

# Mitchell Technical Institute

## Annual Security and Fire Safety Report

Reporting period January 1, 2018 to December 31, 2018

## Mitchell Technical Institute Annual Security and Fire Safety Report (2018)

### **Introduction:**

Mitchell Technical Institute believes campus security and safety are vital in maintaining a positive learning environment for students and work environment for its employees. As part of that belief, it is important for Mitchell Technical Institute to keep students, parents and employees informed about campus security.

The US Department of Education passed the *Crime Awareness and Campus Security Act of 1990* to create a required and consistent reporting process to provide information and documentation for post-secondary institutes to share important safety information with students, parents and employees.

Compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, or *Clery Act*, provides students and families with detailed information about this Act and is available from the Department of Education Campus Security web site <http://ope.ed.gov/campussafety/#/>.

Data for the *Annual Security and Safety Report* for Mitchell Technical Institute is compiled each year by MTI's Campus Security Authority with crime statistics and data from local law enforcement agencies. The report is published in September of each year and is available to the public online at <https://www.mitchelltech.edu/about-mti/your-right-to-know>. Campus crime statistics for post-secondary institutions throughout the United States are available at <http://ope.ed.gov/security>.

Data for the Annual Security and Annual Fire Safety Report for Mitchell Technical Institute is published by October 1st for each calendar year and is available at <https://www.mitchelltech.edu/about-mti/your-right-to-know>.

A hard copy of this report may be obtained by request from:  
Mitchell Technical Institute  
Vice President  
1800 East Spruce Street  
Mitchell, SD 57301

Direct notification to prospective students occurs as part of the admissions process and information is available on the MTI website at <https://www.mitchelltech.edu/about-mti/your-right-to-know>. Current students and employees receive this information through the MTI website and an annual email notification each fall semester prior to October 1<sup>st</sup>. Prospective employees receive this information through the application process.

## Clery Geography

The US Department of Education's Handbook for Campus Safety and Security Reporting, 2016 Edition provides guidelines and definitions for *Clery Act* Geography. Crime statistics are disclosed for Clery Act crimes that occur in the following locations defined as Clery Act geography defined as (1) On-Campus; (2) Noncampus buildings or property that MTI owns or controls; and (3) Public property within or immediately adjacent to the campus.

MTI Clery Act Geography includes the following locations:

### On-Campus

- 1800 E. Spruce Street, Mitchell, South Dakota
  - Campus Center
  - Energy Training Center
  - Nordby Trades Center
  - Technology Center
- 2021 E. Spruce Street, Mitchell, South Dakota
  - Driver Training Center

### On-Campus Student Housing

- 1400 E. Spruce Street, Mitchell, South Dakota
  - MTI does not own, operate, or manage the Campus Tech Apartments, located at 1400 E Spruce Street. However, these apartments are considered on-campus student housing under the Clery/Act since they meet the following criteria: 1) are contiguous to MTI main campus; 2) are used to support MTI's education purpose; and 3) MTI is considered to be in control of the Campus Tech Apartments because the buildings are located on property that is owned by the MTI Foundation.

### Off-Campus

- 115 S. Pepsi
  - Butler Building (Diesel Power Technology) – purchased July 2016
- 406 West Havens
  - MTI land lab, 85 acres of leased property for crop production

Public Property – Under the Clery Act, public property encompasses the following:

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

## Campus Security and Fire Safety Policies

### Reportable Crimes

The following is a list of the reportable crimes as mandated by the Clery Act:

- Murder/Non-negligent Manslaughter
- Manslaughter By Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle theft
- Arson

**Hate Crimes:** The law requires the release of statistics by category of prejudice concerning the occurrence of hate crimes in the crime classifications listed in the preceding section and for other crimes involving bodily injury to any person in which the victim is selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim.

Included in the hate crimes category

- **Larceny Theft:** Unlawful taking, carrying, leading or riding away of property from the possession, or constructive possession, of another.
- **Threats:** Intimidation (includes stalking) – placing another person in reasonable fear of bodily harm through use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Vandalism:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

The Violence Against Women Act (VAWA) includes the following reporting items:

Domestic Violence  
Dating Violence  
Stalking

In addition, arrests and judicial (disciplinary) referrals for these categories are reportable:

Weapons: carrying, possessing, etc.  
Drug Abuse Violations  
Liquor Law Violations

**Reporting a Crime:**

In the event that a student or employee of MTI believes that any of the above listed crimes has occurred, the student or employee should contact local law enforcement and MTI administration. These individuals will assist the reporting person with any necessary notifications, reports, or referrals to on or off campus resources.

