2022-2023 ANNUAL SECURITY REPORT

PERSONAL SAFETY + SECURITY

INCLUDING:
Annual Fire Safety Report for NDSU Residence Life Housing Facilities

[ For any emergency requiring immediate police, ambulance or fire department service, dial 911. ]
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Alcohol and Other Drugs Policy

TO NDSU STUDENTS, FACULTY, STAFF AND GUESTS

Whether you have been a part of North Dakota State University for many years or if you are new to our community, I hope you will take time to read this annual security report. It provides an understanding of our commitment and efforts to provide a safe and secure campus for you to learn, live, work and be a guest, and, if needed, how to respond for your personal safety and security.

The NDSU University Police and Safety Office is the lead institutional unit responsible for providing the appropriate level of response on the campus for safety and security needs. The University Police Communications Call Center is staffed 24/7 to receive and dispatch calls for both armed law enforcement response and coordination of other local and regional emergency services.

Mass notifications are sent utilizing the NDSU Campus Emergency Notification Systems, designated to provide timely warnings and immediate notifications transmitted by the University Police Communications Call Center. These systems may include personal cell and home phones, campuswide email alerts, emergency alert service messaging on cable TV's operated within the NDSU system and broadcast alerts to NDSU telephone voice mail.

Each of us also has a responsibility for our own personal safety and security on the NDSU campus. Your review of this annual security report information is one step you can take to help us all demonstrate a resolve on matters of safety and security. I encourage you to retain access to it and review it often.

Have a safe and successful year!

Dr. David Cook
NDSU President

ALCOHOL + DRUGS POLICY

University Policy on the Use of Alcohol and Other Drugs by Students and Employees

The ND State Board of Higher Education (SBHE Policy 918) prohibits the possession, sale, service, or consumption of alcoholic beverages upon land or in buildings owned by the board or its institutions, except as authorized by the institution's president. NDSU complies with and supports the North Dakota State Board of Higher Education policy governing alcohol use on campus, the Drug Free Workplace Act of 1988, Public Law 100-690 and the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226 and 2 CFR § 182.215.

For the complete State Board of Higher Education policy see www.ndus.edu/board/policies, policy number 918 “Alcoholic Beverages.”

The university prohibits the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in university buildings, any public campus area, in university housing units, in university vehicles, or at any university affiliated events held on or off-campus, which are sponsored by students, employees and their respective campus organizations (including all fraternities and sororities). For NDSU employees, compliance with this policy is a term and condition of employment. For NDSU students and student organizations, compliance with this policy is a term and condition of continued enrollment/organizational recognition. The University Police is responsible for enforcement of underage drinking laws and the enforcement of federal and state drug laws.

The university recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and there are assistance programs available to help individuals experiencing problems. Where appropriate, NDSU personnel may refer students to the NDSU Counseling Center or other agencies outside of NDSU for evaluation and/or treatment for alcohol or other drug-related problems. As part of their benefit package, employees may access services through the Employee Assistance Program provided by The Village. Call The Village at 1-800-627-8220. Employees also can access online resources at villagegrp.com.

Additional alcohol and other drug prevention information, including information on health risks of alcohol and other drug abuse and applicable federal, state and local laws, is available through Student Health Service Prevention Programming.

For the complete text of the policy see www.ndsu.ub/mlsmanagement/policy/155.pdf.
THE NDSU POLICE AND SAFETY OFFICE

The North Dakota State University Police Department is the official law enforcement authority on the core campus. The University Police Department's enforcement authority is authorized by North Dakota Century Code 15-18-17 and the State Board of Higher Education (SBHE) Policy 6904. The NDSU police department operates in accordance with all standards established by the North Dakota Peace Officers Standards and Training (POST) Board, and as such are armed, licensed police officers. Students who are employed as University Police Department officers have a relationship with the University that is separate and distinct from the relationship the other University Police Officers maintain with the public. NDSU police officers do not provide services to the general public, the University's facilities and programs are generally reserved for accomplishing the objectives and programs of the University. Visitors and non-University affiliated groups seeking to utilize University facilities, services and programs must procure arrangements with the appropriate University office. NDSU reserves the right to deny access to facilities, services and campus grounds to people who do not meet or comply with appropriate guidelines.

CONFIDENTIAL REPORTING

Community members, students, faculty, staff, and guests are encouraged to accurately and promptly report all crimes and public safety related incidents occurring on the core NDSU campus and all properties owned or leased within the City of Fargo including Renaissance Hall, Barry Hall, and Klaas Hall to the Police Department or by calling 701-231-8998. Crimes should be reported if the victim elects to, or is unable to make such a report, such as the victim is unconscious or otherwise incapacitated. In addition, there are numerous Blue Light phones around the campus (see map on back inside cover for locations) that automatically ring to the University Police Communications Call Center where the emergency button on the phone is activated. Users can communicate directly with a Call Center operator and their location is digitally displayed to the operator. Crime tips can be text messaged to the University Police Communications Call Center using the Text-A-Tip line at 701-526-6006. All crime victims and witnesses are strongly encouraged to immediately report the crime to the University Police. Prompt reporting will assure timely warning notices on-campus if warranted and timely disclosure of crime statistics. Victims of sexual misconduct or people who wish to report sexual misconduct should contact the Title IX Coordinator, Canan Bilen-Green, at 701-231-7708 or ndsu.ata@ndsu.edu. Please note that these individuals cannot guarantee confidentiality. For more information or resources, please refer to the Confidential Reporting section below.

In response to a call, the University Police Communications Call Center will take the required action, either by dispatching an officer to the caller’s location or asking the caller to report to the University Police Communications Call Center where the emergency button on the phone is activated. University Police may conduct an investigation and, if applicable, forward the information to the Title IX Coordinator or approved deputy. If assistance is required from another agency, University Police will contact the Fargo Police Department, the University Police Communications Call Center will contact the appropriate agency. Off-campus crimes in Fargo should be reported to the Fargo Police Department at 701-451-7660. In emergency situations, law enforcement agencies can be reached by dialing 911.

CONFIDENTIAL REPORTING

The NDSU Police encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Due to North Dakota Higher Education Policy 6904, the North Dakota State University Police Department cannot be guaranteed to keep confidential. Confidential reports for the purposes of inclusion in the annual disclosure of crime statistics can generally be requested from the campus security authorities. Confidential reports without any individually identifying information are included in the university’s annual crime statistics. Confidential access to resources, reporting options, services, and advocacy is available on campus through:

NDSU COUNSELING CENTER | 701-231-7671

Staple Falls Road, Suite 210

Wallman Wellness Center 202

NDSU Counseling Center

SEXUAL ASSAULT PREVENTION AND ADVOCACY COORDINATOR (SAPA) | 701-231-5753

Wallman Wellness Center 114

OMMBUSPERSON | 701-231-5114

Library 20C

REPORTING CRIME OR EMERGENCIES

The NDSU Police maintains a close working relationship with other state, local and regional law enforcement agencies in North Dakota and throughout the region. The majority of officers and members of the PSO’s are to conduct security checks on NDSU buildings and grounds, report suspicious activity to law enforcement, and to provide safety and security assistance to students, faculty and staff.

RELATIONSHIP WITH LOCAL LAW ENFORCEMENT

The NDSU Police Department maintains a close working relationship with other state, local and regional law enforcement agencies in North Dakota and throughout the region. The majority of officers and members of the PSO’s are to conduct security checks on NDSU buildings and grounds, report suspicious activity to law enforcement, and to provide safety and security assistance to students, faculty and staff.

MONITORING AND RECORDING CRIMINAL ACTIVITY OF NON-CAMPUS STUDENT ORGANIZATIONS

NDSU does not have any officially recognized non-campus student organizations other than fraternities and sororities. If local law enforcement is called to one of these locations, NDSU Police may be notified and asked to assist, or NDSU Police may be notified after the other agency has responded. However, local law enforcement notification to the NDSU Police is done out of courtesy and is not required. The Fargo Police Department also shares information with the other University police agencies regarding incidents occurring off campus in the areas surrounding NDSU. NDSU also may be provided copies of Fargo Police reports involving non-campus student behavior. Residents are encouraged to either report or missing keys immediately so that a lockdown can be initiated.

All residence halls are equipped with NDSU ID Card access. Residents are encouraged to report lost ID cards immediately. A new picture ID should be obtained as soon as possible.

MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. NDSU regularly patrols the campuses and reports suspicious behavior or events promptly. Residence Life. Inappropriate/criminal student behaviors that occur off campus in association with university-sponsored, or university- affiliated events will be reported and processed the same as incidents occurring on the NDSU campus. In addition, the university routinely processes off-campus reports involving alcohol, marijuana, and weapons. NDSU police agencies by any law enforcement agencies or other North Dakota University System offices or universities.

SECURITY AND ACCESS OF UNIVERSITY FACILITIES

The central campus of NDSU includes over 2,100 acres. There are more than 80 residence halls, apartment complexes, and student centers. The University Police Communications Call Center is staffed by a professional hall director and student resident assistants (RAs) who reside on each floor. The RA’s are approximately one RA for every 35 students. University Apartments are staffed with complex managers.

All university residence life staff receive training on security measures and emergency/crisis management. Residence hall staff infonn residents of security and safety information via handbooks, floor meetings, and postings. Students are encouraged to report suspicious activity to the University Police in maintaining security in all residence halls and apartment units and in dealing with situations that affect the safety of residents.

Residence hall outside doors are locked 24 hours a day. Residence hall outside doors are locked 24 hours a day. Residence hall main entry to allow visitors to contact hall residents. All guests must be escorted by a resident of the hall at all times. Staff members check the residence halls each evening to ensure the security of the buildings and residents.

This information is available in the Residents’ Guide and on the University Police web site.

SAFETY EDUCATION

NDSU is committed to providing a reasonably safe and secure environment for its students, faculty, staff, and guests. Law enforcement programs and procedures are utilized at NDSU to support individuals in the efficient and effective ways for students and employees to be responsible for their own security and the security of others.

In 2021, the University Police conducted over 15 training sessions in personal safety and multi hazard response, alcohol and sexual violence awareness, alcohol and risk mitigation, active shooter response, domestic, and personal safety. The University Offers Rape Aggression Defense (RAD) training yearly. This is a comprehensive self-defense course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defensive training. Members of the NDSU Police will present programs on safety awareness, crime prevention and general security when requested by student, staff, or faculty groups. Other topics for presentations include harassment, violent behavior, suspicious mail or packages, bomb threats, precautions plans, and fire safety. To request a presentation please call 701-231-8998.

The Sexual Assault Prevention and Advocacy Coordinator and the NDSU Title IX Coordinator offer training each year in sexual violence prevention, sexual assault prevention and awareness, and sexual harassment. All new students are required to attend the “We Take A Stand” workshop, which focuses on sexual assault, relationship violence, stalking and how all NDSU students can take part in making the campus community safer. Equal Opportunity and Title IX training are required of all NDSU employees.

The Safe Zone program also educates people about sexual orientation and gender identity/expression. They offer three levels of training.

LEVEL 1: Learning an Ally provides basic information about sexual orientation and how to become an ally for someone who identifies as lesbian, gay, bisexual, transgender or queer. LEVEL 2: Gender Identity/Expression explores in greater depth the experiences of those who identify as transgender. LEVEL 3: Upstander helps allies to further their skills as allies, and encourages students and employees to be upstanders to bystanders within our campus and community.

Community of Respect seminar’s objective is to teach individual participants about cultural differences and to encourage them to think critically about the impact of their cultural values in their relationships with others. The curriculum is organized into four separate modules with distinct learning outcomes outlined in each.

Module 1: Cultural and Cultural Diversity is a self-awareness learning experience that explores the fact that everyone has cultural values. The learning outcomes of Module 1 will lead participants to:

• Identify their own culture.
• Be able to articulate how their culture differs from others
• Understand the trouble with stereotypes
• Learn about how to overcome unconscious bias.

Module 2: Bedfiling Diversity is an interactive session that focuses on:

• Increased awareness of one’s unconscious biases
• Analyzing and understanding diversity
• Increasing awareness of one’s unconscious biases
• Looking at diversity through a new lens
• Exploring one’s own identity through self-reflection.

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Module 3: Microaggressions is focused on the following learning outcomes:

- Understanding microaggressions and their impact
- Relating personal experiences about microaggressions
- Recognizing and addressing microaggressions.

Module 4: Confronting Bias addresses the ways in which people can positively confront bias when they see it, including:

- Best practices
- How to be an Upstander
- Examples and scenarios for being an Upstander.

CAMPUS SAFETY ESCORT SERVICE

The campus safety escort service is provided by the University Police and Safety Office as a personal safety escort service for NDSU students and employees. Escorts are conducted by NDSU police officers and/or public safety officers on duty. This service is available 24 hours a day, 7 days a week by calling 701-231-8998, and serves NDSU facilities and locations in the immediate vicinity of NDSU’s responsibilities.

CAMPUS EMERGENCY NOTIFICATION SYSTEMS (CENS)

FOR TIMELY WARNING AND IMMEDIATE NOTIFICATIONS

NDSU utilizes a national emergency notification systems that comprise NDSU CENS. These methods of communication include the NDSU-CAMPUS-ALERTR@LISTSERV for official email notification to all current students and employees. Communications sent through the Assurance NM system to registered cellphone and/or landline phones.

NDSU CENS is an essential tool employed to comply with the federal Clery Act requirements for “Timely Warnings” and “Immediate Notifications.” A comprehensive program is conducted by the University Police Communications Call Center the first Wednesday of each month at 2 p.m.

Using the National Incident Management System (NIMS) of response and command in conjunction with local and regional emergency response services, NDSU Crisis Management Response Plan (NDSU CMRP) provides written authorization for the 24/7 University Police and Safety Office Emergency Response Team (UPEST) personnel to make decisions and act on behalf of NDSU. This authorization also includes confirmation of a timely warning or immediate notification, communication, preparation and approval of communication to be sent by the 24/7 University Police Communications Call Center.

Timely Warnings are usually issued for Clery Act reportable UCR/ NIBRS crimes occurring in the NDSU reportable geographic area, but may be issued for other crime classifications deemed appropriate and meeting the following criteria:

- Reported by the public, campus security authorities or law enforcement agencies to the NDSU University Police,
- Are considered by the director, University Police and Safety Office, or designated department command authority in director’s absence, to represent a confirmed serious or continuing threat to students, employees and/or property, and
- Information release will not compromise law enforcement efforts.

Reports are considered on a case-by-case basis, and, depending on the facts of each case and information reported, a timely warning may be issued.

NDSU PERSONAL SAFETY AND SECURITY ASSIST

Connect to NDSU Police with Personal Safety and Security Assist. The service is available 24/7 on or off campus so we can help you reach your destination safely.

