

# **CAMPUS CRIME POLICIES FOR CAPELLA UNIVERSITY LEARNERS, FACULTY AND EMPLOYEES**

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**CAPELLA UNIVERSITY**

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## **Safety Declaration and Personal Responsibility**

Capella University is committed to providing a safe environment for learners and employees. In addition to these policies, learners, faculty, and employees of Capella University are encouraged to take personal responsibility for their conduct and safety. The cooperation and involvement of everyone in campus safety is essential to minimize criminal activity.

Pursuant to federal law, Capella University will make available to all learners and employees annually the crime statistics for the most current academic year and the two preceding academic years. This information will be posted on the DOE website. An annual Campus Crime Statistics Report will be provided to a prospective learner or prospective employee upon request.

## **Definition of Campus**

As it relates to the operation of Capella University, the Definition of a Campus Cite (34 CFR 668.46(a)), a “campus” includes:

- Any building or property owned or controlled by a school within the same reasonably contiguous geographic area and used by the school in direct support of or in a manner related to its educational purposes.
- Any building or property owned or controlled by the school that is not within the same reasonable contiguous area, is used in direct support of or in relation to the school’s education purpose, and is frequently used by the students. This includes during events at extended and focused seminar locations.
- Public property including thoroughfares, streets, sidewalks and parking facilities that is within the same campus or immediately adjacent to and accessible from the campus.
- Capella University does not have campus residences and does not maintain its own security personnel.

Capella does not have a campus under the definition provided in 34 CFR 668.46(a) but does meet the definition of having non-campus property in the form of locations utilized for colloquia.

## **Campus Security Authority**

The Campus Security Authority personnel includes:

- Minneapolis office – Facilities Director, or in case of harassment or discrimination, Director of Human Resources
- Online Campus and Events – Customer Care Manager
- Colloquia and Residency Locations – onsite Event Planning Staff reporting to the Director of Events & Outreach

The appropriate Campus Security Authority will:

- Identify and confirm a significant emergency or dangerous situation exists.
- Notify the building security whenever a crime occurs on the campus property or non-campus property.
- File a report with the local police department when there is a theft of company property that has some type of traceable identification, or if there has been a pattern of thefts.
- Report homicide, rape, robbery, assault, illegal drugs and weapon possession to the local police department.

- Capella does not have any standing memoranda with local law enforcement agencies.

## **Crime Prevention Program**

Capella's Crime Prevention program includes:

- All guests are requested to sign in at the 9<sup>th</sup> floor receptionist when visiting the headquarters office at 225 S. 6<sup>th</sup> Street.
- An electronic access system is in place at the Minneapolis facilities. Access levels are restricted to only Capella and common entrance floors. The Facilities Department assigns and maintains Capella's access card data base.
- Crime alert notices that pertain to the Minneapolis 1<sup>st</sup> Precinct are posted electronically by the Minneapolis Police Department. This information will be reviewed and passed onto Capella employees.
- Employees are notified by posting notices on the company intranet site when personal safety and/or when criminal patterns are noted in close proximity to our downtown locations.
- On occasion we will use video surveillance in selected common areas in the downtown locations.

## **Crime Log**

An employee crime log will be maintained by the Facilities Director, or in the case of sexual harassment, by the Director of Human Resources, and by the Event Planning Staff during Extended and Focused Seminars. These crime logs will:

- Record by date when the crime was reported, the nature, date, time, and general location of each crime, and the disposition of the complaint, if known.
- Allow inspection of the logs, except where prohibited by law or when disclosure would jeopardize the confidentiality of the victim or investigation of the case.
- Disclose any information withheld once the adverse effect described is no longer likely to occur.
- Have the crime logs open to public inspection during normal business hours for the most recent 60 days. (available upon request to the CSA)

## **Notice of Reporting and Disclosure of Campus Safety Policies and Annual Crime Statistics**

All current and prospective learners and employees will be provided through printed or electronic publications, a notice that contains a brief description of Capella University's Campus Safety Policies.

The Campus Security Authority, upon receiving notification of a crime incident on a Capella University campus (as defined above), will verify the circumstances and put the information into a crime log. Current data can also be disseminated upon request daily, monthly or annually.

A paper copy of our security reporting and disclosures will be made available upon request.

## **Timely "Crime Alerts" to the Campus Community**

The Campus Security Authority will post “crime alerts” advising the campus community when there has been a known systematic pattern of a crime or series of crimes that may pose a threat to the safety or welfare of the campus community. These timely reports will be made available through electronic publications or will be otherwise posted in visible and accessible areas on the campus.

## **Emergency Response Alerts and Procedures**

Capella’s campus security authorities identify and confirm significant emergencies or dangerous situations including but not limited to criminal activity and weather emergencies and will notify appropriate learners, staff, and faculty of potential threats and emergencies through various forms of communication, including e-mails or iGuide notifications, or other media as appropriate. Notifications will be disseminated, without delay, unless issuing a notification may compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency.

Capella annually reviews and performs table-top tests of their emergency response and evacuation procedures to ensure their effectiveness. This review is completed by the CSA.