Title	Office Location	Phone
<b>Mitchell Public Safety</b>	201 W. 1 <sup>st</sup> Street, Mitchell	911 (Emergency) 605-995-8400 (non-emergency)
<b>Davison County Sheriff Office</b>	1015 S. Miller Avenue	605-995-8630
<b>MTI Center for Student Success</b>	MTI Center for Student Success Campus Center 151	605-995-7195
<b>MTI Vice President/Title IX Coordinator</b>	MTI Campus Center Room 113	605-995-7204

*Note: MTI does not maintain a campus police or security agency. The campus of MTI is under the jurisdiction of Mitchell Police Department and Davison County Sheriff’s Office. MTI has entered into a Memorandum of Understanding with the Mitchell Police Department to facilitate cooperative investigation of crimes and communications regarding safety events that occur on or near MTI campus.*

**Crime Reporting to the Mitchell Police Department**

The Mitchell Police Department encourages anyone who is the victim or witness to a crime to promptly report the incident to their office (see phone numbers above). For all emergencies, call 911. Reports to the police department are not confidential.

**Confidential Reporting**

MTI’s Office of Student Services maintains confidential reporting offices located in the Center for Student Success located in Room 151 of the Campus Center. Reporting to any of these offices does not include an automatic referral to law enforcement but does provide the rights, options, and protective measures that are available to you.

**Security of Facilities**

Access to all buildings on campus are electronically controlled and permissions to enter certain buildings or controlled areas are determined by the Director of Technology consulting with the MTI Leadership team. Hard key control inventory of users and permissions is centrally maintained. All campus buildings and grounds are maintained with the security of persons on campus being a foremost consideration.

**Sex Offender Registration**

MTI is required to advise the campus community where the registered sex offender list provided by the state may be obtained. The registered sex offender list may be viewed online at <http://sor.sd.gov/>

Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees and volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing an individual is prohibited and misuse is subject to criminal prosecution.

### **Timely Warning**

The Clery Act requires MTI to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. The intent of a warning regarding a criminal incident(s) is to enable people to protect themselves. A situation that poses an immediate or ongoing threat to the security of students or employees of MTI will prompt an immediate warning to all via the Institute's emergency notification system known as MTECH Alert and/or MTI email. This alert will be authorized by MTI executive administration and communicated to all MTI students and employees.

### **Emergency Notification**

In the event a situation is observed or reported by individuals or agencies that is determined by Campus Security Authority or MTI Leadership to be a significant emergency or danger to the health and safety of MTI students or employees, MTI will, without delay, provide a notification to the entire campus community. This notification will come in the form of a text message and/or email and will describe the situation in plain language. The notification will be issued and authorized by MTI executive administration.

The MTECH Alert system is tested each fall and spring semester and will send a text message and email to all users.

Further notification of the larger Mitchell Community will be disseminated by commercial radio stations, the Mitchell Public Safety alert system, and direct contact if determined to be necessary.

### **Missing Student Notification**

Mitchell Technical Institute does not own, operate, or manage any on-campus student housing facilities. In particular, MTI does not own, operate, or manage the Campus Tech Apartments, located at 1400 E Spruce Street. However, for the purposes of the *Higher Education Act* (HEA) missing student notification regulations, MTI is considered to be in control of the Campus Tech Apartments because the buildings are located on property that is owned by the MTI Foundation.

MTI has established procedures to report a missing student, defined as a MTI student residing in the Campus Tech Apartments who is absent for an extended period of time (24 hours or more) with no visual, verbal, or written confirmation of the individual's whereabouts. The procedure is posted on the MTI Website "Your-Right-to-Know" webpage at [www.mitchelltech.edu/about-mti/your-right-to-know](http://www.mitchelltech.edu/about-mti/your-right-to-know).

**Sexual Violence Response**

MTI's Policy 117, provides guidance to inform students, faculty, staff, and other members of the MTI community of their rights and responsibilities in the event they are, or have knowledge of someone, involved in an incident of sexual misconduct, relationship violence, or stalking, and of the services available to victims of these acts. This policy also addresses student orientation and ongoing education. The entire policy is included as part of this report (pages 8- 17) and is available on the MTI website, "Your Right to Know" page at <https://www.mitchelltech.edu/about-mti/your-right-to-know>.

