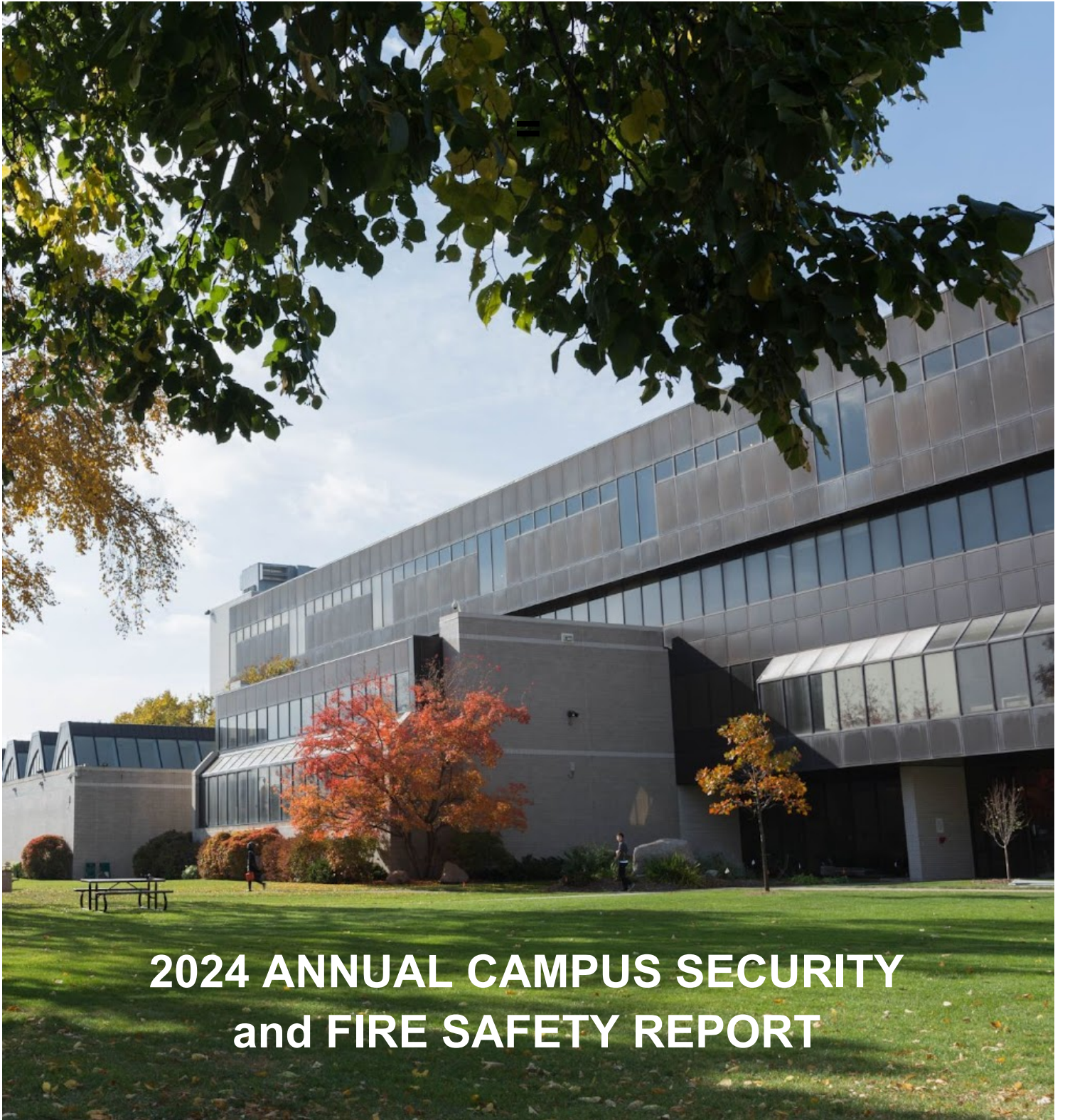


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**2024 ANNUAL CAMPUS SECURITY  
and FIRE SAFETY REPORT**

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## MESSAGE FROM THE PRESIDENT



Dear MCAD Community,

As President of the Minneapolis College of Art and Design (MCAD), it is my pleasure to introduce the Annual Security and Fire Safety Report (ASR). At MCAD, our vibrant, creative community is built on the foundation of safety, inclusivity, and respect. This report highlights the steps we have taken to maintain a secure environment where creativity and expression can thrive.

Our commitment to the well-being of our students, faculty, staff, and visitors extends beyond the classroom. MCAD's Campus Safety Department works diligently to ensure that everyone in our community feels supported, informed, and empowered to take an active role in maintaining safety on our campus. The ASR is part of that ongoing effort, providing valuable information on campus crime statistics, safety protocols, emergency response procedures, and fire safety measures.

Safety is a shared responsibility, and we encourage you to review this report carefully. We also ask that you remain vigilant and engaged in supporting the safety and security of our campus, whether by participating in training programs, reporting concerns, or staying informed about the resources available to you.

As we move forward together, I am confident that with your engagement and cooperation, we can continue to foster an environment where creativity and innovation are not only encouraged but protected.

Thank you for your dedication to keeping MCAD a safe and welcoming place for all.

All my best,

A handwritten signature in black ink that reads "Sanjit Sethi".

Sanjit Sethi  
President & CEO  
Minneapolis College of Art and Design

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In compliance with the Higher Education Act (also known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act), this report contains detailed information covering a broad range of topics, including Campus Safety services, crime prevention policies, and campus crime statistics.

**DEPARTMENT of CAMPUS SAFETY**

The Campus Safety Department, located in office 110 behind the Welcome Desk in the gallery of the Main Building, is dedicated to the safety, security and protection of the entire college community consisting of approximately 750 undergraduate students, 110 Masters of Fine Arts students, 1,350 Continuing Education students, and 470 faculty, staff, and administrators. Staffed with a director, campus safety coordinator, eight full-time campus safety officers, and supported with student workers, Campus Safety provides 24-hour incident response and security patrols to the MCAD community throughout the year.

**AUTHORITY of CAMPUS SAFETY OFFICERS**

Minneapolis College of Art and Design (MCAD) Campus Safety officers are not licensed police officers by the State of Minnesota. They are empowered to make arrests pursuant to Minnesota Code Section 629.37 covering citizen's arrests. However, in most instances, the Minneapolis Police will be summoned to the campus should circumstances warrant an arrest. MCAD continues to maintain a positive and on-going working relationship with state and local law enforcement agencies to address the impact of criminal behavior.

MCAD Campus Safety officers are charged with enforcing college policies as well as reporting violations of state and local laws that occur on college property. The jurisdiction of the MCAD Campus Safety Department is generally confined to MCAD property unless assistance is requested by local/area law enforcement agencies. The MCAD campus is considered private property and as such, access to and the ability to remain on campus property may be denied at the discretion of the College including in response to inappropriate/threatening/criminal behavior. All persons must produce identification upon request by a Campus Safety officer while on MCAD property.

MCAD Campus Safety will investigate crimes that are committed on MCAD property; these crimes may also be reported to the local police department. Other matters reported to MCAD Campus Safety will be investigated by the MCAD Campus Safety staff or referred to the proper department or agency for follow up. MCAD Campus Safety maintains records of all reported criminal activity on campus. Statistics of incidents reported to Student Affairs, Student Housing (including Resident Assistants), or Human Resources will be passed on to MCAD Campus Safety.

The MCAD Campus Safety department has responsibilities which range from alarm management to lost-and-found services, access control, and parking services. Campus Safety works with the Minneapolis Police Department on criminal matters, neighborhood issues, crime prevention, and campus safety in order to make a safer and more secure campus environment. Campus Safety Officers receive specialized training pertaining directly to campus-safety-related issues. Some of Campus Safety's duties include patrolling the campus, monitoring alarm panels and building cameras,



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answering the college's main switchboard and emergency lines, as well as serving as a source of information to college faculty, staff, students, and visitors.

**RELATIONSHIP with MINNEAPOLIS POLICE DEPARTMENT**

The Minneapolis Police Department and MCAD Campus Safety continue to maintain a proactive partnership with respect to the safety and welfare of the MCAD and the Whittier neighborhood/Minneapolis communities. When appropriate, the Minneapolis Police Department will be informed of serious incidents and property crimes occurring on the campus. This information sharing does not constitute a formal complaint with MPD however. Victims of crimes will be encouraged to report the crime to the Minneapolis Police in person and file criminal charges but the decision to report is up to the victim.

**PREPARING ANNUAL CRIME STATISTICS**

MCAD Campus Safety Department compiles all information and statistics for this report. A formal police report is not needed in order for a crime to be included in the annual statistics. Statistics are collected using MCAD Campus Safety records, as well as information from applicable police agencies and all officials of MCAD who have significant responsibility for students and campus activities. To prepare MCAD's crime report, all incidents reported to the Campus Safety staff, Minneapolis Police Department, Vice President of Student Affairs, Director of Student Housing, CFO, Vice President and Treasurer, and others are recorded.

By October 1<sup>st</sup> of each year, all current MCAD students and employees are notified via email of the availability of the report and the location to request a copy. This report is made available via the [website](#). Paper copies are available in the Campus Safety Office, President's Office, Human Resources and Admissions. All reasonable attempts have been made to identify all reported crimes and to present the statistics in this report in accordance with the Higher Education Act.

**COMMUNITY REPORTING AND INSTITUTIONAL RESPONSE**

To achieve a safe and secure campus environment, all members of the campus community are encouraged to report promptly any suspicious or criminal activity observed directly to Campus Safety at 612-874-3555 and the Minneapolis Police Department when the victim elects to report, or is unable to make such a report. Those community members who "have significant responsibility for student and campus activities, serve as advisors to student groups or coach student athletes" are required to report crimes to Campus Safety as they have been identified as "Campus Security Authorities (CSA's)" for purposes of the College's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (hereafter referred to as the Clery Act). It is critical that all crimes reported to campus security authorities be immediately reported to Campus Safety for investigation and inclusion in the College's annual security report pursuant to the Clery Act. Compliance with these provisions does not constitute a violation of Section 444 of the General Education Provision Act (20 U.S.C. 1232g) commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA). Any disclosures made by the College relating to an alleged crime will not include the name or any other personally identifiable information about the victim. Furthermore, retaliation by an institution or an officer, employee or agent of an institution against any individual for exercising their rights or



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responsibilities to report crimes under any provision under the Clery Act is strictly prohibited. Infractions of MCAD rules are referred to Student Affairs. Law breaking and criminal conduct may be referred to local police.

Upon receipt of a call, the dispatcher will gather preliminary information from the caller and when appropriate, dispatch a Campus Safety officer to the location of the incident. The responding officer will investigate the complaint or concern. Depending upon the nature of the incident, Campus Safety will initiate the appropriate response according to department protocol and/or college policy. If necessary, the Minneapolis Police Department will be contacted to assist in resolving the incident. A confidential crime reporting tip line was launched by the Minneapolis Police Department and community members are encouraged to use this number 1-800-222-TIPS (8477) to help Campus Safety and local law enforcement address criminal activity.

Five emergency telephone towers/boxes are located around the center of campus to facilitate and encourage the prompt reporting of criminal and/or unacceptable behavior. These exterior phones are identified with a blue tower/box so they are easily recognizable across campus. All members of the MCAD community should memorize the following numbers to report criminal behavior and emergencies:

<b>MCAD Campus Safety</b>	<b>612-874-3555</b>
<b>Minneapolis Police, Fire, and Ambulance</b>	<b>911</b>

**USE OF VOLUNTARY CONFIDENTIAL REPORTING**

The Department of Campus Safety encourages all faculty, staff, students, and visitors of MCAD to report all crimes. If you are the victim or witness of a crime and do not want to pursue action within the College system or the criminal justice system, you may consider making a confidential report. At the request of the reporting victim or witness, Campus Safety will make every effort to maintain confidentiality with respect to the law and College policies.

The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

**COMMUNITY AWARENESS AND CRIME PREVENTION**

All members of the campus community are expected to support the efforts of the Campus Safety Department in developing and maintaining a safe and secure living/learning environment. Campus Safety strives to provide a safe college environment by following the procedures set forth in this document and encourages all community members to assume responsibility for their own safety and security. If a student or employee believes that appropriate security procedures are not being followed, or that the College environment is unsafe, please contact the Director of Campus Safety at (612)





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874-3728 or by email at [phoffmann@mcad.edu](mailto:phoffmann@mcad.edu). By becoming informed and being alert, you assist both the Campus Safety staff and MCAD in maintaining an environment free of fear of being victimized.

In support of the mission of Minneapolis College of Art and Design, the MCAD Campus Safety department is dedicated to developing healthy relationships with the community who we serve to support transformative education for creative students of all backgrounds. We will earn the community's trust by:

- + Supporting academic freedom.
- + Centering the experience of marginalized communities.
- + Protecting civil and human rights.
- + Providing a safe environment to foster the open exchange of ideas.

