

2024-25 ANNUAL SECURITY REPORT

PERSONAL SAFETY + SECURITY

NDSU NURSING AT SANFORD HEALTH



FOR ANY EMERGENCY
REQUIRING IMMEDIATE
POLICE, AMBULANCE
OR FIRE DEPARTMENT
SERVICE—**DIAL 911.**

NDSU NORTH DAKOTA
STATE UNIVERSITY

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TO NDSU STUDENTS, FACULTY, STAFF AND GUESTS



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

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

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

A handwritten signature in black ink that reads "D. Cook".

Dr. David Cook
NDSU President

ALCOHOL + DRUGS POLICY

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

The ND State Board of Higher Education (SBHE Policy 918) prohibits the possession, sale, service, 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.ndsu.edu/board/policies, policy number 918 "Alcoholic Beverages."

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

The university recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and there are assistance programs available to help individuals experiencing problems. When 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 701-202-6933 or on pager 0639. The security office number is 701-323-2980. 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, seven days per week. Security can be reached by phone at 701-214-9269.

Sanford Bismarck Medical Center property is private property. Security guards maintain building security by routinely checking that doors are locked and no unauthorized persons are in building or on the grounds. Security guards have the authority to ask unauthorized persons to leave the premises. If such persons are uncooperative, the Bismarck Police are called.

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 to the Director of Student Services in timely manner by calling 701-224-3800, or to the Bismarck Police at 701-223-1212. Crimes should be reported if the victim elects to, or is unable to make such a report, such as the victim is unconscious or otherwise incapacitated. All crime victims and witnesses are strongly encouraged to immediately report the crime. Prompt reporting will assure timely warning notices on-campus if warranted and timely disclosure of crime statistics. Victims of sexual misconduct or people who wish to report sexual misconduct may contact Laura Oster-Aaland, Title IX/ADA Coordinator, at 701-231-7708 or ndsuoaaa@ndsuo.edu. Please note that confidentiality cannot be guaranteed. For a list of confidential resources, please refer to the Confidential Reporting section below.

In response to an incident, Student Services will take the required action, either by handling the incident institutionally, or by calling the Bismarck Police Department to file an incident report. Off-campus crimes in Bismarck should be reported to the Bismarck Police Department at 701-223-1212. In emergency situations, law enforcement agencies can be reached by dialing 911.

CONFIDENTIAL REPORTING

NDSU encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Due to North Dakota open records laws, reports made to police cannot be guaranteed to be kept confidential. Confidential reports for the purposes of inclusion in the annual disclosure of crime statistics can generally be made to other NDSU campus security authorities. Confidential reports without any individually identifying information are included in the university's annual crime statistics. Confidential access to resources, reporting options, services, and advocacy is available on campus through:

NDSU COUNSELING CENTER | 701-231-7671
(available by phone 24 hours a day)
Ceres Hall 212

STUDENT HEALTH SERVICE | 701-231-7331
Wallman Wellness Center 102

**SEXUAL ASSAULT PREVENTION AND ADVOCACY
COORDINATOR (SAPA) | 701-231-5733**
Wallman Wellness Center 114

OMBUDSPERSON | 701-231-5114
Library 20C

RELATIONSHIP WITH LOCAL LAW ENFORCEMENT

At the Bismarck nursing program site, security is maintained through the individual's awareness to crime prevention in conjunction with the Bismarck Police Department 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 is a single, two-story, 32,660-square-foot building located on Sanford Health property. Upon admission to the nursing program, students are given associate-parking privileges through Sanford Bismarck Medical Center and are allowed to park in the hospital lots north of the nursing building when they have early morning clinical assignments. The building is open from 8 a.m. to 4:30 p.m. Monday through Friday. The Library, which has a separate outside entrance/exit, is open 8 a.m. to 5 p.m. Monday through Friday. All doors to the college and North Building (former Residence Hall) area have badge ID access locks and are controlled by computer from the Sanford Bismarck Medical Center Security Department. The Library exit is locked at the close of Library hours by the staff. Staff and students may access the building at any time with the use of their ID badge. The building is monitored by security cameras at the doors and in the hallways. After hours, security guards employed by Sanford Bismarck Medical Center maintain the integrity of the security of the building.

Requests for access to the nursing building for other purposes are made to the Bismarck Nursing Department Chair who controls scheduling of classrooms. The Chair must approve the use of facilities for purposes outside the normal business/academic activities of the nursing program. Students are warned not to prop open doors for any reason and not to let strangers or unauthorized

persons into the building. Students are also asked to report to the security guards, or Office of Student Services if they observe something that appears to be unsafe or not secure.

SECURITY AND ACCESS IN UNIVERSITY HOUSING

There is no university housing located at NDSU Nursing at Sanford Health in Bismarck.

MISSING STUDENT NOTIFICATION

There is no Missing Student Notification policy at NDSU Nursing at Sanford Health as there is no university housing at this campus.

MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained by Sanford Bismarck Medical Center. Issues with the building, landscaping, parking lots and sidewalks should be reported to Sanford Security 701-214-9269 or the Office of Student Services 701-224-3800.

SAFETY EDUCATION

NDSU is committed to providing a reasonably safe and secure campus environment in conjunction with individuals exercising reasonable safety and security practices. Educational programs and procedures are utilized at NDSU to support individuals in this effort. These programs encourage students and employees to be responsible for their own security and the security of others.