## **MTI Policy 117 – Sexual Violence Response<sup>1</sup>**

### **I. Purpose of this Policy**

Mitchell Technical Institute is committed to providing a safe educational and working environment for its students, faculty, staff and other members of the MTI community. The Institute prohibits sexual violence and sexual assault, (which, along with sexual harassment, prohibited by MTI Policy 115, are forms of “sexual misconduct”), domestic violence and dating violence (collectively, “relationship violence”), and stalking. This conduct is disruptive to the learning and working environment and will not be tolerated by the Institute. The Institute is committed to preventing sexual misconduct, relationship violence, and stalking, as well as addressing its effects on the Institute community. MTI has adopted this Policy in order to inform students, faculty, and staff and other members of the MTI community of their rights and responsibilities in the event they are or have knowledge of someone involved in an incident of sexual misconduct, relationship violence or stalking and of the services available to victims of sexual misconduct, relationship violence and stalking.

### **II. Scope of this Policy**

This Policy applies to all members of the MTI community, including, but not limited to, students, faculty and staff, and it covers prohibited conduct that: occurs on campus; occurs in connection with MTI programs or activities, including academic, educational, extracurricular, or other programs and activities; or otherwise affects the MTI community. In certain instances, this Policy applies to third parties (e.g., visitors, volunteers, vendors, and contractors while on MTI property, participating in an MTI-sponsored activity, or providing services to the Institute, or applicants for admission to or employment with the Institute). This Policy applies equally to all regardless of an individual’s sex, gender, sexual orientation, gender identity or gender expression. All academic and administrative units of the Institute must comply with this Policy.

### **III. Definition of Affirmative Consent**

Sexual activity of any kind requires affirmative consent, which is defined as a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

### **IV. Definitions of Prohibited Conduct**

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<sup>1</sup> MTI Policy 117 begins here



### **A. Sexual Violence**

Sexual violence encompasses sexual assault and is a form of sexual harassment. Sexual harassment, which is a form of discrimination, violates federal and state law and MTI Policy 115. Sexual violence includes physical sexual acts that are performed against a person's will or where a person cannot give consent. Physical resistance need not occur to fulfill the definition of sexual violence. Examples of sexual violence include, but are not limited to:

- Sexual intercourse or other sexual acts in the absence of consent;
- Rape (including "date rape") or attempted rape;
- Any unwanted sexual contact with another person's body;
- Nonconsensual oral sex; and
- Sexual assault (defined below), sexual battery, or sexual coercion.

### **B. Sexual Assault**

Sexual assault includes non-consensual sexual intercourse and non-consensual sexual contact. Non-consensual sexual intercourse is any act of sexual intercourse with another individual without affirmative consent. Sexual intercourse includes vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth to genital contact. Non-consensual sexual contact is any intentional touching of the intimate parts of another person, causing another to touch one's intimate parts, or disrobing or exposure of another without consent. Intimate parts may include genitalia, groin, breast, or buttocks, or clothing covering them, or any other body part that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

### **C. Dating Violence**

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 shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

### **D. Domestic Violence**

Domestic violence means "abuse" occurring between:

- current or former spouses or cohabitants;
- persons who have a child in common; or
- persons currently or formerly involved in a dating relationship,

where "abuse" means any of the following acts:

- an act that causes serious bodily harm;
- an act that places a person eligible for relief in fear of imminent serious bodily harm;
- assault in any degree;
- rape or sexual offense or attempted rape or sexual offense in any degree;
- false imprisonment; or
- stalking.

## **E. Stalking**

Stalking means a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:

- of serious bodily injury;
- of an assault in any degree;
- of rape or sexual offense or attempted rape or sexual offense in any degree;
- of false imprisonment;
- of death; or
- that a third person likely will suffer any of the acts listed above.

## **F. Prohibited Relationships by Persons in Authority**

Sexual or other intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors or other MTI employees. Similarly, MTI employees (faculty, staff, and students) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly: 1) discontinue any supervising role or relationship over the other person; and 2) report the circumstances to their own supervisor. Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the Institute.

## **V. Resources**

MTI is committed to treating all members of the community with dignity, care and respect. The Institute recognizes that deciding whether or not to make a report, either to MTI or law enforcement, and choosing how to proceed can be difficult decisions. Making a report means telling someone in authority what happened, in person, by telephone, in writing, or by email. All individuals are encouraged to seek the support of campus and community resources. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources that by law cannot share information without the consent of the individual seeking assistance, except for extreme circumstances, such as a health and/or safety emergency.

### **A. On-campus Resources**

On-campus options to obtain assistance and guidance confidentially include:

**MTI Student Services  
Center for Student Success, Campus Center  
(605) 995-3097 Option 4**

MTI Student Services staff will maintain confidentiality except for extreme circumstances, such as a health and/or safety emergency. MTI is also bound by mandatory reporting laws in certain situations, including the sexual abuse of a minor. **Any MTI employee who suspects that a child under 18 years of age has been neglected or physically abused (including sexual abuse and emotional abuse) by a parent or other person, will report orally or in writing this information to MTI administration. MTI administration will immediately report this information to the state's attorney; or the department of social services; or the county sheriff; or the city police.**

In all cases, MTI staff will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this policy.