NDSU Personal Safety and Security Assist is a service of the University Police and Safety Office that uses a smartphone security app called Pathlight®. With the app on your smartphone, you can enhance your personal safety by entered your desired or desired travel time. The app allows NDSU Police to quickly respond to you in the event of an emergency, or it will alert a defender if you don’t arrive at a time you have pre-set. It can also send a silent alarm to the dispatcher with the swipe of a finger if you feel threatened.

The app only monitors you when you want it; if you don’t open and activate Pathlight®, it cannot be used to determine your location. Regardless of what you’re doing, a responding officer’s primary concern will be your safety.

NDSU Personal Safety and Security Assist complements NDSU’s in-person Campus Safety Escort Service. Details are available at www.ndsu.edu/secure.

Timely Warnings issued under this procedure will be handled using the NDSU-CAMPUS-ALERTR@LISTSERV email system. If deemed appropriate by the director, or designated department command authority in absence of the director, other redundant systems of the NDSU-CAMPUS-ALERTR@LISTSERV may be utilized, means such as calling trees, postings on facilities, website postings, etc.

As available pertinent information permits, the timely warning may identify date and time of the incident plus location, nature of crime and suspect descriptions. Information promoting safety that may aid individuals to protect themselves will be included in the warning. If no pertinent information is available at the warning time, additional warnings may be issued as information becomes available.

Timely Warnings issued under the Clery Act do not require maintaining confidential reporting of crimes. Although personally identifiable information is generally precluded from disclosure under the Family Educational Rights and Privacy Act (FERPA), this information may be released in an emergency situation. The names of all victims will be held confidential.

Upon expiration of the notification of a Timely Warning, or when deemed by the university that the notification may be discontinued, a campus wide follow-up notification may be sent through the NDSU-CENS utilizing the NDSU-CAMPUS-ALERTR@LISTSERV email system.

Immediate Notifications are issued for a confirmed emergency or dangerous situation posing an immediate threat to health or safety of someone on campus or significantly disrupting programs and activities.

An emergency or dangerous situation may be reported by a variety of methods to the University Police Communications Call Center, with the initial report established as the “incident,” and triggering response operations of the University Police to include NDSU CMRP when appropriate.

Confimation of a significant emergency or dangerous situation must be made by either the director, University Police and Safety Office or the appropriate department command authority in director’s absence, to represent a confirmed serious or continuing threat to students, employees and/or property, and information released will not compromise law enforcement efforts. Upon confirmation of an emergency or dangerous situation requiring an Immediate Notification, the director, University Police and Safety Office or designated department command authority, will, without delay, and taking into account the safety of the campus, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency or dangerous situation.

Approval of the message must be authorized by the NDSU president, or a member of the president’s cabinet, director of University Police and Safety Office, designated representative of these officials, or as authorized in the NDSU CMRP.

An Immediate Notification will only be transmitted through the 24/7 University Police Communications Call Center. All segments of the campus will be notified when it is as potential that a very large segment of the campus will be affected by a situation or when a situation threatens operation of the campus as a whole.

Immediate Notification also may be sent to only a segment of campus, or by some of the NDSU CENS systems, if in the professional judgment of responsible authorities those actions will provide for safety and security of the campus, while meeting objectives of notification requirements. Immediate Notification of day for notifications are examples of using only a segment of campus and/or some of the NDSU CENS in these situations.

If an event occurring on the NDSU campus may impact the community surrounding the campus NDSU officials will work with local law enforcement and media to notify the larger community when deemed appropriate.

EMERGENCY RESPONSE

The NDSU campus is encouraged to notify the NDSU Police of any situation or incident on campus that may involve a significant emergency or dangerous situation that poses an immediate or ongoing threat to the safety and health of university members. The University Police and Safety Office is charged with responding to reported incidents in order to determine whether the incident, in fact, presents a threat to the community and requesting other resources necessary to investigate, mitigate or document the situation. NDSU works in close collaboration with agencies and departments both on and off campus to gather and assist with information that may pose an immediate threat or hazard to the University.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, NDSU will immediately not issue any campus communications to university community vital information as quickly and efficiently as possible in order to provide the greatest safety for our students, faculty, staff, and visitors.

In all cases, University emergency responses shall place primary emphasis on the protection of human life, and all reasonable efforts shall be made to protect and preserve University property.

As part of the NDSU CMRP process, assessment of the situation and changes in notifications plus follow-up information may also create need for additional activation of part or all of NDSU CENS, to all or some segments of campus. NDSU also may utilize other means of disseminating information on the emergency or dangerous situation to include NDSU Web page.

Once an emergency or dangerous situation has been cleared, an Immediate Notification to all segments of the campus involved in the notification will be sent by the University Police Communications Call Center via the NDSU CENS as appropriate.

CENS PARTICIPATION

NDSU students, employees, and NDSU employees (including all student employees, both undergraduate and graduate) must participate in the emergency notification system. All students must also participate in the emergency notification system and are required to do so during registration or as otherwise provided under an institution’s emergency notification system policy or procedure.

Employees who need to update their emergency contact information can do so in PeopleSoft HRMS Self Service. Once logged in to Self Service, open the Personal Details section, then the Contact Details section. Once you have authenticated the log in request, you can update and save changes to your personal contact information. At least one phone number must be populated in either the home, personal cellular, or work cellular field. All numbers populated in any of those three fields will be called in the CENS process.

Students, including student employees needing to update their emergency contact information, can update their information through the University Police Communications Call Center via the NDSU CENS as appropriate. Whenever there are plan or facility design/occupancy use changes. It is recommended that departments pre-determine designated assembly points, direct occupants to those locations and prevent re-entry to the facility (prevention of re-entry to anyone except emergency personnel ensures the protection of life and property – university and personal property). Evacuation plans in residence life, including Group A Assembly buildings, as identified by the International Fire Code, on the NDSU campus also test their evacuations plans in the form of a fire drill annually. The University Police participates and/or as part of the NDSU CMRP process, assessment of the situation and changes in notifications plus follow-up information may also create need for additional activation of part or all of NDSU CENS, to all or some segments of campus. NDSU also may utilize other means of disseminating information on the emergency or dangerous situation to include NDSU Web page.

EMERGENCY EVACUATION PROCEDURES

It is recommended that all employees and students review and become familiar with the emergency evacuation procedures annually, and whenever there are plan or facility design/occupancy use changes. It is recommended that departments pre-determine designated assembly points, direct occupants to those locations and prevent re-entry to the facility (prevention of re-entry to anyone except emergency personnel ensures the protection of life and property – university and personal property). Evacuation plans in residence life, including Group A Assembly buildings, as identified by the International Fire Code, on the NDSU campus also test their evacuations plans in the form of a fire drill annually. The University Police participates and/or as part of the NDSU CMRP process, assessment of the situation and changes in notifications plus follow-up information may also create need for additional activation of part or all of NDSU CENS, to all or some segments of campus. NDSU also may utilize other means of disseminating information on the emergency or dangerous situation to include NDSU Web page.

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The NDSU campus is encouraged to notify the NDSU Police of any situation or incident on campus that may involve a significant emergency or dangerous situation that poses an immediate or ongoing threat to the safety and health of university members. The University Police and Safety Office is charged with responding to reported incidents in order to determine whether the incident, in fact, presents a threat to the community and requesting other resources necessary to investigate, mitigate or document the situation. NDSU works in close collaboration with agencies and departments both on and off campus to gather and assist with information that may pose an immediate threat or hazard to the University.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, NDSU will immediately not issue any campus communications to university community vital information as quickly and efficiently as possible in order to provide the greatest safety for our students, faculty, staff, and visitors.

In all cases, University emergency responses shall place primary emphasis on the protection of human life, and all reasonable efforts shall be made to protect and preserve University property.
EVACUATION PROTOCOL
• Building evacuations will occur when an alarm sounds continuously and/or upon notification by emergency personnel or by University Police.
• If necessary or if directed to do so by a designated emergency official, activate the building alarm. Call 911 and University Police at 231-8998.
• Do not use elevators during an emergency evacuation. Emergency response personnel may use an elevator for evacuation after review of the circumstances.
• Everyone must exit the building quickly and proceed in an orderly manner to the designated emergency assembly point as predetermined by each department. Be alert and pay attention to what is happening around you. If the first designated area of evacuation is inaccessible, proceed to a designated secondary location as predetermined by each department.
• Check doors for heat before opening. Do not open door if it is hot.
• Choose an assembly location comprised of an open space, with easy access from your building and/or capable of holding all of your department’s occupants safely.
• Emergency assembly points should be at least 50 feet from the building.
• Avoid assembly locations where emergency personnel will respond.
• Emergency assembly points should be at least 50 feet from the building.

SHELTER-IN-PLACE PROCEDURES
During certain emergency situations and some weather emergencies, you may be advised to “shelter-in-place” rather than evacuate or leave the building. If there is an emergency that is a risk to the public, your local officials will notify you by radio, TV or telephone. The outdoor warning sirens may be activated. If you hear the sirens, go inside and tune to a local radio or TV station. Shelter-in-place is likely to be used in circumstances in which there is not enough time for evacuation to occur, or evacuation creates an increased safety risk. Examples may include a hazardous material release or a public health issue. The safest action in these situations is to shelter-in-place while listening for further instructions.

The following are guidelines to be followed:
• Listen to the local radio, television stations or CENS for detailed information and instructions. Follow the instructions carefully. Stay away from the area to minimize risk of injury or contamination.
• Stay inside the building.
• Do not go outside to investigate.
• Bring pets/animals inside if practical.
• Close and lock all exterior doors and windows. Close vents, fireplace dampers, and as many interior doors as possible.
• Turn off air conditioners and ventilation systems to 100 percent recirculation so that no outside air is drawn into the building. If this is not possible, ventilation systems should be turned off (including electric and air cooling conditioning).
• Seal the room by covering each window, door and vent using plastic sheeting and duct tape.
• Use material to fill cracks and holes in the room, such as those around pipes.
• Gather essential disaster supplies, such as nonperishable bottled water, battery powered radios, first aid supplies, flashlights, batteries, duct tape, plastic sheeting and plastic garbage bags.
• If possible:
  • Close all windows and shut all manual vents.
  • Turn off ventilation system.
  • Tune in the radio for emergency information.

There may be times when there has been no notice but you still need to take action. Take immediate action if you:
• Hear a strange sound like an explosion.
• See a vapor cloud.
• Smell a strange odor.
• Feel nauseous or have burning eyes.

FIRE SAFETY
Prepping for emergencies well in advance is one of the most effective ways to deal with potential disasters. In the case of a fire, knowing the steps to take can minimize problems.

STEPS TO FOLLOW IF YOU SEE A FIRE:
• Activate the nearest fire alarm.
• Alert the fire department by calling 911 from a safe phone. Give your name, address, location and the extent of the fire.
• Calmly alert people in the building and evacuate the building by following exit signs. Do not use elevators. Non-ambulatory individuals needing assistance with evacuation should wait for professional assistance at designated areas in the building (see Evacuation Protocol section).
• Gather outside the building at a safe distance.
• Meet police or fire personnel upon arrival to direct them to the fire.
• Remains at the designated assembly point until someone takes roll call and you are provided assurance by an emergency personnel or University Police. Do not leave the area.

STEPS TO FOLLOW IF YOU ARE CAUGHT IN A FIRE:
• Remain calm.
• Before opening the door, feel it with the back of your hand. If it is hot:
  • Do not open the door.
  • Open the windows. If possible, lower the top half of the window to let out heat and smoke and raise the lower half to let fresh air in.
  • Seal cracks around the door with towels, linens or clothes. Seal these seams in water if possible.
  • To attract attention, hang objects out of the window and shout for help.
  • Keep low to the floor. Take short breaths to avoid inhaling smoke. Place a wet towel over your nose and mouth. Keep your head six to eight inches off the floor.

JEANNE CLEARY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

North Dakota State University does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, North Dakota State University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and sex-based discrimination. Domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, North Dakota State University prohibits the offenses of domestic sex-based discrimination, sexual harassment, and stalking. As a result, North Dakota State University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and sex-based discrimination. Domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official.

MISSING STUDENT NOTIFICATION
If a member of the NDSU community has reason to believe that a student who resides in on-campus housing is missing, they should immediately notify University Police at 701-231-8998. The University Police will initiate an investigation and generate a missing persons report. A missing student is defined as a person currently enrolled at NDSU whose whereabouts have been unaccounted for by law enforcement for more than 24 hours. When a student becomes the subject of a missing persons report, NDSU will initiate the Missing Person Notification (NDSU Policy 610) in accordance with the student’s designation. Contact will be made no more than 24 hours after the student is determined by University Police or other appropriate law enforcement agency to be missing.

Students residing in NDSU owned and operated facilities have the option to designate an individual to be contacted in the event the student is determined by NDSU Police or appropriate law enforcement agency to be missing. Contact may be the same or different than the emergency contact information provided in the student’s Campus Connection account. Students may register this confidential contact information with the Department of Residence Life. In the event a student is eligible to, but has not previously identified a missing person’s contact, NDSU will notify the individual identified in the student’s Campus Connection account as the emergency contact. If the student is under the age of 18, and is not an emancipated adult, NDSU is required to notify a custodial parent or guardian, in addition to any contact person specifically designated by the student.
violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of North Dakota State University’s policy governing sexual misconduct and student discipline, visit www.ndsu.edu/file/root/policy/162.pdf.

A. EDUCATION AND PREVENTION PROGRAMS

The University engages in comprehensive, intentional, and integrated prevention programming, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

• Are culturally-relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcomes;

• Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and ongoing awareness programs for all incoming students and new employees and building awareness and prevention campaigns for students and employees that:

• Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;

• Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault and stalking;

• Defines what behavior and actions constitute sexual activity in the State of North Dakota and the definition of consent found in ND Statutes; and

• Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be available or safe to consider and may include instant reports, immediate notification of campus police, logging of information, immediately reporting incidents to campus police, calling for help, completing a report, checking in with fellow students, asking friends for support, seeking help from school counselors, or calling campus police. Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, the university does not require or require proof that a report to law enforcement was made. It is the responsibility of the entire university community to respond to a report if it is submitted anonymously. Additionally, in very limited circumstances, NDSSU may need to take action to keep the identity of an individual who submitted an anonymous report. For more information, see wwww.ndsu.edu/biasreport.

REPORTING SEXUAL HARASSMENT, GENDER-BASED HARASSMENT OR SEXUAL MISCONDUCT

All students, employees, and third parties have the right to decline involvement with the police. The University will make such accommodations, if the individual wishes. If the offense occurred within the past 96 hours so that evidence may be preserved, it is advisable to notify the police. The University Police may assist in the Incident Report Form. All reports may be submitted via email at ndsu.eoaa@ndsu.edu or by contacting the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office.