CAMPUS EMERGENCY NOTIFICATION SYSTEMS (CENS) FOR TIMELY WARNING AND IMMEDIATE NOTIFICATIONS

NDSU utilizes a number of redundant emergency notification systems that comprise NDSU CENS. These methods of communication include the *NDSU-CAMPUS-ALERT@LISTSERV* for official email notification to all current students and employees, communications sent through the Assurance NM system to registered cellphone and/or landline phones, and website homepage messages.

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

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

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

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

Reports are considered on a case-by-case basis, and, depending on the facts of each case and information reported, a Timely Warning may be issued. Timely Warnings issued under this procedure will be handled using 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 CENS 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 descriptions. Information promoting safety that may 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 CENS utilizing the *NDSU-CAMPUS-ALERT@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, with 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 UP&SO ERT.

Upon confirmation of an emergency or dangerous situation requiring an Immediate Notification, the director, University Police and Safety Office, or designated department command authority will, without delay, and taking into account the safety of the campus, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency or dangerous situation.

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

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

Immediate Notification also may be sent to only a segment of campus, or by some of the NDSU CENS systems, if in the professional judgment of responsible authorities these actions will provide for safety and security 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 some of the NDSU CENS in these situations. If an event occurring on the NDSU campus may impact the community surrounding the campus NDSU officials will work with local law enforcement and media to notify the larger community when deemed appropriate.

As part of the NDSU CMRP 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. In certain circumstances, such as inclement weather, the clearance date/time may be included as part of the initial message.

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 NDUS 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 phone number must be populated in either the home, personal cellular or work cellular field. All numbers populated in any of those three fields will be called in the CENS process.



Students, including student employees needing to update their emergency contact information can 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 at 701-233-1212 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 university 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.

INDIVIDUAL RESPONSIBILITIES

In addition, every member of the NDSU campus community also has a role and responsibility in prevention, protection, mitigation, response, and recovery components of an inclusive emergency management plan. All students, staff, and faculty are expected to be familiar with emergency procedures required by campus or department policies.

STUDENTS

GENERAL RESPONSIBILITIES:

Students are responsible for being situationally aware of their surroundings and familiar with building evacuation routes, exits, and the nearest faculty, staff, and/or residence hall personnel. In the event of an emergency, they are responsible for watching and/or listening for and following directions provided by the emergency responders and/or university staff and providing any information that may be useful in dealing with an incident.

If students have functional needs that can prevent them from safely responding to a hazard, it is their responsibility to identify themselves prior to an emergency to the NDSU Disability Services as an individual who will require additional assistance during an emergency. Students with functional needs are also encouraged to inform faculty and/or classmates of their needs to ensure they have the support necessary during an emergency.

STUDENT ROLES IN AN EMERGENCY:

Students involved in an emergency should assess a situation quickly and thoroughly, and use their best judgment when determining how to respond. If directly involved in an incident, students should contact the University Police and Safety Office as soon as possible, show officers or other emergency responders where the incident occurred, and provide an requested information. If an evacuation of a campus building or area is necessary, students should evacuate the

building in an orderly fashion and follow directions from emergency responders, department safety coordinators, faculty and staff.

FACULTY/STAFF

GENERAL RESPONSIBILITIES:

University faculty and staff are considered leaders and must be prepared to provide leadership in emergency situations. Faculty and staff should understand department emergency and building evacuation procedures in areas where they work and teach. Faculty and staff may be the first at the scene of an incident and are responsible for following standard response procedures and contacting the appropriate individuals.

FACULTY/STAFF ROLES IN AN EMERGENCY:

Faculty and staff involved in an emergency should assess a situation quickly and thoroughly, and use their best judgment when determining how to respond. Faculty and staff should follow campus and department emergency procedures to report emergencies as required. If evacuation of a campus building or area is necessary, faculty and staff are expected to exercise authority and provide assistance as needed to facilitate the evacuation.

Faculty and staff must be aware of anyone who may need additional assistance during an emergency, and should assist the individual if they can safely do so. If they cannot safely assist the individual with functional needs, then they must inform first responders of the situation in a timely manner.

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 an assembly location comprised of an open space, with easy access from your building and/or capable of holding all of your department's occupants safely.
- Emergency assembly points should be at least 50 feet from the building.

- Avoid assembly locations where emergency personnel will respond, 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/animals inside if practical.
- Close and lock all exterior doors and windows. Close vents, fireplace dampers, and as many interior doors as possible.
- Turn off air conditioners and ventilation systems to 100 percent recirculation so that no outside air is drawn into the building. If this is not possible, ventilation systems should be turned off (including heating 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.
 - Turn off ventilation system.
 - Tune in the radio for emergency information.

There may be times when there has been no notice but you still need to take action. Take immediate action if you:

- Hear a strange sound like an explosion.
- See a vapor cloud.
- Smell a strange odor.
- Feel nauseous or have burning eyes.

FIRE SAFETY:

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. Non-ambulatory individuals needing assistance with evacuation should wait for professional 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.
- Remain at the designated assembly point until someone takes roll call and further instructions are provided by emergency personnel. Do not leave the area.

STEPS TO FOLLOW IF YOU ARE CAUGHT IN A FIRE:

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

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

North Dakota State University does not discriminate on the basis of sex in its educational programs and sexual harassment, and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, North Dakota State University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and 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. In this context, North Dakota State University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of North Dakota State University's policy governing sexual and gender-based harassment and sexual misconduct, visit www.ndsu.edu/fileadmin/policy/162.pdf.

A. EDUCATION AND PREVENTION PROGRAMS

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

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

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

- Identifies domestic violence, dating violence, sexual assault, and stalking as prohibited conduct;
- Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of North Dakota and the definition of consent found in NDSU Policy 162.
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University has developed an annual educational campaign consisting of presentations and distribution of educational materials to new students, including We Take a Stand training. NDSU also offers online VAWA training for all new employees and online and in person Equal Opportunity/Title IX training.