### **B. Off-campus Resources**

Off-campus options to obtain assistance and guidance confidentially (These outside options do not provide any information to the campus.):

1. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.

**Mitchell Area Safe House**  
<http://mitchellareasafehouse.org>  
**(605) 996-2765**

2. Off-campus healthcare providers (Medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. Even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.)

**Avera Queen of Peace Hospital**  
<http://www.avera.org/queen-of-peace>  
**(605) 995-2000**

3. Assistance can also be obtained through:

- a. SurvJustice: <http://survjustice.org>
- b. Legal Momentum: <https://www.legalmomentum.org/>
- c. Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>
- d. GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>
- e. RAINN: <https://www.rainn.org/get-help>
- f. Safe Horizons: <http://www.safehorizon.org/>

(Note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Victims/survivors are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases.)

## **VI. Reporting**

MTI encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative response.

The Institute encourages all individuals to make a report to the Institute and to local law enforcement. Reporting options are not mutually exclusive. Both internal and criminal reports may be pursued simultaneously.

MTI has a strong interest in supporting victims and survivors of sexual violence or other forms of prohibited conduct and encourages all individuals or third-party witnesses to report any incident to the Institute.

Making a report means telling someone in authority what happened — in person, by telephone, in writing, or by email. At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time.

MTI provides support that can assist each individual in making these important decisions, and to the extent legally possible will respect an individual's autonomy in deciding how to proceed. In this process, MTI officials will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the MTI community.

Any individual who reports sexual violence or other forms of prohibited conduct can be assured that all reports will be investigated and resolved in a fair and impartial manner. A Complainant, a Respondent, and all individuals involved can expect to be treated with dignity and respect. In every report under this policy, the Institute will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take reasonable steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

### **A. Emergency and External Reporting Options**

The Institute will help any MTI community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about on- and off-campus resources and options for resolution.

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- A. To file a criminal complaint with local law enforcement:
  - a. Mitchell Public Safety, (605) 995-8400 at 201 West 1st Ave.
  - b. Davison County Sheriff, (605) 995-8630 at 1015 South Miller Ave.
2. To disclose confidentially the incident and obtain services from the State of South Dakota, City of Mitchell, and Davison County:
  - a. HOTLINE (605) 996-4440
  - b. Additional disclosure and assistance options are catalogued by the South Dakota Coalition Ending Domestic and Sexual Violence: <http://www.sdcedsv.org/> or by calling (605) 945 0869

### **B. Campus Reporting Options**

MTI encourages all individuals to report misconduct to any Institute employee that they trust and with whom they feel comfortable. **In general, most MTI employees do not have legally protected confidentiality.** Under Title IX, MTI is required to take immediate and corrective action if a “responsible employee” knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment or violence that creates a hostile environment on the campus.

MTI requires that all “responsible employees” share a report of misconduct with the Title IX Coordinator. The Title IX Coordinator will conduct an initial assessment of the conduct, the Complainant’s expressed preferences, if any, as to course of action, and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community.

All MTI community members, even those who are not obligated to do so by this policy, are strongly encouraged to report information regarding any incident of sexual harassment or other forms of prohibited conduct directly to the Title IX Coordinator. The Institute cannot take appropriate action unless an incident is reported to the Institute.

To report confidentially an incident to one of the following MTI officials, who by law may maintain confidentiality, and can assist in obtaining services:

**MTI Student Services  
Center for Student Success, Campus Center  
(605) 995-3097 Option 4**

or

**Title IX Coordinator/Vice President  
Campus Center  
(605) 995-3023**

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Reports will be investigated in accordance with Institute policy. If a victim/survivor wishes to keep his/her identity private, he or she may call the Title IX Coordinator/Vice President at (605) 995-3023 anonymously to discuss the situation and available options.

When the accused is an employee of an affiliated entity or vendor of the Institute, MTI officials will, at the request of the victim/survivor, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and MTI policy.

You may withdraw your complaint or involvement from the MTI process at any time.

### **VII. Formal Procedures**

At any time, an individual may choose to initiate a formal procedure by reporting it to the designated Title IX Coordinator.

#### **A. Sexual Violence Report**

A sexual violence report will be completed by the person filing the complaint or by the designated administrator. Information included in the report should include, but is not limited to, the following:

- Date report is filed;
- Complainant's name and address;
- Date(s) of the incident(s);
- Description of the incident(s);
- Name(s) of the person(s) involved in the incident(s);
- Name(s) of any witness(es) to the incident(s);
- What action, if any, has been taken;
- Requested resolution of the complaint; and
- Signature of the complainant will be requested, but not required.