Anyone who (student, employee, or third party) has a reason to believe that another individual has engaged in sexual misconduct, gender-based harassment, or sexual harassment has the right to make a complaint to the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. If a complaint against a student or student organization will be resolved through formal resolution, a hearing, and any appeal, will be administered by the Dean of Students Office, in coordination with the Title IX Coordinator of the Equal Opportunity and Title IX Compliance Office, under the procedures found in Policy 601: Rights and Responsibilities of Community: A Code of Student Conduct. All students, employees, and third parties may also report incidents of sexual misconduct to law enforcement, including on-campus and off-campus law enforcement. An individual who chooses to notify law enforcement will be provided the assistance of the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office or the Equal Opportunity and Title IX Compliance Office.

The Equal Opportunity and Title IX Compliance Office may also make a complaint regarding an incident, he or she nevertheless should consider speaking with University Police or other law enforcement. The University Police may also be reached directly by calling 701-231-7708, or in person at 701-231-7701.

B. PROCEDURES FOR REPORTING A COMPLAINT

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file a complaint for counseling, counseling, mental health, medical, victim advocacy, legal assistance, visa and immigration assistance and other services on and off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and work accommodations under Title IX.

The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the University determines that sexual misconduct or sexual harassment has occurred.

C. ASSISTANCE FOR VICTIMS: RIGHTS AND OPTIONS

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, the next page are the procedures that the University will follow as well as a statement of the rights of the victim in responding to a report if it is submitted anonymously. Additionally, in very limited circumstances, NDSSU may need to take action to keep the identity of an individual who submitted an anonymous report.

INTERIM MEASURES

Upon receipt of a complaint or as otherwise informed of sexual harassment, gender-based sexual harassment, or sexual misconduct NDSSU will, where appropriate, take interim measures to stop, prevent, and remedy the harm to those affected by the prohibited conduct. Interim measures are intended to be protective and/or remedial for one or both parties, and may be temporary or permanent and may be modified by the University as circumstances change.

Interim measures may include, but are not limited to, a no contact directive, a safety plan, residence modifications, academic modifications and support, work schedule and/or location modifications, packing modifications, referral to counseling or other health services, administrative leave, temporary suspension, or any other measure deemed appropriate by NDSSU.

Interim measures may be kept in place through the conclusion of any review, investigation, or appeal process.

Interim measures can be implemented regardless of whether or not the reporting party pursues formal university or criminal action.
The University cannot apply for a legal restraining order for a victim. The Rape & Abuse Crisis Center of Fargo-Moorhead operates a 24-hour crisis line and offers in-person assistance.

In this case, the University will follow the procedures outlined in the Domestic Violence, Stalking and Sexual Assault Prevention Coordinator, and meet with the NDSU Police to develop a Safety Action Plan, which is a plan for the university and the victim to reduce the risk of harm while on campus or off campus and going from campus.

The University cannot apply for a legal restraining order for a victim. The Rape & Abuse Crisis Center of Fargo-Moorhead operates a 24-hour crisis line and offers in-person assistance.

In this case, the University will follow the procedures outlined in the Domestic Violence, Stalking and Sexual Assault Prevention Coordinator, and meet with the NDSU Police to develop a Safety Action Plan, which is a plan for the university and the victim to reduce the risk of harm while on campus or off campus and going from campus.

**SEXUAL ASSAULT**

1. Institution will assess immediate safety needs of complainant.
2. Institution will assess need to implement interim or long-term protective measures, such as housing changes, changes in class schedule, “No Contact” order between both parties.
3. Institution will provide written information on how to apply for a Protective Order.
4. Institution will provide written information to complainant on how to preserve evidence.
5. Institution will provide complainant with referral re: an independent mental health provider.
6. Institution will assess as to whether the individual is in danger, as well as mental health needs, and make safety accommodations as needed.

**STALKING**

1. Institution will assess immediate safety needs of complainant.
2. Institution will assess need to implement interim or long-term protective measures, such as housing changes, changes in class schedule, “No Contact” order between both parties.
3. Institution will provide written information on how to apply for a Protective Order.
4. Institution will provide written information to complainant on how to preserve evidence.
5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, changes in class schedule, “No Contact” order between both parties.

**DATING VIOLENCE**

1. Institution will assess immediate safety needs of complainant.
2. Institution will assess need to implement interim or long-term protective measures, such as housing changes, changes in class schedule, “No Contact” order between both parties.
3. Institution will provide written information on how to apply for a Protective Order.
4. Institution will provide written information to complainant on how to preserve evidence.
5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, changes in class schedule, “No Contact” order between both parties.

**DOMESTIC VIOLENCE**

1. Institution will assess immediate safety needs of complainant.
2. Institution will assess need to implement interim or long-term protective measures, such as housing changes, changes in class schedule, “No Contact” order between both parties.
3. Institution will provide written information on how to apply for a Protective Order.
4. Institution will provide written information to complainant on how to preserve evidence.
5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, changes in class schedule, “No Contact” order between both parties.

**SEXUAL ASSAULT STALKING DATING VIOLENCE DOMESTIC VIOLENCE**

**UNIVERSITY PROCEDURES BY INCIDENT TYPE**

1. Depending on when reported, the preliminary investigation will be completed by the Title IX Coordinator. The investigation will provide complainant with access to medical care.
2. Institution will assess immediate safety needs of complainant.
3. Institution will conduct a preliminary investigation.
4. Institution will conduct a preliminary investigation.
5. Institution will provide written information on how to apply for a Protective Order.
6. Institution will provide written information to complainant on how to preserve evidence.
7. Institution will provide written information to complainant on how to preserve evidence.
8. Institution will assess need to implement interim or long-term protective measures, such as housing changes, changes in class schedule, “No Contact” order between both parties.
9. Institution will conduct an initial assessment.
10. Institution will conduct a preliminary investigation.

**EVIDENTIARY STANDARD**

**STALKING**

1. Stalking cases are referred to the Title IX Coordinator. Adjudication procedures shall conform to the evidence standard.
2. Stalking cases are referred to the Title IX Coordinator. Adjudication procedures shall conform to the evidence standard.

**DATING VIOLENCE**

1. Dating violence cases are referred to the Title IX Coordinator. Adjudication procedures shall conform to the evidence standard.
2. Dating violence cases are referred to the Title IX Coordinator. Adjudication procedures shall conform to the evidence standard.

**DOMESTIC VIOLENCE**

1. Domestic violence cases are referred to the Title IX Coordinator. Adjudication procedures shall conform to the evidence standard.
2. Domestic violence cases are referred to the Title IX Coordinator. Adjudication procedures shall conform to the evidence standard.
How to Be an Active Bystander

Bystanders play a critical role in preventing violence, including sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence. We may not always know what to do even if we want to help. These are sometimes called barriers. We all have barriers that can make it harder to step in and help. Barriers could include being shy, being unsure of the situation, not liking conflict, fear that people will judge you or not feeling confident intervening. When we encounter barriers to intervention it is important to remember we also have options that can help us get around those barriers. Some options include directly addressing the situation, or delegating to someone you trust to address concerning behaviors. Below is a list of some ways to be an active bystander.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, act, or ask if they are okay. Remember, you may know the person who is doing the concerning behavior, the person who is the target of the behavior, or both.
- Confront people who sedate, hit on, try to make out with, or approach your friends. If you can help them find their friends or call someone to help them.
- Be true to yourself. Don’t feel obligated to do anything you don’t feel comfortable doing.
- Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- Make sure your cell phone is with you and charged and that you have cab money.
- Have a code word with your friends or family so that if you need to leave, they can come to get you or make up an excuse for you.
- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Make sure to log out of social media and keep your privacy settings up to date.
- If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don’t have your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
- Don’t accept drinks from people you don’t know or trust.
- If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact local authorities.

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org):

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don’t know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.

Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Resilience resources available to persons who report being victim of sexual assault, domestic violence, dating violence, or stalking include:

- www.tnsn.org - Rape, Abuse and Incest National Network
- www.j ustice.gov/ovw/sexual-assault - Department of Justice
- www2.ed.gov/about/offices/list/indox.html - Department of Education, Office of Civil Rights
- www.justice.gov/ovw/sexual-assault - Department of Justice
- www.rainn.org - Rape, Abuse, & Incest National Network
- www.stopnstart.com - Stopping Sexual Violence

ON CAMPUS

Counseling Center
Stop N Go Center 1919 North University Dr Ste 1 701-231-7671

Students Health Service
102 Wellness Wellness Center 701-231-7331

University Police
701-231-8989

SAPSA
314 Wellness Wellness Center 701-730-5773

Title IX Coordinator
201 Old Main 701-231-7208

International Student and Study Abroad Services
166 Memorial Union 701-231-7599

Dean of Students
100 Old Main 701-231-7201

Financial Aid and Scholarships
176 Memorial Union (One Stop) 701-231-6200 (local)
866-924-8096 (toll free)

Legal Assistance
NDSS does not offer any legal assistance to students or employees

OFF CAMPUS

Fargo Police Department
105 25 St N 701-451-7660

Sanford Medical Center
5235 23 Ave S 701-417-2000

Family Health Care
301 NP Ave N 701-271-3344

Essentia Health
3000 32 Ave S 701-364-8000

VA Medical Center
1203 Elm St N 701-232-3241

Rape and Abuse Crisis Center
317 8 St N 701-231-7331

Legal Services of North Dakota
318 Broadway Suite D211 701-232-4955 or 800-634-5263

Legal Services of Northwest Minnesota
1005 7 Ave N, Moorhead 218-233-8585 or 800-450-8585

Cass County State’s Attorney’s Office
211 9 St S 701-241-8350

Southeast Human Service Center
2624 9 Ave S 701-298-4500

Confidential support resources - If seeking a confidential resource, NDSS students may contact the NDSS Counseling Center (Stop N Go Center, 1919 University Dr N, Suite 1, 701-231-7671), the Student Health Service (Wellness Wellness Center, NDSS Main Campus, 701-231-7331), and the Sexual Assault Prevention and Advocacy Coordinator (Wellman Wellness Center, NDSS Main Campus, 701-231-7331). The Employee Assistance Program, as described in NDSS Section 134, is a confidential resource for NDSS employees. Additionally, graduate students and faculty may also contact the Office of the Ombudsperson (Library Room 20C, NDSS Main Campus, 701-231-5114).


**Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?**

If you and/or the other person have been drinking, you can say: you that you would not have voted to grant them habeas corpus, even if you have full judgment before doing anything you may regret later.

**D. ADJUDICATION OF VIOLATIONS**

Whether or not criminal charges are filed, the university or a person may file a complaint under Policy 108, Equal Opportunity and Non-Discrimination, or Policy 162, Sexual and Gender-Based Harassment, Sexual Misconduct, alleging that a student or employee violated the University’s policy on discrimination, harassment, retaliation, or sexual misconduct. Reports of guests, vendors, or contractor violating these policies should be reported to the Title IX Coordinator. Reports of all domestic violence, dating violence, sexual assault, and stalking made to the University Police will automatically be referred to the Title IX Coordinator regardless of if the complainant chooses to pursue criminal charges.

As provided in Policy 162, NDSU is committed to providing a safe, healthy, and nondiscriminatory learning, living, and working environment for all members of its university community that is free from sex discrimination of any kind. Specifically, NDSU is committed to:

- Defining conduct that constitutes sexual harassment, gender-based harassment and sexual misconduct;
- Providing clear guidelines for students, employees and third parties on how to report incidents of sexual harassment, gender-based harassment and sexual misconduct and a commitment that any complaints will be handled respectfully;
- Promptly responding to complaints alleging sexual harassment, gender-based harassment and sexual misconduct, pursuing disciplinary action when appropriate, referring the university to local law enforcement when appropriate, and taking action to investigate and address any allegations of complicity and retaliation;
- Providing ongoing assistance and support to employees who make allegations of sexual harassment, gender-based harassment and sexual misconduct;
- Providing awareness and education about the impact of gender-based harassment and sexual misconduct, including widely disseminating this policy, and implementing training and educational programs on sexual harassment, gender-based harassment and sexual misconduct to university constituencies;
- Gathering and analyzing information and data that will be reviewed in order to improve gender equity and safety, reporting, responsiveness and the resolution of incidents.

Formal Complaints of Sexual Harassment occurring in NDSU Educational Programs or Activities within the United States (“Title IX Complaints”) shall be resolved by Policy 156.1, Title IX Grievance Procedures. All other complaints of Sexual Harassment shall be resolved by NDSU Policy 156, or other applicable policy.

In formal resolution is not available for Title IX complaints, unless a formal complaint has been filed.

For Title IX formal complaints, and all other complaints of sexual harassment, NDSU may facilitate an informal resolution process, that does not involve a full investigation and adjudication, provided that:

- Provides the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that the time prior to refusal by any party as the right to withdraw from the informal resolution process and review the grievance process with respect to the formal complaint; and,

- Substantially comporting with or having cohabitated with the Complainant as a spouse or intimate partner;

**similarly situated to a spouse of the Complainant; or**

- any person against whose acts the Complainant is protected by N.D. Rev. Stat. Chapter 40-11, Sexual Harassment.

**SECTION 156.1 TITLE IX COMPLAINT PROCEDURES**

**SOURCE: SB/HE**

It is the policy of NDSU to fully comply with all aspects of Title IX of the Education Amendments of 1972 and the regulations promulgated under its authority. These procedures are based on North Dakota University System Policy 520. In the event of a conflict between this policy and NDSU Policy 520, this policy shall prevail. Similarly, any conflict between NDSU Policy 520 and any existing NDSU or NDUS policy or procedure shall be resolved in favor of NDSU Policy 520.

**DEFINITIONS**

For the purposes of NDSU’s Title IX Complaint Procedures, the listed terms shall have the following definitions pertaining to the 2020 Title IX regulations and NDUS Policy 520:

**Actual Knowledge of Sexual Harassment**

- includes knowledge of a formal complaint, once NDSU has actual knowledge of sexual harassment, the Title IX Coordinator must contact the Complainant and:
- **Discuss the availability of supportive measures;**
- **Consider the Complainant’s wishes regarding supportive measures;**
- **Inform the Complainant that supportive measures are available with or without the filing of a formal complaint;** and
- **Explain the process of filing a formal complaint.**

- No disciplinary sanctions or other actions which are not supportive measures may be imposed against any Part, prior to or in the conclusion of the grievance process.
- Exceptions: Emergency Removal (section 1d) and Administrative Leave (section 1e).

**Supportive Measures**

shall offer supportive measures designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the Parties, including: counseling; modifications of deadlines or other course-related adjustments; arrangements for non-disciplinary, non-punitive individualized services; and arrangements for the provision of support services offered as appropriate (as reasonably available) and without fee or charge to the Complainant or Respondent.

- **Supportive Measures** may include but are not limited to:
- Counseling;
- Modifications of deadlines or other course-related adjustments;
- Arrangements for non-disciplinary, non-punitive individualized services;
- Arrangements for the provision of support services offered as appropriate (as reasonably available) and without fee or charge to the Complainant or Respondent.

- The Title IX Coordinator or other designee shall coordinate the effective implementation of supportive measures.
- Supportive measures may not restrict any Party’s rights under the United States Constitution.

