For any emergency requiring immediate police, ambulance or fire department service, dial 911.
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TO NDSU STUDENTS, FACULTY, STAFF AND GUESTS

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, designed 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 TVs 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 State Board of Higher Education (SBHE Policy 918) prohibits the possession, sale, service, use 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.

Dr. David Cook
NDSU President

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 to 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 villageeap.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.edu/fileadmin/policy/155.pdf.
SECURITY AT NDSU NURSING AT SANFORD HEALTH IN BISMARCK

The nursing program building is owned by and located on the Sanford Bismarck Medical Center property. Sanford Bismarck Medical Center has a security coordinator who can be reached directly at 701-231-5114. For the Security Office number is 701-233-2980. This person handles all security matters during normal business hours and all security concerns, incidents, and reports should be forwarded to the security coordinator. Sanford Bismarck Medical Center employs security guards 24 hours a day, 7 days per week. Security can be reached by phone at 701-214-9269.

REPORTING CRIME OR EMERGENCIES

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents occurring on the NDSU College of Pharmacy, Nursing and Allied Sciences located at 512 N 7 St in Bismarck, ND. The Department of Student Services and Sanford Bismarck Medical Center have a mandatory reporting process in place to be kept confidential. Confidential reports for the purposes of filing a crime report with the Sanford Bismarck Medical Center Police Department at 701-223-1212. In emergency situations, campus crimes in Bismarck should be reported to the Bismarck Police Department or 701-224-3800. This is a campus crime and should be reported to the Bismarck Police Department or 701-224-3800. This is a campus crime and should be reported to the Sanford Bismarck Medical Center Police Department or 701-224-9269.

RELATIONSHIP WITH LOCAL LAW ENFORCEMENT

At the Bismarck nursing program site, security is maintained through the staff’s awareness to crime prevention in conjunction with the Sanford Bismarck Medical Center and the Sanford Bismarck Medical Center security management program.

NDSU Nursing at Sanford Health has no authority to require the Bismarck Police Department or the judicial court process to take any action in connection with a reported crime. Individuals are encouraged to pursue prosecution of all criminal violations through the criminal courts. NDSU may, if appropriate, apply sanctions through disciplinary policies.

MONITORING AND RECORDING CRIMINAL ACTIVITY OF NON-CAMPUS STUDENT ORGANIZATIONS

NDSU Nursing at Sanford Health does not have any officially recognized non-campus student organizations.

SECURITY AND ACCESS OF UNIVERSITY FACILITIES

NDSU Nursing at Sanford Health and Sanford Medical Library has the authority to enter the Medical Library, the Office of the Dean of Nursing or the Director of the College of Nursing, or Back Hall, which are used for the Building 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. Timely Warnings issued under this procedure will be handled by the NDSU-CAMPUS-ALERT@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-ALERT@LISTSERV also may be utilized, along with other information 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 or suspect descriptive information promoting that aid individuals to protect themselves will be included in the warning. If not all 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 CAMPUS@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 means to the 24/7 University Police Communications Call Center, which was the initial report established as the “incident,” and triggering response operations of the University Police to include NDSU CMRP when appropriate.

Confirmation of a significant emergency or dangerous situation must be made by either the director, University Police and Safety Office or the designated department command authority in absence of the director in conjunction with activation of the 24/7 UPS/EOR.

Upon confirmation of an emergency or dangerous situation requiring an Immediate Notification, the director, University Police and Safety Office or designated department command authority in conjunction with the SASP coordinator may designate the area and the campus area of the NDSU/CAMPUS-ALERT@LISTSERV to assist a victim or to contain, respond to, or otherwise mitigate the immediate notification. The names of all victims will be released.

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situation threatens operation of the campus as a whole. Immediate Notification may also be sent to only a segment of campus, or by some of the NDSU CENS systems, if in the professional judgment of responsible authorities these actions will provide for safety of the campus, while meeting objectives of notification requirements. Isolated situations and/or time of day for notifications are examples of using only a segment of campus and/or nearness to points which serve to notify the larger community when deemed appropriate.

As part of the NDSU CMRF process, assessment of the situation and changes in notifications plus follow-up information also may 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’s webpage.

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 Policy 721 mandates that all 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 number(s). At least one 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 do so on Campus Connection. Once logged on, choose the profile tab, then select Emergency Notification. Only one contact number, whether home or cellular phone, is available for student entry.

EMERGENCY RESPONSE
The NDSU community is encouraged to notify the Bismarck 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 health and safety of student members. The University Police and Safety Office is charged with evaluating the 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 assess information related to events 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 notify the campus community to communicate 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.

EMERGENCY EVACUATION PROCEDURES
It is recommended that all employees and students review and become familiar with the emergency evacuation procedures annually, or 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). The University conducts or participates in an emergency response exercise each year, such as a table top exercise or a live test, and tests the emergency notifications systems on campus. Tests of the systems may be announced or unannounced and are designed to assess and evaluate the emergency plans and capabilities of the University.

Information about the emergency response and evacuation procedures are publicized yearly via an email message to the campus in conjunction with at least one test per calendar year.

EVACUATION PROTOCOL:
- Building evacuations will occur when an alarm sounds continuously and/or upon notification by emergency personnel.
- If necessary or if directed to do so by a designated emergency official, activate the building alarm. Call 911.
- 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 the closest, preferably 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, such as roadways, parking lots, near fire hydrants or obstructing fire department connections.
- Remain at the designated assembly point until someone takes roll call and further instructions are provided by emergency personnel.
- Do not leave the area.
- Do not re-enter an evacuated building until instructed to do so by an official or selected monitor.
- Assist individuals with disabilities:
  - Be aware of persons in the building who may need assistance.
  - Be prepared to render assistance if necessary or as the situation warrants. If unable to directly assist a person with disabilities, ask the individual to wait at the nearest exit for assistance from official emergency personnel.
- Individuals with disabilities are responsible for knowing how they want to be helped during an evacuation. They are asked to convey this information to their instructors within the first week of each semester or to their work supervisors within the first week of employment.
- Guests of the university and campus visitors should also inform the university employee/student with whom they are dealing of their need for evacuation assistance.

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 indoors inside building.
- 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 hearing and air 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 in a vehicle: Close all windows and shut all manual vents. 
• Do not ventilate 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: 
• A stranger sound like an explosion. 
• You see or hear a vapor cloud or smoke. 
• You smell a strange odor. 
• Feel nauseous or have burning eyes.

**FIRE SAFETY: Preparing 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.
• Provide assistance to individuals needing assistance with evacuation should wait for assistance at designated areas in the building (see Evacuation Protocol section).
• Remain outside the building at a safe distance.
• Meet police or fire personnel upon arrival to direct them to the fire.

**ANNUAL FIRE REPORT**

As there is no on campus residential property at NDSU Sanford School of Nursing in Bismarck, there is no Annual Fire Report for this campus.