MCAD Staff, outside organizations and consultants provide resources, support, and/or training on topics such as self-defense and personal safety, date and acquaintance rape, healthy sexual behavior, sexual harassment, chemical health and substance abuse, and health hazards in the arts. We strive to work collaboratively to keep the campus community safe through a compassionate and empathetic security department, supporting our students, faculty, guests, and staff in their goals to learn, grow, and thrive peacefully.

**PROGRAMS AND RESOURCES AVAILABLE**

***STUDENT ORIENTATION PROGRAM***

MCAD Campus Safety staff provide information on campus security policies, procedures, and crime prevention on an annual basis during student orientation.

***ESCORT SERVICE***

Escorts are available to all enrolled students, staff, faculty, and their guests and should be used only for rides between the MCAD Main campus and a person's residence, parked vehicle, or bus stop/HourCar. Please see the [Escort Range Map](#) on the intranet for specific boundaries within which escorts are offered. Escorts will be made on foot when the escort is on campus or near campus; otherwise the Campus Safety patrol vehicle will be used. There may be a wait period due to other pending service calls. There are also courtesy phones located in the 3D shop, Media Center, Print Shop, and Morrison Building to assist the community with contacting Campus Safety.

To request an Escort, call Campus Safety at 612.874.3801 (or dial "0" on campus) or walk up to the Information desk in Main. Please give your name, beginning location, and destination. Be prepared to show an I.D. if the Officer does not recognize you.

***TAXI SERVICE***

MCAD students, including Continuing Education and summer program students, may receive taxi rides utilizing the MCAD account provided by Student Affairs.



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MCAD students can obtain assistance for a taxi ride from campus safety. The following stipulations apply for account use.

1. Rides are only valid after dark unless for medical transport reasons.
2. All rides should commence at the MCAD Main Building and the destination must be a private residence i.e. the student's home.
3. The number of rides paid on account each semester is limited.
4. *Medical Transport:* Taxi rides on account may be used for round-trip transport to a clinic or emergency room for non-life threatening conditions.

**BLUE EMERGENCY CALL STATIONS**

There are five blue-light emergency call stations located on campus. These can be used whenever a person has been a victim of a crime or sees something suspicious. These phones dial directly to the main campus emergency line (x1555 or 612.874.3555) at the Campus Safety information desk.

**TIMELY WARNINGS**

When serious crimes are reported to a Campus Security Authority or local law enforcement that occur on campus geography and are deemed by the College "to represent a serious or continuing threat to students and employees", Campus Safety will issue a timely warning (Safety Bulletin) by email to the campus community. The timely warning will provide general information surrounding the incident and how incidents of a similar nature might be prevented in the future. All efforts will be made to maintain confidentiality except where prohibited by law or College policies.

**DAILY CRIME LOG**

A daily crime log listing all crimes reported to Campus Safety is maintained in the Campus Safety Office and is available for public review during normal business hours (8:30am-5:00pm Mon-Fri). The daily crime log includes a crime classification, general geographic location, date & time the incident was reported, date & time the incident occurred and a disposition. The daily crime log will not include names or other information that could identify individuals. Crimes reported to MCAD Campus Safety will not be withheld or removed from the annual crime statistics or the Daily Crime Log based on a decision by a court, coroner, jury, prosecutor or other non-campus official unless the crime is officially classified as "unfounded" by local law enforcement authorities.

**FACILITY POLICIES and SECURITY**

MCAD is part of an urban neighborhood in which access to the academic buildings must be balanced with concern for the safety and security of our MCAD community. For both safety and security reasons, students are urged not to work alone, particularly at night. Twenty-four hours a day and every day of the year, officers patrol MCAD's campus including the inside of the academic buildings. There is a 24-hour security telephone response. During MCAD college business hours access to the college is open to the public who enter the college through the north Gallery doors. These visitors are checked in at the MCAD Welcome Desk, who work in conjunction with Campus Safety. In addition, a Campus Safety officer is posted in the dispatch office to grant access after hours to the academic buildings through the locked north or east MCAD Gallery doors and south door (next to parking lot C). There is



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an intercom outside both doors with a direct line to Campus Safety. Proper identification (i.e. picture ID) is required for admittance. Students are required to carry their MCAD student ID card at all times. Campus Safety Officers are not permitted to let students into buildings, rooms, etc., after normal hours without an ID. If you do not have your ID, you may be asked to leave until the buildings re-open for normal business hours. Building hours are distributed and posted on the doors. IDs are available from the Campus Safety Office.

In January of 2016 MCAD began leasing studio space at 2201 1<sup>st</sup> Avenue South. These studios serve the students in the Master's of Fine Arts program. MCAD Campus Safety Officers make routine patrols of the interior and exterior portions of the building that are occupied by MCAD students.

In addition, monitored cameras are located in parking lot C and various areas of the academic buildings. These systems are continuously recording to enhance the apprehension and prosecution of any person who attempts to breach the safety of the MCAD community. Alarms are installed and monitored 24 hours a day in areas of high security concern.

Residence hall exterior doors are locked 24 hours a day. Only students who have access, or those with legitimate business inside residence halls, are allowed entry. All others may be considered as trespassing, and residents are urged to report their presence to MCAD Campus Safety.

Students living in campus apartments should keep exterior apartment doors closed and locked. Never let anyone you do not know into the building. Apartment doors and windows should be kept locked at all times. Most of the MCAD residence halls are equipped with security screens on all lower windows. If you feel suspicious about someone or something, go to a populated area and call MCAD Campus Safety or 911 immediately. If, upon returning to your residence, you find signs of forced entry, leave immediately, seek safety, and notify the police and MCAD Campus Safety.

Loss or theft of room keys should be reported to the Housing Office and MCAD Campus Safety immediately. A resident who has lost room keys has one week to find them. If the resident does not do so within that time, the apartment may be re-keyed at a cost to the resident. Problems with door or window locks should be reported immediately to the Housing Office on campus (extension x1780).

MCAD's Facilities Department maintains College buildings and grounds with a concern for safety. MCAD Campus Safety officers also spot and report safety or security hazard conditions during the course of their normal patrols. MCAD Campus Safety and the Facilities Department conduct security and exterior lighting surveys in an ongoing effort to examine the existing conditions and elevate the level of campus protection. Channels of internal communications exist to facilitate the repair or improvement of security systems on campus. The Facilities Department recognizes the importance of responding promptly to facilities requests that involve security issues.

A Safety Committee composed of representatives from the student body, faculty, and staff meets regularly to discuss safety concerns. The Safety Committee accepts suggestions, reviews problems, and makes recommendations for changes and improvements. Students, faculty, and staff are all



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encouraged to express concerns to the Safety Committee by calling the Campus Safety Coordinator (extension x1759).

In order to keep buildings safe and in good repair, it is important to promptly report maintenance problems. For plumbing, electrical, heating, elevator, door lock, keys, and other maintenance concerns, contact the Facilities Department, (extension x1749).

## **EMERGENCY PROCEDURES**

### **EMERGENCY NOTIFICATION**

When it is necessary to alert the campus community to an emergency situation, MCAD Campus Safety will alert the campus via one or all of the following methods: hand-held public address horns, phone text messaging, emails, paging over the campus phone system, and pop-up messaging on computers linked to the college network. The MCAD emergency notification system is subscriber based and readily available to all students, faculty and staff through the college website at: <https://mcad.omnilert.net> . All community members are strongly encouraged to subscribe to the emergency notification system and keep their information updated since this is the most comprehensive and far reaching method of communicating emergency notifications. Tests of the emergency notification system are conducted semi-annually and data is gathered to measure distribution through our system provider. MCAD will also utilize other systems such as building intercoms, public address systems, digital signage screens, telephones and email to enhance the distribution of information as time and circumstances permit. Twice each year MCAD conducts an announced emergency communication drill that consists of a text message, email and building phone system paging.

### **EVACUATION PROCEDURES**

All faculty, staff and students should learn the evacuation routes and stairwell locations for all campus buildings they frequently occupy. Evacuation maps and information for resident students are posted inside each residence hall student room on campus. Once you have evacuated, seek shelter in the nearest campus building. If campus safety, law enforcement or fire department personnel are on the scene, follow their directions. Fire drills are conducted four times a year in all residential facilities on campus and evacuation procedures are monitored by the residence life staff. The purpose of these drills is to prepare building occupants for an organized evacuation in case of fire or other emergency. Each drill is documented by a written report from Campus Safety. Any physical deficiencies are sent to the Facilities Department for repair. During an evacuation, occupants are encouraged to take personal belongings (purse, wallet, ID/access card, cell phone, etc.) and follow the evacuation procedures for their building (close your door, proceed to the nearest exit and use the stairs, not the elevators ).

Since each incident has different variables, Campus Safety must quickly assess the situation and determine if an evacuation is necessary. If the situation/incident could involve danger or injury to the MCAD community, the building/area is evacuated and Campus Safety will initiate the Campus Emergency Notification procedures. Types of emergencies where an evacuation may be conducted



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include, but are not limited to the following: bomb threats, fire, chemical spill, utility failure, or hostile intruder.

**SHELTERING IN PLACE**

If an incident occurs outdoors, the buildings around you become unstable or if the air outdoors becomes dangerous due to toxic or irritating substances in the air, it is usually safer to stay indoors. Thus, to “shelter in place” means to make a shelter in the building you are in. If you are outdoors, proceed to the closest building quickly or follow instructions from emergency personnel on the scene. Should this type of situation arise, a shelter in place notification will be sent to the community through our emergency notification system. To shelter in place, close all exterior doors, shut and lock all windows, turn off air conditioners and fans and close off ventilation systems if you are able (college staff will turn off building ventilation systems as quickly as possible when necessary). Monitor your cell phone and email for further instructions and additional updates. A subsequent notification will be sent when it is no longer necessary to shelter in place.

**MEDICAL EMERGENCIES**

MCAD Campus Safety Officers are trained in First Aid procedures. Emergency medical care is available at nearby emergency rooms. If ambulance service is required, call 911 and then contact Campus Safety at x1555. If ambulance service is not required, transportation is available through a taxi service. Please contact Campus Safety to receive a taxi voucher. The closest emergency rooms are located at: Abbott Northwestern Hospital, 800 East 28<sup>th</sup> Street at Chicago (entrance on 28<sup>th</sup>), Minneapolis, 612.863.4233 and Hennepin County Medical Center, 701 Park Avenue, Minneapolis, 612.347.3131.

**MISSING STUDENT POLICY**

Any time a student, staff, or faculty member believes that a student has been missing for 24 hours, she/he/they should report the missing student to one of the following departments: Campus Safety, Student Affairs, or Academic Affairs.

In all cases, Campus Safety will work with Student Affairs to immediately begin an investigation as to the last known whereabouts of the missing student. For resident students, Campus Safety will conduct a timely and thorough preliminary investigation which includes the following:

- + Attempt to determine the missing student’s last known contact with a roommate, faculty, or staff.
- + Obtain the most recent computer login information.
- + Determine any other possible locations of the missing student, such as on or off campus employment, visit with friends and family travel.
- + Attempt to determine the most recent mental state of the missing student.
- + Attempt to determine any personal problems stemming from relationships, family, academics, or employment.

If it is determined that the student has been missing for 24 hours, and/or has not registered a confidential contact, a missing persons report will be filed with the police by Campus Safety or Student



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Affairs. Only authorized campus officials and the police will have access to confidential contact information during a missing person investigation. (Note: If the student is under the age of 18, a parent or legal guardian will be contacted and advised).

**DRUGS AND ALCOHOL ON CAMPUS**

Alcoholic beverages may not be sold, served, or consumed on the MCAD campus, except in conformance with all applicable state laws. Alcohol may not be served at receptions, unless approved by the President. Selling alcoholic beverages in College apartments (including on a price-for-admissions basis) is against state law and MCAD policy. Alcoholic beverages may not be served to individuals who are not of legal age or who appear to be intoxicated. Since the majority of students who live in College apartments are not of legal drinking age, all consumption of alcohol in College apartments is discouraged. If an individual appears to be intoxicated while on campus, Campus Safety will be notified immediately. Rules and sanctions regarding alcohol in on-campus housing are listed in the Housing Handbook. Students who violate MCAD alcohol policy will be subject to appropriate disciplinary action, up to and including eviction from College housing, suspension or expulsion from MCAD, and/or legal prosecution.

An individual's involvement with drugs and alcohol can adversely affect academic and job performance, jeopardize an individual's well-being and undermine the professional and academic structure of MCAD. The goal of MCAD is to establish and maintain a creative environment free from the effects of drug and alcohol abuse in compliance with the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act.

The unlawful possession, use, distribution, manufacture, or dispensing of illicit drugs and alcohol by students or employees is prohibited on MCAD property or as part of MCAD activities, except that it may be possessed or consumed on MCAD property by persons 21 years of age or older in their dormitory rooms and/or approved campus catered events.

Violation of this prohibition against illicit drugs and alcohol by a student may lead to a disciplinary sanction, up to and including suspension or expulsion. Employees are also subject to sanctions for violations occurring on MCAD property or the work site or during work time up to and including termination from employment. Referral for prosecution under criminal law is also possible for students and employees.