**Emergency Removal**

shall remove a Party from the educational program or activity on an emergency basis, provided that NDSU determines, based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

- **NDSU will provide the Respondent with notice and an opportunity to challenge the Emergency Removal decision immediately following the removal.** In challenging the Emergency Removal decision, the Respondent shall have the burden to show why removal should not be implemented or be modified. While this challenge process may produce facts and evidence relevant to the grievance process, this challenge process need not follow all of the requirements of the grievance process. As such, this meeting is not a hearing on the merits of the allegation(s) but rather is an administrative process intended to determine solely whether the emergency removal is justified.
provides Advisors to all Parties. Advisor, but will endeavor to seek parity of Advisors where NDSU between the Parties, particularly where one Party selects an outside NDSU is not required to attempt to create equality of Advisors, as defined by Title IX, and the date and location of the alleged conduct.

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.

A statement that the Parties may have an Advisor of their choice, who may be an attorney, and may inspect and review evidence. At the outset of the complaint resolution, an Advisor will be offered to each Party. The statement should also indicate that if the Party does not have an Advisor of choice, NDSU will appoint an Advisor to assist with cross-examination for the live hearing.

Notice of any provisions in NDSU’s Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If during the grievance process, additional allegations are added to the investigation which were not included in the initial notice, NDSU must provide notice of the additional allegations to the Parties.

There is no deadline on when a Complainant may file a complaint.

Advisors Parties to a grievance proceeding must be afforded the opportunity to select the Advisor of their choice to assist them during the proceeding, including during the live hearing.

If a Party does not choose an Advisor, NDSU shall provide the Party with an Advisor free of charge. At minimum, NDSU shall provide an Advisor to conduct the Party’s cross-examination at the hearing. However, nothing in this policy or the Title IX regulations should be read to prohibit NDSU from providing an Advisor for the full duration of the grievance process, provided that the Parties are treated equally as to timing if NDSU appoints Advisors for all Parties.

NDSU is not required to provide attorneys to Parties to act as Advisors, but appointed Advisors should be provided with access to appropriate training to ensure comfort and familiarity with the process of the grievance proceeding, though the same training provided to Title IX Coordinators, decision-makers, and Investigators is not required.

NDSU is not required to attempt to create equality of Advisors between the Parties, particularly where one Party selects an outside Advisor, but will endeavor to seek parity of Advisors where NDSU provides Advisors to all Parties.

Administrative Leave NDSU may place a non-student employee on administrative leave during the pendency of a grievance process.

GRIEVANCE PROCESS Formal Complaint and Notice of Allegations Once a formal complaint is received by NDSU, NDSU must provide the following written notice to the known Parties:

• Notice of the grievance process, including any informal resolution process as delineated in Policy 156, Section 7;
• Notice of the allegations of sexual harassment, including:
  • Sufficient details known at the time and with enough time to prepare a response, including, but not limited to, the names of the Parties, the conduct allegedly constituting sexual harassment, as defined by Title IX, and the date and location of the alleged conduct.
  • 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.
  • A statement that the Parties may have an Advisor of their choice, who may be an attorney, and may inspect and review evidence. At the outset of the complaint resolution, an Advisor will be offered to each Party. The statement should also indicate that if the Party does not have an Advisor of choice, NDSU will appoint an Advisor to assist with cross-examination for the live hearing.
  • Notice of any provisions in NDSU’s Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If during the grievance process, additional allegations are added to the investigation which were not included in the initial notice, NDSU must provide notice of the additional allegations to the Parties.

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NDSU is not required to attempt to create equality of Advisors between the Parties, particularly where one Party selects an outside Advisor, but will endeavor to seek parity of Advisors where NDSU provides Advisors to all Parties.

Investigation • NDSU is required to investigate every filed formal complaint unless the complaint is subject to dismissal, as outlined in Section D.

• At all times, the burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on NDSU, and NDSU may not seek to shift that burden to the Parties.
  • Notwithstanding, NDSU may not restrict the Parties’ ability to discuss the allegations or to gather or present relevant evidence.

• At all times, NDSU shall observe a presumption that the Respondent is not responsible for the alleged conduct until and unless there is a determination of responsibility at the conclusion of the grievance process Investigators will avoid prejudgment of the facts presented by the Parties.

• NDSU may not access, consider, disclose, or otherwise use a Party’s medical records made or maintained in connection with the provision of treatment to the Party, unless voluntary; written consent to do so is provided by the Party (or the Party’s parent, if the Party is not eligible to provide consent).

• NDSU may not require, allow, rely upon, or otherwise use evidence that constitutes, or questions that seek disclosure of, information protected under a legally recognized privilege, unless that privilege is waived.

• NDSU must provide to the Parties written notice of the date, time, location, participation, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare. Dates and times of other interviews not involving the Party will not be provided beforehand.

• The Parties must be afforded an equal opportunity to have others present during any grievance proceeding. This includes up to two Advisors, one who conducts the cross examination, and one who provides support. NDSU may establish restrictions regarding the extent to which the Advisors may participate in the proceedings, so long as the restrictions apply equally to all Parties and comply with this policy.

• All Parties must have an equal opportunity to inspect and review any evidence obtained as part of the investigation related to the allegations raised in a formal complaint, including any evidence upon which NDSU does not intend to rely in reaching a determination of responsibility and any inculpatory or exculpatory evidence, from whatever source.

• At least 10 calendar days prior to the preparation of the Preliminary Investigative Report, NDSU must provide each Party and the Party’s Advisor the evidence obtained in the investigation in an electronic format or hard copy. The Parties may submit a written response to the evidence, which the Investigator shall consider prior to completion of the Preliminary Investigative Report.

• At the conclusion of the investigation, the Investigator must create a Preliminary Investigative Report that summarizes the relevant evidence in an adequate, impartial, and reliable manner. At least 10 calendar days prior to the hearing, the Investigator must send a copy of the Preliminary Investigative Report to each Party and the Party’s Advisor, if any, for review and written response.

Dismissal of the Complaint under Title IX Mandatory Dismissal

• NDSU must dismiss the Formal Complaint if, at any time during the investigation or hearing:
  • The alleged conduct would not constitute sexual harassment or sexual violence as defined in these procedures;
  • The alleged conduct did not occur in an Educational Program or Activity; or
  • The alleged conduct would not constitute sexual harassment or sexual violence as defined in these procedures;
The live hearing will be presided over by the decision-maker, who evidence obtained by the Investigator as part of the investigative after the completion of the Preliminary Investigative Report. All against the other Party, where the allegations of sexual harassment or NDSU may consolidate simultaneously.

Notice of Dismissal Upon a dismissal pursuant to this section, NDSU may consult with its legal counsel prior to acting under another policy to avoid taking actions constituting retaliation.

Consolidation of Formal Complaints NDSU may consolidate formal complaints against more than one Respondent, by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment or sexual violence arise out of the same facts or circumstances.

Live Hearing The grievance process must provide for a live hearing after the completion of the Preliminary Investigative Report. All evidence obtained by the Investigator as part of the investigative process must be made available to the Parties and the decision-maker at the live hearing.

The live hearing will be presided over by the decision-maker, who will be free of all conflicts of interest, and who may not be the Investigator or the Title IX Coordinator.

Decision-maker for student Respondents

• In cases involving a student Respondent, the decision-maker will be the Assistant Dean of Students or the Dean of Students. In the event a conflict of interest precludes the participation of the Asst. Dean of Students or the Dean of Students, NDSU shall assign a properly trained individual to serve in the role of decision-maker.

• Decision-maker for non-student employee

• In cases involving a non-student employee, the decision-maker will be a three-person panel of non-student employees. The three-person panel will be chosen out of the pool of trained individuals. These individuals will consist of full-time faculty and staff.

• Notwithstanding the foregoing, if the need arises, NDSU reserves the right to contract or utilize the services of a properly trained third party to perform the role decision-maker. The need for such a third-party shall be in the sole discretion of NDSU.

At the request of either Party, the hearing must be conducted with the Parties located in separate rooms with technology enabling the decision-maker and Parties to simultaneously see and hear the Party or witness answering questions. Hearings may be conducted with all Parties physically present in the same geographic location, or, any Parties, witnesses, and other participants may appear at the live hearing virtually, so long as the participants are able to simultaneously see and hear each other.

At the live hearing, the decision-maker must permit each Party's Advisor to ask the other Party and any witnesses all relevant questions about the determination regarding responsibility based solely on a Party's or witness's absence or refusal to answer cross-examination or other questions. There are no exceptions to this exclusion as there are in legal proceedings.

Hearing Decorum Decision-makers may enforce rules to ensure hearing decorum, such as requiring respectful treatment, specifying any conduct process, governing timing of hearing and length of breaks, etc.

NDSU must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

Determination Regarding Responsibility In all cases, the applicable standard of proof for determining responsibility for an alleged violation is “preponderance of the evidence” meaning, in order for Respondent(s) to be held responsible it must be determined that it is more likely than not that the Respondent(s) violated these procedures.

After the conclusion of the live hearing, the decision-maker must issue a written determination regarding responsibility, which must include:

• Identification of the allegations potentially constituting sexual harassment or sexual violence; and
• Procedures.

• Description of the procedural steps taken from the receipt of the formal complaint through the determination, including any interviews with Parties and witnesses, site visits, methods used to gather evidence, and hearings held.

• Findings of fact supporting the determination;

• Conclusions regarding the application of any other institution's policy;

• A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies will be provided to the Complainant; and,

• The procedures, timelines, and permissible bases for the Complainant and Respondent to appeal.

The written determination must be provided to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that notice of the result of any appeal is provided to the Parties, if an appeal is filed; or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator shall be responsible to implement any remedies provided by the written determination.

Remedies Remedies offered after the conclusion of the grievance process on a finding of responsibility must be designed to restore or preserve equal access to the educational program or activity. Remedies may be disciplinary or punitive and may create a burden for the Respondent.

APPEALS

Regardless of the finding (responsible, not responsible, dismissal) all Parties have the right to file an appeal. The following may form the basis for an appeal:

• Procedural irregularity that affected the outcome of the grievance process;

• New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter;

• The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent, that affected the outcome of the grievance process.

• Other basis set forth in the campus-level processes, but which must be offered equally to all Parties (for example, an appeal based on the severity of the sanction).

Upon filing of an appeal, NDSU must:

• Notify the non-appealing Party in writing when an appeal is filed and implement appeal procedures equally for all Parties.

• Ensure that the appeal's decision-maker is not: the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the Investigator, or the Title IX Coordinator.

• Give all Parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

• Issue a written decision describing the result of the appeal and the rationale for the result;

• Provide the written decision simultaneously to all Parties.

If a disciplinary sanction of suspension or expulsion for students or termination for employees is imposed by the decision-maker, NDSU shall provide a method of reviewing an appeal from a determination regarding responsibility or dismissal for a period of at least one year following the original decision. For sanctions other than suspension, expulsion, or termination, an appeal must be brought within 5 business days of receipt of the sanctions.

TRAINING

All persons involved in the grievance process, including, but not necessarily limited to, Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on the following areas:

• The definition of sexual harassment;

• The scope of the educational program or activity;

• How to conduct an investigation and understanding of the grievance process, including hearings, appeals, and informal resolution processes, as applicable;

• How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Additionally, decision-makers must receive training on the following areas:

• Any technology to be used at a live hearing; and

• Issues of relevance or questions and evidence, including when questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
REPORTING/CONFIDENTIALITY
NDSU faculty, staff and students are encouraged to report incidents or information related to sexual misconduct as soon as possible. If criminal activity is involved, victims or witnesses are encouraged to contact NDSU Police or your local law enforcement. Victims of sexual misconduct or people who wish to report sexual misconduct may contact Canan Bilen-Green, Title IX/ADA Coordinator, at 701-231-7708 or ndsu.eoaa@ndsu.edu. Please note, confidentiality cannot be guaranteed. For a list of confidential resources, please refer to the Confidential Reporting section below.

The guiding principal in accepting reports of sexual misconduct is to avoid re-victimizing the recipient of the behavior by forcing them into any plan of action. NDSU will make every attempt to safeguard the privacy of the reporting party and/or recipient of the behavior; however, it is important that reporting parties recognize that NDSU cannot ensure confidentiality in all cases. NDSU must weigh the request for confidentiality against its obligation to protect the safety and security of the entire campus. Depending on the circumstances of the offense (the severity of the offense, the number of victims involved, etc.), NDSU may be required to respond to an incident, even if confidentiality has been requested. Therefore, NDSU employees cannot guarantee absolute confidentiality. Individuals desiring confidentiality should be encouraged to contact one of the following:

SEXY ASSAULT PREVENTION AND ADVOCACY (SAPA) COORDINATOR | 701-231-5733
NDSU COUNSELING CENTER | 701-231-7671 (Available 24 hours)

STUDENT HEALTH SERVICE | 701-231-7331

Resolution of Alleged Code Violations
The Code resolution process generally includes the following steps:
• Receipt of an incident report;
• Creation of a case file;
• Investigation of incident, if necessary;
• Implementation of interim or remedial measures, if necessary;
• Notice of alleged violations;
• Prehearing conference;
• Administrative hearing;
• Notice of decision;
• Right of appeal; and
• Notice of appeal decision.

This process is designed to:
• Provide for the education of students;
• Promote the health, safety, and well-being of University community members;
• Provide for fair inquiries concerning alleged violations of University policies;
• Determine whether or not any individual student has violated a University policy;
• Allow for consideration of extenuating or mitigating factors when a violation has been found to exist;
• Determine a resolution; and
• Assist the student in reflecting upon and growing from their personal experiences. A detailed description of these steps is provided below. Cases related to discrimination, harassment, retaliation, and sexual misconduct may require some modification of the resolution process, as approved by the NDSU Title IX Coordinator. For additional information, see NDSU Policy 156, Discrimination, Harassment, and Retaliation Complaint Procedures.

INVESTIGATION
An investigation related to the report occurs if necessary. In cases involving discrimination, harassment, retaliation, and sexual misconduct, the Equal Opportunity and Title IX Compliance Office will conduct the investigation.

NOTICE OF ALLEGED VIOLATIONS
Students receive correspondence from Student Affairs or Residence Life Staff. The notice provides identification of the alleged Code violations, notification of the possibility of suspension or expulsion, and requests a meeting date and time.

REPORTING/CONFIDENTIALITY
All materials used to train the foregoing individuals must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints. All training materials used to train the foregoing individuals must be made available to the public by posting on NDSU’s website.

RECORDKEEPING
NDSU shall retain, for a period of seven years, records of:
• Each sexual harassment investigation, including any determination regarding responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant;
• Any appeal and the result thereof;
• Any informal resolution and the result therefrom;

All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, which the institution must make available on its website, and NDSU must create and maintain for seven years, records of any actions, including records of supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, NDSU must document the basis for its response was not deliberately indifferent, and document that it took supportive measures, or, if supportive measures were not provided, an explanation of why such a response was not clearly unreasonable considering the known circumstances.

