liquor licensee (such as a bar or restaurant) to permit any person under 21 to consume alcoholic beverages on the premises. It is a misdemeanor for any person under the age of 21 years to consume any alcoholic beverages unless that person is in his parents'/guardians' home and with their permission.

B. Purchasing:

1. It is a gross misdemeanor for any person to sell, barter, furnish or give alcoholic beverages to a person under 21 years of age; except for the rights of parents/guardians as outlined under consumption.

2. It is a misdemeanor for any person under the age of 21 years to purchase or attempt to purchase alcoholic beverage.

3. It is a gross misdemeanor for any person to induce a person under the age of 21 years to purchase or procure any alcoholic beverage, or lend or permit the use of a driver's license.

C. Possession: It is a misdemeanor for any person under the age of 21 years to possess any alcoholic beverage with the intent to consume it at any place other than the household of person's parent or guardian. Mere possession at any place other than the home of the person's parent or guardian is prima facie evidence of intent to consume.

D. Entering Licensed Premises: Persons under the age of 21 years may not enter any licensed premises for the purpose of purchasing,

being served or delivered; any alcoholic beverages.

E. Misrepresenting Age: It is a misdemeanor for any person under the age of 21 years to claim to be 21 years old or older for the purpose of purchasing alcoholic beverages.

F. Proof of Age: Proof of age must be established by a valid driver's license, Minnesota identification card, or in the case of a foreign national, a valid passport.

G. Driver License Suspensions of Illegal Purchase of Alcohol: The Commissioner of Public Safety shall impose a 90 day suspension of driving privileges of any person who (a) is under the age of 21 years and is convicted of purchasing or attempting to purchase an alcoholic beverage if the person used a driver's license, permit or Minnesota identification card in making the purchase or attempted to purchase or (b) who lends a driver's license to someone under 21 years to use to purchase alcoholic beverages.

#### Social Host Liability

Anyone over 21 years that knowingly serves alcohol to someone under 21 years may be held civilly liable for any damage subsequently caused by the person under 21

#### Controlled Substance Crimes and Penalties

##### Under Minnesota Law.

This chart shows the degrees of drug crimes in Minnesota and the sentencing limits for each degree as set by the Minnesota legislature in 1989 and amended in 1990. The "guidelines" listed for each degree refers to the lengths of time that a person convicted of an offense at the degree would serve in prison. These guidelines are set by the Minnesota Sentencing Guidelines Commission. The actual length of sentence is determined by the defendant's criminal history. For instance, a person convicted of a second-degree drug offense who has no prior convictions will get a shorter sentence than another person also convicted of a second-degree drug offense who happens to have a prior record. In addition, pursuant to 1989 legislation, a judge may increase a sentence if the drug offense took place in a school zone or park zone.

If the guidelines call for probation, the defendant can be sentenced to serve up to 12 months in local jail or workhouse.

#### SALE

**FIRST DEGREE:** Sale: 3 grams crack, 10 grams cocaine/heroin; methamphetamine, 50 doses hallucinogen, 25 kilos marijuana. Possession: 5 grams crack, 500 grams cocaine / heroin / methamphetamine, 500 doses hallucinogen, 100 kilos marijuana. Penalty: 0-30 years, 4-year mandatory minimum if prior drug felony, up to \$1 million fine. Guidelines: 86-146 months.

**SECOND DEGREE:** Sale: 3 grams crack, 10 grams cocaine / heroin / methamphetamine, 50 doses hallucinogen, 25 kilos marijuana, or sale of any Schedule I or II narcotic drugs either to a person under 18 or in a school zone or park zone. Possession: 6 grams crack, 50 grams cocaine / heroin / methamphetamine, 100 doses hallucinogens, 50 kilos marijuana. Penalty: 0-25 years, 3-year minimum if prior drug felony up to \$500,000 fine. Guidelines: 48 to 98 months.

**THIRD DEGREE:** Sale: Crack cocaine/ heroin, 10 doses hallucinogen, 5 kilos marijuana, or sale of any Schedule I, II, or III drug (except a Schedule I or II narcotic drug or marijuana) to a person under 18 to sell same. Possession: 3 grams crack, 10 grams cocaine/heroin. Methamphetamine, 10 kilos marijuana, and any amount of a Schedule I or II narcotic drug in a school zone or park zone. Penalty: 0-20 years, 2 years mandatory minimum if prior drug felony, up to \$250,000 fine. Guidelines: For possession of crack and cocaine, 48 to 98 months; for all other third degree offenses, probation to 54 months.

**FOURTH DEGREE:** Sale: Any schedule I, II, or III drug (except marijuana or sale of marijuana or any schedule IV or V drug to person under 18). Possession: 10 doses hallucinogen. Penalty: 0-15 years, 1 year mandatory minimum, if prior drug felony; up to \$100,000 fine.

**FIFTH DEGREE:** Sale: Marijuana or any Schedule IV drug; Possession: All Schedule I, II, III, or IV drugs except 1.5 ounces (42.5 grams) or less of marijuana. Penalty: 0-5 years, 6-month mandatory minimum if prior drug felony, up to \$10,000 fine. Guidelines: Probation.

#### POSSESSION

Possession of 1.5 ounces (42.5 grams) or less of marijuana is

a petty misdemeanor punishable by a fine of up to \$200 and required attendance at an approved drug education program. Failure to comply with those sanctions or a second conviction within two years constitutes a misdemeanor. Possession of more than 1.4 grams of marijuana in an automobile continues to be a misdemeanor under Minnesota law.