MTI's online complaint form may also be used to report an incident of sexual violence. The form can be found at <https://www.mitchelltech.edu/about-mti/informational-resources/complaints>.

#### **B. Designated Title IX Coordinator**

The school board hereby designates the Vice-President as the designated administrator to receive reports or complaints of sexual violence from any individual, employee, or victim of sexual violence. If the complaint involves the designated administrator, the complaint shall be filed directly with the President of the Institute. If the complaint involves the President, the complaint shall be filed directly with the Superintendent of the Mitchell School District 17-2 as applicable. If the complaint involves the superintendent, the complaint shall be filed with the Vice-President of Mitchell Technical Institute as appropriate.

#### **C. Submission of a Complaint or Report of Sexual Assault**

Submission of a complaint or report of harassment will not affect the individual's employment or work assignments.

#### **D. Confidentiality**

The Institute will make attempts to respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible consistent with the Institute's legal obligations and the necessity to investigate allegations of sexual assault and take disciplinary action when the conduct has occurred.

#### **E. Required Reporting**

If the accusations include possible criminal activity such as molestation, sexual battery, or similar contact, the designated administrator shall comply with all mandatory state reporting requirements including, but not limited to, contact with the State Department of Social Services or police authorities.

#### **F. Due Process**

When formal proceedings involve accusations against a student or employee of MTI, the accused is entitled to due process provisions of the United States and South Dakota State constitutions, and as specified in MTI Policy #1044 Student Due Process Rights.

#### **G. Institute Investigation and Action**

1. The designated administrator will conduct an investigation to gather data regarding the alleged sexual violence, take appropriate action regarding the complaint, and render a decision in writing to the complainant, with a copy to the President and Superintendent, within fourteen (14) calendar days of receipt of the formal complaint. The date of receipt of the complaint will be that date when received in the office of the designated administrator.
2. In determining whether alleged conduct constitutes sexual violence, the following will be included in conducting the investigation: the surrounding circumstances, the nature of the advances, relationships between the parties involved, and the context in which the alleged incidents occurred.
3. The investigation may consist of 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 investigating party.

4. In addition, immediate steps may be taken at any point in the investigation to protect the complainant, students, and employees pending completion of an investigation of alleged incident.
5. During the investigation all parties directly involved in the complaint may have legal or other representation. If any party elects to be represented at any step of the complaint procedure, the name of the representative must be declared in writing to the designated administrator along with the filing of the complaint, notification of any investigation, or the filing of any appeal.
6. If the complainant is not satisfied with the decision rendered by the designated administrator, s/he may appeal the decision to the President within seven (7) calendar days following receipt of the decision. The appeal must include the original complaint form, a copy of the decision from the designated administrator, and a written statement as to a reason for the appeal. The date of receipt of the appeal will be that date as stamped on the appeal when received in the office of the President.
7. The President or designee will review the materials submitted, may investigate the circumstances, and respond in writing within fourteen (14) calendar days from the date of the appeal. At the President's level, the appeal process may or may not include a conference with the parties involved.
8. If the complainant is not satisfied with the decision rendered by the President, s/he may appeal the decision to the Superintendent within seven (7) calendar days following receipt of the decision. The appeal must include the original complaint form, copies of the decisions from the designated administrator and the President, and a written statement as to a reason for the appeal. The date of receipt of the appeal will be that date as stamped on the appeal when received in the office of the Superintendent.
9. The Superintendent or designee will review the materials submitted, may investigate the circumstances, and respond in writing within fourteen (14) calendar days from the date of the appeal. At the Superintendent's level, the appeal process may or may not include a conference with the parties involved.

### **VIII. Options for Protection and Accommodations**

When the accused is a student, victims may choose one of the following options for protection and/or accommodations:

- A. To have MTI issue a "No Contact Order," meaning that continuing to contact the protected individual is a violation of MTI policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person.



- B. To have assistance from MTI officials in obtaining an Order of Protection from local law enforcement.
- C. To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with an MTI official who can explain the order and answer questions about it, including information from the Order about the accused's responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
- D. To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- E. To have assistance from MTI to call on and assist local law enforcement in effecting an arrest for violating such an order if it occurs on campus.
- F. When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process.
- G. When the accused is not a member of the MTI community, to have assistance from MTI officials and local law enforcement in obtaining a persona non grata letter, subject to legal requirements and MTI policy.
- H. To obtain reasonable and available interim measures that effect a change in academic, employment, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. While victims/survivors may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures: Title IX Coordinator, (605) 995-3023, Campus Center Student Services Office Suite.