CONFIDENTIALITY
Notwithstanding Chapter 64-04 of the North Dakota Century Code, the identity of any individual who has made a report or complaint of sex discrimination or sexual harassment, any Complainant, any Respondent, and any witness, including the conduct of any investigation, hearing or judicial proceeding arising thereunder, shall be confidential.

RETAILATION
NDSU or any other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.

Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Changing an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, although a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.

Complaints alleging retaliation may be filed pursuant to the grievance procedures for sex discrimination under Title IX.

NON-SUSPENSION/EXPULSION ELIGIBLE CASES
Students have the right to proceed directly into the administrative hearing at the conclusion of the prehearing conference.

NON-SUSPENSION/EXPULSION ELIGIBLE CASES
Prior to the administrative hearing, the hearing officer reviews the student’s rights, hearing procedures, and answers questions.

The hearing typically involves the accused student and hearing officer. Students have the right to an advisor, but the advisor is not permitted to represent the student in the hearing.

NOTICE OF DECISION
A notice of decision is emailed within ten business days of the administrative hearing. The notice indicates if students have been found responsible and outlines any rationale, assigned sanctions, and conditions, if applicable.

RIGHT OF APPEAL
Students are afforded a one-step appeal process. The appeal must be submitted within five business days of the Notice of Decision. The decision may be upheld, overturned or modified.
Reporting Alleged Code Violations

Alleged Code violations should be reported as soon as possible following the discovery of alleged conduct. Reports may be initiated by law enforcement, any member of the NDSU community, or other interested parties. An alleged violation should be reported to one of the following:

Dean of Students Office
Old Main 100
701-231-7701
dso.o@ndsu.edu

Department of Residence Life
West Bison Court
701-231-7708
reslife.o@ndsu.edu

Equal Opportunity and Title IX Compliance Office
Old Main 201
701-231-7708
ede.o@ndsu.edu

Student Advisor Options
Students have the right to have an individual present who may act in an advisory capacity. Hearing advisors may not serve as witnesses, unless otherwise allowed by Title IX regulations. If a student would like an advisor but needs assistance in identifying an appropriate individual, the Dean of Students Office will identify a trained staff or faculty member to work with the student.

If a student chooses to have an attorney present as his or her hearing advisor, NDSU may request legal representation be present as well. In cases that do not involve potential for suspension or expulsion, the role of an attorney shall be to advise his or her client, not to participate in the hearing, unless otherwise allowed by Title IX regulations.

Any advisor, attorney, or non-attorney advocate who does not respect this provision may be cautioned by the hearing officer and, if they persist, may be asked to leave and the hearing will proceed.

In cases that could result in suspension or expulsion, attorneys or non-attorney advocates may fully participate, which means they may make opening and closing statements, examine and cross-examine witnesses present during the hearing, and provide the student with support throughout the process. In Title IX cases, regardless of the potential for suspension or expulsion, the advisor will conduct the cross-examination.

Investigation

If an investigation is to take place, the student(s) will receive notice from the office conducting the investigation. The purpose of the investigation is to gather the facts, details and circumstances associated with a complaint. The investigation may include interviewing witnesses, reviewing documents to be considered, or completing other steps that will assist in determining whether action under the Code is warranted. Written findings of the investigation along with a recommendation for dismissal of the complaint or a recommendation of pursuing action under the Code will be provided by the investigator(s) and provided to the Dean of Students Office. The purpose of the investigation is to determine whether a violation occurred, then the hearing officer may proceed with a Notice of Alleged Violations.

Upon receipt of notice, the University may investigate an allegation of Code violation, and may also initiate an investigation at the request of any member of the NDSU community or affected party. Designated, trained University personnel are authorized to investigate alleged violations of the Code.

All cases of discrimination, harassment, retaliation, and sexual misconduct involving a potential violation by a student shall be investigated by the Equal Opportunity and Title IX Compliance Office utilizing the procedures set forth in Sections 1 through 8.8 of NDSU Policy 156.

Any individual believes to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter. All information/evidence needs to be provided during the investigative phase in order to be considered for determining if a case will be dismissed, whether action will be pursued and in determining findings under the Code.

Interim or Remedial Measures

In the interest of safety and security, upon receipt of notice, interim or remedial measures may be implemented prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include no contact orders, housing/workspace changes, loss of privileges, and/or restricted access to campus.

Right to Entry

University policy on the privacy of student rooms stipulates that entry and search of University residences by University officials will be permitted only in one or more of the following instances:

- The student consents to the search;
- University officials reasonably fear an imminent danger to health, safety, life, or property;
- The vice president-designee provides a written administrative authorization specifying reasons for the search, objects of information sought, and area to be searched; or
- University officials reasonably fear imminent destruction of evidence relevant to a suspected violation of University policies.

When students are suspected of violating NDUS or NDSU Acceptable Use Policies, student computers, associated peripheral devices, and media storage devices may be taken into temporary custody by Residence Life staff to collect and preserve evidence of possible violations of local, state, or federal laws (NDSU Policy 156). Acceptable Use of Electronic Communications Devices. If additional questions remain, contact the Information Technology Security Officer (ITSO).

The University will not intervene between students and searches authorized under law by any law enforcement agencies. The University requires that University officials notify the Vice Provost for Student Affairs and Enrollment Services of any designee of searches when they become aware of searches by law enforcement.

The right to inspect residence hall rooms and university apartments without notice is reserved by the University for purposes of maintenance, cleaning, fire, personal safety and administrative provisions of housing agreements. The University will provide reasonable notice, when possible. Such notice by the University shall not be regarded as a search, but is separately agreed to and authorized by the student. The purpose of the inspection is to determine whether a violation occurred, then the hearing officer may proceed with a Notice of Alleged Violations.

Notice of Alleged Violations

A written notice will be sent via authorized University email, to the respondent student to arrange a prehearing conference. The notice will include:

- Nature of the alleged violation;
- Date, time, and place of the alleged violation;
- Source of the information;
- Maximum sanction applicable if found in violation of the Code of Student Conduct.

The student's right to be represented by an attorney or non-attorney advocate, at the student's expense, if suspension or expulsion is authorized under law by any law enforcement agencies. The purpose of the notice is to provide the student with knowledge of the alleged violation so that the student may make a decision in the student's absence, providing the student/organization was issued adequate written notice of the date, time, and place of the scheduled hearing.

The student is entitled to view and may access the recording, including for the preparation of an appeal. Requests for access should be directed to the Dean of Students Office.

All cases of discrimination, harassment, retaliation, and sexual misconduct involving a potential violation by a student shall be investigated by the Equal Opportunity and Title IX Compliance Office utilizing the procedures set forth in Sections 1 through 8.8 of NDSU Policy 156.

The student's right to be represented by an attorney or non-attorney advocate, at the student's expense, if suspension or expulsion is authorized under law by any law enforcement agencies. The purpose of the notice is to provide the student with knowledge of the alleged violation so that the student may make a decision in the student's absence, providing the student/organization was issued adequate written notice of the date, time, and place of the scheduled hearing.

In certain cases, a registration hold may be placed on the student's record that will be lifted upon receipt the written notice of decision within 10 business days.

Suspension/Expulsion Conduct Hearings

A suspension/expulsion conduct hearing is an administrative hearing designed to determine whether a student is responsible for the alleged violation and may also initiate an investigation at the request of any member of the NDSU community or affected party. Designated, trained University personnel are authorized to investigate alleged violations of the Code.

A non-suspension/expulsion conduct hearing is an administrative hearing designed to determine whether a student is responsible for the alleged violation and may also initiate an investigation at the request of any member of the NDSU community or affected party. Designated, trained University personnel are authorized to investigate alleged violations of the Code.

The hearing officer is the individual appointed by the University to process an alleged violation of University policy. The hearing officer shall typically be a University employee; however, the University may, at its discretion, retain a non-employee to serve as a hearing officer at the University's expense.

The hearing will be recorded and retained as part of the student's official record. The reporting of applicable and responding party may access the recording, including for the preparation of an appeal. Requests for access should be directed to the Dean of Students Office.

Following the hearing, all applicable parties will receive a written notice of decision within 10 business days.

Default Proceedings and Unresolved Alleged Code Violations

When a student/organization fails to appear for a hearing without advance notice, or leaves the University with unresolved alleged violation of the hearing officer may make a decision in the student/organization's absence, providing the student/organization was issued adequate written notice of the date, time, and place of the scheduled hearing.

In certain cases, a registration hold may be placed on the student's record that will be lifted upon receipt the written notice of decision within 10 business days.

Conflicts of Interest

Any hearing officer who has a conflicting interest in the particular case shall recuse himself or herself from participating in the appointment of a hearing officer. Challenges must be submitted in writing to the Vice Provost or designee at least three business days prior to the hearing. If a party fails to raise an actual or reasonably perceived conflict by objecting three business days in advance, any objection is deemed to be waived. A hearing officer may not be disqualified solely based on his or her position in the University community.

Standard of Proof

The standard of proof is a “preponderance of the evidence” which means the greater weight of the evidence indicates that a violation did occur. A student is found to have violated this Code when:...
• The student admits to the violation, or
• Preponderance of the evidence indicates the student is in violation of the Code.

Witnesses/Witness Statements
Prior to the hearing, the names of witnesses being called to the hearing must be submitted to the Student Affairs and Enrollment Management Office by a deadline set during the prehearing conference. All parties will be given reasonable opportunity to present witnesses and/or witness statements and will be allowed to address questions to any witnesses participating in the hearing. All questions will be addressed through the hearing officer; however, the hearing officer may allow for direct questioning of non-party witnesses. Witnesses will be given reasonable latitude to respond fully to questions and will only remain for the duration of their own testimonies.

Character witnesses are not permitted. The hearing officer will exclude any information from the hearing documentation that appears to be a character statement rather than facts or evidence related to the case.

Evidence
In cases that involve an investigation, all evidence is to be provided during the investigation. All parties will be given reasonable opportunity to present any written or oral information, documentation, or other evidence that is relevant in determining responsibility.

Due to the hearing being an educational process, formal rules of evidence do not apply. For this reason, hearsay evidence may be permitted. Hearsay evidence refers to testimony given by a witness who speaks about information received from others, rather than information given directly by that witness. The value of such evidence is left to the discretion of each hearing officer.

Self Incrimination
Parties shall not be compelled to incriminate themselves by being obligated to testify that they engaged in conduct constituting a violation of this Code and/or local, state, or federal law.

Closed Hearings
All hearings are generally closed except to those who are part of the proceedings. The Vice Provost or designee may permit a limited number of UND personnel to be present as observers for the purpose of training. Other exceptions may also be made as appropriate by the Vice Provost or designee.

Appeals
Students sanctioned for violations of any part of this Code of Student Conduct or rules related to the University's policies may appeal. Reporting (if applicable) and responding students are limited to one appeal and that decision is final (see Section 8. Appeal Procedures).

HEARING PROCEDURES FOR SUSPENSION OR EXPULSION CASES
Introduction
With all parties present, the hearing officer will call the meeting to order and ask all parties participating in the hearing to introduce themselves and identify their role in the proceedings. The hearing officer will describe the general outline of the hearing and read the following honesty statement:

Honesty Statement
The University expects that all information presented in the hearing will be true and correct to the best of each participant's knowledge. If students willfully provide false information, they will be in violation of NDSU's Code of Student Conduct. As a result, they may also be held liable for reckless and/or malicious actions. Dishonest behavior by any faculty or staff members will be reported to supervisees for any necessary disciplinary action.

If a student is represented by an attorney or non-attorney advocate, the representative has the ability to fully participate in the hearing. Hearing advocates, attorneys, and/or non-attorney advocates will be required to sign a confidentiality statement pertaining to information about all parties involved in the hearing. The hearing officer may also allow direct questioning of witnesses as they are called to speak.

Case Presentation and Response
The hearing officer or designee will outline the process for presentation of the case. The responding and/or reporting parties will be permitted to respond to the alleged violations and present information that is relevant in determining whether the student violated one or more sections of the Code. The hearing officer is responsible for determining relevancy.

Questioning of Witnesses and Parties
All parties will be allowed to present witnesses who may be asked questions by any of the other parties. All questions will be directed to the hearing officer who will determine reasonableness and relevancy to the hearing. The hearing officer will seek clarification if necessary and request a response. As appropriate, the hearing officer may allow direct questioning of witnesses and parties, with the right to rescind the permission at any time.

Closing Statements
The reporting and/or responding parties (and investigator if applicable) will have an opportunity to make a closing statement.

Notice of Decision
The hearing officer will provide written notice of decision to the responding student (and reporting party if applicable). The written notice will include the findings, rationale, sanctions, and conditions for continued enrollment or re-enrollment, if any. The notice will generally be provided within 10 business days following the hearing. The Vice Provost may grant time extensions, if necessary.

SANCTIONS AND CONDITIONS
A sanction is a consequence placed upon any student for violations of specified University policies. Sanctions help define the student's relationship with the University in the context of current and potential future conduct, including a notice that further violations may lead to more severe conduct sanctions.

If a student is found not responsible for the alleged Code violation(s), the student may be placed on probation. A student who is found responsible for one or more alleged Code violations, a sanction may be imposed. Sanctions may not include suspension or expulsion unless the student receives prior written notice that the case was serious enough to warrant suspension or expulsion. The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:
• Written warning,
• Conduct probation,
• Supervised conduct probation,
• Conduct suspension, or
• Conduct expulsion.

The hearing officer will issue the written decision within 10 business days from the date of hearing. Sanctions of suspension are noted in the student's transcript throughout the duration of the suspension period; while sanctions of expulsion remain permanently.

When certain mitigating circumstances exist, such as an extended period of time before the violation, a finding of responsibility may result in no sanctions imposed.

With each sanction, conditions may be assigned. In addition, notification may be given to other University officials as necessary. Conditions include:
• All parties to cease drug programming, evaluation, and/or testing;
• Written assignments;
• Participation in a specific activity or project;
• Restitution;
• Loss of privileges;
• No contact orders; and/or
• Restitution.

In assigning a sanction and/or conditions for inappropriate student conduct, the hearing officer, in consultation with the Vice Provost designer, will consider factors, including:
• Facts of the case as presented from all relevant sources, including the students and their normal withdrawal policy.
• Existence of any physical evidence or written or oral information provided by the parties;
• Type and severity of the offense;
• Impact on the reporting party (if applicable), the educational community, and its members;
• Previous incidents of prohibited conduct committed by the responding student; and
• The ability and/or willingness of the responding student to accept responsibility.

Any Code violation that is determined to have been motivated by bias based on a protected class may result in enhanced sanctions above those typically assigned for the same violations when not motivated by bias. See NDSU Policy 100, Equal Opportunity and Non-Discrimination Policy.

Repeated violations of this Code are relevant in determining a student’s continued membership in the University community. Progressively more severe sanctions, including suspension or expulsion from the University, may be assigned, depending on the nature of the violation(s).