**JEANNE CLEARY DISCLOSURE OF CAMPUSE SECURITY POLICY AND 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 activities. Sexual misconduct, stalking, and violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited, such as sexual harassment, gender-based or sex discrimination, and sexual assault. North Dakota State University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. This statement of policy also informs individuals of their rights and responsibilities under this policy (NDSU Policy 162). This statement covers the campus community consisting of students, faculty, and employees, and it is intended to be a guide to help the campus community understand how the NDSU Policy 162 is intended to be implemented. The purpose of this statement is to provide information on the definitions of personal misconduct, categories of federal law, and protections against sex-based discrimination.

**A. EDUCATION AND PREVENTION PROGRAMS**

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns that are designed to prevent 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.

**B. PROCEDURES FOR REPORTING A COMPLAINT**

The University has procedures in place that serve to be sensitive to those who are experiencing sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and respondent, such as accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Director of Student Services at 701-224-3800.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible, both to treat injuries, prevent disease, and to collect evidence that may be preserved that can assist in proving that the alleged crime occurred and/or is occurring or may be helpful in obtaining a protection order. In circumstances of nondisclosure, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexual transmitted disease. Victims of sexual assault, domestic violence, stalking, and domestic violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police. Although the University does not collect personal information for the purpose of reporting violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying the local police if they so desire. The Bismarck Police may also be reached directly by calling 701-232-1212, or by accessing the Bismarck Police Department online. Additional resources that may be available to the victim include the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office.

**REPORTING SEXUAL HARASSMENT, GENDER-BASED HARASSMENT OR SEXUAL MISCONDUCT**

All students, employees, and third parties are strongly encouraged to promptly report any incidents of sexual harassment, gender-based harassment, or sexual misconduct that they experience and/or observe to the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office.

Any person (student, employee, or third party) having a complaint under this policy (NDSU Policy 162) should submit a completed complaint form available online at ndsu.edu/equality/forms/ or by contacting the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office in Suite 201, Old Main, NDSU Main Campus, www.ndsu.edu/equity/forms/. The complaint form can be submitted via email at ndsu.eoaa@ndsu.edu or by bringing it to the Equal Opportunity and Title IX Compliance Office, in coordination with the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. The Equal Opportunity and Title IX Compliance Office is available to assist with completing the Complaint Form as needed.

Anyone who would like to file a sexual harassment, gender-based harassment, or sexual misconduct complaint against a student or student organization also has the option of filing the complaint with the Bismarck Police Department. The 2021 Consolidated Clery Annual Security Report and Crime Statistics Act, as Amended by the Violence Against Women Reauthorization Act of 2013.

**NOTICE OF MANDATORY REPORTING RESPONSIBILITIES**

Anonymous reporting - NDSU students and employees may report incidents of sexual misconduct to law enforcement, including on-campus and local police, by completing a form available online at www.ndsu.edu/biasreport or by contacting the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. The Equal Opportunity and Title IX Compliance Office will assist in coordinating the investigation under this policy (NDSU Policy 162) should submit a completed complaint form available online at ndsu.edu/equality/forms/ or by contacting the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. The complaint form can be submitted via email at ndsu.eoaa@ndsu.edu or by bringing it to the Equal Opportunity and Title IX Compliance Office, in coordination with the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. The Equal Opportunity and Title IX Compliance Office is available to assist with completing the Complaint Form as needed.

All students, employees, and third parties may also report incidents of sexual misconduct to law enforcement, including on-campus and local police, by contacting the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. The Equal Opportunity and Title IX Compliance Office will assist in coordinating the investigation under this policy (NDSU Policy 162) should submit a completed complaint form available online at ndsu.edu/equality/forms/ or by contacting the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. The complaint form can be submitted via email at ndsu.eoaa@ndsu.edu or by bringing it to the Equal Opportunity and Title IX Compliance Office, in coordination with the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. The Equal Opportunity and Title IX Compliance Office is available to assist with completing the Complaint Form as needed.

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Disclosures to licensed clinical and/or mental health professionals acting in their professional role in the provision of services are not subject to the mandatory reporting requirements. These individuals may also disclose these disclosures to the clients or other individuals who are in need of services. The University does not have the authority to request that the individual who is experiencing the sexual misconduct chooses to pursue criminal charges.

Anonymous reporting - NDSU students and employees may report incidents of sexual misconduct, gender-based harassment, or sexual misconduct to law enforcement, including on-campus and local police, by completing a form available online at www.ndsu.edu/biasreport or by contacting the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. The Equal Opportunity and Title IX Compliance Office will assist in coordinating the investigation under this policy (NDSU Policy 162) should submit a completed complaint form available online at ndsu.edu/equality/forms/ or by contacting the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. The complaint form can be submitted via email at ndsu.eoaa@ndsu.edu or by bringing it to the Equal Opportunity and Title IX Compliance Office, in coordination with the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. The Equal Opportunity and Title IX Compliance Office is available to assist with completing the Complaint Form as needed.

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and working environment that is free from sex discrimination of any kind. NDSU employees have specific responsibilities when they observe any form of sexual misconduct must notify the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office.

4. Institution will provide written instructions on how to apply for a Protective Order
5. Institution will provide a written statement of the outcome of the investigation, whether or not the accused is found responsible. Institution will inform the complainant and accused of the outcome of the investigation, whether or not the accused is found responsible.
6. Institution will provide written instructions on how to apply for a Domestic Violence Protection Order
7. Institution will provide written instructions on how to apply for a Harassment or Protection from Abuse Order

C. ASSISTANCE FOR VICTIMS, RIGHTS AND OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or not, NDSU employees must assist victims of sexual assault occurring on or off campus, the university will assist victims of sexual assault, dating violence, sexual harassment, and stalking.

INTERIM MEASURES

Upon receipt of a report of a violation, NDSU will institute its investigation procedures under either Policy 156 or Policy 156.1.

As a standard of evidence that will be used during any judicial hearing on campus arising from such a report.

The University does not publish the name of crime victims nor house institutional to provide the accommodations or protective measures. Pancakes for Domestic Violence Protection Orders with referrals to on and off campus entities should provide a copy to the Office of Student Services 701-222-6709.

The University does not publish the name of crime victims nor house information to complainant on how to apply for a Domestic Violence Protection Order if complainant requests AND institution to provide the accommodations or protective measures, such as housing changes, changes in class schedule, “No Contact” order between other parties.

The University may issue an institutional no contact order if deemed appropriate. Institution will provide a written statement of the outcome of the investigation, whether or not the accused is found responsible.

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The University does not publish the name of crime victims nor house information to complainant on how to apply for a Domestic Violence Protection Order if complainant requests AND institution to provide the accommodations or protective measures, such as housing changes, changes in class schedule, “No Contact” order between other parties.

The University may issue an institutional no contact order if deemed appropriate. Institution will provide a written statement of the outcome of the investigation, whether or not the accused is found responsible.

C. ASSISTANCE FOR VICTIMS, RIGHTS AND OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or not, NDSU employees must assist victims of sexual assault occurring on or off campus, the university will assist victims of sexual assault, dating violence, sexual harassment, and stalking.