Violations of the Student Code of Conduct are subject to the disciplinary procedures and sanctions applicable to other types of disciplinary infractions. Sanctions may include:

- 1. Warning and admonition**
- 2. Required compliance**
- 3. Confiscation**
- 4. Probation**
- 5. Suspension or expulsion**
- 6. Interim suspension**



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- 7. Referral for criminal prosecution**
- 8. Community Service**

**LEGAL SANCTIONS UNDER FEDERAL, STATE, OR LOCAL LAWS**

Information about Minnesota controlled substance crimes and penalties can be found at the following website: [revisor.leg.state.mn.us/stats/152](http://revisor.leg.state.mn.us/stats/152)

Information about Minnesota alcohol-related crimes and penalties can be found at the following websites: [house.leg.state.mn.us/hrd/pubs/dwiover.pdf](http://house.leg.state.mn.us/hrd/pubs/dwiover.pdf)  
[revisor.mn.gov/statutes/?id=340A](http://revisor.mn.gov/statutes/?id=340A)

Information about federal drug trafficking penalties for most drugs can be found at the following website: <https://www.campusdrugprevention.gov/>

**HEALTH RISKS**

Information about the health risks of drug use and abuse can be accessed through the following website: [drugabuse.gov/](http://drugabuse.gov/)

**DRUG AND ALCOHOL PROGRAMS AVAILABLE TO STUDENTS OR EMPLOYEES**

As an additional part of its Drug Free Awareness Program, MCAD currently provides counseling services for students through the Student Affairs Office. This counseling consists of an initial assessment of the potential drug and/or alcohol problem and referral to the appropriate agencies or treatment facilities in the community. Alcoholism, chemical dependency and drug addiction benefits are also available through the employee health plan currently offered by MCAD. Additionally, MCAD currently offers an Employee Assistance Program whereby employees may seek initial counseling and support for drug- and/or alcohol-related issues and/or problems. The individual referral may also contact a community service agency, such as the Minnesota Department of Human Services' Chemical Dependency Department, Ramsey County Chemical Dependency Service, Hennepin County Chemical Health Program, or United Way First Call for Help. Individuals who need help are encouraged to seek it.

**EMPLOYEE NOTIFICATION**

The Minneapolis College of Art and Design ("the College") will not tolerate the abuse of any controlled substance use by its employees anywhere in its facilities. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is strictly prohibited in any of the College's workplaces. Any employee found to be in violation of this prohibition will be subject to severe sanctions up to and including termination of employment with the College. All employees are required to notify the College of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days of such conviction. Continued employment with the College is expressly conditioned upon full compliance with this statement.



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**EMPLOYEE SANCTIONS**

Within thirty (30) days of notification of a criminal drug conviction occurring in the workplace, MCAD will determine the appropriate personnel action, up to and including termination of employment.

The decision to sanction or terminate the convicted employee remains within the discretion of MCAD.

**REPORTING OF VIOLATIONS**

MCAD will report all employee convictions of a criminal drug statute occurring in the workplace to the appropriate federal contracting officer or granting agency within ten (10) days of actual notice of said conviction.





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## INFORMATION REGARDING REGISTERED SEX OFFENDERS

The Federal Campus Sex Crimes Prevention Act, effective October 28, 2002, requires institutions of higher education to issue a statement advising the campus community where state law enforcement agency information on registered sex offenders may be obtained. It also requires sex offenders, already required to register, to provide notice to each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. Minnesota Bureau of Criminal Apprehension administers a predatory offender registration and tracking program. Information regarding this program can be found at the following website: [por.state.mn.us/](http://por.state.mn.us/)

Any questions regarding the program may be directed to the Criminal Assessment Program at 888.234.1248 or 651.603.6748.

Information regarding registered level 3 sex offenders may be obtained through the Minneapolis Police Department (MPD). The MPD may be contacted at 612.673.2817. In addition, information on Level 3 sex offenders may be obtained at: [www.city-data.com/so/Minnesota.html](http://www.city-data.com/so/Minnesota.html).

Information regarding registered sex offenders may also be obtained through the Minnesota Department of Corrections at 651.642.0200. An offender locator, for offenders that have the highest risk for re-offense, can be accessed from the Minnesota Department of Corrections' website: [coms.doc.state.mn.us/publicviewer/](http://coms.doc.state.mn.us/publicviewer/)

## MINNEAPOLIS COLLEGE OF ART AND DESIGN POLICY PROHIBITING SEXUAL HARASSMENT

### JEN ZUCCOLA

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### I. Policy Statement

The Minneapolis College of Art and Design (the “**College**” or “**MCAD**”) is committed to fostering an atmosphere of mutual respect and to providing safe and nondiscriminatory learning and working environments. As such, the College prohibits and will not tolerate Sex Discrimination and Sex-Based Harassment as defined in Title IX of the Education Amendments of 1972 (Title IX) in any College Education Program or Activity.

This policy is effective as of August 1, 2024. To report conduct that occurred prior to August 1, 2024, please follow the procedures set forth under the previous version of this policy.

Anyone who believes that this Policy has been violated is encouraged to bring their concerns to the College’s attention so that concerns can be addressed. The College prohibits retaliation for good faith reports or for participating in the College’s processes set forth in this Policy.

All College community members are required to follow this Policy and are protected by this Policy. This Policy applies to Sex Discrimination and Sex- Based Harassment occurring under the College’s Education or Program Activity. Complaints alleging conduct not covered by this Policy will be addressed pursuant to the Student Code of Conduct or the applicable employee handbook.

This Policy is distributed annually to all students and employees of the College and is posted outside of the Office of Student Affairs and Office of Human Resources. 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 Sex Discrimination or Sex-Based Harassment in potential violation of this Policy.

### II. Notice of Non-Discrimination

It is the College’s policy to comply with Title IX of the Education Amendments of 1972 (“**Title IX**”). Title IX is a federal law which prohibits Sex Discrimination, including Sex-Based Harassment, and states 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.”



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The College does not discriminate on the basis of sex and prohibits sex discrimination in any Education Program or Activity that it operates, as required by Title IX and the regulations promulgated thereunder, including in admission and employment. Inquiries about the application of Title IX to MCAD may be referred to MCAD's Title IX Coordinator, the U. S. Department of Education Office for Civil Rights, or both. MCAD's Title IX Coordinator is:

Jen Zuccola  
Title IX Coordinator  
Vice President of Student Affairs  
Morrison Bldg, M104  
Minneapolis, MN 55404  
Office Phone: 612-874-3626  
Email: [jzuccola@mcad.edu](mailto:jzuccola@mcad.edu)

The College's Nondiscrimination Policy and grievance procedures can be located online [here](#) and [here](#).

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact Jen Zuccola.

**III. Title IX Coordinator and Team**

MCAD has designated the following individuals to oversee and ensure its compliance with Title IX:

Jen Zuccola  
Title IX Coordinator  
Vice President of Student Affairs  
Morrison Bldg, M104  
Minneapolis, MN 55404  
Office Phone: 612-874-3626

Hope Denardo  
Deputy Title IX Coordinator  
Sr. Director of Human Resources  
Morrison Bldg, M18  
Minneapolis, MN 55404  
Office Phone: 612-874-3798

The Deputy Title IX Coordinators assist the Title IX Coordinator with the development, implementation and monitoring of the College's meaningful efforts to comply with Title IX by consulting with and supporting the Title IX Coordinator and serving, from time to time, as the Coordinator's designee. The Title IX Deputy Coordinator may be called upon to investigate or adjudicate complaints of Sex Discrimination and Sex-Based Harassment, decide appeals, and/or facilitate informal resolutions to complaints.

The Title IX Coordinator (and Deputy Title IX Coordinators), must take the following actions to promptly and effectively end any sex discrimination in its Education Program or Activity, prevent its recurrence, and remedy its effects:

- (i) Treat the Complainant and Respondent equitably;
- (ii) Offer and coordinate Supportive Measures, as appropriate, for the Complainant. In addition, if the College has initiated grievance procedures pursuant to this Policy, or offered an informal



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resolution process to the Respondent, offer and coordinate Supportive Measures as appropriate, for the Respondent;

(iii) (A) Notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the grievance procedures described in this Policy, and the informal resolution process if available and appropriate; and

(B) If a Complaint is made, notify the Respondent of the grievance procedures described in this Policy and the informal resolution process if available and appropriate;

(iv) In response to a Complaint, initiate the grievance procedures described in this Policy, or the informal resolution process, if available and appropriate and requested by all parties;

(v) In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process.

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.

The College will annually train faculty and/or staff who serve as Title IX Coordinator, Deputy Title IX Coordinators, Investigators, decision-makers, facilitators of its informal resolution process, appeal officials, and all other persons responsible for implementing the College's grievance procedures or that have authority to modify or terminate Supportive Measures. The College will also annually train all employees on the College's obligation to address Sex Discrimination in its Education Program and Activity, the type of conduct that constitutes Sex Discrimination and Sex-Based Harassment, as well as all applicable notification and information requirements under Title IX and applicable regulations. This includes training faculty and/or staff to, upon being informed of a student's pregnancy or related condition, promptly provide the student with contact information for the College's Title IX Coordinator. The College may also use trained outside parties to be a Title IX Coordinator, Investigator, decision-maker, or appeal official in the Complaint resolution process.

#### **IV. Definitions**

##### **A. Advisor**

Advisor refers to any individual who is acting as an advisor to the party for purposes of the grievance procedures. An Advisor may, but is not required to be, an attorney.

##### **B. Complainant**

Complainant means (1) a student or employee who is alleged to have been subjected to conduct, including the commission of any act or the failure to act, that could constitute Sex Discrimination or Sex-Based Harassment under Title IX; or (2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination under Title IX and who was participating or attempting to participate in the



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College's Education Program or Activity at the time of the alleged Sex Discrimination. A Complainant is not required to be enrolled or employed by the College.

**C. Complaint**

A Complaint means any oral or written request to the College that can be objectively understood as a request to initiate an investigation or the College's grievance procedures or informal resolution process.

**D. Confidential Employee**

Confidential Employee refers to an employee whose communications are privileged or confidential under federal or state law.

**E. Consent**

Under Federal Law "Consent" means:

Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the victim or that the victim failed to resist a particular sexual act. A person who is mentally incapacitated or physically helpless cannot consent to a sexual act.

The use of alcohol or drugs by either person will not diminish the actor's responsibility for Sexual Violence under this Policy.

Under Minnesota Law "Consent" means:

Words or overt actions by a person indicating a freely given and present agreement to perform a certain sexual act with the actor. Minnesota law expressly states that a pre-existing relationship or the fact that the Complainant did not resist is not Consent.

**F. Dating Violence**

Under Federal Law "Dating Violence" means:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined by 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.

This violence is also called domestic abuse and may be subject to criminal prosecution under Minnesota law.

Under Minnesota Law "Dating Violence" means:



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1. An act of domestic abuse, which is defined as an act of physical harm, bodily injury, or assault;
2. The infliction of fear of imminent physical harm, bodily injury, or assault; or
3. Terroristic threats, criminal sexual conduct, or interference with an emergency call that is committed against a family or household member by a family or household member.

Family or household member is defined as follows:

1. Spouses and former spouses;
2. Parents and children;
3. Persons related by blood;
4. Persons who are presently residing together or who have resided together in the past;
5. Persons who have a child in common regardless of whether they have been married or have lived together at any time;
6. A man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; or
7. Persons involved in a significant romantic or sexual relationship.

**G. Disciplinary Sanctions**

Consequences imposed on a Respondent following a determination under Title IX that the Respondent violated the College's prohibition on Sex Discrimination.

**H. Domestic Violence**

Under Federal Law "Domestic Violence" means:

A felony or misdemeanor crime of violence committed by:

1. A current or former spouse or intimate partner of the victim;
2. A person with whom the victim shares a child in common;
3. A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. 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.

Under Minnesota Law "Domestic Violence" means:

1. An act of domestic abuse which is an act of physical harm, bodily injury, or assault;
2. The infliction of fear of imminent physical harm, bodily injury, or assault;
3. Terroristic threats, criminal sexual conduct, or interference with an emergency call that is committed against a family or household member by a family or household member.



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**I. Education Program or Activity**

Education Program or Activity includes locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the Sex Discrimination occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

Conduct occurring in the College's Education Program or Activity may extend to conduct that occurs in off-campus settings that are operated or overseen by the College in the United States. Examples include: field trips; online classes; conduct subject to the College's disciplinary authority that occurs off campus; conduct that takes place via school-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of the College, including AI technologies; and conduct that occurs during training programs sponsored by the College at another location.

For purposes of this policy, Education Program or Activity does not include any events or circumstances that occur outside of the United States. For example, study abroad programs are not considered an Education Program or Activity.

**J. Incapacity**

Incapacity is the physical and/or mental inability to make informed, rational judgments and decisions. States of Incapacity include sleep and blackouts. Where alcohol or other substances are involved, Incapacity is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.

In evaluating whether a person was incapacitated for purposes of evaluating effective consent, MCAD considers two questions:

- (1) Did the person initiating sexual activity know that their partner was incapacitated? and if not,
- (2) Should a sober, reasonable person in the same situation have known that their partner was incapacitated?