B. PROCEDURES FOR REPORTING A COMPLAINT

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file 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 an accused party, such as, academic, transportation and working 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 at Sanford or St Alexius Hospitals where they offer physical evidence recovery collection and have sexual assault nurse examiners. In North Dakota, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/ or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, 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 sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating 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 strongly encourages all members of its community to report 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 in person at 700 S 9 St. Additional information about the Bismarck Police Department may be found online at www.bismarcknd.gov/police.

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/equity/filing_a_report_or_complaint/](https://www.ndsu.edu/equity/filing_a_report_or_complaint/) or by contacting the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, ndsu.eoaa@ndsu.edu. 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 Dean of Students Office, Old Main 100, NDSU Main Campus, 701-231-7701. Complaints filed against a student or student organization will be resolved in coordination with the Dean of Students Office. If a complaint against a student or student organization will be resolved through formal resolution, a hearing, and any appeal, will be administered by the Dean of Students Office, in coordination with the Equity Office, under the procedures found in Policy 601: Rights and Responsibilities of Community: A Code of Student Conduct.

All students, employees, and third parties may also report incidents of sexual misconduct to law enforcement, including on-campus and local police. Reporting parties who choose to notify law enforcement will be provided the assistance of the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office in contacting these authorities if the individual wishes. Reporting Parties may also decline to notify law enforcement of incidents of sexual misconduct.

Reports of sexual misconduct made to University Police will automatically be reported to the Title IX Coordinator regardless of whether the individual who experienced the sexual misconduct chooses to pursue criminal charges.

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 employees include physicians, psychologists, nurses, counselors, and those performing services under their supervision. These individuals are encouraged to provide students or employees with information and guidance regarding university reporting options and available resources but will not report or otherwise refer instances of sexual harassment/misconduct to university administrators without the student or employee's express permission. This does not preclude these individuals from their reporting responsibilities under the Clery Act.

Anonymous reporting - NDSU students and employees may report incidents of sexual harassment, gender-based harassment, or sexual misconduct anonymously. NDSU may be limited in its ability to respond to a report if it is submitted anonymously. Additionally, in very limited circumstances, NDSU may need to take action to learn the identity of an individual who submitted an anonymous report. For more information, see www.ndsu.edu/equity/filing_a_report_or_complaint/.

NOTICE OF MANDATORY REPORTING RESPONSIBILITIES

It is the responsibility of the entire university community to foster a safe, healthy, and non-discriminatory learning, living, and working environment that is free from sex discrimination of any kind. NDSU employees have specific responsibilities when they observe discrimination or receive a report of discrimination. NDSU employees must not dissuade an individual (or group) from providing them with a report of discrimination but should inform the individual (or group) of their mandatory reporting responsibilities as described below.

- Observance of sexual misconduct – All NDSU employees who observe any form of sexual misconduct must notify the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office.
- Report of sexual misconduct – All NDSU employees who receive a report of sexual misconduct involving a student must contact the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. NDSU supervisors, managers, department heads, deans, directors, or administrators who receive a report of discrimination involving employees must document the report and contact the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office.

To comply, NDSU employees must within three business days notify the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. Employees are encouraged to complete and submit an NDSU Sexual Misconduct Report Form (Report Form) to the Title IX Coordinator or the Equal Opportunity and Title IX Compliance Office. The Report Form is available online at [ndsu.edu/equity/filing_a_report_or_complaint/](https://www.ndsu.edu/equity/filing_a_report_or_complaint/) or by contacting the Equal Opportunity and Title IX Compliance Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, ndsu.eoaa@ndsu.edu. The Equal Opportunity and Title IX Compliance Office can assist with completing the Report Form as needed. The Equal Opportunity and Title IX Compliance Office is the official university record holder for documentation under this policy.

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

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with law enforcement to preserve evidence in the event that the victim changes his/her mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, below are the procedures that the University will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

C. ASSISTANCE FOR VICTIMS: RIGHTS AND OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, dating violence, domestic violence, and stalking and will provide each victim with a written explanation of their rights and options.

UNIVERSITY PROCEDURES BY INCIDENT

SEXUAL ASSAULT	STALKING	DATING VIOLENCE	DOMESTIC VIOLENCE
<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests AND complainant will be provided with contact information for local police department 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will provide complainant with referrals to on and off campus mental health providers 6. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" order between both parties 7. Institution will provide a "No Trespass" order to accused party if deemed appropriate 8. Institution will provide written instructions on how to apply for a Protective Order 9. Institution will provide a written copy of the Sexual Assault and Gender-based Harassment and Sexual Misconduct guide as well as NDSU policies 162 (Sexual and Gender-based Harassment, and Sexual Misconduct) and 156 (Discrimination, Harassment, and Retaliation Complaint Procedures) to complainant and inform the complainant regarding time frames for inquiry, investigation and resolution 10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is 11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation 	<ol style="list-style-type: none"> 1. Institution will assess immediate safety and well-being needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant will be provided with contact information for local police department 3. Institution will provide written instructions on how to apply for a Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" order between both parties 6. Institution will provide a "No Trespass" order to accused party if deemed appropriate 7. 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Institution will assist complainant with contacting local police if complainant requests AND complainant will be provided with contact information for local police department 3. Institution will provide written instructions on how to apply for a Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" order between both parties 6. Institution will provide a "No Trespass" order to accused party if deemed appropriate 7. 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Institution will assist complainant with contacting local police if complainant requests AND complainant will be provided with contact information for local police department 3. Institution will provide written instructions on how to apply for a Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" order between both parties 6. Institution will provide a "No Trespass" order to accused party if deemed appropriate 7. 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EVIDENTIARY STANDARD			
Sexual assault cases are referred to the Title IX Coordinator. Adjudication processes use the preponderance of the evidence standard.	Stalking cases are referred to the Title IX Coordinator. Adjudication processes use the preponderance of the evidence standard.	Dating violence cases are referred to the Title IX Coordinator. Adjudication processes use the preponderance of the evidence standard.	Domestic violence cases are referred to the Title IX Coordinator. Adjudication processes use the preponderance of the evidence standard.