Parent or guardians of students under 21 may be contacted by an NDSU administrator following alcohol and/or other drug related incidents.

Sanctions
• Written Warning
A warning is a written notification that subsequent Code violations will typically result in more severe sanctions.
• Conduct Probation
Conduct probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with University policies; look and listen to the university community; and any other conditions that may lead to more severe conduct sanctions.

Suspended conduct probation may be assigned, depending on the nature of the violation(s).

Sanctions include:
• Loss of privileges;
• No contact orders; and/or
• Restitution.

The student will also be required to obtain prior written permission from the student’s supervisor to monitor progress in behavioral, academic, social, vocational, and other areas of the student’s life. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth. Further Code violations may result in additional suspension, expulsion, or permanent ineligibility.

• Conduct Suspension
Conduct suspension is a written notification that status as an enrolled student or registered student organization has been terminated. This suspension is for a specified period of time not to exceed two academic years. In cases of crimes of violence, hate crimes, and/or Title IX related violations, the Vice Provost may specify a longer period of suspension.

• Supervised Conduct Probation
Supervised conduct probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with University policies and local, state, and federal laws. Supervised conduct probation remains in effect until the NDSU employee to monitor progress in behavioral, academic, social, vocational, and other areas of the student’s life. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth. Further Code violations may result in additional suspension, expulsion, or permanent ineligibility.

• Conduct Expulsion
Expulsion is written notification that the student is permanently ineligible to return to the University. The expulsion will be recorded on the student’s transcript as “may not register for non-academic reasons” and is a permanent record.
Conduct expulsion is a permanent conduct record, which means it will be retained indefinitely at the discretion of the Vice Provost, but not less than seven (7) years. A student who has been expelled is restricted from the NDSU campus indefinitely. Written requests for exceptions to this restriction may be directed to the Vice Provost or designee; however, approval is generally only granted for the purpose of conducting official University business. Requests for readmission will not be approved.

**Conditions Written Assignments**
Students may be required to complete written assignments as a means of reflecting and/or learning more about a particular topic.

**Participation in a Specific Activity or Project**
A student may be required to participate in a specific activity or project, such as public service, an educational class, meeting with a designated University official, and/or other assignment.

**Loss of Privileges**
A student may be denied various privileges associated with being a student at NDSU. Such privileges may include residing in, visiting, or accessing University property and facilities and participating in University events and/or student organizations.

**No Contact Order**
Students may be prohibited from direct or indirect physical and/or verbal contact with another individual or group. Reasonable restrictions to protect the safety and welfare of others may also be imposed. These include any and all forms of communication, access to University owned or controlled locations, and specified minimum distances.

**Restitution**
A student may be required to repair, pay the cost for repair, or pay for cost of replacement of any university or state property damaged by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of the hearing officer, taking into consideration the fair market value or cost to repair the damaged item(s).

**Alcohol / Drug Evaluation and/or Testing**
The University reserves the right to require alcohol/drug evaluation and/or testing as a condition of enrollment or continued enrollment when:

- A student’s conduct endangers or may endanger the safety of themselves, others, or property, and/or
- A pattern of misconduct has been demonstrated by a student.

**APPEAL PROCEDURES**
Students sanctioned for violations of this Code may make one appeal. Cases resulting in suspension or expulsion are appealed to the Vice Provost or designee. All other appeals are addressed to the Vice Provost or designee, or an administrator of Residence Life, depending upon who served as the hearing officer.

In all cases involving an allegation of discrimination, harassment, retaliation, or sexual misconduct, the reporting party is also allowed to file an appeal within the same parameters identified in Appeal Documentation listed below. In these cases, an appeal could result in a different decision regarding the finding of responsible or not responsible and/or stronger, the same, or lesser sanctions than originally imposed.

**Deadline for Appeals**
An appeal of any conduct process decision must be made in writing within five business days following the date the sanction notice is provided to the student. In extraordinary circumstances, the Vice Provost may grant time extensions. The University reserves the right, however, to reduce the time allowed for a student appeal in cases that may have the potential to result in harm to an individual and/or property. The reduced time for appeal will be specified in the decision letter along with the rationale for allowing reduced time for an appeal. The appeal must be written by the student and shall contain the student’s name, date of the decision or action, and reason(s) for the appeal.

**Appeal Documentation**
Appeals must be submitted to the appeal officer specified in the decision letter using the designated appeal form. The documentation must specify in detail one or more of the following bases of appeal:

- The severity of the sanction was not consistent with the severity of the offense;
- The finding of the Code having been violated or not was not substantiated by the evidence, and/or
- The student’s due process rights as outlined in this Code were violated, which materially or substantially impacted the decision. Those rights believed to be violated must be specified.

A copy of an appeal will be given to the other party who will have the opportunity to respond. Students will have no more than five business days to submit their response to the other party’s appeal; however, the response cannot include an appeal if the time period for appeal has already expired. In cases that only involve a responding student, the appeal officer may not increase the sanctions/actions imposed by the hearing officer.

**Emergency Provisions**
Normally a properly fled notice of appeal suspends the imposition of sanctions until the appeal is decided; however, some emergency provisions may be maintained throughout the appeal to protect an individual and/or property. Such provisions will be explained in the original letter to the student outlining the decision, along with the rationale for maintaining those emergency provisions throughout the appeal.

**Review**
The appeal officer will review the written appeal documentation/response to appeal from the student(s) and materials from the original hearing, including the recording. In reviewing the appropriateness of sanctions, the student’s entire conduct file may be reconsidered.

**Appeal Advisory Board**
The appeal officer reserves the right to appoint an appeal advisory board to review appeals. In such instances, the appointed advisory board will make a recommendation that the appeal officer may accept or reject. The decision of the appeal officer will generally be issued within 10 business days of receiving the recommendation from the advisory board and that decision will be final.
Decision/Sanction

After reviewing appeal materials, the appeal officer may decide to do one of the following:
- Uphold the decision,
- Remand the case back to the original hearing officer,
- Adjust the sanction, or
- Assign a new hearing officer.

The decision on the appeal will generally be made within 10 business days of receipt of the appeal but may take longer if University recesses or in the event of complex cases.

SPECIAL CIRCUMSTANCES AND CONDITIONS

Registration/Graduation Hold

If a student (new, current, or returning) fails to respond to a request to meet and discuss an alleged violation of this Code, or fails to comply with sanctions and conditions assigned as a result of being found responsible for a violation of this Code, a hold may be placed on the student's ability to register or the student's current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the University's withdrawal policy.

Students may not be permitted to graduate or officially withdraw from NDSU while disciplinary action is pending. If the student withdraws before NDSU becomes aware of the potential violation of this Code, the student's educational records may be placed on hold and the allegations must be resolved prior to the student's readmission.

Returning and/or New Students

If a student, during a period of non-enrollment, commits an act that violates this Code, a registration hold may be placed to prevent the student's registration until a hearing may be held on that matter. The student may be notified about the hold at the time the University is first notified about the incident, or notice may be provided when the student subsequently requests enrollment. In addition, a hearing officer, in consultation with the Vice Provost or designee, may place a registration hold to deny a student the eligibility to register. Reasons may include the student's arrest or when criminal charges are pending against the student, serious concerns arise about the health or safety of the student or others in the University community, and/or as otherwise provided by NDSU Policy 607, Admission & Re-Enrollment Safety Risks; Background Checks.

Rehearing Requests for Cases Resulting in Suspension or Expulsion

Any student who is suspended or expelled has the right to request a rehearing if was found responsible for a violation of this Code, the student's educational records may be placed on hold and the allegations must be resolved prior to the student's readmission.

Temporary Emergency Suspension

A student may be temporarily suspended by the Vice Provost, pending a hearing, when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of an individual or property. No hearing will be required before a temporary suspension is imposed; however, one will be convened within five business days following the suspension. In unique circumstances, any alteration to this timeline will be at the discretion of the Vice Provost. If the suspension is upheld, the suspension remains subject to the rules of permanent conduct record.

Administrative Withdrawal

A student may be subject to administrative withdrawal if it is determined by compelling evidence that the student's actions or threats of action indicate a serious threat to the welfare and/or safety of persons or property.

Students wishing to return to the University may obtain information regarding reactivation from Registration and Records or online through One Stop. A meeting with a member of the Student Affairs Office will also be required prior to acceptance of the student's application for reactivation.

Negotiated Withdrawal

In rare circumstances, a student may be allowed to negotiate a mutually agreed upon withdrawal for a specified period of time. Other conditions may also need to be met prior to application for reenrollment. Such conditions will be provided to the student in writing at the time of the negotiated withdrawal.

A student requesting readmission will be required to meet with the Vice Provost or designee prior to approval of the student's petition for readmission. The student must be academically eligible for readmission to NDSU and may be required to pass a criminal background check at the student's expense prior to reactivation.

Crimes of Violence

The term "crime of violence" means:
- An offense that has an element of use, attempted use, or threatened use of physical violence against an individual or property of another, or
- Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against an individual or property of another may be used in the course of committing the offense.

Examples include arson, auto theft, assault, aggravated assault, burglary, kidnapping/abduction, manslaughter, murder, resisting arrest through the use or threat of physical force, robbery, vandalism, and sexual offenses.

In cases of crimes of violence, the Vice Provost may increase, but not decrease, timelines stated in the Code and may determine by whom the case is heard.

Individuals who are victims of crimes of violence have a right to be notified of the outcome of complaint resolution procedures, upon written request to the Vice Provost. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

Notification shall be limited to the responsible student(s), part(s) of the Code violated, and assigned sanction(s). Individuals in receipt of this information may assume personal civil liability for releasing this information to others.

SEX OFFENDER REGISTRATION

The Adam Walsh Child Protection and Safety Act of 2006 (AWCPSA) is a federal law that provides for the tracking of convicted sex offenders. The Sex Offender Registration and Notification Act which is Title I of the AWCPSA requires that registered sex offenders register and keep their registration current in each jurisdiction in which they reside, work, or go to school.

The federal Campus Sex Crimes Prevention Act, enacted Oct. 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It requires sex offenders already registered in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries a vocation, volunteers services or is a student.

Offenders must register in North Dakota if they have pled guilty to or been convicted of certain criminal offenses. A person must also register if that person has pled guilty or "nolo contendere" to, or been found guilty of, an offense in another court in the United States, a tribal court or court of another country, which is equivalent to those offenses. The registration statute is found in N.D.C.C. §12-1.32-15. When required to register, the offender receives registration forms and instructions from the "originating agency." The originating agency is the agency that informs the offender of the need to register as a "sex offender" or "offender against children."

The registration forms contain instructions directing the offender to register in persons with the law enforcement agency in the city or county where the offender will reside. The offender signs the acknowledgment portion of the registration form. The originating agency then sends copies of the registration form the offender has signed to the Bureau of Criminal Investigation (BCI). BCI enters the information into the registration database and forwards copies of the signed acknowledgement to the law enforcement agency at which the individual is expected to register.

BCI maintains a master database of all persons registered in the state and monitors that database for any violations of the registration statutes by offenders. This list can be accessed at sexoffender.nd.gov.

DAILY CRIME LOG

University Police must create, maintain and make available a daily crime log. Log entries must include all crimes reported to the University Police, not just Clery crimes. The crime log for the most recent 60 day period is open to public inspection, upon request, during normal business hours at the University Police Office. Any portion of the log that is older than 60 days must be made available within two business days of request for public inspection.

Temporary Conduct Suspension and Stipulated Conduct Waiver

The Vice Provost may place a student on temporary conduct suspension. The student may request an administrative hearing to challenge the temporary conduct suspension. The student may request a stipulated conduct waiver as part of the temporary conduct suspension. In cases of crimes of violence, the Vice Provost may increase, but not decrease, timelines stated in the Code and may determine by whom the case is heard.

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CLERY CRIME DEFINITIONS

There are numerous terms used by North Dakota State University in our policy and procedures.

CONSENT is defined in North Dakota as (NDCC 12.1-17-08):

- When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury by all persons injured or threatened by the conduct is a defense if:
  - Neither the injury nor the threat of injury is threatened or caused as is to jeopardize life or seriously impair health;
  - The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport;
  - The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury, having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.

- Assent does not constitute consent, within the meaning of this section, if:
  - It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
  - It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unqualified or known to be the actor to make as to the nature or harmfulness of the conduct charged to constitute the offense; or
  - It is induced by force, duress or deception.

SEXUAL ASSAULT "Sexual assault" means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

RAPE is defined as 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.

FONDLING is defined as the touching of the private parts of another person for the purposes 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 is defined as nonconsensual sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

STATUTORY RAPE is defined as nonconsensual sexual intercourse with a person who is under the statutory age of consent.

The state of North Dakota has numerous sex offenses defined in North Dakota Century Code. They are as follows:

12.1-20-03 GROSS SEXUAL IMPOSITION:
- A person who engages in a sexual act with another, or who causes another to engage in a sexual act, is guilty of an offense if:
  - That person compels the victim to submit by force or by threat of imminent death, serious bodily injury or kidnapping, to be inflicted on any human being; or
  - That person or someone with that person's knowledge has substantially joint the victim's consent to control or prevent the conduct of his or her victim, the conduct of administering or employing without the victim's knowledge, consents, or controls as defined in chapter 19-03-1, or other means with intent to prevent resistance; or
  - That person knows or has reasonable cause to believe that the victim is unaware that a sexual act is being committed upon him or her; or
  - The victim is less than 15 years old; or
  - The victim is less than 15 years old; or
  - That person, or one with whom that person's knowledge has substantially impaired the victim's power to appraise or control the conduct charged to constitute the offense and such knowledge is sufficient to constitute the offense; or
  - The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury, having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.

- A person who engages in sexual contact with another, or who causes another to engage in sexual contact, is guilty of an offense if:
  - That person knows or has reasonable cause to believe that the victim is unaware that a sexual act is being committed upon him or her; or
  - The victim is less than 15 years old; or
  - That person, or one with whom that person's knowledge has substantially impaired the victim's power to appraise or control the conduct charged to constitute the offense and such knowledge is sufficient to constitute the offense; or
  - The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury, having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.

12.1-20-07. SEXUAL ASSAULT
- A person who knowingly has sexual contact with another person, or who causes another to have sexual contact with that person, is guilty of an offense if:
  - That person knows or has reasonable cause to believe that the conduct is offensive to the other person; or
  - That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person's conduct; or
  - That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct, or administering or employing without the victim's knowledge, consents, or controls as defined in chapter 19-03-1, or other means with intent to prevent resistance; or
  - The other person is in official custody or detained in a hospital, prison or other institution and the victim's supervisor or disciplinary authority other person has knowledge that the victim's other power's welfare; or
  - The other person is a minor, 15 years of age or older, and the actor is the other person's parent, guardian or is otherwise responsible for general supervision of the other person's welfare; or
  - The other person is a minor, 15 years of age or older, and the actor is an adult.