If the answer to either of these questions is "yes," effective Consent was absent.

For purposes of this Policy, Incapacitation is a state beyond drunkenness or intoxication. A person is not incapacitated merely because they have been drinking or using drugs. Because the impact of alcohol and other drugs varies from person to person, one should be cautious before engaging in sexual contact or intercourse when either party has been drinking alcohol or using other drugs.

**K. Investigator**

Investigator means an individual appointed by the Title IX Coordinator to investigate a Complaint.





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**L. Gender Identity**

Gender Identity describes an individual's sense of their gender, which may or may not be different from their sex assigned at birth.

**M. LGBTQI+**

LGBTQI+ refers to people who are lesbian, gay, bisexual, transgender, queer, questioning, asexual, intersex, nonbinary, or describe their sex characteristics, sexual orientation, or gender identity in another similar way.

**N. Parental Status**

Parental Status means the status of a person who, with respect to another person that is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

- (1) A biological parent;
- (2) An adoptive parent
- (3) A foster parent;
- (4) A stepparent;
- (5) A legal custodian or guardian;
- (6) In loco parentis with respect to such a person; or
- (7) Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

**O. Pregnancy or Related Conditions**

Pregnancy or related Conditions means (1) pregnancy, childbirth, termination of pregnancy, or lactation; (2) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

**P. Peer Retaliation**

Peer Retaliation refers to retaliation by a student against another student.

**Q. Remedies**

Remedies means measures provided, as appropriate, to a Complainant or any other person the College identifies as having had their equal access to the College's Education Program or Activity limited or denied by Sex Discrimination. These measures are provided to restore or preserve that person's access to the College's Education Program or Activity after the College determines that Sex Discrimination occurred.

**R. Respondent**

Respondent means a person who is alleged to have violated the College's prohibition on Sex Discrimination.



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**S. Retaliation**

Retaliation means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's Education Program or Activity, for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in the College's grievance procedures or during the informal resolution process.

**T. Sexual Assault**

Under Federal Law, "Sexual Assault" means:

An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Under Minnesota Law, "Sexual Assault" means:

- 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.
- Any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent.
- 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.

**U. Sex-Based Harassment**

Sex-Based Harassment prohibited under this Policy is a form of Sex Discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, Pregnancy or Related Conditions, sexual orientation, and Gender Identity, that is:

- (1) Quid pro quo harassment. An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- (2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's Education Program or Activity (i.e., creates a hostile



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environment). Whether a hostile environment has been created is a fact-specific inquiry which includes consideration of the following:

- a. The degree to which the conduct affected the Complainant's ability to access the College's Education Program or Activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages, roles within the College's Education Program or Activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;\
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other sex-based harassment in the College's Education Program or Activity;

(3) Specific offenses:

- a. Sexual assault;
- b. Dating violence;
- c. Domestic violence; or
- d. Stalking.

**V. Sex Stereotypes**

Fixed or generalized expectations regarding a person's aptitudes, behavior, self-presentation, or other attributes based on sex.

**W. Stalking**

Under Federal Law "Stalking" means:

As a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Under Minnesota Law "Stalking" means:

Stalking means two or more acts within a five-year period that violate or attempt to violate any of the following or similar laws of another jurisdiction: (1) harassment; (2) first- to third-degree murder; (3) first- and second-degree manslaughter; (4) terroristic threats; (5) fifth-degree assault; (6) domestic assault; (7) violations of domestic abuse orders for protection; (8) violations of harassment restraining orders; (9) trespass offenses; (10) interference with an emergency call; (11) obscene or harassing telephone calls; (12) letter, telegram, or package opening or harassment; (13) burglary; (14) damage to property; (15) criminal defamation; (16) first- to fifth-degree criminal sexual conduct; (17) sexual extortion; or (18) violations of domestic abuse no contact orders.



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**X. Supportive Measures**

Supportive Measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) Restore or preserve that party's access to the College's Education Program or Activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or (2) Provide support during the College's grievance procedures or during the informal resolution process.

**V. Assistance Following an Incident of Sex-Based Harassment**

**A. Information about Resources**

The College will provide information about internal and external resources to any Complainant and any Respondent accused of a violation of this Policy. Both the College and the community provide a variety of resources to assist and support individuals who have experienced Sex-Based Harassment.

The resource information in Appendix A includes contact information for on- and off-campus resources (including confidential resources) that can provide an immediate response in a crisis situation, including assisting with obtaining needed resources and explaining reporting options. Emergency numbers and information about law enforcement reporting and health care options are also listed in Appendix A.

It is important for victims of Sex-Based Harassment to preserve evidence so that, should they later decide to make a report to the College or law enforcement, that evidence is available. An individual can contact the College Title IX Coordinator, MCAD's Public Safety Officers or law enforcement for help with preserving evidence. A victim is encouraged to go to a hospital for treatment and preservation of evidence, if applicable under the circumstances, as soon as practicable after the Sex-Based Harassment incident.

**B. Crime Victim's Rights**

A summary of crime victims' rights under Minnesota law, including the right to assistance from the Crime Victims Reparations Board, is set forth in Appendix B. Complete information about crime victims' rights can be found online 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.



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**VI. Confidentiality**

The College must keep confidential the identity of any individual who has made a report or filed a Complaint of Sex Discrimination or Sex-Based Harassment, any Complainant, any individual who has been reported to be the perpetrator of Sex Discrimination, any Respondent, and any witness, except as may be permitted by FERPA, or as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation or judicial proceeding arising thereunder. Conduct that is inconsistent with this Policy poses a potential harm or danger to members of the College community, and in some cases, the College must issue a timely warning to the College community in compliance with the Clery Act, 20 U.S.C. § 1092. In these cases, the College will only provide enough information to safeguard the College community. If a Complainant desires Supportive Measures, the Complainant's identity will be kept confidential (including from the Respondent), unless disclosing the Complainant's identity is necessary to provide Supportive Measures for the Complainant. All files, documents, and other materials collected during the investigation will be kept in the confidential files of the Title IX Coordinator. A student who reports an incident of Sexual Assault will, upon request, have access to their description of the incident as it was reported to the College. This right to access applies even if the student transfers to another postsecondary institution.

In connection with the College's legally required recordkeeping, statistical reporting, or community warnings under the federal Clery Act, the College will protect a victim's confidentiality to the extent possible even if the victim does not specifically request confidentiality. Publicly available recordkeeping, statistical reporting and disclosures, will not include names or other information that may personally identify either party, to the extent permitted by law. To ensure that a victim's personally identifying information is not included in publicly available recordkeeping, the Title IX Coordinator describes the alleged incidents by removing the victim's and Respondent's names and any other identifiers that would enable the public to identify the victim or Respondent in the context of the incident report.

The College may issue a crime alert (referred to as a timely warning) to the College community about certain reported offenses if a serious or ongoing physical threat to the community exists. 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 and will not include any identifying information about the individual who has alleged the Sex-Based Harassment.

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 victim, persons whose work assignments reasonably require access, and, at the victim'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.



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**VII. Reporting Sex Discrimination**

The College encourages individuals who believe they or another person have experienced Sex Discrimination to report the incident to the College. The College also encourages individuals who have experienced criminal Sexual Assault to report the incident to law enforcement.

**A. Reporting to the College**

In order to take appropriate corrective action, College officials must have knowledge of conduct that reasonably may constitute Sex Discrimination in an Education Program or Activity against a person in the United States.

Therefore, any employee, other than Confidential Employees, that has either the authority to institute corrective measures under this Policy on behalf of the College or that has administrative leadership, teaching, or advising in the College's Education Program or Activity, who has knowledge of conduct that reasonably may constitute Sex Discrimination, is required to promptly report such behavior to the Title IX Coordinator.

All other College employees except for Confidential Employees, including students employed by the College, must provide the contact information of the Title IX Coordinator and information regarding how to initiate a Complaint of Sex Discrimination to any person who provides the employee with information about conduct that reasonably may constitute Sex Discrimination.

Any student or employee who believes that they or another person have experienced Sex Discrimination should promptly report such behavior. Reports may be made to the College by contacting the following officials:

Jen Zuccola  
Title IX Coordinator  
Vice President of Student Affairs  
Morrison Bldg, M104  
Minneapolis, MN 55404  
Office Phone: 612-874-3626  
Email: [jzuccola@mcad.edu](mailto:jzuccola@mcad.edu)

Hope Denardo  
Deputy Title IX Coordinator  
Sr. Director of Human Resources  
Morrison Bldg, M18  
Minneapolis, MN 55404  
Office Phone: 612-874-3798  
Email: [hdenardo@mcad.edu](mailto:hdenardo@mcad.edu)

Reports can be made by telephone, email, in person, or via the online reporting form mentioned below. The College requests that reports include as much information as possible, including, to the extent known, the name of the Complainant and the date, time, place, and circumstances of the incident(s) to enable the College to be better positioned to respond.

When a Complainant reports to the College that they, or someone else, have been a victim of alleged Sex Discrimination, the College will provide a written explanation of available rights, options, and the grievance process and available informal resolution process. With respect to Complaints of Sex Discrimination other than Sex-Based harassment, a Complainant must be



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participating in, or attempting to participate in, the College's Education Program or Activity at the time of the alleged Sex Discrimination

**1. Online Reporting Form**

The College also has an online reporting form option, which is available on its website at: <https://intranet.mcad.edu/content/anonymous-title-ix-reporting>.

**2. Anonymous Reporting**

The College accepts anonymous reports of Sexual Misconduct, which may be filed using the College's online reporting form at:

<https://intranet.mcad.edu/content/anonymous-title-ix-reporting>. The College is not obligated to investigate an anonymous report unless a Complaint is submitted.

**B. Amnesty for Other Policy Violations**

Any member of the College community who in good faith reports an incident of Sex Discrimination, whether as a victim or a witness, shall not be penalized by the College for admitting in the report to a violation of the College's student conduct policy on the personal use of drugs or alcohol.

**C. Title IX Coordinator's Initial Review and Response to Reports to the College**

When the Title IX Coordinator receives a report of alleged Sex Discrimination, the Title IX Coordinator or his/her designee will contact the Complainant to discuss the availability of Supportive Measures consider the Complainant's wishes with respect to Supportive Measures and seek to hold a preliminary meeting with the Complainant. The purpose of the preliminary meeting is to allow the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report; it is not an investigation interview. The Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the initiating a Complaint, and explain the grievance procedure and available informal resolution process.

The Title IX Coordinator will engage in a meaningful dialogue with the Complainant to determine which Supportive Measures may restore or preserve equal access to the Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter Sex Discrimination.

Examples of Supportive Measures include, but are not limited to:

- Counseling;
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations;
- Leaves of absence;
- Restrictions on contact applied to one or more parties;



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- Voluntary or involuntary changes in class, work, housing, or extracurricular or other activities; or
- Increased security and monitoring of certain areas of the campus and other similar measures.

The Title IX Coordinator will be responsible for determining what Supportive Measures will be put in place with or without the initiation of a Complaint. The measures may be no more restrictive of the Respondent than necessary to restore or preserve the Complainant's access to the College's Education Program or Activity.

If the Title IX Coordinator does not provide a Complainant with Supportive Measures, the Title IX Coordinator will document the rationale and how this determination was not clearly unreasonable in light of the known circumstances.

The Title IX Coordinator has discretion to modify, terminate, or extend any Supportive Measures at the conclusion of the grievance procedure or informal resolution process. The Title IX Coordinator will provide a Complainant or Respondent affected by a decision to provide, deny, modify, or terminate Supportive Measures with a timely opportunity to seek modification or reversal of the Title IX Coordinator's decision by an impartial employee.

The College will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

**D. Reporting to Law Enforcement**

Some types of Sex Discrimination prohibited by this Policy may also be a crime. Individuals who believe they have experienced criminal Sexual Assault are strongly encouraged to notify local law enforcement. Individuals have the right to notify or decline to notify local law enforcement. The College will assist individuals who wish to notify law enforcement. Filing a report with law enforcement is not necessary for the College to proceed with institutional procedures and will not impede institutional procedures. A College investigation and a criminal investigation may be pursued simultaneously. At times, the College may briefly delay the start of its formal grievance process under this Policy if requested by law enforcement in an effort to avoid interfering with law enforcement activities.

Individuals who would like to report Sex-Based Harassment to law enforcement should contact the following:

- 911 (for emergencies)
- Minneapolis Police Department, 5<sup>th</sup> Precinct  
3101 Nicollet Ave. South  
Minneapolis, MN 55408





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Phone: 612-673-3705

Email: [police@ci.minneapolis.mn.us](mailto:police@ci.minneapolis.mn.us)

Website: [http://www.minneapolismn.gov/police/precincts/police\\_about\\_5th-precinct](http://www.minneapolismn.gov/police/precincts/police_about_5th-precinct)

**VIII. Initiation of the College's Grievance Procedure**

When the College receives a Complaint of Sex Discrimination or the Title IX Coordinator decides to initiate a Complaint of Sex Discrimination, the College will promptly respond and address the Complaint pursuant to the guidelines and procedures set forth in this Section.