INTERIM MEASURES

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

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

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

Interim measures can be implemented regardless of whether or not the reporting party pursues formal university or criminal action.

North Dakota State University complies with North Dakota law in recognizing valid protection orders issued not only by the state of North Dakota, but those of any other state in the United States, the District of Columbia, Puerto Rico, the US Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. This also includes an Indian tribe or band that has jurisdiction to issue protection orders. Any person who obtains a protection order from any of these entities should provide a copy to the Office of Student Services 701-224-3800. A complainant may then meet with the Director of Student Services to develop a Safety Action Plan, which is a plan for NDSU and the victim to reduce risk of harm while on campus or coming and going from campus. The plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, or allowing a student to complete assignments from home, etc.

The University cannot apply for a legal restraining order for a victim. The Abused Adult Resource Center operates a 24-hour crisis line and offers emergency housing, and advocacy and assistance with legal, medical, social service, and other systems. They can assist victims of abuse file the necessary paperwork with the District Court to obtain Domestic Violence Protection and Disorderly Conduct Restraining Orders. The hotline number is 866-341-7009, or they can also be reached by phone

at 701-222-8370. For more information you can visit their website at www.abusedadultresourcecenter.com/index.htm. However, you may choose to get an attorney or seek an order by yourself. This is always your right. If you choose to seek the order yourself you will need to visit the Clerk of Court Office at South Central District Court. They are located at 514 E Thayer Ave in Bismarck, and their phone number is 701-222-6709. Forms for Domestic Violence Protection Orders and Disorderly Conduct Restraining orders can be found at ndcourts.gov/legal-self-help. To see if you qualify for low/no cost legal assistance you can call Legal Services of ND at 800-634-5263 Monday, Tuesday, or Thursday 9 a.m. - 3 p.m.

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. Upon the victim's request and to the extent of the victim's cooperation and consent, university offices will work cooperatively to assist the victim with their health, physical safety, work and academic status, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic or transportation situations regardless of whether or not the victim chooses to report the crime to local law enforcement. NDSU Nursing at Sanford Health is a small school with only one section in most classes. Due to this, changes to academic schedules may not be possible, but available options include audio or videotaped lectures, class notes and a separate room for testing. Possible changes in transportation may include having the student park in a different location, assisting the student with a safety escort, etc.

Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 USC 13925 (a) (20))). Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log, Timely Warnings, or online. Victims may request that directory information on file be removed from public sources by request to the Office of Registration and Records 110 Ceres Hall, 701-231-8959.

TYPES OF ORDERS IN THE STATE OF NORTH DAKOTA

TYPE OF ORDER	WHO CAN FILE FOR ONE	COURT	BASED ON
Domestic Violence Protection Order May be issued for one month, one year, or indefinitely	Family or household members including: -Spouse or former spouse -Parent -Child -Other family member -Person related by blood or marriage -A person you are dating -A person who is living with you or has lived with you before -Your child's other parent, even if you were never married or lived together -Any other person with a "sufficient relationship" to the abusing person as determined by the court.	The ND District Court where the victim lives, where the abuser lives or where the incident(s) occurred. In Bismarck, that is South Central District Court located in the Burleigh County Courthouse at 514 E Thayer Ave. A list of all ND District Courts can be found at ndcourts.gov/courts-locations .	Actual or imminent domestic violence. This includes physical harm, bodily injury, sexual activity compelled by physical force, assault or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by force or assault, not committed in self-defense, on the complaining family or household members.
Disorderly Conduct Restraining Order May be issued up to 2 years.	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.	The ND District Court where the victim lives, where the accused lives or where the incident(s) occurred. In Bismarck, that is South Central District Court located in the Burleigh County Courthouse at 514 E Thayer Ave. A list of all ND District Courts can be found at ndcourts.gov/courts-locations .	The order offers protection for someone who is the victim of disorderly conduct, which is defined as intrusive or unwanted acts, words or gestures that are intended to adversely affect the safety, security or privacy of another person. Disorderly conduct does not include constitutionally protected activity.
Order Prohibiting Contact May be issued up to 1 year	The victim of a crime of violence or threat of violence, stalking, harassment, or a sex offense, if an individual who is charged with or arrested for the crime is released from custody before arraignment or trial.	The court authorizing the release of the individual may 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.	Court discretion.
Sexual Assault Restraining Order May be issued up to 2 years	Any adult (18 years or older) who is a victim of sexual assault; or the parent, step-parent, or guardian of a minor child (under 18 years of age) who the parent, step-parent, or guardian reasonably believes is a victim of sexual assault.	The ND District Court where the victim lives, where the accused lives or where the incident(s) occurred. In Bismarck, that is South Central District Court located in the Burleigh County Courthouse at 514 E Thayer Ave. A list of all ND District Courts can be found at ndcourts.gov/courts-locations .	The Judge or Judicial Referee reviews the petition to determine if the information included is enough to find there are reasonable grounds to believe the sexual assault was committed by the Respondent.