## **Maintenance on Capella University Campuses**

The University Facilities Management personnel are responsible for overseeing repairs of the Minneapolis office facilities. The Event Planning staff is responsible for notifying host sites of needed repairs. This includes, but is not limited to, defective doors and locking mechanisms. All members of the campus community are encouraged to report any known problems or hazards to the Facilities Director. Prompt reporting enhances campus safety for all concerned.

## **Timely Reporting of Criminal Activities**

Learners, faculty, and employees of Capella University are strongly encouraged to report any criminal activity that occurs within the university community to the Campus Security Authority. Students attending colloquia or residency are provided with specific safety and emergency procedure instructions prior to attending the event. CSA representatives are in attendance at all Capella Colloquia to ensure timely and complete reporting.

### **Emergency Situations:**

**In emergency situations, first dial 9-1-1.** Thereafter, report the criminal offense to the Campus Security Authority.

### **Non-Emergency Situations:**

In non-emergency situations, report criminal offenses to the Campus Security Authority.

## **Reportable Offenses**

The following list of crimes is compiled in accordance with the definitions used in the Uniform Crime Reporting System of the Department of Justice, FBI, as modified by the Hate Crime Statistics Act.

- Criminal homicide including murder and non-negligent manslaughter and negligent manslaughter
- Forcible and non-forcible sex offenses
- Robbery
- Theft
- Aggravated assault

- Burglary
- Motor vehicle theft
- Arson
- Hate crimes
- Arrests for drug law violations and illegal weapons possession
- Persons not arrested but referred for campus disciplinary action for liquor, drug and weapons law violations

Additional reportable offenses include:

- Attempted motor vehicle theft
- Vandalism
- Simple Assault
- Intimidation

## **Monitoring Student Criminal Activity Off-Campus**

Given that Capella is an on-line university, off-campus student criminal activity is not monitored.

## **Policies and Programs Concerning Alcohol and Drugs**

It is Capella University's desire to provide a drug-free, healthful, and safe workplace. Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

Capella University is committed to providing an environment free of the abuse of alcohol and illegal use of alcohol and other drugs. The unlawful possession, use, or distribution of illicit drugs and alcohol by learners on property owned, leased, or rented by Capella University, or as part of any of the activities of the university, is strictly prohibited. University authorities will cooperate fully with local, state and federal law enforcement agencies.

While on Capella University premises and while conducting business-related activities off the premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs, with the exception of alcohol served at university sanctioned functions. The legal use of prescribed drugs is permitted only if it does not impair an individual's ability to perform effectively and in a safe manner that does not endanger other individuals.

Employees and faculty with questions about this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Director of Human Resources without fear of reprisal.

There are a variety of community organizations available to help individuals who have substance abuse problems. Below is a list of some drug and alcohol prevention, counseling, treatment and rehabilitation, and re-entry programs. Additional programs may be listed in local and other area telephone directories.

Al-Anon Family Group  
Headquarters, Inc.  
1600 Corporate Landing Parkway  
Virginia Beach, VA 23454-5617  
Tel: (757) 563-1600  
[www.al-anon.alateen.org](http://www.al-anon.alateen.org)

United Way of Minneapolis  
First Call for Help  
211 from a land line  
(651) 291-0211 - cell phone users  
1-800-543-7709 – toll free  
[www.unitedwaytwincities.org](http://www.unitedwaytwincities.org)  
<http://national.unitedway.org/>

A.A.  
World Services  
475 Riverside Drive at West 120<sup>th</sup> St.  
New York, New York 10015  
(212) 870-3400  
[www.aa.org](http://www.aa.org)

Narcotics Anonymous  
World Service Office, Inc.  
P.O. Box 9999  
Van Nuys, CA 91409  
(818) 780-3951  
[www.na.org](http://www.na.org)

## **Sanctions the University Will Impose for Alcohol or Drug Violations**

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Conduct contrary to responsible behavior will subject learners to the following sanctions:

- Issuance of a formal warning
- Placement on probationary status
- Expulsion from the university
- Refusal to issue a transcript or a diploma

Learners who violate city, state, or federal laws will be reported to the appropriate law enforcement officials. Learners subject to these sanctions will be afforded all due process rights to which they are entitled by law and under existing policies and procedures affecting learner grievances. In addition to the sanctions identified above, a learner may be required to receive treatment as a condition of continued enrollment. The cost of any treatment will be the responsibility of the learner.

## **Discrimination, Harassment, and Assault Policy**

Capella University prohibits, and will not tolerate, discriminatory practices or the harassment/assault of any member of the university community, and pledges to seek out and minimize all forms of discrimination in its activities and programs. Capella University supports federal and state laws which prohibit discrimination against any person because of race, color, creed, religion, age, national origin, gender, disability, sexual orientation, marital status, or status with regard to public assistance. Harassment is a type of discrimination.

Sexual harassment of employees is prohibited under Title VII of the Civil Rights Act. Sexual harassment of learners is prohibited under Title IX of the Education Amendments of 1972. Sexual harassment of both types is prohibited under the Minnesota Human Rights Act.