## **IX. Institutional Crime Reporting**

Reports of certain crimes occurring in certain geographic locations will be included in the MTI Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the victim/survivor.

MTI is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the victim/survivor). A victim/survivor will never be identified in a timely warning.

Mitchell Technical Institute does reserve the right to notify parents when there exists a substantial concern for the student's safety and well-being, pursuant to the provisions of the Federal Education Right to Privacy Act.

## **X. Campus Climate Assessment**

Climate assessments afford institutions the opportunity to better understand their campus and to make informed decisions when it comes to providing a safe educational environment. MTI will

biennially conduct a uniform climate survey that analyzes prevalence and attitudes regarding sexual harassment, including sexual violence, and other related crimes.

The survey will address student and employee knowledge about:

- The Title IX Coordinator's role;
- Campus policies and procedures addressing sexual assault;
- How and where to report sexual violence as a victim/survivor or witness;
- The availability of resources on and off campus, such as counseling and academic assistance;
- The prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during the last year;
- Bystander attitudes and behavior; and
- Whether victims/survivors reported to the Institute and/or police, and reasons why they did or did not report.

This policy may be changed by the President or designee should federal and/or State legislation require a different process or duplicate efforts to assess campus climate via survey.

## **XI. Student Orientation and Ongoing Education**

Mitchell Technical Institute believes that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. To that end, MTI will continue to educate all new and current students using a variety of best practices aimed at educating the entire MTI community in a way that decreases violence and maintaining a culture where sexual assault and acts of violence are not tolerated.

All new first-year students will, during the course of their first semester at MTI, receive training on the following topics, using a method and manner appropriate to the institutional culture of the MTI campus:

- The institution prohibits sexual harassment, including sexual violence, other violence or threats of violence, and will offer resources to any victims/survivors of such violence while taking administrative action regarding any accused individual within the jurisdiction of the institution;
- Relevant definitions including, but not limited to, the definitions of sexual violence and consent;
- Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression;
- The role of the Title IX Coordinator and other relevant offices that address sexual violence prevention and response;
- Awareness of violence, its impact on victims/survivors and their friends and family, and its long-term impact;
- The Victim/Survivor Bill of Rights and Sexual Violence Response Policy;
- How to report sexual violence and other crimes to college officials and/or local law enforcement;
- How to obtain services and support;
- Bystander intervention and the importance of taking action, when one can safely do so, to prevent violence;
- Risk assessment and reduction including, but not limited to, steps that potential victims/survivors and potential assailants and bystanders to violence can take to lower the incidence of sexual violence; and
- Consequences and sanctions for individuals who commit these crimes

## Mitchell Technical Institute Annual Security and Fire Safety Report (2018)

The process is not limited to a single day of orientation but recognizes that students enroll at different times and gives MTI the flexibility to best educate students at a time and manner that can most effectively bring these points to light. Students at MTI shall receive general and specialized training in sexual violence prevention. MTI will conduct a campaign, compliant with the requirements of the Violence Against Women Act, to educate the student population. Further, the institution will, as appropriate, provide or expand specific training to include groups such leaders and officers of registered/recognized student organizations and online and distance education students.

Methods of training and educating students may include, but are not limited to:

- President's welcome message;
- Peer theater and peer educational programs;
- Online training;
- Social media outreach;
- First-year seminars and transitional courses;
- Course syllabi;
- Faculty teach-ins;
- Posters, bulletin boards, and other targeted print and email materials;
- Programming surrounding large recurring campus events;
- Partnering with neighboring colleges to offer training and education; and
- Partnering with state and local community organizations that provide outreach, support, crisis intervention, counseling and other resources to victims/survivors of crimes to offer training and education. Partnerships can also be used to educate community organizations about the resources and remedies available on campus for students and employees seeking services.

Legal Reference: Title IX of the Education Amendments of 1972  
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime  
Statistics Act of 1990  
Violence Against Women Act of 1994<sup>2</sup>

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<sup>2</sup> (MTI Policy 117 ends here)

## **Emergency Response and Evacuation Procedures**

MTI has developed an Emergency Procedure flyer that is provided to faculty and staff to post in classrooms and laboratories. The flyer (included on next page) outlines procedures to follow for a variety of situations including:

- Fire
- Medical Emergency
- Active Shooter
- Phone Threat
- Tornado Warning
- AED locations
- How to sign-up for MTECH (emergency) alerts