RESOURCES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

ON CAMPUS		
Counseling Center	Ceres Hall 212	701-231-7671
Student Health Service	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 megan.talcott@ndsu.edu , or phone.	701-231-5733
Title IX Coordinator	There is no Title IX Coordinator at the Bismarck Campus, but the Fargo Campus Coordinator can be reached by email ndsu.eoaa@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 at ndsu.international@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	701-530-7000
Abused Adult Resource Center	218 W Broadway Ave	701-222-8370 or 866-341-7009
Legal Services of North Dakota (for ND residents)	418 E Broadway Ave Suite 25	701-258-4270 or 800-634-5263
Burleigh County State's Attorney's Office	514 E Thayer Ave	701-222-6672
West Central Human Service Center	1237 W Divide Ave	701-328-8888

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking include:
www.rainn.org – Rape, Abuse and Incest National Network
www.justice.gov/ovw/sexual-assault - Department of Justice

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 (Ceres Hall 212, 701-231-7671), the Student Health Service (Wallman Wellness Center, NDSU Main Campus, 701-231-7331), and the Sexual Assault Prevention and Advocacy Coordinator (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, 701-231-5114).

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."¹ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence. We may not always know what to do even if we want to help. These are sometimes called barriers. We all have barriers that can make it harder to step in and help. Barriers could include being shy, being unsure of the situation, not liking conflict, fear that people will judge you, or not feeling confident intervening. When we encounter barriers to intervention it is important to remember we also have options that can help us get around those barriers. Some options include directly addressing the situation, or delegating to someone you trust to address concerning behaviors. Below is a list² 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 behavior, the person who is the target of the behavior, or both.
- Confront people who seclude, 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.
- 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.

¹Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

²Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

RISK REDUCTION

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

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab 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.
- When 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, 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 you are comfortable with.
- 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 if the complainant chooses to pursue criminal charges. As provided in Policy 162, NDSU is committed to providing a safe, healthy, and nondiscriminatory learning, living, and working environment for all members of its university community that is free from sex discrimination of any kind. Specifically, NDSU is committed to:

- Defining conduct that constitutes 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, 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 NDUS Policy 520, NDUS Policy 520 shall prevail. Similarly, any conflict between NDUS Policy 520 and any existing NDSU or NDUS policy or procedure shall be resolved in favor of NDUS Policy 520.

DEFINITIONS

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

Actual Knowledge Notice of sexual harassment or allegations of sexual harassment to NDSU's Title IX Coordinators, Chairs, Heads, Deans, Directors, or any NDSU official with authority to institute corrective measures on the behalf of NDSU.

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 considering the length of the relationship, the type of 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 with whom the Complainant shares a child in common;
- cohabiting with or has cohabited with the Complainant as a spouse or intimate partner;
- similarly situated to a spouse of the Complainant; or
- any person against whom acts the Complainant is protected by N.D.C.C. ch. 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.

Rape 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, without the consent of the Complainant.

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 NDSU conditioning the provision of an aid, benefit, or service of NDSU 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 NDSU'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 NDSU 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 received by NDSU, NDSU must provide the following written notice to the known Parties:

- Notice of the grievance process, including any informal resolution process as delineated in Policy 156, Section 7;
- Notice of the allegations of sexual harassment, including:
 - Sufficient details known at the time and with enough time to prepare a response, including, but not limited to, the names of the Parties, the conduct allegedly constituting sexual harassment, as defined by Title IX, and the date and location of the alleged conduct.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the Parties may have an Advisor of their choice, who may be an attorney, and may inspect and review evidence. At the onset of the complaint resolution, an Advisor will be offered to each Party. The statement should also indicate that if the Party does not have an Advisor of choice, NDSU will appoint an Advisor to assist with cross-examination for the live hearing.

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

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

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

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

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

NDSU is not required to provide attorneys to Parties to act as Advisors, but appointed Advisors should be provided with access to appropriate training to ensure an understanding 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 endeavor to seek parity of Advisors where NDSU provides Advisors to all Parties.

Investigation

- NDSU is required to investigate every filed formal complaint unless the complaint is subject to dismissal, as outlined in Section D.
- At all times, the burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on NDSU, and NDSU may not seek to shift that burden to the Parties.
 - Notwithstanding, NDSU may not restrict the Parties' ability to discuss the allegations or to gather or present relevant evidence.
- At all times, NDSU shall observe a presumption that the Respondent is not responsible for the alleged conduct until and unless there is a determination of responsibility at the conclusion of the grievance process. Investigators will avoid prejudgment of the facts presented by the Parties.
- NDSU may not access, consider, disclose, or otherwise use a Party's medical records made or maintained in connection with the provision of treatment to the Party, unless voluntary, written consent to do so is provided by the Party (or the Party's parent, if the Party is not eligible to provide consent).
- NDSU may not require, allow, rely upon, or otherwise use evidence that constitutes, or questions that seek disclosure of, information protected under a legally recognized privilege, unless that privilege is waived.
- NDSU must provide to the Parties written notice of the date, time, location, participation, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare. Dates and times of other interviews not involving the Party will not be provided beforehand.
- The Parties must be afforded an equal opportunity to have others present during any grievance proceeding. This includes up to two Advisors, one who conducts the cross examination, and one who

provides support. NDSU may establish restrictions regarding the extent to which the Advisors may participate in the proceedings, so long as the restrictions apply equally to all Parties and comply with this policy.

