

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

VIII. 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.

LOCATION OF LAW ENFORCEMENT AGENCY 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 law enforcement agency information provided by a state regarding registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

The Minnesota Bureau of Criminal Apprehension administers a predatory offender registration and tracking program. Information regarding this program can be found at the following website:

<http://www.dps.state.mn.us/bca/invest/documents/page-07.html>

Any questions regarding the program may be directed to the Criminal Assessment Program at 1-888-234-1248 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 regarding registered sex offenders may be obtained through the Minnesota Department of Corrections at (651) 642-0200. An offender locator, for offenders that have the highest risk for re-offense, can be accessed from the Minnesota Department of Corrections' website:

<http://www.doc.state.mn.us/level3/level3.asp>

POLICIES REGARDING SEXUAL ASSAULT PROGRAMS TO PREVENT SEX OFFENSES, AND PROCEDURES TO FOLLOW WHEN A SEX OFFENSE OCCURS

MCAD's complete sexual harassment and sexual violence policies are as follows:

MCAD Policy Against Sexual Harassment

I. Policy Statement

The Minneapolis College of Art and Design (MCAD) encourages an atmosphere of mutual respect among members of its community. The College prohibits and will not tolerate sexual harassment toward or by any member of the College community by any other member. The College believes that all individuals should be treated with respect and dignity. Therefore, it is the expectation of the College that all individuals, in the course of performing their jobs or academic endeavors, will conduct themselves appropriately.

Unwelcome sexual advances by a member of the MCAD community, which unreasonably interfere with an individual's work or academic performance at MCAD, are inconsistent with the mission of the College.

The Minneapolis College of Art and Design urges victims of sexual harassment to bring a formal complaint against the harasser.

Students, faculty and staff should understand that consensual sexual relationships might become a violation of this policy, particularly those relationships between individuals of unequal status. The validity of the consent involved in such a relationship can easily come into question. While the College cannot forbid such relationships, it deems them to be very unwise.

II. Sexual Harassment Defined

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964, as amended (42 USC S2000 et. seq.) and the Minnesota Human Rights Act (S363.01-14).

A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct or communication is made either explicitly or implicitly a term or condition of employment or academic status;
2. submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or academic endeavors;
3. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, academic endeavors or professional performance, or creates an intimidating, hostile, or offensive employment or educational environment; and, in the case of employment, the employer knows or should have known of the existence of the harassment and fails to take timely and appropriate action.

B. Sexual harassment is a specific form of sex discrimination.

While sexual harassment often takes place in a situation of power differential between persons involved, sexual harassment may occur between persons of the same status (i.e., student-student, faculty-faculty, staff-staff). Sexual harassment may also range in severity.

1. Sexual harassment may include, but is not limited to:
 - a) verbal insults, harassment or abuse;
 - b) subtle pressure for sexual activity;
 - c) inappropriate touching;
 - d) intentional unwelcome physical contact with another's body; persistent unwelcome sexual propositions or inappropriate behavior (e.g., touching, caressing, kissing), whether with or without threat of punishment for non-compliance and without promise of reward for compliance;
 - e) persistently requesting unwelcome sexual favors, whether or not accompanied by implied or overt threats concerning an individual's employment or educational status;
 - f) any sexually motivated unwelcome touching.

III. Internal Complaint Process

A. Procedures - complaints of sexual harassment should be made in the following manner:

1. Any members of the College community (student, staff, faculty) who believe they have been the victim of sexual harassment by any other member of the College community are urged to immediately report the alleged act to the appropriate College official. Generally, if the victim or the person complained against is a student, the complaint should be reported to the Vice President of Student Affairs. If the victim or the person complained against is a member of the faculty, the complaint should be reported to the Vice President of Academic Affairs.
2. If the victim or the person complained against is a staff member, the complaint should be reported to the Vice President of Administration. Initial complaints may be made, however, with any of these individuals. If the Vice President of Students Affairs, the Vice President of Academic Affairs or the Vice President of Administration is the subject of the complaint, the report should be made to the President of the College. If the President of the College is the subject of the complaint, the report should be made to the Vice President of Academic Affairs.

B. Investigation and College Action

Certain factors, as appropriate, are considered in determining whether the alleged conduct violates this policy, including but not limited to: the surrounding circumstances, the nature of the alleged sexual conduct, the relationships between the parties involved, the context in which the alleged incident(s) occurred, and whether the behavior was unwelcome. Whether a particular action or incident violates this policy requires a determination based on all the facts and circumstances surrounding the alleged incident(s).

The investigation may include personal interviews with the complainant, the individual(s) against whom the complaint is filed and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator. The victim and the accused may have support persons present during questioning.

If the investigator is not the direct supervisor of the accused, the investigator will consult with the appropriate college official in authority over the accused during the investigation and in developing the sanction, if any.

In addition, the College may take immediate steps, at its discretion, to protect the complainant and others pending completion of an investigation of alleged sexual harassment.