12.1-20-11. INCEST
- A person who intermarries, cohabites or engages in a sexual act with another person within a degree of consanguinity within which marriages are declared incestuous and void by section 14-03-03, knowing such other person to be within said degree of relationship, is guilty of a class C felony.

14-03-03 Void marriages. The following marriages are incestuous and void:
- Marriage between parents and children, including grandparents and grandchildren of every degree.
- Marriage between brothers and sisters of the half as well as the whole blood.
- Marriage between aunts and nephews of the half as well as the whole blood.
- Marriage between first cousins of the half as well as the whole blood.

This section applies to illegitimate as well as legitimate children and relatives.

DOMESTIC VIOLENCE The term “domestic violence” means:
- Felony or misdemeanor crimes of violence committed—
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - By a person who is cohabitating with the victim as a spouse or intimate partner;
  - By a person who is cohabitating with the victim as a spouse or intimate partner;
  - By a person who is related by blood or marriage, including a domestic or family violence law, that is committed by a person under similar circumstances and with similar identities to the victim.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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The State of North Dakota defines Domestic Violence in North Dakota Century Code 12.1-20-01 as:
- Physical, sexual, or mental harm, intimidation, or threat of the State of North Dakota.
- For the purposes of this definition—
  - Domestic violence includes, but is not limited to, sexual or physical abuse, sexual harassment, or stalking.
  - Sexual harassment is defined in section 49-7-21, the term "sexual harassment" has the meaning given in section 668.43, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The State of North Dakota Century Code 12.1-17-07.1 states that no person may intentionally stalk another person. The state
defines stalk as engaging in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person’s immediate family and must cause a reasonable person to experience fear, intimidation, or harassment. The state defines course of conduct as a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include conduct directed at a protected activity. The state defines immediate family as a spouse, parent, child or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.

ARSON To unlawfully and intentionally damage or attempt to damage any real or personal property by fire or incendiary device.

AGGRAVATED ASSAULT An unlawful attack by one person against another wherein the offender uses a weapon or displays in a threatening manner, or the victim suffers obvious serious or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

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

MURDER AND NON-NEGLIGENCE Manslaughter The unlawful killing of one human being by another.

MANSLAUGHTER BY NEGLIGENCE The killing of another person through negligence.

MOBILE VEHICLE THEFT The theft of a motor vehicle.

ROBBERY The taking or attempting to take anything of value under confrontational circumstances from the control, custody or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

HATE CRIMES A criminal offense committed against a person or property because of an actual or perceived bias on the following grounds: (a) race; (b) color; (c) religion; (d) national origin; (e) gender; (f) disability; (g) sexual orientation, gender identity or expression. For Clery purposes, hate crimes include any offense in the following categories that is motivated by bias:
• Murder and non-negligent manslaughter
• All sex offenses
• Robbery
• Aggravated assault
• Arson
• Motor vehicle theft
• Motor vehicle theft

WEAPONS LAW VIOLATIONS The violation of laws or ordinances prohibiting: manufacture, sale, purchase, transportation, possession, concealment or use of firearms; cutting instruments, explosives, incendiary devices or other weapons; or other weapons used in a deadly manner.

WEAPONS LAW VIOLATIONS

Drug Abuse Violations Violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment, devices or paraphernalia necessary to engage in such activity or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled substance or device which is motivated, in whole or in part, by a state of altered consciousness.

LIQUOR LAW VIOLATIONS The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation or use of alcoholic beverages, provided not including driving under the influence and drunkenness.
Retaliation – Any adverse action taken against a person for making a good faith report of Prohibited Conduct, assisting someone making such a report, or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

Sexual Assault – Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual assault includes nonconsensual sexual contact and nonconsensual sexual intercourse:

Nonconsensual Sexual Contact—Any intentional sexual touching, however slight, with any object or body part without consent. Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals
- Whether clothed or unclothed;
- Touching another with any of these body parts;
- Making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

Nonconsensual Sexual Intercourse—Any sexual penetration or intercourse, however slight, with any object or body part, by a person upon another person that is without consent and/or is effectuated by force. Sexual intercourse includes:

- Vaginal or anal penetration by a penis, tongue, finger, or object; or
- Any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

The following offenses are examples of sexual assault: rape, incest, fondling, and statutory rape:

- 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 Reporting Party.
- Incest – Non-consensual sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- Statutory Rape – Non-consensual sexual intercourse with a person who is under the statutory age of consent.

Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment. Sexual Exploitation – Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party, and that behavior cannot otherwise fall within the definitions of Sexual Harassment, nonconsensual Sexual Intercourse or nonconsensual Sexual Contact. Sexual Exploitation includes, but is not limited to:

- Recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's consent;
- Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
- Engaging in voyeurism (watching private sexual activity without the consent of the participants or viewing another person's intimate parts, including genitalia, groin, breasts or buttocks, in a place where that person would have a reasonable expectation of privacy);
- Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity;
- Exposing one's genitals in nonconsensual circumstances; inducing another to expose their genitals or private areas;
- Prostituting or trafficking another person; or
- Exposing another person to a sexually transmitted disease (STD), infection (STI), or virus (HIV) without the other's knowledge.

Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, written, graphic, physical or otherwise, when:

- Submission to such conduct is made, either explicitly or implicitly, whether verbal, written, graphic, physical or otherwise, when:
  - Quotable sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute sexual harassment.

A hostile environment can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

Sexual Misconduct – A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, gender-based harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, intimate partner violence, sexual violence, and other misconduct based on sex.
CRIME AND REFERRAL STATISTICS

The following crime and referral statistics in this document are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law (the Clery Act). The annual statistics are prepared by collecting crime and referral data from NDSU Police records, Residence Life and other Campus Security Authorities. Statistics may also be provided by the NDSU Counseling Center, Sexual Assault and Prevention Advocacy Coordinator, and Student Health Service employees through a confidential reporting form for inclusion of those statistics in this document even though they are not required to provide this information. In addition to information provided by on-campus reporters, the NDSU Police also requests crime statistics for specified geographic locations from other local law enforcement agencies. All statistics are gathered, compiled and reported to the university community via this document published by the University Police and Safety Office. University Police submits the annual crime statistics published in this Annual Security and Fire Report to the Department of Education (ED).

The University Police sends an email to every enrolled student and current employee each year on or before October 1 notifying them of the availability of this report. The email includes a summary of the contents of the Annual Security and Fire Report along with the direct URL to the document. A physical copy can be obtained by making a request to the University Police Communications Call Center at 701-231-8998 or by stopping by the University Police Office. Information is provided to prospective students and employees with a referral to the online report.

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<tr>
<th>Offense</th>
<th>Year</th>
<th>On-Campus Property</th>
<th>On-Campus Housing Facilities*</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
<th>Unfounded Crimes</th>
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</tbody>
</table>

*On-Campus Housing Facilities crime statistics are a subset of the On Campus category, i.e. they are counted in both categories.
No Hate Crimes were reported in 2021, 2020, and 2019.
ON CAMPUS
• Lock your doors whenever you leave your room for any length of time or when you are sleeping. Always lock all car doors.
• Never prop open any door.
• Protect all valuables in your room and your vehicle. Do not leave valuables like wallets, jewelry, credit cards, and cash in plain view.
• Do not loan your keys to anyone.
• Never hide your keys outside of your apartment or room. Do not put your name or address on your keys.
• Take all portable valuables home with you during vacations.
• In public places keep your valuables out of sight or in a safe place. If you leave an area for any length of time, take personal items with you.
• Keep your possessions and record the description and serial numbers. Keep purchase receipts and brochures on equipment purchased.
• Park and lock all bicycles in bicycle racks. Use a high-quality lock, "U" bolt locks are the best for bicycles. If possible place the chain, cable, or lock through both wheels, the frame and around the bicycle rack. Keep a record of your bike's serial number.
• Stay sober. Many crimes against persons occur when one or both parties are under the influence of alcohol and/or other drugs.
• Never let unauthorized persons enter your room, residence hall, or apartment security doors. Report any suspicious activity to University Police (701-231-8998) immediately.
• Never dress in front of a window. Draw blinds or curtains after dark.
• Never let unauthorized persons enter your room while you are sleeping until the intruder leaves. Try to get an accurate description of the intruder and call University Police immediately. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly for a lighted area or a group of people.
• Have your keys or ID card read when returning to your residence hall or apartment and keep your personal or valuable items concealed and close to your body.

WHEN DRIVING
• Never hitchhike and never pick up hitchhikers.
• If someone tries to enter your stopped vehicle, sound the horn and drive away.
• If your vehicle breaks down, raise the hood and wait in your locked car for help.
• Be aware that an accident may be staged to provide the other driver with an opportunity to commit a criminal act.
• Leave enough room between your car and the one ahead so you can drive around it if necessary.

WHEN WALKING OR JOGGING
• Avoid walking or jogging alone, especially after dark. If you must travel alone at night, use the NDSU Campus Safety Escort Service (701-231-8998) to escort you to your on-campus destination or to locations near campus.
• Avoid dark or vacant campus areas. Walk along well-lit routes.
• Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly for a lighted area or a group of people.
• Never lipstick a door.
• If your vehicle breaks down, raise the hood and wait in your locked car for help.
• Be aware that an accident may be staged to provide the other driver with an opportunity to commit a criminal act.
• Leave enough room between your car and the one ahead so you can drive around it if necessary.

ALCOHOL POISONING/OVERDOSE
Alcohol poisoning and/or alcohol overdose are serious conditions and can result in death unless paramedics respond in time and can get appropriate treatment for the individual. The dangers of acute alcohol intoxication, more commonly known as alcohol poisoning or alcohol overdose, are real and can happen anywhere. Your awareness and knowledge about the signs and symptoms could mean life or death to a person you care about.

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• Take all portable valuables home with you during vacations.
• If you leave an area for any length of time, take personal items with you.
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• Always check the rear seat for intruders before entering your vehicle.
• If your vehicle breaks down, raise the hood and wait in your locked car for help.
• Be aware that an accident may be staged to provide the other driver with an opportunity to commit a criminal act.
• Leave enough room between your car and the one ahead so you can drive around it if necessary.

If you see any suspicious activity or people on or near the university campus, it is your responsibility to immediately call University Police at 701-231-8998 and report what you have seen. Do not assume that the person is a visitor or university staff member you have not seen before. Do not assume that what you see is an innocent activity or that another individual has already called the police. Do not worry about being embarrassed; think about what could happen if you do not act. Examples of suspicious activity includes:

• Someone loitering about unusual hours and locations.
• Someone running, especially if something of value is being carried.
• Someone exhibiting unusual mental or physical symptoms.
• Someone going from room to room or car to car trying doors.

If you discover any of the above symptoms call 911 or University Police at 701-231-8998. Stay with the person while waiting for help to arrive. Turn the person on his/her side to prevent choking. If their breathing stops perform CPR.

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Do not hesitate to seek assistance for yourself or others for fear of criminal charges. North Dakota law (N.D.C.C. 5-01-09.2) states that an individual under 21 years of age is immune from criminal prosecution if that individual contacted law enforcement or emergency medical services and reported that another individual under 21 years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene and cooperated with medical assistance and law enforcement personnel on the scene, or was the individual in need of medical assistance. The maximum number of individuals who may be immune for any one occurrence is five individuals. See Policy 601 Section 2.2, Responsible Action Expectations, for student conduct exemptions for reporting overdoses.

TELEPHONE/EMAIL HARASSMENT
Obscene or threatening telephone calls, email messages, or other forms of electronic communication, should be reported to the police immediately. Other harassing messages should be reported if they persist. If you receive such a telephone call, remain calm and hang up. If you receive such a message by email, do not reply or delete the message, and contact University Police at 231-8998.

ARMED INTRUDER AND VIOLENT BEHAVIOR
The following are recommended guidelines to follow if it is possible to do so safely. Exit the building immediately when you become aware of an incident, moving away from the immediate path of danger, and follow these recommended steps:

• Notify anyone you may encounter to exit the building immediately, but do not sound the fire alarm. This may place everyone in potential harm as they try to exit the building.
• Notify University Police at 701-231-8998 or call 911 immediately and be prepared to provide the dispatcher with the following information:
  • Your name
  • Location of the incident
  • Number of shooters
  • Identification or description of the shooter(s)
  • Number of persons who may be involved

CRIME PREVENTION AND SAFETY TIPS
**MEDICAL EMERGENCIES**

For medical emergencies on the NDSU campus please follow these steps:

1. Call 701-231-8998 and call 911 immediately.
2. Send someone outside to escort emergency responders to the appropriate location.
3. Clear the area surrounding the victim and any pathway necessary to provide emergency responders access to the individual.
4. Do not attempt to move a seriously injured or ill person unless there is a life-threatening situation (for example, a fire).
5. In case of seizures, do not offer anything by mouth either to seize or put anything in the person's mouth or between the teeth. If possible, record the length of the seizure and what happens during the seizure. If the person is conscious, ask to share medical information about the nature of the illness so that it can be passed on to the emergency personnel when they arrive.
6. Remain with the person until emergency personnel arrive.

**CHEMICAL AND RADIOLOGICAL SAFETY**

**Chemicals and other hazardous substances should be used only by people who have completed appropriate training and have the proper permits and safety equipment to use them.** Normally, use of these substances is for work purposes, research, or teaching assignments. Appropriate safety precautions should be followed and may include the use of laboratory apparel, safety goggles, respirators, and/or fume hoods. Laboratories and other areas where chemicals are used or stored must be locked when unattended.

**Disposal of all hazardous substances is handled by the University Hazardous Materials Technician.** Hazardous items may not be disposed of in common trash containers or in the university sanitary and storm sewer system. If you have questions, contact the University Hazardous Materials Technician at 701-231-7759.

**Radiological materials can be used by university personnel only after authorization has been granted by the University Radiation Safety Committee.** To obtain an application for radioactive materials usage, or for any questions on radiation safety related matters at 701-231-7759.

**CHEMICAL/RADIATION/BIOLOGICAL ACCIDENT**

A radiological threat could come in the form of a spill, nuclear blast, or a dirty bomb. A dirty bomb would involve the use of explosives to spread radioactive contaminants over a targeted area.

A chemical spill/attack is the accidental or deliberate release of a toxic gas, liquid or solid that can poison people and the environment. Nerve agents such as sarin and tabun are high on the list of suspected chemical threats. Signs of a chemical spill or attack would include many people suffering from watery eyes, choking and having trouble breathing and many sick or dead birds, fish or small animals.

A biological spill/attack is the accidental or deliberate release of biological organisms, such as smallpox. These agents are very contagious and have a deadly effect on the people who come in contact with them. Some agents like anthrax are not contagious, while others like smallpox can be transmitted to other people. A biological attack/attack may not be immediately obvious. Patterns of unusual illness or a surge of sick people seeking medical treatment may be the first sign of an attack.

Report the circumstances to the University Police and Safety Office at 701-231-8998 or 911.