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PRIVACY AND CONFIDENTIALITY
Confidentiality will be maintained to the extent possible - NDSU will keep the complaint and its investigation confidential to the extent that it is possible without compromising NDSU’s commitment and obligation to investigate allegations of sexual misconduct, to protect the university community, and to the extent allowed by law. As NDSU has an obligation to maintain an environment free of sex discrimination and sexual misconduct, most employees have mandatory reporting and response obligations and may not be able to honor a reporting party’s request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality.

However, confidentiality cannot be guaranteed as NDSU may have an obligation to take specific actions once aware of alleged conduct.

NDSU is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. Information related to a report of prohibited conduct will be shared with a limited circle of NDSU employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in NDSU’s response to reports of prohibited conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

Confidential support resources - If seeking a confidential resource, NDSU students may contact the NDSU Counseling Center (Stop N Go Center, 1919 University Dr N, Suite 1, 701-231-7671), the Student Health Service (Wallman Wellness Center, NDSU Main Campus, 701-231-7331), and the Sexual Assault Prevention and Student Health Service (Wallman Wellness Center, NDSU Main Campus, 701-231-7331). The Employee Assistance Program, as described in NDSU Section 134, is a confidential resource for NDSU employees. Additionally, graduate students and faculty may also contact the Office of the Ombudsperson (Library Room 20C, NDSU Main Campus, 701-231-5144).

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 behaviour. 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, ask if they are okay. Remember, you may know the person who is doing the concerning behaviour, the person who is the target of the behavior, or both.
• Confront people who exclude, hit on, try to make out with, or have sex with people who are incapacitated.
• Speak up when someone discusses plans to take sexual advantage of another person.
• Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
• Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.
• If you see someone who looks uncomfortable, like they may be in trouble, or is too drunk to consent, talk to them. Ask if they are okay. If you can help them find their friends or call someone to help them.

TYPES OF ORDERS IN THE STATE OF NORTH DAKOTA

<table>
<thead>
<tr>
<th>TYPE OF ORDER</th>
<th>WHO CAN FILE FOR ONE</th>
<th>COURT</th>
<th>BASED ON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Violence Protection Order May be issued for one month, one year, or indefinitely.</td>
<td>Family or household members including: Spouse or former spouse</td>
<td>The ND District Court where the victim lives, where the abuse occurs or where the incident(s) occurred.</td>
<td>Actual or imminent domestic violence. This includes physical harm, bodily injury, sexual activity compelled by physical force, and the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by force or threats, not committed in self-defense, on the complaining family or household member.</td>
</tr>
<tr>
<td>Disorderly Conduct Restraining Order May be issued up to 2 years.</td>
<td>Anyone who is a victim of disorderly conduct can file for a disorderly conduct restraining order. You do not need to have a specific relationship with the abuser. It may be a neighbor, acquaintance, intimate partner, family member, etc.</td>
<td>The ND District Court where the victim lives, where the abuse occurs or where the incident(s) occurred.</td>
<td>Sexual or imminent domestic violence. This includes physical harm, bodily injury, sexual activity compelled by physical force, and the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by force or threats, not committed in self-defense, on the complaining family or household member.</td>
</tr>
<tr>
<td>Order Prohibiting Contact May be issued up to 1 year.</td>
<td>The victim of a crime of violence or threat of violence, stalking, harassment, or a sex offense, or an individual who is charged with or arrested for the crimes is alleged to have committed before arraignment or trial.</td>
<td>The court authorizing the release of the individual must issue, if there is no outstanding restraining or protection order prohibiting the individual from having contact with the victim, an order prohibiting contact with the victim.</td>
<td>Court discretion.</td>
</tr>
</tbody>
</table>

Example: If you are a student who has been charged with an off-campus crime, you need to go to the District Court located in the Burleigh County Courthouse at 514 E Thayer Ave.

Example: If you are an employee of NDSU and you need to file an order of protection, you need to go to the District Court located in the Burleigh County Courthouse at 514 E Thayer Ave.

Example: If you are a citizen of North Dakota and you need to file an order of protection, you need to go to the District Court located in the Burleigh County Courthouse at 514 E Thayer Ave.

Example: If you are a non-citizen of North Dakota and you need to file an order of protection, you need to go to the District Court located in the Burleigh County Courthouse at 514 E Thayer Ave.

Example: If you are a Native American tribe and you need to file an order of protection, you need to go to the District Court located in the Burleigh County Courthouse at 514 E Thayer Ave.
RESOURCES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

ON CAMPUS

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

Student Health Services
There is no on campus student health services available at the Bismarck Campus.

Sexual Assault Prevention and Advocacy (SAPA)
There is no campus advocate at the Bismarck Campus, but the Fargo Campus advocate can be reached by email univinte@ndsu.edu, or phone.
701-231-3733

Title IX Coordinator
There is no Title IX Coordinator at the Bismarck Campus, but the Fargo Campus Coordinator can be reached by email nal.oesa@ndsu.edu, or by phone.
701-231-7708

International Student and Study Abroad Services
There is no Visa and Immigration assistance on the Bismarck Campus, but the Fargo Campus office can be reached by email vissave@ndsu.edu, or phone.
701-231-7895

Student Services
Student Services 130
701-224-3800

Student Financial Services
Student Services 130A
701-224-3802

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

OFF CAMPUS

Bismarck Police Department
700 S 9 St
701-223-1212

Mandan Police Department
205 1 Ave NW
701-667-3455

Sanford Medical Center
300 N 7 St
701-323-6000

St Alexius Medical Center
900 E Broadway Ave
701-586-7000

Fargo Medical Center
390 E Broadway Ave
701-222-5615

West Central Human Service Center
2127 W Div St
701-328-8888

Legal Services of North Dakota (for ND residents)

- Rape, Abuse & Incest National Network, www.rainn.org
- St Alexius Medical Center
- Sanford Medical Center
- Fargo Medical Center

Other resources available to persons who report being the victims of sexual assault, domestic violence, dating violence, or stalking include:

- The Rape, Abuse & Incest National Network, www.rainn.org
- St Alexius Medical Center
- Sanford Medical Center
- Fargo Medical Center

• If you are unsure of the situation or don’t feel comfortable intervening yourself, delegate to someone you trust to help out.
• Create a distraction to diffuse the situation. A distraction could include changing the subject, asking for directions, pretending you know the target, or whatever distraction feels most comfortable and natural.
• Trust your instincts if you see concerning behavior.

If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

If you also want to call the police, however, please remember not to leave the scene of an assault until the police arrive, as you may need to provide a statement and evidence. If you need to leave the scene of an assault, please make sure to bring with you any evidence you may have, such as clothing or other items that may be helpful in identifying the perpetrator. If you are unsure of the situation or don’t feel comfortable intervening yourself, delegate to someone you trust to help out.

Without 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.
- Make sure your cell phone is with you and charged and that you have cash money.
- Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- If you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- 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 leave 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 large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, 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 law enforcement immediately. Local authorities can be reached by calling 911 in most areas of the U.S. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation, here are some things that you can try:

- 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.
- Be true to yourself. Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and what works for you.
- Have a code word with your friends or family so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- 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 that you would rather wait until you both have your 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 100, 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 the specific nature of the incident.