Each process involving a Sex Discrimination Complaint will provide a prompt, fair, and impartial investigation and resolution. Title IX Coordinators, Investigators, decision makers, and any person who facilitates an informal resolution process will receive annual training on the definition of Sex Discrimination, the scope of the College's Education Program or Activity, and how to conduct an investigation and grievance process, including appeals and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

**A. Initiation by Title IX Coordinator**

1. When the Title IX Coordinator believes that with or without the Complainant's desire to participate in a grievance process, the allegations require an investigation, the Title IX Coordinator has the discretion to initiate a grievance process.
2. In making a determination to initiate a Complaint of Sex Discrimination, the Title IX Coordinator must take into consideration:
  - Complainant's request not to proceed with initiation of a Complaint;
  - Complainant's reasonable safety concerns regarding initiation of a Complaint;
  - Risk that additional acts of sex discrimination would occur if a Complaint is not initiated;
  - The severity of the alleged Sex Discrimination, including whether the discrimination, if established, would require removal of a Respondent from campus or the imposition of another disciplinary sanction to end the discrimination or prevent its recurrence;
  - The age and relationship of the parties, including whether the Respondent is an employee of the College;
  - The scope of the alleged Sex Discrimination, including information suggesting a pattern, ongoing Sex Discrimination, or Sex Discrimination alleged to have impacted multiple individuals;
  - Availability of evidence to assist a decisionmaker in determining whether Sex Discrimination occurred; and
  - Whether the College could end the alleged Sex Discrimination and prevent its recurrence without initiating its grievance procedures.

**B. Complaint and Notice to Respondent**

1. **Notice of allegations** - Upon receipt of a Complaint or if the Title IX Coordinator initiates a Complaint, the Title IX Coordinator will provide the following written notice to the parties who are known:



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- a. Notice of the College's grievance process, including any informal resolution process.
- b. Notice of the allegations of conduct potentially constituting Sex-Discrimination, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sex Discrimination, and the date and location of the alleged incident, if known. The written notice must:
  - Include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
  - Inform the parties that they may have an Advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other sources; and
  - Inform the parties of any provision in the Student Code of Conduct or applicable employee handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- c. If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided as described above, the Title IX Coordinator must provide notice of the additional allegations to the parties whose identities are known.

**C. Dismissal of a Complaint**

The College must investigate the allegations in a Complaint. The Title IX Coordinator may dismiss the Complaint or any allegations therein, if at any time during the investigation:

- Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Complaint or any allegations therein;
- Respondent is no longer enrolled or employed by the College;
- The College is unable to identify the Respondent after taking reasonable steps to do so; or
- The conduct alleged in the Complaint, even if proved, would not constitute Sex Discrimination, did not occur in an Education Program or Activity, or did not occur against a person in the United States.

1. Upon a dismissal of a Complaint, the Title IX Coordinator must promptly send written notice of the dismissal and reason(s) therefore to the Complainant. This notice must inform the Complainant that the dismissal may be appealed. If the dismissal occurs after the Respondent has been notified of the allegations, the Title IX Coordinator must provide the written notice to both parties simultaneously.



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2. If a dismissal is appealed, the Title IX Coordinator must notify the parties of the appeal, including notice of the allegations if the notice was not previously provided to the Respondent. The Title IX Coordinator is then required to implement appeal procedures equally for the parties, ensure that the decisionmaker for the appeal did not participate in the investigation of the allegations or dismissal of the Complaint; and ensure that the decisionmaker for the appeal has been appropriately trained. Each party will be given a reasonable and equal opportunity to make a statement regarding the party's position on the outcome of the appeal. The College will notify the parties of the result and rationale of the appeal.
3. Upon the dismissal of a Complaint, the Title IX Coordinator will offer Supportive Measures to the Complainant and take other appropriate prompt and effective steps to ensure Sex Discrimination does not continue or recur in the College's Education Program or Activity. If the Complaint is dismissed on the basis that the conduct did not constitute Sex Discrimination or that the Complainant voluntarily withdrew any/all allegations in the Complaint, the Title IX Coordinator will offer Supportive Measures to the Respondent.

**D. Consolidation of Complaints**

The Title IX Coordinator may consolidate Complaints as to allegations of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sex Discrimination arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. If one of the Complaints to be consolidated is a Complaint of Sex-Based Harassment involving a student, the grievance procedures for investigation and resolving the consolidated complaint must comply with the grievance procedures for set forth in Section X.

**E. Time Frame for Initial Review**

This stage of initial review of the Complaint by the Title IX Coordinator and initial notice of the Complaint to the Respondent generally will take up to seven (7) College business days. In some cases, more time may be required.

**F. Informal Resolution Process**

The College may, but is not required, to offer for the parties to participate in an informal grievance process and may not offer an informal grievance process unless a Complaint is filed. However, at any time prior to reaching a determination regarding responsibility the Title IX Coordinator may facilitate an informal grievance process, such as mediation, that does not involve a full investigation and adjudication. If an informal grievance process is offered, the Title IX Coordinator will provide to the parties a written notice disclosing the allegations and the requirements of the informal grievance process including the circumstances under which it precludes the parties from resuming a Complaint arising from the same allegations. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal grievance



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process and resume the formal grievance process with respect to the Complaint, and any consequences resulting from participating in the informal grievance process, including the records that will be maintained or could be shared. The Title IX Coordinator must obtain the parties' voluntary written consent to the informal grievance process. The Title IX Coordinator will not offer or facilitate an informal grievance process to resolve allegations that an employee subjected a student to Sex-Based Harassment.

If the Complainant, the Respondent, and the College all agree to pursue an informal grievance process, the Title IX Coordinator will attempt to facilitate a resolution that is agreeable to the parties and the College. The Title IX Coordinator will act as a neutral and will not be an advocate for either the Complainant or the Respondent in the informal grievance process. Under the informal grievance process, the College will only conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the College, and the College community.

Informal resolution may involve the imposition of individual and community remedies designed to maximize the Complainant's access to the College. The recommended resolution may also include other institutional responses, requirements, or sanctions imposed on the Respondent.

The College will not require a Complainant or Respondent to engage in mediation, directly confront the other party, or participate in any particular form of informal resolution. Participation in informal grievance resolution is voluntary, and the Complainant and Respondent have the option to discontinue the informal grievance process at any time and request the Formal Grievance Process. The College also has the discretion to discontinue the informal grievance process and move the Complaint to the formal grievance process. If at any point during the informal grievance process, the Complainant or Respondent or the College wishes to cease the informal grievance process and to proceed through the formal grievance process, the informal grievance process will stop and the formal grievance process outlined below will begin.

The informal grievance process ends when a resolution has been reached or when the Complainant, the Respondent, or the College terminates the process. If the parties to the Complaint 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 grievance process, the case will be resolved without further process under this procedure. If all parties to the Complaint do not agree in writing to the terms and conditions of the recommended resolution, the Complaint will proceed through the formal grievance process.

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

**G. Emergency Removal**

The College may remove a Respondent from its Education Program or Activity on an emergency basis, provided that the College undertakes an individualized safety and risk



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analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sex Discrimination justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

**H. Administrative Leave**

The College may place a non-student employee Respondent on administrative leave during the pendency of a formal grievance process.

**IX. Formal Grievance Procedures for All Complaints of Sex Discrimination**

**A. Application**

The College will follow the following grievance procedures upon: (1) receipt of a Complaint of Sex Discrimination filed by either (i) the Complainant; (ii) the parent, guardian, or authorized legal representative with the legal right to act on behalf of a Complainant; or (iii) the Title IX Coordinator; or (2) the receipt of a Complaint of Sex-Based Harassment filed by either: (i) any student or employee of the College; or (ii) any person other than a student or employee who was participating or attempting to participate in the College's Education Program or Activity at the time of the alleged Sex Discrimination.

**B. Time Frames for Grievance Procedure**

The College allows for the reasonable extension of time frames on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.

**C. Investigation**

A Complaint that is processed pursuant to the formal grievance process will be investigated by one or more Investigators assigned by the Title IX Coordinator to conduct an adequate, reliable, and impartial investigation. The parties will receive written notice of the Investigator appointed. If any party has a concern that the Investigator has a conflict of interest, the party should report the concern in writing as indicated in the "Conflicts of Interest" section below.

The Investigator will conduct the investigation in a manner appropriate to the circumstances of the case, which will typically include interviews with the Complainant, the Respondent, and any witnesses; these interviews are generally audio-recorded. As part of the investigation, the College will provide an opportunity for both the Complainant and Respondent to advise the Investigator of any witnesses they believe should be interviewed, other evidence they believe should be reviewed by the Investigator, and to suggest questions that they would like asked of the other party. The Investigator has discretion to assess the relevancy of any proposed witnesses and determine which interviews to conduct, including the discretion to conduct interviews of individuals not identified by the parties. Similarly, the Investigator has discretion to assess the relevancy of any suggested questions for the other party and determine which questions to ask or not ask. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as deemed appropriate and available. The parties have the right to have others present during any grievance proceeding, including the opportunity



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to be accompanied to any related meeting or proceeding by the Advisor of their choice, who may be, but is not required to be, an attorney. Advisors must comply with the rules and expectations established by the College.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of individual privacy concerns. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties.

The Title IX Coordinator will provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Evidence and information obtained by the parties during this process may not be disclosed outside of the grievance procedures except for as required during administrative proceedings and litigation related to the complaint of Sex Discrimination.

During the grievance process, the decisionmaker is permitted to question parties and witnesses to adequately assess credibility to the extent credibility is both in dispute and is relevant to evaluating one or more allegations of Sex Discrimination.

The time frame for the investigation generally is within 30 calendar days from the assignment of the Investigator. In some cases, more time may be required.

**D. Determination**

Following the completion of an investigation and evaluation of all relevant and not otherwise impermissible evidence, the College will apply the preponderance of the evidence standard to determine whether Sex Discrimination occurred. After the determination is made, the parties will be provided written notice of the determination along with the decisionmaker's rationale and the procedures and permissible bases for the Complainant and Respondent to appeal, if applicable.

If there is a determination that Sex Discrimination occurred, the Title IX Coordinator is required to coordinate the provision and implementation of remedies to the Complainant and other persons the College identified as having had equal access to the College's Education Program or Activity limited or denied as a result of the Sex Discrimination.

The Title IX Coordinator will coordinate the imposition of any disciplinary sanctions on Respondent and will notify the Complainant of such disciplinary sanctions. The Title IX



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Coordinator is required to take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur.

Absent a determination at the conclusion of the College's grievance procedures that the Respondent did engage in Sex Discrimination prohibited under Title IX, the College may not impose any disciplinary sanctions under this policy.

The Title IX Coordinator is prohibited from disciplining a party, witness, or other participants in the grievance policy for making false statements or for engaging in consensual sexual conduct based solely upon the determination whether Sex Discrimination occurred.

**X. Additional Formal Grievance Procedures for Complaints of Sex-Based Harassment**

**A. Application**

In addition to the proceedings outlined in Section IX, the College will abide by the following grievance procedures upon the receipt of a Complaint of Sex-Based Harassment filed by either: (1) any student or employee of the College; or (2) any person other than a student or employee who was participating or attempting to participate in the College's Education Program or Activity at the time of the alleged Sex-Based Harassment.

**B. Time Frames for Grievance Procedure**

The College allows for the reasonable extension of time frames on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.

**C. Investigative Report or Access to Evidence**

The parties will be provided equal access to relevant and not otherwise impermissible evidence or be provided an investigative report that fairly summarizes relevant evidence and, at least ten (10) College business days prior to a determination regarding responsibility, sent to each party and the party's Advisor, if any. The investigative report will be provided in an electronic format or a hard copy, for their review and written response. The investigative report can include, but is not required to include the Investigator's recommended findings or conclusions. However, the decisionmaker is/are under an independent obligation to objectively evaluate relevant evidence and cannot defer to recommendations made by the Investigator in the investigative report. If an investigative report is provided, the parties are still entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

**D. Examination of Parties and Witnesses**

In lieu of a live hearing, the College provides a process upon which a decisionmaker is permitted to question the parties and witnesses to adequately assess credibility to the extent credibility is in dispute and is relevant to evaluating one or more allegations of Sex-Based Harassment.



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Under this process, the Investigator or decisionmaker is permitted to ask such questions during individual meetings with a party or witness. Each party is permitted to propose such questions for an Investigator or decisionmaker to ask of any party or witness.

The decisionmaker must allow each party to propose such questions that the party wants asked of another. The decisionmaker must determine whether a question proposed by a party is relevant and not otherwise impermissible. In the event that a decisionmaker determines a party's question is relevant and not otherwise impermissible, the question must be asked unless it the question is unclear or harassing. If a proposed question is unclear or harassing, the proposing party must be given an opportunity to revise the question.

These meetings must be recorded or transcribed and provided to each party with sufficient time to present a reasonable opportunity to propose follow-up questions.