# EMERGENCY PROCEDURES

You are located at MTI, Building \_\_\_\_\_, Room/Floor \_\_\_\_\_

*If you find yourself in harm's way, take fast and decisive action.*

## ACTIVE THREAT/SHOOTER

### RUN IF A SAFE PATH IS AVAILABLE



- Have an escape route and plan in mind
- Leave your belongings
- Prevent others from entering the area

### HIDE IF YOU CAN'T GET OUT SAFELY



- Silence your phone
- Lock/barricade doors
- Stay out of shooter's view and be quiet



### FIGHT ONLY AS LAST RESORT

- Be physically aggressive
- Use improvised items as weapons
- Fight with all-out commitment
- Fight to incapacitate the shooter

#### CALL 911 WHEN IT IS SAFE TO DO SO

##### Information You Should Provide:

- Location, physical description, and number of shooter(s)
- Number and type of weapon held by the shooter(s)
- Number of potential victims at the location

#### When Law Enforcement Arrives:

- Remain calm and follow officers' instructions
- Keep hands visible at all times
- Avoid making quick movements, pointing, screaming, and/or yelling

## MEDICAL EMERGENCY

- Assess the area for the safety of injured person and yourself.
- **DO NOT** move the victims unless they are in immediate danger.
- Call 911 if needed.
- If trained, provide first aid, CPR/AED. First Aid Kits available in MTI Labs & Center for Student Success.
- NARCAN for opioid overdose is available in Center for Student Success.



## EMERGENCY

Police / Fire / EMS

# 911

NON-EMERGENCY  
MTI Administration -  
605.995.3023 & Press "0"

*Anonymously text "SAFE" to 82257 to report threats or suspicious behavior.*

## TORNADO WARNING

- MTECH Alert will be sent when weather service issues Tornado Warning.
- TAKE SHELTER IMMEDIATELY



Energy Training Center - West hallway  
Campus Center - Main floor stairwells, CC144, CC175, CC190

Nordby Trades Center - Lower northwest hall, lower south hall.

Technology Center - TC132, TC144, TC146

Driver Training Center - Bathroom

Diesel Light Truck Bldg - Bathroom

If designated shelter is not available seek interior room or hallway on lowest floor. Stay away from windows, doors, large objects.

## AED LOCATIONS

Energy Training Center - West & East hallway, Pole Lab  
Campus Center - Main floor hall, 2nd & 3rd Floor hall  
Nordby Trades Center - Lower & main Commons, Lower & upper hallways  
Technology Center - East Hall & West Hall by Amphitheater  
Driver Training Center - Main classroom  
Diesel Light Truck Bldg - Main classroom



## FIRE

- ACTIVATE nearest fire alarm if not already activated.
- EVACUATE building using nearest exit: DO NOT use elevators
- Turn off lights and close the doors to your room when leaving.
- Help others who may need assistance to evacuate.
- Move away from building to designated Rally Point - see map
- Call 911 or MTI Admin to report location of fire.



## PHONE THREAT

- Stay calm and don't hang up.
- Attempt to identify who or what is being threatened.
- Attempt to identify the type of threat.
- Attempt to find the reason for the threat.
- Give a written note to someone to call 911 and MTI Administration.



August 2019



Contact MTI Vice President for any questions or safety concerns 605.995.7204

**SIGN UP to receive MTECH Alerts (email, text, phone) for emergencies and school closings at website below:**



[www.mitchelltech.edu/life-at-mti/mti-toolbox](http://www.mitchelltech.edu/life-at-mti/mti-toolbox)

## Crime Statistics

MTI collects crime statistics from the Mitchell Police Department and the Davison County Sheriff's Office annually. A request for information is made to the above agencies each calendar year.

### Criminal Offenses

2016				
Criminal Offenses	On-Campus	On-Campus Housing	Noncampus	Public Property
Murder/Non-negligent Manslaughter	0	0	0	0
Manslaughter by negligence	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0

2017				
Criminal Offenses	On-Campus	On-Campus Housing	Noncampus	Public Property
Murder/Non-negligent Manslaughter	0	0	0	0
Manslaughter by negligence	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0

2018				
Criminal Offenses	On-Campus	On-Campus Housing	Noncampus	Public Property
Murder/Non-negligent Manslaughter	0	0	0	0
Manslaughter by negligence	0	0	0	0
Rape	1	0	0	0

2018 continued				
Criminal Offenses	On-Campus	On-Campus Housing	Noncampus	Public Property
Fondling	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0

### Hate Crimes

There were no reported Hate Crimes for the years 2016, 2017, or 2018.