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 prohibited 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 and investigating allegations of sexual harassment, gender-based harassment and sexual misconduct, pursuing disciplinary action when appropriate, referring the incident 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 students and employees who make allegations of sexual harassment, gender-based harassment and sexual misconduct;
  - Providing awareness and prevention information on sexual harassment, gender-based harassment and sexual misconduct, including widely disseminating this policy, and implementing training and educational programs on sexual harassment.
  - Providing ongoing assistance and support to students and employees who make allegations of sexual harassment, gender-based harassment and sexual misconduct to university constituencies; and
  - 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.

Informal resolution (mediation) will not be used to resolve complaints of sexual harassment or sexual violence between an employee and a student. Participation in the informal resolution process is strictly voluntary – NDSU will not require the parties to participate in an informal resolution process.

Informal 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 NDSU:

• 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 at any time prior to agreeing to a resolution, any party as the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

• Obtains the parties' voluntary, written consent to the informal resolution process; and

• The informal resolution process will follow the process as outlined in Policy 156; Section 7, including the option that NDSU reserves the right to deny the parties the option of using the informal resolution process if it is deemed to be inappropriate or inadequate.

SECTION 156.1 TITLE IX COMPLAINT PROCEDURES

SOURCE: SBHE

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 off North Dakota University System Policy 520. In the event of direct conflict between these procedures and NDSU Policy 520, NDSU Policy 520 shall prevail. Similarly, any conflict between NDUS Policy 520 and any existing NDUS or NDSU policy or procedure shall be resolved in favor of NDSU Policy 520.

DEFINITIONS

For the purposes of NDUS'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 Notice of sexual harassment or allegations of sexual harassment to NDUS's Title IX Coordinators, Chairs, Deans, Directors, or any NDUS official with authority to institute corrective measures on the behalf of NDUS.

Complainant An individual who is alleged to be the receiver of conduct which could, after investigation, constitute sexual harassment.

Dating Violence Violence committed by the Respondent:

• Who is or has been in a romantic or intimate relationship with the Complainant; and;

• Where the existence of such a relationship shall be determined by the length of the relationship, the nature of the relationship, and the frequency of interactions between the Complainant and Respondent.

Deliberate Indifference When NDSU's response to sexual harassment is clearly unreasonable considering the information known to NDSU at the time.

Domestic Violence Violence committed by the Respondent, who is:

• A current or former spouse or intimate partner of the Complainant;

• A person whom the Complainant shares a child in common;

• Cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner;

• Similarly situated to a spouse of the Complainant; or

• Any person against whose the Complainant is protected by N.D.C.C. c. 14-07-1.

Educational program or activity Includes locations, events, or circumstances over which NDSU exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, as well as in any building owned or controlled by a student organization that is officially recognized by NDSU.

Fondling The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

Formal Complaint A document filed by a Complainant (which either contains the Complainant's signature or indicates that the Complainant is the one filing the complaint) or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that NDSU investigates.

Incest Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Penetration, no matter how slight, of the vagina or anus of the Complainant with any body part or object by the Respondent, or oral penetration of the Complainant by a sex organ of the Respondent.

Incident Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Penetration, no matter how slight, of the vagina or anus of the Complainant with any body part or object by the Respondent, or oral penetration of the Complainant by a sex organ of the Respondent.

Respondent An individual who has been reported to be responsible for the conduct that could constitute sexual harassment.

Sexual Assault Either rape, fondling, incest, statutory rape, or any of the sexual offenses listed in N.D.C.C. ch. 12.1-20 or by the FBI's Uniform Crime Reporting system.

Sexual Harassment Conduct, on the basis of sex, constituting one (or more) of the following:

• An employee of NDUS conditioning the provision of an aid, benefit, or service of NDUS on an individual's participation in unwelcome sexual conduct;

• Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to NDUS's educational program or activity; or

• Sexual assault, dating violence, domestic violence, or stalking, as defined in this section.

Stalking Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.

Statutory Rape Sexual intercourse with a person who is under the statutory age of consent

Supportive Measures Non-disciplinary, non-punitive individualized services offered as appropriate (as reasonably available) and without fee or charge to the Complainant or Respondent.

PRE-GRIEVANCE PROCESS

Timing This grievance process shall be carried out using reasonably prompt time frames, including time frames for filing and resolving appeals, and for informal resolution processes if offered. The informal resolution process will follow the process as outlined in Policy 156, Section 7, including the option that NDSU reserves the right to deny the Parties the option of using the informal resolution process if it is deemed to be inappropriate or inadequate.

Notwithstanding, temporary delays or extensions of the time frames must be offered for good cause, with written notice to the parties setting forth the cause for the action.

Good cause May include considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations for language or disability.

Actual Knowledge of Sexual Harassment With or without the filing of a formal complaint, once NDSU has actual knowledge of sexual harassment within its educational program or activity in the United States, NDSU must respond promptly and without deliberate indifference pursuant to these Procedures and any applicable NDUS policies.

• 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 Party prior to the conclusion of the grievance process. Exceptions are Emergency Removal (section 1d) and Administrative Leave (section 1e).

Supportive Measures NDSU shall offer supportive measures designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the Parties, including measures designed to protect the health and safety of all Parties or the educational environment, or to deter further sexual harassment.

• Supportive Measures may include but are not limited to:

• Counseling;

• Extensions of deadlines or other course-related adjustments;

• Modifications of work or class schedules;

• Campus escort services;

• Mutual restrictions on contact between the Parties;

• Changes in work or housing locations;

• Leaves of absence; and

• Increased security or monitoring of certain areas of campus.

NDSU must maintain confidentiality with respect to supportive measures unless disclosure is required to implement the supportive measures.

• 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 NDSU may 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.
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 filed 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.

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 who will conduct the 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 all evidence available made during the grievance process, though the same training provided to Title IX Coordinators, decision-makers, and Investigators is not required.

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

Investigation

• NDSU is required to investigate every filed formal complaint unless the complainant is subject to mandatory dismissal under Title IX.
  • At all times, the burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility shall remain with the Complainant.
  • 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 the investigation 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 impartial, organized manner. At the conclusion of the grievance process, 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 not replace the party of Advisors where NDSU provides Advisors to all Parties.

• If the formal complaint is subject to mandatory dismissal, NDSU may act under another policy, including but not limited to Policy 154, Sexual Harassment, and Nondiscrimination, without that action constituting retaliation under this Policy. The procedures would then follow Policy 154 Sexual Harassment, and Nondiscrimination, Retaliation Complaint Procedures, or any other applicable NDSU policy.

Permissive Dismissal

• NDSU may dismiss the formal complaint if, at any time during the investigation or hearing:
  • A Complaint is dismissed by the Title IX Advisor, in writing, that the Complainant would like to withdraw the formal complaint, or any allegations contained in the formal complaint.
  • The Respondent is no longer enrolled or employed by NDSU, or
  • Circumstances prevent NDSU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the formal complaint.
  • If a formal complaint is permissively dismissed, NDSU may consult with its legal counsel prior to acting under another policy to avoid taking actions constituting retaliation.