**E. Determination**

- a. The decision maker must issue a written determination as to whether Sex-Based Harassment occurred. To reach this determination, the decisionmaker will use the preponderance of evidence standard of proof.
- b. The written determination must include:
  - 1) A description of the alleged Sex-Based Harassment;
  - 2) Information about the policies and procedures that the College used to evaluate the allegations;
  - 3) The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination with Sex-Based Harassment occurred;
  - 4) If the decisionmaker finds that Sex-Based Harassment occurred, the written determination must include any disciplinary sanctions the College will impose on the Respondents, whether remedies other than the imposition of disciplinary sanctions will be provided by the College to the Complainant, and, to the extent appropriate, other students identified by the College to be experience the effects of the Sex-Based Harassment; and
  - 5) The College's procedures and permissible bases for the Complainant and Respondent to appeal.
- c. The College must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- d. The Title IX Coordinator is responsible for the effective implementation of any remedies.

The determination of the decision maker may be appealed as provided in Section XII. In the event that no appeal is filed within the time periods prescribed below, the decision will be final.





## **XI. Possible Sanctions and Remedies**

Sanctions and remedies that the College may assign in either the formal grievance process or the informal grievance process are intended to be corrective, educational, and disciplinary. Each potential sanction listed in this Section may be imposed alone or in combination for a Respondent found responsible for a violation of this Policy.

### **A. Sanctions**

The sanctions which may be imposed include, but are not limited to, the following:

- Oral Warning: An oral notice that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- Formal Reprimand: An official written statement of the College's disapproval of the actions of a Respondent and a warning that any future violation(s) will result in more serious discipline, up to and including dismissal.
- Performance Improvement Processes: An employee may be issued performance improvement documentation and requirements.
- Changes in Terms and Conditions of Employment: An employee may have a change implemented as to the person's position, rank, appointment, duties, compensation or other terms and conditions of employment.
- Revocation of Degree: An awarded degree may be revoked for violations of this Policy, which occurred prior to the award of the degree but are discovered after the degree has been awarded, where the violation is sufficient to justify the suspension or permanent dismissal of the student.
- Educational/Accountability Measures: An individual may be required to attend an educational class, training, meeting, assessment, coaching, counseling, and/or rehabilitation, at the individual's expense.
- Loss of Privileges and Access/Participation Restrictions: An individual may lose one or more privileges afforded to them as a College community member or otherwise, including but not limited to loss of campus housing, campus access, or participation in a group, program, course, or activity.
- Other Sanctions: Other sanctions may be imposed instead of or in addition to those specified above, which could include: (a) restitution (compensation for loss, damage or injury); (b) fines; (c) community service; (d) behavioral agreements (e) no trespass directives; (f) no contact directives; (g) restrictions on reapplication, rehire or reenrollment; and/or (h) removal or non-renewal of scholarships or honors.

The College reserves the right to take whatever measures it deems necessary in response to an allegation of Sex Discrimination in order to protect student and employee rights and personal safety. Not all forms of Sex Discrimination will be deemed to be equally serious offenses, and the College reserves the right to impose differing sanctions, depending on the severity of the offense. In the event that the College issues a sanction that is not contained in this Policy, it will include that sanction in its next Policy update.

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**B. Remedies**

The final determination may include remedies designed to restore or preserve the Complainant's equal access to education, which may include, but are not limited to:

- 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 or activities;
- 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;
- Changing an individual's student or employee status or job responsibilities;
- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues;
- Providing escorts;
- Access to counseling and medical services;
- Making information about protective orders available to a Complainant;
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support and services.

Where the final determination has indicated that remedies will be provided, the Complainant can then communicate separately with the Title IX Coordinator to discuss what remedies are appropriately designed to preserve or restore the Complainant's equal access to education. That remedy must not be disclosed to the Respondent.

**XII. Appeal**

**A. Grounds for Appeal**

Both parties can appeal from a determination regarding responsibility, and from the Title IX Coordinator's dismissal of a Complaint or any allegations therein, on the following bases:

- 1) Procedural irregularity that affected the outcome of the matter;
- 2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- 3) The Title IX Coordinator, Investigator, or decision maker 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.

**B. Rights in an Appeal**

As to all appeals, the College will:

- 1) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;



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- 2) Ensure that the decision maker for the appeal is not the same person as the decision maker that reached the determination regarding responsibility or dismissal, the Investigator, or the Title IX Coordinator;
- 3) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- 4) Issue a written decision describing the result of the appeal and the rationale for the result; and
- 5) Provide the written decision simultaneously to both parties.

**C. Procedure for Appeal**

The parties may request an appeal by submitting an appeal statement to the Title IX Coordinator within five (5) calendar days after written notice of the determination of responsibility has been given. The appeal statement must explain the grounds for the appeal. The burden of proof is on the appealing party to show by a preponderance of evidence that one or more of the above grounds for appeal are satisfied. Failure to file a timely appeal constitutes a waiver of any right to an appeal. If the appeal statement states a permissible ground for appeal as listed above, as determined by the Title IX Coordinator, the Title IX Coordinator will continue the appeals process.

The non-appealing party will be notified of any appeal and the alleged grounds for the appeal. The non-appealing party may submit a written response to the appeal to the Title IX Coordinator within five (5) calendar days of receiving notice of the appeal.

The Title IX Coordinator will assign an appeal official to decide the appeal. The parties will receive written notice of the appeal official appointed. If any party has a concern that the appeal official has a conflict of interest, the party should report the concern in writing as indicated in the "Conflicts of Interest" section below.

The appeal official has final authority to decide whether or not one of the above-listed grounds for appeal has been satisfied using a preponderance of the evidence standard. The appeal official will issue a written decision to the Title IX Coordinator including his/her findings, decision and rationale. If the appeal official determines that the appealing party has not demonstrated that it is more likely than not that one or more grounds for appeal have been satisfied, the appeal official will dismiss the appeal. This dismissal decision is final and is not appealable.

Appeals arising out of alleged violations of this Policy must be made under this appeal process and are not eligible for consideration under any other faculty, staff or student grievance policies or processes.

**XIII. Rights and Obligations in the Complaint Resolution Process and General Provisions**

**A. Rights of the Complainant and Respondent**

The College strives to provide a prompt and fair process for investigating and resolving Complaints of Sex Discrimination. Throughout this process, both the Complainant and



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Respondent have the following rights, many of which are described in greater detail in this Policy:

- To be treated with respect and dignity.
- A prompt, fair and impartial investigation and resolution process.
- To present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- To have an Advisor of their choice present during any grievance proceeding, who may be, but is not required to be, an attorney.
- To receive information about support available from College or community resources providing sexual assault advocacy or health services and information on free legal resources and services.
- To privacy, to the extent possible consistent with applicable law and College policy.
- To raise a concern regarding a possible conflict of interest or bias on the part of any person involved in the investigation or appeal.
- To notification, in writing, of the outcome of the grievance process, including the outcome of any appeal, subject to compliance with FERPA, the Clery Act, Title IX, and other federal or state law.
- To be free from retaliation as defined in this Policy.
- 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.
- To the assistance of campus authorities in preserving materials relevant to the grievance process.
- A student has 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.
- For a Complainant, to report Sex Discrimination to the College.
- For a Complainant, to receive assistance from the College, at the request of a Complainant, in reporting Sexual Assault to law enforcement at any stage of the process and the right to decline to make such a report.
- For a Complainant, to never be treated by campus authorities in a manner that suggests they are at fault for Sex Discrimination that occurred or that they should have acted in a different manner to avoid the Sex Discrimination.
- For a Complainant, the right to the assistance of campus personnel (during and after the grievance process), in cooperation with the appropriate law enforcement authorities, at a Sexual Assault victim's request, in shielding a Complainant from unwanted contact with the Respondent, including but not limited to transfer to alternative classes or to alternative College-owned housing (if alternative classes or housing are available and feasible).
- For a Complainant, the right to decide when to repeat a description of an incident of Sexual Assault.



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- For a Complainant, to be offered assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety.
- For a Complainant who chooses to transfer to another post-secondary institution, at the student's request, the right to receive information about resources for victims of Sexual Assault at the institution to which the Complainant is transferring.

**B. Advisors**

A Complainant and Respondent have the right to be assisted by an Advisor of their choice, including an attorney, in connection with a Complaint grievance process involving a Complaint of Sex Discrimination. The College has adopted rules concerning the Advisor's conduct in the grievance process.

The following requirements apply to the use of an Advisor:

- The purpose of the Advisor is to support a party during the grievance process. An Advisor is permitted to accompany the party to in-person interviews or other meetings during the grievance process. In selecting an Advisor, each party should consider the potential Advisor's availability to attend in-person interviews and meetings. As a general matter, the College will not unnecessarily delay its processes to accommodate the schedules of Advisors.
- The Advisor may accompany the Complainant or Respondent to all meetings relating to the grievance proceeding. 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 interrupt or otherwise delay the grievance process.
- If a party selects an attorney as an Advisor, the Advisor's participation in the complaint 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 grievance process with anyone, including other individuals who may be part of an attorney-client relationship with the party.
- The College will notify a party to a grievance process if another party involved in the grievance process has obtained an Advisor. The notice shall 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 for violation of the Hearing Rules or for any unreasonable disruption of the grievance process.
- In the event an Advisor selected by a party fails to appear at a hearing or conducts themselves in a manner which causes the hearing officer to expel the Advisor, the College will appoint an Advisor to advocate for the party, or adjourn the hearing until an alternative Advisor is appointed.



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**C. Conflicts 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, they should report the concern 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 the assigned Investigator, officer, decision maker, persons designated to facilitate an informal resolution process, and appeal officials do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

**D. Time Frames for Grievance Procedure**

The College will establish reasonably prompt timeframes for the major stages of the grievance procedures, including a process that allows for the reasonable extension of time frames on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. Major stages include, for example, evaluation (i.e. the College's decision whether to dismiss or investigate a Complaint of Sex Discrimination); investigation; determination; and appeal, if any.

**XIV. Complaints of Retaliation or Violation of Sanctions**

Any concern, report, or complaint relating to retaliation in violation of this Policy or violations of sanctions should be reported promptly to the Title IX Coordinator. The College will take appropriate action against any individual who retaliates against another person in violation of this Policy.

The College prohibits Retaliation, including Peer Retaliation, in its Education Program and Activity. Persons who can file a complaint of Retaliation with the Title IX Coordinator include a Complainant; a parent, guardian or other authorized legal representation with the legal right to act on behalf of the Complainant; the Title IX Coordinator, after making a determination as specified in Section IX; or any student, employee, or person other than a student or employee who was participating or attempting to participate in the College's education program or activity at the time of the alleged Retaliation. Anyone who has participated in the Title IX process can make a Retaliation complaint if they believe the College or any other person took adverse action against them because of their participation in the Title IX process. Complaints alleging Retaliation may be filed with the Title IX Coordinator or pursuant to the Student Code of Conduct or the applicable employee handbook.



## APPENDIX A

### MCAD SEXUAL HARASSMENT POLICY RESPONSE TO SEXUAL VIOLENCE AND RESOURCES

#### I. What to do if You Experience Sexual Violence

Get to a safe place.

Immediate assistance is available by calling the Minneapolis Police at 911.

Consider taking immediate action to obtain medical, emotional, or other assistance on and/or off campus.

Don't be afraid to ask for help. Consider telling someone immediately or at any time when you are comfortable doing so: a confidential College resource or your roommate, your Resident Advisor, your counselor, the Title IX Coordinator, a Public Safety Officer, an instructor or a staff member.

Even if you aren't sure that you will want to involve law enforcement or report to the College, you should take steps to preserve evidence so that you will have that evidence available to you later should you decide to take action. Steps to take include:

- Go to a hospital both for care and for help verifying and preserving evidence.
- Prior to seeking medical attention, do not shower, douche, wash your hands, brush your teeth, comb your hair, use the toilet, wash clothing, smoke, drink or eat.
- Bring a change of clothes to the hospital since your clothes may be collected as evidence. If you have changed clothes, keep the clothes you were wearing for evidence and secure them in a clean paper bag or clean sheet.
- Do not disturb items. Leave the scene of the incident untouched.
- If you have taken any bedding or other items that may be evidence off your bed or away from the scene, don't wash anything and secure any items in a clean paper bag or clean sheet.
- Evidence found in phone records (texting), e-mails, and/or social media (Facebook, Snapchat, etc.) should also be preserved.

At the request of a sexual assault victim or at the direction of law enforcement, a MCAD Campus Safety officer will provide prompt assistance in obtaining, securing, and maintaining evidence in connection with an incident of sexual assault and in preserving materials relevant to a campus disciplinary proceeding.

Complainants are urged to contact the Title IX Coordinator or Deputy Title IX Coordinator to make a report to the College. The College can arrange for Supportive Measures and assistance, including mutual no-contact directives. The College will also assist in any needed



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advocacy for community members who wish to obtain harassment restraining orders or orders for protection from local authorities. The College can also explain the options available under the Sexual Harassment Policy even if you aren't ready to share details of your situation or pursue a Formal Complaint.

Complainants are encouraged to contact the police to report any crime and obtain information on their criminal enforcement options. Designated staff members will also accompany the complainant to the police station upon request.