### Unfounded Crimes

There was 1 unfounded crime for 2016 and no unfounded crimes for 2017 or 2018

### Violence Against Women Act (VAWA) Offenses

2016				
Offense	On-Campus	On-Campus Housing	Noncampus	Public Property
Domestic violence	0	0	0	0
Dating violence	0	0	0	0
Stalking	0	0	0	0

2017				
Offense	On-Campus	On-Campus Housing	Noncampus	Public Property
Domestic violence	1	0	0	0
Dating violence	0	0	0	0
Stalking	1	0	0	0

2018				
Offense	On-Campus	On-Campus Housing	Noncampus	Public Property
Domestic violence	0	0	0	0
Dating violence	0	0	0	0
Stalking	0	0	0	0

## Arrests Made

2016				
Arrests	On-Campus	On-Campus Housing	Noncampus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Law Violations	1	1	0	0
Liquor Law	12	12	0	0

2017				
Arrests	On-Campus	On-Campus Housing	Noncampus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Law Violations	1	1	0	0
Liquor Law	0	0	0	0

2018				
Arrests	On-Campus	On-Campus Housing	Noncampus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Law Violations	0	0	0	0
Liquor Law	0	0	0	0

## Disciplinary Actions Taken

2016				
Disciplinary Actions	On-Campus	On-Campus Housing	Noncampus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Law Violations	0	0	0	0
Liquor Law	0	0	0	0

2017				
Disciplinary Actions	On-Campus	On-Campus Housing	Noncampus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Law Violations	0	0	0	0
Liquor Law	0	0	0	0

2018				
Disciplinary Actions	On-Campus	On-Campus Housing	Noncampus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Law Violations	0	0	0	0
Liquor Law	0	0	0	0



## **Annual Fire Safety Report**

Mitchell Technical Institute does not own, operate, or manage any on-campus student housing facilities. In particular, MTI does not own, operate, or manage the Campus Tech Apartments, located at 1400 E Spruce Street. However, for the purposes of the *Clery Act*, MTI is considered to be in control of the Campus Tech Apartments because the buildings are located on property that is owned by the MTI Foundation.

Since the Campus Tech Apartments located at 1400 E. Spruce Street are considered On-Campus student housing under the Clery Act, MTI is required to maintain and disclose statistics for fires that occur in those facilities as well as to disclose fire safety policies and procedures for these facilities. This report covers the period January 1, 2018 – December 31, 2018.

### **Fire Safety requirements include:**

1. Maintain a log of all reported fires that occur in on-campus student housing facilities;
2. Publish an annual fire safety report that contains fire safety policies and fire statistics for these facilities; and
3. Submit fire statistics annually to the U.S. Department of Education.

### **Components of the Fire Safety Report**

1. Fire Safety System installed in the Campus Tech Apartments includes:
  - a. Smoke Detectors located in each apartment for detection of smoke and potential fire.
  - b. Fire Extinguishers are installed in public hallways for use in the event of a fire.
  - c. Sprinkler System is located throughout the building to extinguish fires.
2. Number of Fire Drills held during the previous calendar year. There were no fire drills conducted during the 2018 calendar year.
3. Policies on portable electrical appliances, smoking and open flames in student housing facility.
  - a. Smoking is not permitted anywhere within the building.
  - b. Fire pits, personal grills, and chiminea type equipment are not allowed on the Campus Tech Apartment Grounds.
  - c. Open Flames are prohibited in student housing.
  - d. Portable electrical appliances such as George Foreman Grill, Pizza Pizzaz, are allowed in student housing.
4. Procedures for student housing evacuation. Students are provided an Emergency

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Procedure handout upon moving into their apartment. Students are directed to call 911 and get out of the building in the event of a fire.

5. Policies regarding Fire Safety Education and training:
  - a. Students are provided written guidelines during check-in that include Campus Tech Apartments Rules and Regulations as well as Emergency Procedures.
  - b. The Campus Tech Apartment Property Manager has conducted fire extinguisher and safety training for employees.
  - c. Fire safety is a topic addressed during new Student Orientation through a presentation by representatives from the Mitchell Public Safety Office. This information is reinforced during the Student Success class taken by incoming students.
6. Reporting. The following individuals may receive reports of fires (after the fact) to record information/statistics for inclusion in the Annual Fire Safety Report:
  - a. Vice President
  - b. Dean of Student Success
  - c. Manager, Mills Property Management
7. Future Improvements - MTI and Mills Property Management will meet as needed to consider updates and revisions of the current Campus Tech Apartment Rules & Regulations.
8. Fire Statistics. Annual statistics are submitted online the U.S. Department of Education and are included in this report below:

### **Fire Statistics**

There were no reported fires in any on-campus student housing facilities for 2018.