Notice of Dismissal

Upon a dismissal pursuant to this section, NDSU must promptly send written notice of the dismissal under Title IX and reason for the dismissal to all Parties simultaneously.

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 another Party, to the extent that the allegations may 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 is 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 Asst. Dean of Students or the Dean of Students.
  • In the event of a conflict of interest precludes the participation of the Asst. Dean of Students or the Dean of Students, NDSU may appoint another individual to serve in the role of decision-maker.
  • Decision-maker for non-student employees
  • In cases involving non-student employees, 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 investigators who will consist of full-time faculty and staff.
  • NDSU may consolidate the hearing, if the need arises, NDSU reserves the right to combine or utilize the services of a properly trained third party to perform the role of 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, in the event of a physical gathering of the Parties, witnesses, and other participants may engage in a video conference during 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 and follow-up questions, including those regarding credibility. This cross-examination must be conducted directly (the questions may not be asked by the decision-maker), orally, and in real time, though the advisors may ask questions regarding credibility.

• Prior to a Party or witness answering a question, the decision-maker must rule on the relevance of the question and explain to the hearing participants the basis of the decision.
• Decision-makers may request, but may not require, that questions by the Parties be submitted in advance, to permit the decision-maker to prepare to answer the questions.
• NDSU may otherwise limit the extent to which the Party’s Advisor may participate in the hearing.

Rape Shield Questions and evidence about the Complainant’s sexual predisposition or sexual history are not relevant, unless such questions are offered to prove that someone other than the Respondent committed the alleged conduct, or regard specific incidents of the prior sexual behavior with respect to the Respondent, and are offered to prove consent. These questions may be submitted prior to the start of the live hearing.

Cross-Examination

If a Party or witness does not submit to cross-examination at the live hearing, the decision-maker must not rely on any statement of that Party or witness in reaching a determination regarding responsibility. The decision-maker may not draw an inference about the determinations 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 objection process, governing timing of hearing and length of questions.

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 under these procedures;
• Description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather evidence, and hearings held;
• Findings of fact supporting the determination;
Regardless of the finding (responsible, not responsible, dismissal) all APPEALS for the Respondent.

Remedies

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 therefrom;
• Any informal resolution and the result therefrom;

All materials used to train Title IX coordinators, investigators, decision-makers, or 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.

RETRIAL

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 any other physical or 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.

Charging 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.

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 Caran Bilen-Green, Title IX/AADA Coordinator, at 701-231-7708 or ndsu.coa@ndsu.edu. Please note that 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 intimidating 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:

SEXUAL ASSAULT PREVENTION AND ADVOCACY COORDINATOR (SAPA) | 701-231-5733

STUDENT HEALTH SERVICE | 701-231-7331

NDSU COUNSELING CENTER | 701-231-7671 (Available 24 hours)

Resolution of Alleged Code Violations

The Code resolution process generally includes the following steps:

• Receipt of an incident report;
• Creation of a conduct 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.
Student Advisor Options

Students have the right to have an individual person 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 Student 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, guidance, and advice throughout the process.

In cases that do not involve 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 produced by the investigator(s) and provided to the Dean of Students Office. If the report indicates reasonable cause to believe that a violation occurred, then the hearing officer may proceed with a Notice of Alleged Violations.

Upon receipt of notice, the University may investigate an alleged 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 believed 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 or whether action will be taken, 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/workplace 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 responsible fear an imminent danger to health, safety, life, or property;
• The Vice Provost or designee provides a written administrative authorization specifying reasons for the search, objects of information sought, and area to be searched; or
• University officials fear imminent destruction of evidence relevant to a suspected violation of University policies.

When students are suspected of violating NDSU or NDSU Acceptance Agreements/Residence and Acceptance Agreements, student computers, associated peripheral devices, and media storage devices may be taken into temporary custody on authority of the Information Technology Security staff to collect and preserve evidence of possible violations of local, state, or federal laws (NDSU Policy 158, 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 Management and/or 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 administering provisions of the license agreements. The University will provide reasonable notice, when possible. Such entry by the University shall not be regarded as a search, but is separately agreed to and authorized by the student through provisions in the residence hall or university apartment license agreements. Items that pose an imminent danger to health, safety, life, or property may be taken into temporary custody by residence life staff, university police, or other emergency personnel.

Notice of Alleged Violations

A written notice will be sent via certified University email, to the responding 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 are identified as potential sanctions; and
• Notice that a decision may be made in the student’s absence based on the information currently available.

The student must be given notice in writing of a summary of the alleged violations and evidence to be presented in sufficient time to ensure adequate opportunity to prepare for the hearing. The University will provide the student written notification of the hearing at least three business days prior to the hearing date. Students may consent to a shorter notice period, if they so choose.

Prehearing Conference

During the prehearing conference, the hearing officer will discuss:

• Student’s rights and responsibilities;
• Nature of the complaint and how the Code of Student Conduct may have been violated, if applicable;
• Process for resolution of alleged violations.

The student may request to proceed with an immediate hearing, except in cases that may result in suspension or expulsion.

Conduct Hearings

The Code of Student Conduct resolution process will be facilitated through an administrative hearing to determine whether or not there has been a violation of University policy. Although all cases are heard administratively, some procedures differ between cases that are or are not eligible for suspension/expulsion. The University reserves the right to determine procedures and appropriate individuals to include in the process. In an administrative hearing, the responding student has a right to make a written and/or oral statement describing the event(s) that lead to the alleged violations, bring witnesses or witness statements, and present evidence.

In all cases involving an allegation of discrimination, harassment, retaliation, or sexual misconduct, both reporting and responding students shall have equal procedural rights as detailed in NDSU Policy 156, Discrimination, Harassment, and Retaliation Complaint Procedures.

University administrators will process conduct cases related to fraternities, sororities, and student organizations. Individual organizational boards will only address violations of organizational standards, not violations of this Code.

Non-Suspension/Expulsion Conduct Hearings

A non-suspension/expulsion conduct hearing is an administrative hearing that generally involves only the responding student and the hearing officer. 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.
Following the hearing, all applicable parties will receive a written notice of decision within 10 business days.

Suspension/Expulsion Conduct Hearings

A suspension/expulsion conduct hearing is an administrative hearing to determine whether a student is responsible for any violation of the Code. An appointment of a hearing officer will be made. All parties will be given reasonable opportunity to present evidence concerning whether the student violated the Code. The hearing officer will determine responsibility. If the hearing officer finds that the student is responsible for a violation of the Code, the hearing officer will determine whether a sanction is appropriate. 

Sanctions may include: 
- Written Warning
- Conduct probation
- Conduct suspension

The hearing officer will issue the written decision within 10 business days from the date of the 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 between the incident and enrollment, 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:
- Alcohol or other drug programming, evaluation, and/or testing;
- Written assignments;
- Participation in a specific activity or project;
- Restricted access;
- 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 designee, will consider factors, including: 
- Facts of the case as presented from all relevant sources, including the parties;
- Existence of any physical evidence or written or oral information provided by others;
- 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).