**POWERS FAILURE**

In case of a power failure or electrical hazard, follow the recommendations below:

1. **Check to see if anyone needs assistance exiting a room or the building.**
2. **Turn off all electrical equipment and devices such as power tools, computers, monitors, copiers, printers, etc.** If the power fails during evening hours or on a weekend follow the instructions below.

**If the power fails during evening hours or on a weekend**

1. **Report the circumstances to the University Police and Safety Office at 701-231-8998 (or 911 for an emergency situation) instead of calling Facilities Management.**

   - **Check if anyone needs assistance exiting a room or the building.**
   - **Turn off all electrical equipment and devices such as power tools, computers, monitors, copiers, printers, etc.**

**By calling 701-231-8998.**

NDSU departments, groups and clubs also can request an active shooter awareness program. To provide for the safety of the faculty, staff, students and the general public, bomb threats must be taken seriously. To provide for the safety of the faculty, staff, students and the general public, bomb threats must be taken seriously. To provide for the safety of the faculty, staff, students and the general public, bomb threats must be taken seriously. To provide for the safety of the faculty, staff, students and the general public, bomb threats must be taken seriously.
ASBESTOS
Asbestos containing materials are located in many areas across the NDSU campus. The University Police and Safety Office maintains the locations of asbestos containing materials at NDSU. Contact the University Police and Safety Office at 701-231-7759 with any asbestos related questions. (Source: Policy 731, NDSU Policy manual)

TORNADO PREPAREDNESS
When the threat of a tornado is imminent, the city/campus emergency sirens will be activated. Be familiar with the weather service alert and siren system. There is a test of the sirens the first Wednesday of each month at 1 p.m. In the event of a tornado warning follow these steps:
• Stay calm and seek an area of safety immediately and monitor local weather announcements if possible.
• If you are outside, seek shelter in a nearby sturdy building if time permits, or lie flat in a ditch or low-lying area.
• If you are inside a building, seek shelter immediately in the lower level or interior hallway or room of the building, get under something sturdy, stay away from outside windows and walls, and assume a crouched position with arms over your head.
• If you are in a vehicle in the immediate path of the tornado, get out immediately and seek an area of safety if time permits, or if unable to leave the vehicle, ensure the lap/shoulder belt is on, and cover your head with your arms and/or any other protective items available to you such as coats, blankets or cushions.
• Remain in an area of safety until the “all clear” has been provided by the weather announcements or other emergency authorities.

AFTER THE DISASTER OR EMERGENCY:
• Use extreme caution in entering or working in buildings that may have been damaged or weakened, as they may collapse without warning.
• Check for fire and be aware of the possibility of gas leaks or electrical short circuits. If detected, notify the gas company, electrical company, the police or fire department.
• Do not go back into the building until you have been assured it is safe by these officials.
• Do not light matches or turn on electricity.
• Stay away from fallen or damaged electrical wires.
• Stay away from disaster areas. Sightseeing will interfere with emergency operations and may be dangerous.
• Do not use the phone except for emergencies.

ANIMAL ACTIVIST PROCEDURES
We all need to be alert to unauthorized persons attempting to gain access to animal facilities. Activists may pretend to have authority to gain access or may claim to “have a delivery,” “be the news media,” “have an appointment,” or to “have left their card access to gain access or may claim to “have a delivery,” “be the news
media,” “have an appointment,” or to “have left their card access elsewhere.” All animal facilities are and should be secured areas. If unauthorized personnel attempt to gain entry to the animal facilities, if a demonstration should occur, or if you learn of animal activists targeting the animal facilities, call 911, University Police at 701-231-8998, or your local law enforcement agency.

In addition:
• Be aware and report suspicious activity immediately (suspicious packages, emails, etc.).
• Report loss of keys immediately.
• Lock all doors and windows and close them on the way in and out.
• Remain calm.
• Do not confront demonstrators. If you arrive during a disturbance, leave the area at once.
• Be courteous and avoid an incident.
• When law enforcement arrives, provide the following information:
  • Location, building, floor, room, entrance, etc.
  • Approximate number of activists/protesters.
  • Obvious objective or demand of group.
  • Describe if the group is rational, organized, violent, etc.
  • Follow the law enforcement’s instructions.
• When the media arrives at an NDSU location or calls for information, verify their credentials and then refer them to the office of University Relations 701-231-8330.

WINTER DRIVING ISSUES
For people coming to NDSU from the immediate region, the periodic challenges of the North Dakota winter season will come as no surprise. For newcomers to the region, a few brief comments may be helpful.

City and campus streets are plowed or sanded as required. Once you become accustomed to driving on streets that are periodically compounded with snow or ice, travel within the city is normally uneventful. In the winter months, good drivers slow down, allow more time to reach destinations, and leave more space between their vehicles and vehicles they are following.

Temperatures may reach the -20° to -40° F range in midwinter. Vehicles should be winterized so they will start properly under these potentially extreme conditions. Gas tanks should be kept as full as possible, anti-freeze checked and replaced before cold weather arrives, batteries should be maintained or replaced as needed, and a shovel kept in the trunk. There are a number of reliable service centers in the city that can be contacted to have these services performed.

Campus residents may be required to move their vehicles for snow removal.

Some tips for automobile travel in the winter months:
• Check weather reports before leaving.
• Limit driving to daylight hours and carry a car safety kit that includes blankets, matches, candles, high energy dry foods, a flashlight and spare batteries, transistor radio and a shovel.
• Check road conditions from the State Highway Department includes blankets, matches, candles, high energy dry foods, a flashlight and spare batteries, transistor radio and a shovel.
• Check road conditions from the State Highway Department
  • Inside the state of North Dakota call 511
  • Inside the state of South Dakota call 511
  • Minnesota call 800-542-0220
• Do not travel if blizzard conditions are expected.
• Do not pass snow plows working on highways. They can cause whiteouts due to blowing snow. Normally the plow operator will pull over every few miles to let traffic pass.
• Tell someone of your route and when to expect you.
• If stranded, stay in your vehicle.
If a fire occurs in a NDSU Residence Life housing facility, individuals should immediately call 911 to report the fire. The 911 call will initiate the appropriate fire response as well as other appropriate emergency services personnel that may be needed. This response also will include emergency response of the University Police and Safety Office personnel as appropriate. If an individual finds evidence of a fire that has been extinguished, and the person is not sure whether NDSU University Police and Safety Office has already responded, they should immediately notify University Police at 701-231-8998 to investigate and document the incident.

Microwaves that are 1000 watts or less, refrigerators that are five cubic feet or less in capacity, stereo, hair appliances, portable sewing machines, TV sets, coffee makers with automatic shut-off and electric blankets are permitted by the license for residence halls. For safety reasons, all cooking devices, including but not limited to, hot plates, bread makers, items with exposed heating elements, electric frying pans, toaster ovens, toasters, sandwich makers and electric grills are not allowed in residence halls other than Mathew Living Learning Center and Niskanen. Also prohibited are halogen lamps (floor or desk), vehicle batteries, vehicle battery chargers, extension cords, space heaters, open fires, candles, incense, and potpourri pots. Smoking is prohibited on NDSU grounds and in university buildings, residence halls, apartments and enclosed structures.

The facility fire alarms alert the campus users of potential hazards, and individuals are required to heed their warning and evacuate the building immediately. When a facility fire alarm is activated, the elevators should not be used for evacuation. Instead, individuals should use the stairs and individuals needing assistance with evacuation should wait for emergency personnel or University Police. Do not leave the area.

The facility fire alarms alert the campus users of potential hazards, and individuals are required to heed their warning and evacuate the building immediately. When a facility fire alarm is activated, the elevators should not be used for evacuation. Instead, individuals should use the stairs and individuals needing assistance with evacuation should wait for emergency personnel or University Police. Do not leave the area.

If you are caught in the elevator, push the nearest safe exit. Leave the building and stand clear of the fire. Attract attention by hanging objects out of the window and shout for help. Keep low to the floor. Take short breaths to avoid inhaling smoke. Place a wet towel over your nose and mouth. Keep your head six to eight inches off the floor. If the door is not hot, brace yourself against the door and open it slowly. If hot air or fire rushes in, close the door and follow the steps above. If you can leave, close all doors behind you and proceed to the nearest safe exit. Leave the building and stand clear of the fire. Help direct police and fire personnel when they arrive. NDSU offers online fire extinguisher training (housed on the NDUS Fire Safety web site). Students must complete fire extinguisher training throughout the academic year.

ANNUAL FIRE SAFETY REPORT FOR RESIDENCE LIFE HOUSING FACILITIES

FIRE SAFETY
Preventing for emergencies well in advance is one of the most effective ways to deal with potential disasters. In the case of a fire, knowing the steps to take can minimize problems.

STEPS TO FOLLOW IF YOU SEE A FIRE:
• Activate the nearest fire alarm.
• Alert the fire department by calling 911 from a safe phone. Give your name, address, location and the extent of the fire.
• Calmly alert people in the building and evacuate the building following exit signs. Do not use elevators. Non-ambulatory individuals needing assistance with evacuation should wait for professional assistance at designated areas in the building.
• Remain outside the building at a safe distance.
• Meet police or fire personnel upon arrival to direct them to the fire.
• Remain at the designated assembly point until someone takes roll call and further instructions are provided by emergency personnel or University Police. Do not leave the area.

STEPS TO FOLLOW IF YOU ARE CAUGHT IN A FIRE:
• Remain calm.
• Before opening the door, feel it with the back of your hand. If it is hot:
  • Do not open the door.
  • Open the windows. If possible, lower the top half of the window to let heat and smoke and raise the lower half to let fresh air in.
  • Seal cracks around the door with towels, linens or clothes. Soak these items in water if possible.
  • To attract attention, hang objects out of the window and shout for help.
  • Keep low to the floor. Take short breaths to avoid inhaling smoke. Place a wet towel over your nose and mouth. Keep your head six to eight inches off the floor.
  • If the door is not hot, brace yourself against the door and open it slowly. If hot air or fire rushes in, close the door and follow the steps above.
  • If you can leave, close all doors behind you and proceed to the nearest safe exit. Leave the building and stand clear of the fire. Help direct police and fire personnel when they arrive.

NDUS offers online fire extinguisher training (housed on the NDUS training site) and a link is located on the University Police and Safety Office web page under the Annual Notices and Training link, and fire extinguisher training is provided to Resident Assistants annually. Other fire safety training can be provided upon request to the Safety and Compliance Specialist with the University Police and Safety Office by calling 701-231-5637.

NDUS publishes the fire safety report as part of the annual Clery Act Compliance document, via this publication, which contains information with respect to the fire safety practices and standards for NDSU. This report also includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire.

This report is also available for review 24 hours a day at the University Police Communications Call Center located in the southwest corner of the Auxiliary Enterprise Building on the NDSU main campus.

STUDENT HOUSING FIRE SAFETY SYSTEMS

<table>
<thead>
<tr>
<th>Residence Life Facility</th>
<th>Fire Alarm Monitoring On Site</th>
<th>Partial Sprinkler System</th>
<th>Full Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans/Plans for Evacuation Drills Each Calendar Year</th>
<th>Number of Evacuation Drills Each Calendar Year</th>
</tr>
</thead>
</table>
| Burgdorff, 1449 University Dr N | X | X | X | X | 2 | * | *
| Dunn, 1537 Administration Ave N | X | X | X | X | 2 | * | *
| Cheadle, 1301 Continental Blvd N | X | X | X | X | 2 | * | *
| Bunker, 1449 University Dr N | X | X | X | X | 2 | * | *
| North Wlble, 1426 E St N | X | X | X | X | 2 | * | *
| South Wlble, 1410 E St S N | X | X | X | X | 2 | * | *
| Rodd, 1431 Alsbury Blvd N | X | X | X | X | 2 | * | *
| Johnson, 1421 Alsbury Blvd N | X | X | X | X | 2 | * | *
| Seim, 1521 15 Ave N | X | X | X | X | 2 | * | *
| Thompson, 1412 Alsbury Blvd N | X | X | X | X | 2 | * | *
| Mathew LLC East, 1410 E St N | X | X | X | X | 2 | * | *
| Mathew LLC West, 1455 E St S N | X | X | X | X | 2 | * | *
| Niskanen, 1805 University Dr N | X | X | X | X | 2 | * | *
| Niskanen North, 1815 University Dr N | X | X | X | X | 2 | * | *
| Niskanen South, 1785 University Dr N | X | X | X | X | 2 | * | *
| Niskanen 1, 187 University Dr N | X | X | X | X | 2 | * | *
| Niskanen 2, 1844 115 St N | X | X | X | X | 2 | * | *
| Niskanen 3, 1315 17 Ave N | X | X | X | X | 2 | * | *
| Beach Coast East, 1440 University Dr N | X | X | X | X | 2 | * | *
| Beach Coast West, 1415 14 St N | X | X | X | X | 2 | * | *
| Johnson, 1159 15 Ave N | X | X | X | X | 2 | * | *
| Churchill, 1300 Centennial Blvd N | X | X | X | X | 2 | * | *
| Below are all University Villages:
| UV 84-95, 1107 17 Ave N | X | X | X | X | 2 | * | *
| UV 94-106, 1173 17 Ave N | X | X | X | X | 2 | * | *
| UV 105-116, 1101 17 Ave N | X | X | X | X | 2 | * | *
| UV 117-126, 1095 17 Ave N | X | X | X | X | 2 | * | *
| UV 125-130, 1079 17 Ave N | X | X | X | X | 2 | * | *
| UV 131-147, 1067 17 Ave N | X | X | X | X | 2 | * | *
| UV 148-159, 1057 17 Ave N | X | X | X | X | 2 | * | *
| UV 160-164, 1045 17 Ave N | X | X | X | X | 2 | * | *
| UV 165-175, 1122 10 St N | X | X | X | X | 2 | * | *
| UV 174-183, 1766 10 St N | X | X | X | X | 2 | * | *
| UV 184-189, 1748 10 St N | X | X | X | X | 2 | * | *
| UV 190-195, 1730 10 St N | X | X | X | X | 2 | * | *
| UV 196-201, 1111 17 Ave N | X | X | X | X | 2 | * | *
| UV 202-207, 1125 17 Ave N | X | X | X | X | 2 | * | *
| UV 208-213, 1760 10 St N | X | X | X | X | 2 | * | *
| UV 214-219, 1746 10 St N | X | X | X | X | 2 | * | *
| UV 220-227, 1710 10 St N | X | X | X | X | 2 | * | *
| UV 228-233, 1774 10 St N | X | X | X | X | 2 | * | *
| UV 234-239, 1778 10 St N | X | X | X | X | 2 | * | *
| UV 251-256, 1139 17 Ave N | X | X | X | X | 2 | * | *
| UV 257-262, 1147 17 Ave N | X | X | X | X | 2 | * | *
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<th>Time</th>
<th>Cause</th>
<th># of Injuries</th>
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Below are all University Village:

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