## **II. MCAD Resources**

Support can be obtained by contacting the following members of the College's Title IX Team:

### **Jen Zuccola**

Title IX Coordinator  
Vice President of Student Affairs  
Morrison Bldg, M104  
Minneapolis, MN 55404  
Office Phone: 612-874-3626  
Email: [jzuccola@mcad.edu](mailto:jzuccola@mcad.edu)

### **Hope Denardo**

Deputy Title IX Coordinator  
Sr. Director of Human Resources  
Morrison Bldg, M18  
Minneapolis, MN 55404  
Office Phone: 612-874-3798  
Email: [hdenardo@mcad.edu](mailto:hdenardo@mcad.edu)

## **Counseling and Mental Health Services**

The College provides confidential counseling services to students through the Student Health and Wellness Center during fall and spring semesters for students who feel they have been victims of sexual violence:

Student Health and Wellness Center  
Morrison Bldg., Lower Level, M04 and M02  
Fall and Spring Semesters Hours: 9 a.m. – 5 p.m. Monday-Friday  
Phone: 612.874.3776  
Email for Appointments: [student\\_counseling@mcad.edu](mailto:student_counseling@mcad.edu)

Benefits eligible staff and faculty may use the Employee Assistance Program (Health Partners: Twin Cities) (866) 326-7194 or [www.hpeap.com](http://www.hpeap.com) for counseling and referral).

Other MCAD resources include:

- MCAD Campus Safety Emergency Line (612) 874-3555
  - [campus\\_safety@mcad.edu](mailto:campus_safety@mcad.edu)
- MCAD Financial Aid (612) 874-3733
  - [financial\\_aid@mcad.edu](mailto:financial_aid@mcad.edu)
- International Student Assistance (612) 874-3628
  - [student\\_affairs@mcad.edu](mailto:student_affairs@mcad.edu)





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**III. External Resources**

**A. Law Enforcement**

Minneapolis Police Department, 5<sup>th</sup> Precinct (612) 673-5705  
3101 Nicollet Ave. South  
Minneapolis, MN 55408  
Phone: 612-673-3705  
Email: [police@ci.minneapolis.mn.us](mailto:police@ci.minneapolis.mn.us)  
Website: [http://www.minneapolismn.gov/police/precincts/police\\_about\\_5th-precinct](http://www.minneapolismn.gov/police/precincts/police_about_5th-precinct)

**B. Medical Clinics, Hospitals and Resources**

- Hennepin County Medical Center (HCMC)  
HCMC Emergency Room (612) 873-3132  
701 Park Avenue  
Minneapolis, MN 55415  
<https://www.hennepinhealthcare.org/support-services/violence-assault-and-abuse-resources/>
- HCMC-Urgent Care (612) 873-5555  
Red Building, R1.060  
730 South 8th Street Entrance Minneapolis MN 55415
- HCMC Acute Psychiatric Services 612-873-3161  
8 a.m. – 2 p.m., T-F for Hennepin County adults  
Red Building, First Floor  
730 South 8th Street Entrance  
Minneapolis MN 55415
- Abbott Northwestern Hospital (612) 863-4233  
800 East 28th Street  
Minneapolis, MN 55407
- Hennepin County COPE Team (612) 596-1223  
Emergency Mental Health Services
- Behavioral Emergency Center (612-273-5640)  
U of M Medical Center,  
West Bank Emergency Center  
2312 S 6th Street  
Minneapolis, MN 55454
- Regions Hospital (651) 254-3456  
640 Jackson Street  
St. Paul, MN 55101

Hennepin County Medical Center (HCMC) and Abbott Northwestern Hospital in Minneapolis provide sexual assault care services assistance to complainants 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." Information on additional locations that offer SANE exams can be found online at: <https://mnforensicnurses.org/minnesota-sane-programs/>

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



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- 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. The Sexual Violence Center, serving Hennepin County (<https://www.sexualviolencecenter.org/>), 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.

**C. Crisis Lines and Resources**

- Crisis Textline: Text MN to 741-741 for local MN resources
- RAINN 24/7 Phone: 1-800-656-4673 (Rape, Abuse, and Incest National Network)  
Website: <https://www.rainn.org/>  
Online Chat: <https://hotline.rainn.org/online/>
- Sexual Violence Center Minneapolis 24/7 Phone (612) 871-5111  
Website: <https://www.sexualviolencecenter.org/>
- National Suicide Prevention Lifeline 1-800-273-8255
- Suicide Hotline (612) 873-2222
- Suicide Assessment, Info, and Referral (612) 873-3161
- Trevor Lifeline 1-866-488-7386 (Suicide Prevention for LGBTQ Youth)



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- Trans Lifeline: 1-877-565-8860
- Veterans' Suicide Prevention Lifeline: 1-800-273-8255

**D. Victim Support and Advocacy Resources**

- Minnesota Department of Public Safety Resource List for Victims  
<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/resource-list-victims.aspx>
- LawHelpMN.org  
<https://www.lawhelpmn.org/self-help-library/abuse-crime-victims/sexual-violence>
- Council on Crime and Justice (612) 340-5400
- MN Center for Crime Victims Service (651) 201-7300 / (888) 622-8799
- Hennepin County Victim Services (612) 348-4003
- Minneapolis Civil Rights Office (612) 673-3012
- Domestic Abuse Service Center (612) 348-5073
- AIDSLine (612) 373-2437
- Chrysalis: A Center for Women (612) 871-0118
- Cornerstone Advocacy (612) 825-4357
- First Call for Help/United Way (651) 291-0211

**E. Legal Assistance**

- Southern Minnesota Regional Legal Services
- Volunteer Attorney Program [www.smrls.org](http://www.smrls.org) / (651) 228-9823
- Volunteer Lawyers Network Ltd. [www.vlnmn.org](http://www.vlnmn.org) / (612) 752-6655
- Tubman Legal Services [www.tubman.org](http://www.tubman.org) / (612) 825-3333
- The Domestic Abuse Project (612) 673-3526
- Bridges to Safety (651) 266-9901

**F. Outside Visa and Immigration Assistance**

- Immigrant Law Center of Minnesota (800) 223-1368  
450 North Syndicate St., Suite 200 St. Paul, MN 55104
- Southern Minnesota Regional Legal Services (888) 575-2954

**IV. Information Regarding Obtaining Restraining Order, Order for Protection, or Domestic Abuse No Contact Order**

Harassment restraining orders and orders for protection are legal orders issued by state courts 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 protects one family or household member from domestic abuse by another family or household member.

The Minnesota Judicial Branch is responsible for the issuance of harassment restraining orders and orders for protection to be enforced by local law enforcement. Petition forms to apply for harassment restraining orders and to seek an order for protection are available at the Hennepin County Courthouse and online at <http://www.mncourts.gov/Help-Topics/Domestic-Abuse-and-Harassment.aspx>. The



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Hennepin County Domestic Abuse Service Center (DASC) serves people who are victims of violence caused by a family or household member. This includes anyone who has been the victim of actual or threatened violence by a person with whom they have had a romantic or sexual relationship, or people who have lived together. At DASC, District Court staff will help individuals complete the paperwork requesting a temporary Order for Protection (OFP). In addition, help with filing a harassment restraining order is available from the Self-Help Center.

**Domestic Abuse Service Center:**

- Hennepin County Government Center: 612.348.5073  
Address: 300 S. 6th Street, Rm. #A-0650, Minneapolis, MN 55487  
Website: <http://www.mncourts.gov/Find-Courts/Hennepin/Hennepin-Domestic-Abuse-Service-Center.aspx>

**Self-Help Center:**

- Hennepin County Government Center: 612.348.9399  
Address: 300 S. 6th Street, 2nd Floor, PSL, Minneapolis, MN 55487  
Website: <http://www.mncourts.gov/Find-Courts/Hennepin.aspx#tab0601GeneralInformation>

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.

## **APPENDIX B**

### **MCAD SEXUAL HARASSMENT POLICY Crime Victims 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.

The following is a summary of crime victims' rights under Minnesota law. 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.



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- 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.



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- 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 benefiting 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.



## CRIME STATISTICS

### CRIME STATISTICS COMPILATION PROCESS

The Campus Safety Department is the central reporting point for campus incidents and crimes but statistical data is gathered from several sources on campus and off-campus for this report. These include Student Affairs, Housing, Human Resources Office, the Minneapolis Police Department and Campus Security Authorities. Although professional counselors are not required to report details of crimes due to their confidential counseling roles, they are encouraged to report statistical data for inclusion in this report.

Statistical data is compiled from January 1 through December 31 of each year and is listed in the calendar year in which it was reported. Crimes are classified according to the Federal Bureau of Investigation Uniform Crime Reporting (UCR) system and the National Incident Based Reporting System (NIBRS). UCR and NIBRS programs are a nationwide, cooperative statistical effort in which city, college and university, county, State, Tribal and federal law enforcement agencies voluntarily report data on crimes brought to their attention.

Within the FBI's UCR reporting system is a "Hierarchy Rule" which applies to all reported crimes. The Hierarchy Rule is the requirement in the FBI's UCR program that states, "for purposes of reporting crimes in the system, when more than one criminal offense is committed during a single incident, only the most serious offense is to be included in the institution's Clery Act statistics". The only exception to this rule is if a victim is sexually assaulted and murdered in a single incident, both crimes are then required to be reported in our Clery Act statistics.

The following crime statistics represent on-campus occurrences of the following criminal offenses reported to local police agencies and any official of the institution who has significant responsibility for student and campus activities. The statistics do not include larceny (petty theft), which is reported frequently on our campus. These statistics reflect crime/arrests that occurred on the MCAD campus. Please note that these statistics do not include crimes that occurred in the neighborhood on property not owned by MCAD.

### CRIME REPORTING AREAS

All crimes reported to Campus Safety that occur on college property are contained in the statistics presented herein based on the calendar year in which they were reported. MCAD does not have any off-campus locations of student organizations officially recognized by the institution.

#### **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



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Any building or property that is within or reasonably contiguous to the area identified above, that is owned by the institution and controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

***PUBLIC PROPERTY***

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from campus.

***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.

MCAD has leased space in the location that was the previous First Christian Church located at 2201- 1<sup>st</sup> Ave. S.- **MFA (FCC) Studios**. The studios consist of the first floor and basement sections south of the Chapel. Individual studio spaces are located in the north, west, south and south basement areas.

## **CRIME DEFINITIONS**

### **MURDER AND NON-NEGLIGENT MANSLAUGHTER**

The willful (non-negligent) killing of one human being by another.

### **NEGLIGENT MANSLAUGHTER**

The non-willful (negligent) killing of one human being by another.

### **FORCIBLE SEX OFFENSES**

Any sexual act directed against another person, forcibly or against that person's will. Reported offenses may include forcible rape, forcible sodomy, sexual assault with an object, or forcible fondling.

### **NON-FORCIBLE SEX OFFENSES**

Unlawful, non-forcible sexual intercourse. Reported offenses include incest or statutory rape.

### **ROBBERY**

The taking, or attempted taking, of anything of value from one person by another, in which the offender uses force or the threat of violence and/or by putting the victim in fear.





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**AGGRAVATED ASSAULT**

The 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 and probably would result in serious personal injury if the crime were successfully completed.)

**BURGLARY**

The unlawful entry into a building or other structure with the intent to commit a felony or a theft. This 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.

**MOTOR VEHICLE THEFT**

The theft or attempted theft of a motor vehicle, including automobiles, trucks, motorcycles, and mopeds. Includes joyriding.

**ARSON**

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

**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 receiving grant monies (under the Violence Against Women Act) 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.

**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; and
- + Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - Length of the relationship;
  - Type of relationship; and
  - Frequency of interaction between the persons involved in the relationship.

**STALKING**

Engaging in a course of conduct directing at a specific person that would cause a reasonable person to:



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- + Fear for his or her safety or the safety of others; or
- + Suffer substantial emotional distress.

**WEAPON LAW VIOLATIONS**

The violation of laws prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, knives, explosives, or other deadly weapons. Furnishing deadly weapons to minors. All attempts to commit any of the aforementioned.

**DRUG LAW VIOLATIONS**

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment needed to produce or use them.

**LIQUOR LAW VIOLATIONS**

The violation of laws prohibiting the manufacture, sale, purchase, transportation, furnishing, possession, or use of alcoholic beverages. Furnishing liquor to a minor or intemperate person. All attempts to commit any of the aforementioned. Does not include driving under the influence or drunkenness violations.

Referrals for campus disciplinary action and arrests are included in the crime statistics for liquor law violations, drug law violations, and illegal weapons possession.

**HATE CRIMES (BY PREJUDICES)**

- + Murder and non-negligent manslaughter
- + Negligent manslaughter
- + Forcible sex offenses
- + Non-forcible sex offenses
- + Robbery
- + Aggravated assault
- + Burglary
- + Motor vehicle theft
- + Arson
- + Larceny (theft)
- + Simple Assault
- + Intimidation
- + Damage to Property (vandalism)

Any of the above in which the victim is intentionally selected because of the actual or perceived **race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability** of the victim.