- All Parties must have an equal opportunity to inspect and review any evidence obtained as part of the investigation related to the allegations raised in a formal complaint, including any evidence upon which NDSU does not intend to rely in reaching a determination of responsibility and any inculpatory or exculpatory evidence, from whatever source.
- At least 10 calendar days prior to the preparation of the Preliminary Investigative Report, NDSU must provide each Party and the Party's Advisor the evidence obtained in the investigation in an electronic format or hard copy. The Parties may submit a written response to the evidence, which the Investigator shall consider prior to completion of the Preliminary Investigative Report.
- At the conclusion of the investigation, the Investigator must create a Preliminary Investigative Report that summarizes the relevant evidence in an adequate, impartial, and reliable manner. At least 10 calendar days prior to the hearing, the Investigator must send a copy of the Preliminary Investigative Report to each Party and the Party's Advisor, if any, for review and written response.

Dismissal of the Complaint under Title IX

Mandatory Dismissal

- NDSU must dismiss the Formal Complaint if, at any time during the investigation or hearing:
 - The alleged conduct would not constitute sexual harassment or sexual violence as defined in these procedures;
 - The alleged conduct did not occur in an Educational Program or Activity; or
 - The conduct alleged did not occur against a person in the United States.
- If the formal complaint is subject to mandatory dismissal, NDSU may act under another policy, including but not limited to Policy 100: Equal Opportunity and Non-Discrimination, without that action constituting retaliation under this Policy. The procedures would then follow Policy 156: Discrimination, Harassment, and 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 Complainant notifies the Title IX Coordinator, 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 the other Party, where the allegations of sexual harassment or sexual violence arise out of the same facts or circumstances.

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

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

- Decision-maker for student Respondents
 - In cases involving a student Respondent, the decision-maker will be the Assistant Dean of Students or the Dean of Students. In the event a conflict of interest precludes the participation of the Asst. Dean of Students or the Dean of Students, NDSU shall assign a properly trained individual to serve in the role of decision-maker.
- Decision-maker for non-student employees
 - In cases involving a non-student employee, the decision-maker will be a three-person panel of non-student employees. The three-person panel will be chosen out of the pool of trained individuals. These individuals will consist of full-time faculty and staff
- Notwithstanding the foregoing, if the need arises, NDSU reserves the right to contract or utilize the services of a properly trained third party to perform the role decision-maker. The need for such a third-party shall be in the sole discretion of NDSU.

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

At the live hearing, the decision-maker must permit each Party's Advisor to ask the other Party and any witnesses all relevant questions 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 by the Party's Advisor and never by a Party personally.

- Prior to a Party or witness answering a question, the decision-maker must rule on the relevance of the question and explain any decision to exclude a question as not relevant.
- Decision-makers may request, but may not require, that questions by the Parties be submitted in advance, to permit the decision-maker to rule on the relevance of 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. Decision-makers may not draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence or refusal to answer cross-examination or other questions. There are no exceptions to this exclusion as there are in legal proceedings.

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

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

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

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

- Identification of the allegations potentially constituting sexual harassment 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;
- Conclusions regarding the application of any other institution's policy;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies will be provided to the Complainant; and;
- The procedures, timelines, and permissible bases for the Complainant and Respondent to appeal.

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

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

DISCIPLINARY SANCTIONS

Disciplinary sanctions imposed after the conclusion of the grievance process shall be assessed pursuant to Policy 151: Code of Conduct; Policy 601: Code of Student Conduct, or any similar documents which set possible disciplinary sanctions for violations of Title IX and shall be proportional to the determination of responsibility.

Remedies Remedies offered after the conclusion of the grievance process on a finding of responsibility must be designed to restore or preserve equal access to the educational program or activity.

Remedies may be disciplinary or punitive and may create a burden for the Respondent.

APPEALS

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

- Procedural irregularity that affected the outcome of the grievance process;
 - New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter;
- or
- The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent, that affected the outcome of the grievance process.
 - Other basis set forth in the campus-level processes, but which must be offered equally to all Parties (for example, an appeal based on the severity of the sanctions).

Upon filing of an appeal, NDSU must:

- Notify the non-appealing Party in writing when an appeal is filed and implement appeal procedures equally for all Parties.
- Ensure that the appeal's decision-maker is not: the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the Investigator, or the Title IX Coordinator.
- Give all Parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- Issue a written decision describing the result of the appeal and the rationale for the result; and
- Provide the written decision simultaneously to all Parties.

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

TRAINING

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

- The definition of sexual harassment;
- The scope of the educational program or activity;
- How to conduct an investigation and understanding of the grievance process, including hearings, appeals, and informal resolution processes, as applicable;
- How to serve impartially, including by avoiding prejudgment of the facts at issue; conflicts of interest, and bias.

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

- Any technology to be used at a live hearing; and
- Issues of relevance or questions and evidence, including when questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant;

Investigators must also be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

All materials used to train the foregoing individuals must not rely

on sex stereotypes and must promote impartial investigations and adjudications of formal complaints. All training materials used to train the foregoing individuals must be made available to the public by posting on NDSU's website.

RECORDKEEPING

NDSU shall retain, for a period of seven years, records of:

- Each sexual harassment investigation, including any determination regarding responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;

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

CONFIDENTIALITY Notwithstanding Chapter 44-04 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.

RETALIATION

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

Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual

harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation.