In addition to charging offenders with possession and sale crimes, Minnesota prosecutors can charge drug offenders with, depending on the circumstances: (1) failure to purchase tax stamps from the State Commissioner to Revenue; (2) money laundering, if the person conducted a financial transaction with money that he knew was the proceeds of a felony drug crime; and (3) racketeering, under which a dealer can be fined up to three times his gross profit.

Possession: 100 grams or more methamphetamine or 1 kilogram or more methamphetamine mixture; 1 kilogram or more heroin mixture, 5 kilograms or more cocaine mixture, 50 grams or more crack mixture, 100 grams or more PCP or 1 kilogram or more PCP mixture, 10 grams or more LSD mixture, 400 grams or more Fentanyl mixture, 100 grams or more Fentanyl analogue mixture, 1000 kilograms or more marijuana, 1000 or more marijuana plants. Penalty: First Offense: 0 to life, 10 years mandatory minimum; if death or serious injury, 20 years minimum; up to \$4 million fine individual, \$10 million other than individual. Second Offense: 0 to life, 20 year mandatory minimum; if death or serious injury, not less than life; up to \$8 million fine individual \$20 million other than individual.

Possession of: 10-99 grams methamphetamine or, 100-999 grams methamphetamine mixture, 100-999 grams heroin mixture, 500-1099 grams cocaine mixture, 5-19 grams crack mixture, 10-99 grams PCP or 100-999 grams of PCP mixture 1-10 grams of LSD mixture, 40-3999 grams Fentanyl, 10-99 grams Fentanyl analogue, 100-1000 kilograms marijuana, 100-1,000 marijuana plants. Penalty: First Offense: 0-40 years, 5 year mandatory minimum if death or serious injury, 20 year minimum; up to \$2 million fine individual, \$5 million other than individual. Second Offense: 0 to life, 10 year mandatory minimum; if death or serious injury, not less than life; up to \$4 million fine individual, \$10 million other than individual.

Possession of: Any amount of other Schedule I and Schedule II controlled Substances. 50-100 kilograms marijuana, 50-99 marijuana plants, 10-100 kilograms hashish, 1-100 kilogram hashish oil. Penalty: First Offense: 0 to 20 years; if death or serious injury 20 year minimum, not more than life; up to \$1 million fine individual, \$5 million other than individual. Second Offense: 0 to 30 years; if death or serious injury not less than life; up to \$2 million fine individual, \$10 million other than individual.

Possession of: Any amount of Schedule III controlled substances, less than 50 kilograms marijuana, less than 10 kilograms hashish, less than 1-kilogram hashish oil. Penalty: First Offense: 0-5 years, up to \$250,000 fine individual, \$1 million other than individual. Second Offense: 0-10 years, up to \$500,000 fine individual \$2 million other than individual.

Possession of: Any amount of Schedule IV controlled substances. Penalty: First offense 0-3 years, up to \$250,000 fine individual, \$1 million other than individual. Second Offense: 0-6 years up to \$500,000 fine individual, \$2 million other than individual.

Possession of: Any amount of Schedule V controlled substances. Penalty: First offense: 0 to 1 year; up to \$100,000 fine individual, \$250,000 other than individual. Second offense: 0 to 2 years, up to \$200,000 fine individual \$500,000 other than individual.

In addition to the above penalties for controlled substance crimes, Federal law provides for: (1) forfeiture of personal and real property used to possess or to facilitate possession of controlled substance if that offense is punishable by more than one year imprisonment; (2) forfeiture of vehicles, boats, aircraft of any other conveyance used to transport or conceal a controlled substance; (3) a civil fine of up to \$10,000 (pending adoption of final regulation); (4) denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense; up to 5 years for second and subsequent offenses; (5) ineligibility to receive or purchase a firearm; and (6) revocation of certain Federal licenses and benefits, e.g. pilot

licenses, public housing tenancy, etc., as determined by individual Federal agencies.

#### Local Sanctions

City of Bloomington follows Minnesota State Law.

#### **PROCEDURES FOR A BIENNIAL REVIEW**

1. A review panel will be established by the college consisting of staff, instructors, and students.
2. The review panel will determine the effectiveness of the program by:
  - a. examining the written policy for completeness and clarity.
  - b. examining the procedures for distribution of the written policy.
  - c. examining statistical documentation showing how students and employees have been affected by or helped by the program.
3. The review panel will ensure that the sanctions are consistently enforced by:
  - d. examining the written sanctions included in the policy.
  - e. examining the statistical documentation of violations of the policy and the sanctions that were applied to those violations.
4. The panel will not violate the privacy of employees or students by examining actual files but will rely on the statistical information provided by the school regarding violation and sanctions.
5. The review panel will recommend changes to the policy to improve its effectiveness and to ensure consistent enforcement.
6. The college will maintain all records of the biennial review for three years after the fiscal year in which the review was conducted and make these records available to the Secretary of Education.

#### **CRIME DEFINITIONS**

The definitions below are taken from the Federal Bureau of Investigation Uniform Crime Reporting (UCR) handbook and used to classify the criminal offenses listed above.

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

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

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

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

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

**Sexual Assault With An Object:** The use of an object or instrument to unlawfully penetrate, however, slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Sexual Offenses, Nonforcible:** Unlawful, nonforcible sexual intercourse.

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

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

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

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

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

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

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

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

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

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