Parents 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 written statement that subsequent Code violations will typically result in more severe sanctions.
- Conduct Probation
- Conduct probation is written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with University policies. This may include local, state, and federal laws; and any other conditions that have been assigned in writing. The specific terms of the

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 violations, the hearing officer may make a decision in the student/organization’s absence. If a student/organization was issued adequate written notice of the date, time, and place of the scheduled hearing, the student/organization was found to have violated the Code arising from the alleged misconduct by the organization. 

Student Organizations in Default

In the event a student organization becomes inactive rather than appearing for a hearing, the default decision will typically be withdrawn if the student organization and the reporting party agree to the reinstatement of the student organization. Other exceptions may also be made as deemed necessary.

In certain cases, a registration hold may be placed on the student’s records and the case will be archived until such time the student requests reactivation or a resolution of the pending matter.

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 the 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 NDSU personnel to be present as observers for the purpose of training. Other exceptions may also be made as deemed appropriate by the Vice Provost or designee.

Appeals

Students sanctioned for violations of any part of this Code of Student Conduct may request an appeal. The appeals process is outlined in Section 7. 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 proceeding. The hearing officer will describe the general outline of the hearing and read the following honesty statement:

The student admits to the violation, or
Preponderance of the evidence indicates the student is in violation of the Code.

Witnesses/Witness Statements

Pursuant to the addendum 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 the 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 NDSU personnel to be present as observers for the purpose of training. Other exceptions may also be made as deemed appropriate by the Vice Provost or designee.

Appeals

Students sanctioned for violations of any part of this Code of Student Conduct may request an appeal. Reporting (if applicable) and responding students are limited to one appeal and that decision is final (see Section 8. Appeal Procedures).

Honesty Statement

The University expects that all information presented in this hearing will be the best of each participant’s knowledge. If students wilfully provide false information, they will be in violation of NDSU’s Code of Student Conduct. As a result, they may also be subject to additional disciplinary action. Dishonest behavior by any faculty or staff members will be reported to supervisors 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 officers, 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 will dismiss witnesses until 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 relevance.

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, at the hearing officer’s discretion, may allow for additional questioning. As appropriate, the hearing officer may allow direct questioning of witnesses and parties, with the right to cross-examine the respondent at any time.

Closing Statements

The reporting and/or responding parties (and investigator if applicable) will be given 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 written 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 conduct history:

- Sanctions include:
  - Restitution;
  - Written assignments;
  - No contact orders; and/or
  - Restitution.

Conditions include:
- Presence of local, state, and federal laws; and any other conditions that
- are appropriate for determining the student's 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).

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

Conduct suspension is written notification that status as an enrolled student or registered student organization has been revoked for a specified period of suspension, which is determined by 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 may be directed to the Vice Provost or designee; however, approval is generally only granted for the purpose of conducting coursework to achieve or regain admittance to the University. 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. These may include, but are not limited to:

- A student who has been suspended must vacate residence life facilities established by NDSU.
- A student who has been suspended is restricted from the NDSU campus during the specified period of suspension. The student will also be required to obtain prior written permission from the Vice Provost or designee, before being on any portion of the NDSU campus during the period of suspension. The Vice Provost or designee is granted the authority to permit a student to conduct business related to the University.
- Conduct suspension is a permanent conduct record, which means it may be retained indefinitely at the discretion of the Vice Provost, but not less than seven (7) years.
- Student organizations placed on suspension may have all rights and privileges provided by CSO revoked for the duration of their suspension. In order to regain all rights and privileges, the student organization is required to comply with and complete any and all sanctions and conditions.

### Appeal Advisory Board

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 appeal shall 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.
- 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 during 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 not discuss an alleged violation of this Code, or fails to comply with sanctions and conditions assigned as a result of a finding responsible for a violation of this Code, a hold may be placed on the student's registration until 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.

### Renewing 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 the act is thoroughly discussed and a decision is made on the student's future conduct. In those cases, an appeal could result in the student's suspension or expulsion.

### Rehearing Requests for Cases Resulting in Suspension or Expulsion

Any student who is suspended or expelled has the right to request a reconsideration of the case based on new or contrary evidence that was not available at the time of the original hearing, and/or evidence that the student was not aware of at the time of the proceeding. A request for reconsideration of the case should be submitted to the Vice Provost. Information that may be considered may include police reports, transcripts of legal proceedings, and/or any other pertinent data. In these cases, a hearing shall be held to determine the appropriate actions of the student. The student may be notified about the hold at the time the University is first notified about the incident, or notice may be provided to the student subsequently required by external circumstances. 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 criminal charges being pending against the student, serious concerns arise about the health or safety of the student or others in the University community. A registration hold may be placed by the Dean of Students for the Office of Student Life Policy 607, Admission & Re-Enrollment Safety Risks, Background Checks.

### 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.
CRIMES OF VIOLENCE
The term "crime of violence" means:
• An offense that has an element of use, attempted use, or threatened use of physical force 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 or through the use of physical force, robbery, vandalization, 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.

.PROVOST. If the suspension is upheld, the suspension remains subject to the rules outlined in Conduct Suspension and remains a matter 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 Registration and Records or online through One Stop. A meeting with a member of the Student Affairs staff will also be required prior to acceptance of the student's application for readmission.

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 readmission. 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 readmission.

COMMUNITY IMMUNITY

The state of North Dakota defines the statutory age of consent in chapter 12.1-06.2-01.

• When the criminality of conduct depends on a child's being below the age of 15, it is no defense that the actor did not know the child's age, or reasonably believed the child to be older than 14. When criminality depends on the victim being a minor, it is an affirmative defense that the actor reasonably believed the victim to be an adult. When criminality depends on the victim being a minor 15 years of age or older, the actor is guilty of an offense only if the actor is at least 18 years old.

The state of North Dakota defines the statutory age of consent in chapter 12.1-06.2-01.

• The conduct and the injury are reasonably foreseeable hazards of an occupational or professional or of medical or scientific experimentation conducted by recognized methods which 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.

• Neither the injury inflicted nor the injury threatened is such as to jeopardize life or seriously impair health.

• The conduct and the injury are reasonably foreseeable hazards of joint participation in athletic activities, combat, or competitive sport, or by all persons injured or threatened by the conduct is a defense if:

• The victim is less than 15 years old; or
• That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct.

• A person who engages in sexual contact with another, or who causes another to engage in sexual contact with that person, is guilty of a class B felony if:

• That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct.

• A person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control
the victim's conduct, by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in Title 19-03-01, or other means for the purpose of preventing resistance;  
• The other person is in official custody or detained in a hospital, prison or other penal facility and the person has supervisory or disciplinary authority over that other person;  
• The victim is less than 15 years old, and the person who caused the injury has a current or previous familial relationship with the victim.

For the purposes of this definition—  
• Domestic violence includes, but is not limited to, sexual or physical abuse or threatened sexual or physical abuse.  
• Domestic violence does not include acts covered under the definition of domestic violence.

As the State of North Dakota includes persons who are in a dating relationship under the state's domestic violence laws, any violence committed by dating parties would fall under domestic violence, not dating violence.