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 Laura Oster-Aaland, Title IX Coordinator, at 701-231-7708 or ndsueoaa@ndsuh.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 re-victimizing the recipient of the behavior by forcing them into any plan of action. NDSU will make every attempt to safeguard the privacy of the reporting party and/or recipient of the behavior; however, it is important that reporting parties recognize that NDSU cannot ensure confidentiality in all cases. NDSU must weigh the request for confidentiality against its obligation to protect the safety and security of the entire campus. Depending on the circumstances of the offense (the severity of the offense, the number of victims involved, etc.), NDSU may be required to respond to an incident, even if confidentiality has been requested. Therefore, NDSU employees cannot guarantee absolute confidentiality. Individuals desiring confidentiality should be encouraged to contact one of the following:

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

STUDENT HEALTH SERVICE | 701-231-7331

OMBUDSPERSON | 701-231-5114

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.

This process is designed to:

- Provide for the education of students;
- Promote the health, safety, and well-being of University community members;
- Provide for fair inquiries concerning alleged violations of University policies;
- Determine whether or not any individual student has violated a University policy;
- Allow for consideration of extenuating or mitigating factors when a violation has been found to exist;
- Determine a resolution; and
- Assist the student in reflecting upon and growing from their personal experiences.

A detailed description of these steps is provided below. Cases related to discrimination, harassment, retaliation, and sexual misconduct may require some modification of the resolution process, as approved by the NDSU Title IX Coordinator. For additional information, see NDSU Policy 156, Discrimination, Harassment, and Retaliation Complaint Procedures.

Reporting Alleged Code Violations

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

Dean of Students Office
Old Main 100
701-231-7701
nds.srr@nds.edu

Student Services
NDSU School of Nursing at Sanford Health 103
701-224-3800
nds.bisnursing@nds.edu

Equal Opportunity and Title IX Compliance Office
Old Main 201
701-231-7708
nds.eoaa@nds.edu

Student Advisor Options

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

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

Any advisor, attorney, or non-attorney advocate who does not respect this provision may be cautioned by the hearing officer and, if they persist, may be asked to leave and the hearing will proceed. In cases that could result in suspension or expulsion, attorneys or non-attorney advocates may fully participate, which means they may make opening and closing statements, examine and cross-examine witnesses present during the hearing, and provide the student with support, guidance, and advice throughout the process. In Title IX cases, regardless of the potential of 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 allegation of Code violation, and may also initiate an investigation at the request of any member of the NDSU community or affected party. Designated, trained University personnel are authorized to investigate alleged violations of the Code.

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

Any individual 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 pursued and in determining findings under the Code.

Interim or Remedial Measures

In the interest of safety and security, upon receipt of notice, interim or remedial measures may be implemented prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include no contact orders, housing/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 NDUS or NDSU Acceptable Use Policies, 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 Institutional Equity 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 authorized 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 an 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 the:

- Student's rights and responsibilities,
- Nature of the complaint and how the Code of Student Conduct may have been violated, and
- 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 that involves the responding student, hearing officer, and any other individual(s) appropriate to the process. The hearing officer is the individual appointed by the University to process an alleged violation of University policy. The hearing officer shall typically be a University employee; however, the University may, at its discretion, retain a non-employee to serve as a hearing officer at the University's expense.

The hearing will be recorded and retained as part of the student's conduct file. The reporting (if applicable) and responding parties may access the recording, including for the preparation of an appeal. Requests for access should be directed to the Dean of Students Office. Following the hearing, all applicable parties will receive a written notice of decision within 10 business days.

Default Proceedings and Unresolved Alleged Code Violations

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

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

Student Organizations in Default

In the event a student organization becomes inactive rather than appearing for a hearing, the default decision will typically be

withdrawal of recognition granted by the Congress of Student Organizations. In addition, officers of the organization at the time of the incident may face conduct proceedings individually and may also be noticed with one or more of the original alleged violations of the Code arising from the alleged misconduct by the organization.

If the organization requests reactivation at a later date, the Dean of Students or designee will assign a hearing officer to meet with the student organization leadership to determine responsibility for the alleged violations, determine or recommend the appropriate sanction, and if that sanction is less than suspension or expulsion, will assess the need for any remedial measures.

Conflicts of Interest

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

Standard of Proof

The standard of proof is a "preponderance of the evidence" Which means the greater weight of the evidence indicates that a violation did occur. A student is found to have violated this Code when:

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

Witnesses/Witness Statements

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

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

Evidence

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

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

Self Incrimination

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

Closed Hearings

All hearings are generally closed except to those who are part of the proceedings. The Vice Provost or designee may permit a limited number of 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 or relevant University policies may appeal. Reporting (if applicable) and responding students are limited to one appeal and that decision is final (see Section 8. Appeal Procedures).

HEARING PROCEDURES FOR SUSPENSION OR EXPULSION CASES

Introduction

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

Honesty Statement

The University expects that all information presented in this hearing will be true and correct to the best of each participant's knowledge. If students willfully provide false information, they will be in violation of NDSU's Code of Student Conduct. As a result, they may also be 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 advisors, 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 relevancy.

Questioning of Witnesses and Parties

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

Closing Statements

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

Notice of Decision

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

SANCTIONS AND CONDITIONS

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

If a student is found not responsible for the alleged Code violation(s), no disciplinary action will be taken against the responding student. If a student is found responsible for one or more alleged Code violations, a sanction may be imposed. Sanctions may not include suspension or expulsion unless the student receives prior written notice that the case was serious enough to warrant suspension or expulsion. The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:

- Written warning,
- Conduct probation,
- Supervised conduct probation,
- Conduct suspension, or
- Conduct expulsion.

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

When certain mitigating circumstances exist, such as an extended period of time between the incident and reenrollment, 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 the parties;
- Type and severity of the offense;
- Impact on the reporting party (if applicable), the educational community, and its members;
- Previous incidents of prohibited conduct committed by the responding student; and
- The ability and/or willingness of the responding student to accept responsibility.