*\*There have been no incidents of hate crimes reported to MCAD Campus Safety for the 2021-2022-2023 calendar years, based on race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability of the victim.*



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MCAD CRIME STATISTICS

CRIMES REPORTED BY MCAD OFFICIALS, MCAD CAMPUS SAFETY OFFICERS,  
MINNEAPOLIS POLICE DEPARTMENT, & MIA SECURITY

Reported in accordance with Uniform Crime Reporting procedures and the Jeanne Clery Disclosure of Campus Security and Campus Crime Act

REPORTABLE OFFENSE	2021					2022					2023				
	On Campus	Residence Halls*	Non Campus	Public Property	Cases Unfounded	On Campus	Residence Halls*	Non Campus	Public Property	Cases Unfounded	On Campus	Residence Halls*	Non Campus	Public Property	Cases Unfounded
	<b>Criminal Homicide Total</b>	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Murder/Non Neg. Manslaughter	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sex Offense Total</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Robbery Total</b>	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0
<b>Aggravated Assault Total</b>	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0
<b>Burglary Total</b>	1	0	0	0	0	2	0	0	0	0	3	3	0	0	0
Forcible Entry	0	0	0	0	0	2	0	0	0	0	3	3	0	0	0
Non-Forcible Entry	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	3	0	0	0	0	0	0	0	1	0	4	0	1	3	0
<b>Arson Total</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arrests</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Laws	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Laws ^	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Laws	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Referred for Disciplinary Action</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Laws	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Laws	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0
Weapons Laws	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Dating Violence Total</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Domestic Violence Total</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Stalking Total</b>	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0

\* Note: Residence Halls are a subset of On-Campus statistics

^ Note: Recreational Use of Marijuana was decriminalized in Minnesota on August 1, 2023



## CRIME PREVENTION TIPS ON PERSONAL SAFETY

### WALKING

- + Plan/use the safest and most direct route to your destination.
- + Choose well-lit streets at night.
- + Stay alert to your surroundings; look confident and purposeful.
- + Become familiar with stores which are open late.
- + If you feel uneasy, go directly to a place where there are other people.
- + Walk with a friend, if possible, particularly at night.
- + Carry your keys and money in a pocket, not in a purse/wallet.
- + If you are being followed by someone in a car, keep away from the person and turn around and run or walk quickly in the opposite direction. Try to obtain the license plate number and a description of the car and call the police.
- + If you are being followed by someone on foot, turn around to let the person know you see him/her/them. Immediately cross the street and walk or run toward a place where there are likely to be other people. Call the police or get someone else to call.
- + In cases involving verbal harassment, ignore it and walk away. If you are alone at a bus stop, proceed to the next stop if there are other people there.

### YOUR CAR

- + Drive with the doors locked and windows rolled up as much as possible.
- + Keep your wallet, purse and valuables out of view while driving. Do not leave them next to you on the seat.
- + If you see another motorist in trouble, do not stop. As you drive by, tell the motorist you will go call the police for assistance.
- + Park in well-lit areas. Look around before you get out of your car.
- + Put valuables and packages in the trunk or out of sight before you arrive at your destination.
- + Always lock the doors, no matter how soon you plan to return.
- + When returning to your car, have the door key in hand. Look inside before you unlock the door and get in.
- + If you are being followed while driving, go to the closest police or fire station and honk your horn, or drive to an open business or gas station where you can safely call the police. Do not drive home or pull over to the side of the street.

### AT HOME

- + If there is a stranger at the door, never indicate that you are home alone.
- + Do not open the door to anyone you do not know without verifying his/her identity.
- + If someone wants to use your telephone, offer to make the call yourself while the person waits outside.
- + Never let a stranger through an apartment security entrance.
- + Do not give any information to "wrong number" callers. Ask, "What number are you calling?"

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- + Hang up immediately if you receive threatening or harassing calls. If the calls continue, keep a record of the date, time and content of each call. Then notify the police and the telephone company.

**ON-CAMPUS APARTMENTS**

- + Keep building doors closed and locked. Never let a stranger into the building.
- + Keep your apartment doors and windows locked at all times.
- + If you feel suspicious about someone or something, go to a populated area and call Campus Safety or the police immediately.
- + Report any problems with door or window locks to the Housing Office immediately, on campus extension 1780.
- + Have a plan of escape from your residence in case of fire or other emergency.
- + Upon returning to your residence, you find signs of forced entry, leave immediately, seek safety, and notify the police and Campus Campus Safety.
- + Have keys in hand to unlock doors when returning home.
- + The loss or theft of room keys should be reported immediately to the Housing Office. A resident who has lost his/her keys has one week to find them. If the resident does not do so within that time, the apartment is re-keyed at a cost to the resident.

**IF YOU ARE ASSAULTED/VICTIMIZED**

- + Try to stay calm. Do not be ashamed or embarrassed.
- + Get help immediately. Tell the first person you see. Call Campus Safety or the police immediately. The shorter the time elapses, the better chance of apprehending the assailant.
- + Remember everything you can about your assailant.
- + Obtain any possible evidence that may lead to identification.
- + Remember your location as clearly as possible.
- + Do not be afraid to seek help after the incident. The MCAD counselor is available to talk with or will suggest other possible assistance outside the MCAD community.



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**ANNUAL FIRE SAFETY REPORT**  
**Fall 2024**

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**FIRE SAFETY REPORT**

In compliance with the Higher Education Opportunity Act (HEOA), Minneapolis College of Art and Design (MCAD) has included the Annual Fire Safety Report in the following pages of this report. This information discusses on-campus residential fire statistics, fire safety systems, fire drills, residential fire safety policies and fire safety tips. In addition, a Daily Fire Log listing any fires in on-campus housing is also maintained at the Campus Safety Office and is available for public review during normal business hours (8:30am-5:00pm M-F). This report has been prepared to comply with the Higher Education Opportunity Act (HEOA).

**REPORTING FIRES AND FIRE ALARMS ON CAMPUS**

Whenever a smoke detector or fire alarm system activates, persons at the affected location should immediately call Campus Safety @ 612-874-3555 and report the incident. If heavy smoke or a fire is present, immediately pull a fire alarm station, call 911 and report the fire and evacuate the building. Upon arrival, the Campus Safety officers will confirm the report, assess the situation and determine if additional resources are necessary to resolve the situation. Additional resources may include other college employees/departments or external agencies such as the Minneapolis Police, the Minneapolis Fire Department or Hennepin County Emergency Medical Services. If a member of the MCAD community finds evidence of a fire that has been extinguished and is not sure whether Campus Safety is aware if it or has already responded, the community member should immediately notify Campus Safety to investigate the situation and document the incident.

**RESIDENTIAL EVACUATION PROCEDURES**

All faculty, staff and students should learn the evacuation routes and stairwell locations for all campus buildings they frequently occupy. Evacuation maps and information are posted inside each residence hall student room on campus. During an evacuation for fire or another emergency, occupants are encouraged to take personal belongings (purse, wallet, school ID/access card, cell phone, etc.) and follow the evacuation procedures for their building (close your door, proceed to the nearest exit and use the stairs, not the elevators). Once you have evacuated, seek shelter in the nearest campus building. If campus safety, law enforcement or fire department personnel are on the scene, follow their directions.

**FIRE SAFETY SYSTEMS & TRAINING**

Most MCAD resident apartment buildings have smoke, heat and carbon monoxide (CO) detectors in the common areas which report to a central panel at the Campus Safety office. There are local-sounding smoke detectors inside each apartment as well as the equipment in the table below. Apartments with gas ranges have combination smoke detector/carbon monoxide detector units. Fire extinguishers are located throughout all MCAD Housing buildings. All resident advisors are trained in the proper use of fire extinguishers each year. In addition, fire extinguisher training is made available to all faculty and staff each summer.

**FIRE DRILLS**

Unannounced fire drills are conducted four times each year in the resident apartment buildings, one of which occurs after sunset. MCAD has an active safety committee that annually evaluates and recommends life-safety improvements to the college administration.





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**FIRE EVACUATION**

MCAD Campus Safety monitors all fire systems for the college. Campus Safety is able to immediately determine the affected area. When the fire evacuation alarm sounds, all building occupants, faculty, staff, students, contractors, and visitors must evacuate. Take care that all hearing-impaired persons are alerted when the alarm sounds.

- + Close all windows and doors.
- + Do not use elevators.
- + Evacuate in an orderly, calm fashion, using the closest available exit.
- + Once outside, keep at least 100 feet away from the affected building.
- + When Campus Safety gives the “all-clear”, the building may be re-entered.

**SMOKING AND OPEN FLAMES**

Due to a fire hazard, candles, incense burners, oil lamps, and other items that produce open flames are not permitted in MCAD housing. Smoking is not permitted in MCAD housing. All resident buildings are entirely smoke-free.

**FIRE LOG**

A Daily Fire Log is maintained by Public Safety and is available for public inspection during normal business hours. This log contains information regarding all fires on campus including the nature of the fire, the date and time the fire occurred and the general location of the fire for the most recent sixty days. Upon request, information regarding fires on campus older than sixty days will be made available within two business days.

**FIRE SYSTEM EQUIPMENT BY BUILDING**

ADDRESS	SMOKE / HEAT DETECTOR	CO DETECTOR	TYPE OF ALARM	SPRINKLER SYSTEM	MANUAL PULL STATIONS	CENTRAL REPORTING	FIRE EXTINGUISHER
150 26th St. E.	✓	✓	Horn & Strobe	No	✓	To Campus Safety	✓
148 26th St. E.	✓	✓	Horn & Strobe	No	✓	To Campus Safety	✓
146 26th St. E.	✓	✓	Horn & Strobe	No	✓	To Campus Safety	✓
144 26th St. E.	✓	✓	Horn & Strobe	No	✓	To Campus Safety	✓
2540 3rd Avenue	✓	✓	Horn & Strobe	No	✓	To Campus Safety	✓
2550 3rd Avenue	✓	✓	Horn & Strobe	No	✓	To Campus Safety	✓
113 26th St. E.	✓	✓	detector alarm	No	No	CO only to Campus Safety	✓
2537 Stevens Ave.	✓	✓	Horn & Strobe	No	✓	To Campus Safety	✓



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**2021 FIRE STATISTICS**

Residential Building	Street Address	Total	Fire #	Date	Time	Cause of Fire	Injuries	Deaths	Damage
The Pond	150 E 26th Ave	0							
The Nest	144 E 26th Ave	0							
The Burrow	146 E 26th Ave	0							
The Den	148 E 26th Ave	1							
The Shallows	2540 3rd Ave S	0							
The Lodge	2550 3rd Ave S	0							
The Web	2537 Stevens Ave	0							

**2022 FIRE STATISTICS**

Residential Building	Street Address	Total	Fire #	Date	Time	Cause of Fire	Injuries	Deaths	Damage
The Pond	150 E 26th Ave	0							
The Nest	144 E 26th Ave	0							
The Burrow	146 E 26th Ave	0							
The Den	148 E 26th Ave	0							
The Shallows	2540 3rd Ave S	0							
The Lodge	2550 3rd Ave S	0							
The Web	2537 Stevens Ave	0							

**2023 FIRE STATISTICS**

Residential Building	Street Address	Total	Fire #	Date	Time	Cause of Fire	Injuries	Deaths	Damage
The Hive	113 E 26th Ave	0							
The Pond	150 E 26th Ave	0							
The Nest	144 E 26th Ave	0							
The Burrow	146 E 26th Ave	0							
The Den	148 E 26th Ave	0							
The Shallows	2540 3rd Ave S	0							
The Lodge	2550 3rd Ave S	0							
The Web	2537 Stevens Ave	0							



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**COMMUNITY FIRE SAFETY EDUCATION**

***If you discover a fire:***

- ❖ Activate the fire alarm system and call 911 from any campus phone to report the fire
- ❖ Report the fire to Campus Safety by calling 612-874-3555
- ❖ Evacuate the building using the stairs, closing doors and windows behind you
- ❖ DO NOT USE THE ELEVATORS
- ❖ Provide evacuation assistance to those with special needs if possible
- ❖ Move to a safe location following the directions of emergency response personnel
- ❖ DO NOT re-enter the building until the fire department or Campus Safety authorizes re-entry

***If caught in smoke:***

- ❖ Do not breathe in the smoke
- ❖ Breathe shallow through your nose and use a shirt or towel to breathe through if possible
- ❖ Drop to your hands and knees and crawl to the nearest safe exit

***If trapped in a building:***

- ❖ Close all doors and windows to the room
- ❖ Place cloth material under the door to prevent smoke from entering
- ❖ Call for help using a phone or cell phone or attempt to signal people outside of the building

***Using a fire extinguisher:***

- ❖ Our fire extinguishers are in place for the use of trained staff. Use a fire extinguisher ONLY if
  - you have been trained to do so.
  - If you have any doubt of your ability to fight the fire, exit immediately
- ❖ If you decide to use a fire extinguisher, place yourself between the fire and an exit
- ❖ To use the fire extinguisher, follow the **PASS** method:

**P**ull the pin to break the tamper seal

**A**im low, pointing the nozzle at the base of the fire

**S**queeze the handle to release the extinguisher agent

**S**weep from side to side at the base of the fire until the fire is out.

**\*\* If the fire re-ignites, repeat the steps above**

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