STALKING: The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—  
• fear for the person's safety or the safety of others; or  
• suffer substantial emotional distress.

For the purposes of this definition—  
• Course of conduct means two or more acts, including, but not limited to, acts which the stalking directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens or communicates to or about, a person, or interferes with a person's property.  
• Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.  
• Reasonable person means 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.

The State of North Dakota Century Code 12.1-17.07-1 states that no person may intentionally stalk another person. The state defines stalking as engaging in an intended 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 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 constitutionally protected activity. The state defines immediate family as a spouse, parent, child, stepparent, foster parent, 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 upon another wherein the offender uses a weapon or displays in an intimidating manner such force as to inflict serious Bodily harm or death or serious Bodily harm and/or the victim suffers obvious severe or aggravated Bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

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

MURDER AND NON-NEGLECT MANSLAUGHTER: The willful, unlawful killing of one human being by another.

MANSLAUGHTER BY NEGLIGENCE: The killing of another person through negligence.

MOTOR VEHICLE THEFT: The theft of a motor vehicle.

ROBBERY: The taking or attempting to take anything of value from another person by force or threat of force or by putting the victim in fear of immediate harm.

HATE CRIMES: A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a prejudiced or negative opinion or attitude, actual or perceived, toward a group of persons based on their real or perceived race, color, religion, national origin, sex, sexual orientation, or disability.

WEAPONS LAWS VIOLATIONS: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

NSDU DEFINITIONS

The terms and definitions used here are important components of University criminal and student conduct definitions. Given to creating these terms in the context of the University community. Criminal and other applicable state laws may use different definitions. Section 13 provides North Dakota definitions for definitions specifically related to Title IX Complaints, please see Policy 136.1. Title IX Grievance Procedures and State Board Higher Education Policy 520.

Complicity—Complicity is any act taken with the purpose of aids, encouraging, facilitating or encouraging the commission of an act of Prohibited Conduct by another person.

Consent—Munually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

Consent must be all of the following:  
• Knowing: Consent must demonstrate that all individuals understand, are aware of, and agree to the “who” (same partners), “what” (same acts), “where” (same location), “when” (same time), and “how” (the same way and under the same conditions) of the act.
• Active: Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical restraint (including the lack of a “no”) should not—and of themselves—be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation or gift, social behavior, conduct, attire, or any other activity.  
• Voluntary: Consent must be freely given and cannot be the result of force (violence, physical restraint, or the presence of a weapon), threats (intimidations of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure) or fraud (misleading statements or material omissions about oneself or the present situation in order to gain permission for sexual or intimate activity).
• Present and ongoing: Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one type of sexual activity does not imply consent to other sexual acts. Consent may also be withdrawn at any time—provided the person withdrawing consent makes that known in clearly understandable words or actions.

Consent is not present when an individual does not have the capacity to give consent due to age, physical condition, or disability that impairs the individual’s ability to give consent. Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, incapacitation due to consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness or other state in which the person is unaware that sexual activity is occurring. Consent is not effective if it results from:  
• The use of physical violence, (b) threats, (c) intimidation, or (d) misrepresentation of any kind that would eliminate an individual’s ability to exercise their own free will to choose whether or not to engage in sexual activity. When determining whether consent was present, the University will consider whether a reasonable person in the same situation would have known whether the other party could or could not consent to the sexual activity.

The terms and definitions used here are important components of University criminal and student conduct definitions. Given to creating these terms in the context of the University community. Criminal and other applicable state laws may use different definitions. Section 13 provides North Dakota definitions for definitions specifically related to Title IX Complaints, please see Policy 136.1. Title IX Grievance Procedures and State Board Higher Education Policy 520.
Discrimination Based on Pregnancy or Parental Status – Excluding persons from, denying them the benefit of, or limiting a person's ability to participate in or benefit from the University’s education or employment programs and/or activities (hostile environment).

• Engaging in voyeurism (watching private sexual activity without the consent of the participants or viewing another person's intimate parts), including peeping, eavesdropping, videoing, taking pictures, and staring at another person in a way 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 another person to a sexually transmitted disease (STD), infection (STI), or virus (HV) without the other’s knowledge.

Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, or unwelcome conduct of a sexual nature, whether verbal, written, graphic, physical or otherwise, when:
• Submission to such conduct is made either explicitly or implicitly, or as a term or condition of a person's employment, academic standing, or participation in any University program and/or activities or is used as the basis for University decisions affecting the individual (quid pro quo harassment); or
• Such conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with a person’s ability to participate in or benefit from the University’s education or employment programs and/or activities (hostile environment).

Quid pro quo 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 and the less need for a pattern 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 oppressiveness 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 intercourse, sexual assault, sexual exploitation, stalking, public indecency, intimate partner violence, sexual violence, and other misconduct based on sex.

Stalking – A course of unwelcome conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or would cause that person to suffer substantial emotional distress. Course of conduct means two or more acts, including but not limited to acts in which a person directly or indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property or activities. A person means a reasonable person under similar circumstances and similarly situated to the Receiving Party. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
Stalking includes “Cyber-Stalking,” a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

Examples of inappropriate behavior that may constitute Sexual Harassment or Sexual Misconduct include, but are not limited to:

- Sexual teasing, jokes, remarks, or questions;
- Sexual looks and gestures;
- Sexual innuendos, humor, or stories;
- Communicating in a manner with sexual overtones;
- Inappropriate comments about dress or physical appearance;
- Inappropriate discussion of private sexual behavior;
- Gifts, letters, calls, emails, online posts, or materials of a sexual nature;
- Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- Sexual favoritism;
- Pressure for dates or sexual favors or forced sexual activity;
- Unwelcome sexual advances;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Nonconsensual video or audio-taping of sexual activity;
- Exposing one's genitals in nonconsensual circumstances; inducing another to expose their genitals or private areas;
- Obscene gestures;
- Sexual graffiti, pictures, or posters;
- Sexually explicit profanity;
- Domestic or dating violence;
- E-mail, texting ("sexting") and Internet use that violates this policy;
- Nonconsensual sexual intercourse, sexual assault, or rape; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.

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 Bismarck Police records, the Office of Student Service, 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 1st 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 Office of Student Services 701-224-3800. Information is provided to prospective students and employees with a referral to the online report.

<table>
<thead>
<tr>
<th>Offense (Reported by Hierarchy)</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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<tr>
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<tr>
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<tr>
<td></td>
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<tr>
<td></td>
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<tr>
<td></td>
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<tr>
<td></td>
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<tr>
<td></td>
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<td>0</td>
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</tbody>
</table>
No Hate Crimes were reported in 2021, 2020, and 2019.

**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.

- **Try to wake them up.** Call their name, shake them, pinch them. 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 Bismarck Police at 701-223-1212 and report what you have seen. Do not assume that what you see is an innocent activity or 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 sitting in parked vehicles for extended periods of time.
  - Someone going from room to room or car to car trying doors.
  - Someone loitering about unusual hours and locations.
  - Someone in the hallway or apartment and keep your personal or valuable items concealed and close to your body.