Retaliatory actions may be grounds for a discrimination/harassment complaint as described in this policy. Such actions include retaliatory actions taken against a grievant, the person against whom a grievance is brought, or those participating in the grievance procedure. (See reporting procedures below.)

## **Discrimination**

Discrimination is the segregation or separation of individuals based on race, color, creed, religion, age, national origin, gender, disability, sexual orientation, marital status, or status with regard to public assistance. Discriminatory practices include any instances of differential treatment or behavior that interferes with an individual's full participation in this university community. Examples include: discouraging course participation and all other activities designed to inhibit progress in a career or program of study. Note that these examples are for illustration only and do not encompass all cases of discrimination. (See reporting procedures below.)

## **Harassment**

Harassment encompasses any behavior that is unwanted resulting in a hostile environment including conduct that has the purpose or effect of interfering with the individual's academic performance, of causing one to feel intimidated from expressing perspectives, or of unreasonably interfering with an individual's work performance.

Sexual harassment is a form of unlawful discrimination and is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment or education.
- Submission to or rejection of such conduct by an individual is used as a basis for employment or educational decisions affecting such individual.
- The conduct interferes with an individual's work or academic performance or creates intimidating, hostile or offensive working or academic environment.

Some examples of conduct that may be legally actionable sexual harassment include:

- Unwelcome, unnecessary or coerced touching, kissing, grabbing, hugging, cornering or other physical contact that is of a sexual nature or sexually motivated.
- Unwanted sexual compliments.
- Demand for sexual favors accompanied by implied or overt threats concerning employment, grades, compensation, tangible benefits, or recommendations.
- Unequal academic or employment performance standards, discipline or work regulations because of sex.
- Deliberate or careless use of offensive or demeaning language that has a sexual connotation.
- Deliberate or careless dissemination of materials such as cartoons, articles, pictures, graffiti that have a sexual content, which are not necessary for the employment or academic environment, and which are offensive to learners and employees.

## **Assault**



Assault is the commission of an act with the intent to cause fear in another of immediate bodily harm or death, or the intentional infliction or attempt to inflict bodily harm upon another. Sexual assault is forced sexual activity without the expressed consent of both parties. (See reporting procedures below.)

## **Procedures for Addressing Discrimination, Harassment or Assault**

Any member of the university community who believes that she/he has been discriminated against, harassed, or assaulted may request assistance from a member of university management. Learners may contact the Campus Security Authority, and employees and faculty may contact their immediate supervisor, Human Resources, or a member of university management. This individual will be responsible for informing the complainant of university procedures and legal recourse and provide a reference to the written policy. Upon request of the complainant, he/she will be as shielded as possible from unwanted contact with the person against whom the complaint is being brought. This protection will address only those areas within the purview of Capella University. Learners should contact the Director of University Learner Affairs to request such protection, faculty should contact the Vice President of Academic Affairs & Provost, and other employees should contact the Director of Human Resources or a member of university management. The standard Problem Resolution Policy applies except in cases of sexual assault.

## **Procedure in Cases of Sexual Assault**

The definition of “sexual assault” includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery or threat of sexual assault.

**In the event of a sexual assault, DIAL 9-1-1.** When reporting the sexual assault to the local police, request medical treatment as well. If the incident occurs at a Capella University location, the victim is strongly encouraged to also report the assault to the Campus Security Authority.

After a sexual assault, it is very important that the victim receive a medical examination. Trained medical personnel may conduct a physical exam of the victim, if the victim gives permission.

Preserving the evidence from the assault is important. Even if the victim does not wish to file a prompt police report or is certain he or she will not prosecute, evidence should be preserved so the victim has the opportunity to change his or her mind. Here are instructions for preservation of evidence:

- Do not change clothes until you have received medical attention. If the clothes are changed, those worn during the assault should be placed in a paper bag and taken along to the examination.
- Do not touch anything the suspect may have touched.
- Do not bathe (or shower) until you have received medical attention.
- While waiting for medical and law enforcement assistance, try to make mental notes of the incident.
- In cases of sexual assault, the grievant follows the Problem Resolution Policy and has the following additional rights.

### **Filing of criminal charges with local law enforcement personnel:**

- Receiving prompt assistance of Capella University administrators, at the grievant’s request, in notifying appropriate law enforcement personnel.
- Participating in any disciplinary proceedings concerning the sexual assault.
- Having an advocate present during disciplinary proceedings concerning the sexual assault (the advocate will act as a support person, and shall be a faculty member, staff member, or learner).
- Receiving the complete and prompt assistance of Capella University administrators, at the direction

of law enforcement personnel, in obtaining, securing, and maintaining evidence in connection with the incident.

- Receiving assistance of Capella University administrators in preserving for the grievant materials relevant to a Capella University grievance proceeding.
- Receiving assistance of Capella University personnel, at the sexual assault grievant's request, in shielding the grievant from unwanted contact with the alleged assailant.

In the case of sexual assault, the accused may also have an advocate present during any disciplinary proceeding.

## **Physical Scope of Coverage**

Capella University prohibits discrimination, harassment, or assault on any school premises including offices, teaching sites, campuses and parking facilities, vehicles used for school business, or anywhere while on university business or engaging in university facilitated learning.