If you see any suspicious activity or people on or near the university campus, it is your responsibility to immediately call Bismarck Police at 701-223-1212 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 in the hallway or apartment and keep your personal or valuable items concealed and close to your body.

- **CRIME PREVENTION AND SAFETY TIPS**

WHEN WALKING OR JOGGING

- Avoid walking or jogging alone, especially after dark. 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.
- Have your keys or ID card ready when returning to your residence hall or apartment and keep your personal or valuable items concealed and close to your body.

WHEN DRIVING

- 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.
- Have your keys or ID card ready when returning to your residence hall or apartment and keep your personal or valuable items concealed and close to your body.

If you discover any of the above symptoms call 911. 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.

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.

**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.
- 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
  - Your exact location and injuries to anyone if known
  - Individuals not immediately impacted by the situation are to take protective cover, stay away from windows and doors until notified otherwise.
  - If it is unsafe to enter a campus building, seek shelter in the safest place available.
  - Obey all commands from the police for safety reasons and wait for further instructions.

If you are directly involved in an incident and exiting the building is not possible, the following shelter-in-place actions are recommended:

- Go to the nearest room or office (do not stay in an open hallway).
- Close and lock the door.
- Turn off the lights and the audio equipment.
- Barricade yourself in the room with furniture or anything you can use to protect yourself. Do not sound the fire alarm. This may place everyone in potential harm as they try to exit the building.

If you think you can safely make it out of the building then do so. Notify 911 if it is safe to do so and be prepared to provide the dispatcher with the essential information.

If you think you can safely make it out of the building then do so. Notify 911 if it is safe to do so and be prepared to provide the dispatcher with the essential information.
A basic active shooter awareness video has been produced by the University Police Department and can be viewed by anyone at www.ndsu.edu/police_safety/universitypolice/active_shooter_awareness.

**BOMB THREATS**

**Recommended steps can minimize problems:**

- Remain calm and call 911 immediately.
- Send someone outside to escort emergency responders to the appropriate location.
- Clear the area surrounding the victim and any pathway necessary to provide emergency responders access to the individual.
- Do not attempt to move a seriously injured or ill person unless there is a life-threatening situation (for example, a fire).
- In case of seizures, do not restrain the person having the seizure 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 if they are willing to share medical information about the nature of the illness so that it can be passed on to the emergency personnel when they arrive.
- Remain with the person until emergency personnel arrive.
- Utilize any individuals who may have medical first aid training or familiarity with the person's condition (roommate, friend, etc.).
- Faculty should use their discretion regarding continuation or cancellation of class. Factors to be considered may include: severity of the incident, mental/emotional impact on classmates or instructors, time remaining in the class period, or special circumstances regarding the class.
- Specific medical information is not to be shared under HIPPA rules, but it is safe to let someone know that the person is receiving appropriate care.
- Notify the Office of the Vice Provost for Student Affairs and Enrollment Management (701-231-7701) for students. The Vice Provost will determine if by whom, and at what point family members should be contacted. Outside of normal university operating hours, leave a voice message with basic information: type of incident, location, contact information for the person reporting, etc.
- Students may contact the Vice Provost for Student Affairs and Enrollment Management to request contact be made with all of his/her current faculty/staff members and academic advisors regarding his/her absence and anticipated return.
- Employees injured on the job in need of medical care should report to NDUS's Designated Medical Provider and complete an incident report within 24 hours. Questions/assistance can be obtained by calling the NDUS Claims Specialist at 701-231-5987 during normal business hours.

**MEDICAL EMERGENCIES**

**For medical emergencies on the NDUS campus please follow these steps:**

- Remain calm and call 911 immediately.
- Send someone outside to escort emergency responders to the appropriate location.
- Do not attempt to move a seriously injured or ill person unless there is a life-threatening situation (for example, a fire).
- In case of seizures, do not restrain the person having the seizure 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 if they are willing to share medical information about the nature of the illness so that it can be passed on to the emergency personnel when they arrive.
- Remain with the person until emergency personnel arrive.
- Utilize any individuals who may have medical first aid training or familiarity with the person's condition (roommate, friend, etc.).
- Faculty should use their discretion regarding continuation or cancellation of class. Factors to be considered may include: severity of the incident, mental/ emotional impact on classmates or instructors, time remaining in the class period, or special circumstances regarding the class.
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**FACULTY AND STAFF**

- Do not use the phone except for emergencies.
- **WINTER SERVICES**

**For people coming to NDUS 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 streets are plowed or sanded as required. Once you become accustomed to driving on streets that are periodically compacted 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° - 40° F range in midwinter. Vehicles should be winterized so they will start properly under these potentially extreme conditions. Gas tanks should be kept 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. 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.
  - Inside the state of North Dakota call 511
  - Inside the state of South Dakota call 511
  - Minnesota call 800-542-2220
  - Do not travel if blizzard conditions are expected.
  - Do not pass snow plows working on highways. They can cause whitenouts 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.

- **Prepare for bad weather**

- **A basic active shooter awareness video has been produced by the University Police Department and can be viewed by anyone at www.ndsu.edu/police_safety/universitypolice/active_shooter_awareness.**

- **NSDU students, faculty and staff can receive further online active shooter training at www.ndsu.edu/police_safety/universitypolice/active_ shooter_awareness. You will need to click on the link titled "Active Shooter Training for NDUS Faculty, Staff and Students."**

- You will be directed to a log in page for the training site for the North Dakota University System. Log in with your NDUS credentials (same username and password you would use for Campus Connection or PeopleSoft HRMS Self-Service) and you will then be able to access the training video. This training is only available to NDUS faculty, staff and students.

- **BOMB THREATS**

  All bomb threats are to be taken seriously. To provide for the safety of the faculty, staff, students and the general public, bomb threats must be considered real until proven otherwise. In most cases, bomb threats are meant to disrupt normal activities. With that in mind, a building evacuation is not a decision for just anyone to make, but should be made by the proper authorities. If you receive a threatening telephone call, please do the following whether the bomb threat appears real or not:

  - Remain calm.
  - Immediately report the incident to Bismarck Police 701-223-1212.
  - Follow the Bismarck Police instructions, including evacuation of the building if necessary. Alert others to evacuate the area (including building evacuation plans).
  - Do not search for the bomb (unless instructed to do so by Police).
  - If a suspicious object or potential bomb is discovered, do not handle the object. Evacuate the immediate area and call 911. Be sure to include the location and appearance of the object when reporting.
  - Do not re-enter the building until instructed to do so by appropriate personnel.

- **SUSPICIOUS MAIL OR PACKAGES**

  If you receive a suspicious package or piece of mail, following these recommended steps can minimize problems:

  - Call 911.
  - Give the dispatcher a description and location of the package.
This brochure is available in other formats upon request.

NDSU does not discriminate in its programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, participation in lawful off-campus activity, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, or veteran status, as applicable. Direct inquiries to: Vice Provost, Title IX/ADA Coordinator, Old Main 201, 701-231-7708, ndsu.eoaa@ndsu.edu.