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

Repeated violations of this Code are relevant in determining a student's continued membership in the University community. Progressively more severe sanctions, including suspension or

expulsion from the University, may be assigned, depending on the nature of the violation(s).

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 warning is written notification 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; local, state, and federal laws; and any other conditions that have been assigned in writing. The specific terms of the probation will be determined on a case-by-case basis. Further Code violations may result in additional sanctions, including suspension or expulsion.

• Supervised Conduct Probation

Supervised 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 and local, state, and federal laws. Supervised conduct probation requires meetings with a designated NDSU employee to monitor progress in behavioral, academic, social, vocational, and other areas of the student's life. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth. Further Code violations may result in additional sanctions, including suspension or expulsion.

• Conduct Suspension

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

- A student may not re-enroll at NDSU during the period of conduct suspension.
- The student's eligibility for any refund of tuition/fees will be subject to the University's normal withdrawal policy.
- The notice of conduct suspension will include the conditions for readmission that must be met prior to application for readmission. Students may obtain information regarding reactivation from Registration and Records or online through One Stop. A meeting with a member of the Dean of Students staff may be required prior to acceptance of the student's application for readmission.
- The student's transcript will carry a notation "may not register for nonacademic reasons <effective date range>" without further explanation. Upon completion of the suspension, the notation will be removed by the University.
- A student who has been suspended must vacate residence life facilities within the time frame established in the written notice of the conduct suspension.
- In addition to being ineligible for enrollment, a student is also ineligible for employment with 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. Approval is generally granted only 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.

• **Conduct Expulsion**

Expulsion is written notification that the student is permanently ineligible to return to the University. The expulsion will be recorded on the student's transcript as "may not register for nonacademic reasons" and is a permanent record.

Conduct expulsion is a permanent conduct record, which means it will be retained indefinitely at the discretion of the Vice Provost, but not less than seven (7) years. A student who has been expelled is restricted from the NDSU campus indefinitely. Written requests for exceptions to this restriction may be directed to the Vice Provost or designee; however, approval is generally only granted for the purpose of conducting official University business. Requests for readmission will not be approved.

Conditions Written Assignments

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

Participation in a Specific Activity or Project

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

Loss of Privileges

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

No Contact Order

Students may be prohibited from direct or indirect physical and/or verbal contact with another individual or group. Reasonable restrictions to protect the safety and welfare of others may also be imposed. These include any and all forms of communication, access to University owned or controlled locations, and specified minimum distances.

Restitution

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

Alcohol / Drug Evaluation and/or Testing

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

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

APPEAL PROCEDURES

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

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

Deadline for Appeals

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

Appeal Documentation

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

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

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

Emergency Provisions

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

Review

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

Appeal Advisory Board

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

Decision/Sanction

After reviewing appeal materials, the appeal officer may decide to do one of the following:

- Uphold the decision,
- Remand the case back to the original hearing officer,
- Adjust the sanction, or
- Assign a new hearing officer.

The decision on the appeal will generally be made within 10 business days of receipt of the appeal but may take longer 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 meet to discuss an alleged violation of this Code, or fails to comply with sanctions and conditions assigned as a result of being found responsible for a violation of this Code, a hold may be placed on the student's eligibility to register or the student's current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the University's withdrawal policy.

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

Returning and/or New Students

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

Rehearing Requests for Cases Resulting in Suspension or Expulsion

Any student who is suspended or expelled has the right to request a reconsideration of the case based on new or contradictory evidence that was not available at the time of the original hearing, and/or

evidence that the student was not afforded due process as outlined in this Code. 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 the outcome of any civil or criminal proceeding directly related to the appeal. Student grievance proceedings based on allegations of Title IX violations are governed by NDSU Policy 156.1.

Temporary Emergency Suspension

A student may be temporarily suspended by the Vice Provost, pending a hearing, when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of an individual or property. No hearing will be required before a temporary suspension is imposed; however, one will be convened within five business days following the suspension. In unique circumstances, any alteration to this timeline will be at the discretion of the Vice Provost. If the suspension is upheld, the suspension remains subject to the rules 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 reactivation from Registration and Records or online through One Stop. A meeting with a member of the Student Affairs staff also will 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 reenrollment. Such conditions will be provided to the student in writing at the time of the negotiated withdrawal.

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

Crimes of Violence

The term "crime of violence" means:

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

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

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

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

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

SEX OFFENDER REGISTRATION

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

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

Offenders must register in North Dakota if they have pled guilty to or been convicted of certain criminal offenses. A person must also

CLERY CRIME DEFINITIONS

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

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

- When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury by all persons injured or threatened by the conduct is a defense if:
 - Neither the injury 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 a lawful athletic contest or competitive sport; or
 - The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury, having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.
- Assent does not constitute consent, within the meaning of this section, if:
 - It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
 - It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
 - It is induced by force, duress or deception.

SEXUAL ASSAULT: "Sexual assault" means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act

register if that person has pled guilty or "nolo contendere" to, or been found guilty of, an offense in another court in the United States, a tribal court or court of another country, which is equivalent to those offenses. The registration statute is found in N.D.C.C. §12.1-32-15. When required to register, the offender receives registration forms and instructions from the "originating agency." The originating agency is the agency that informs the offender of the need to register as a "sex offender" or "offender against children."

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

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

DAILY CRIME LOG

NDSU Nursing at Sanford Health Bismarck is not required to maintain a crime log as it only has security personnel employed or contracted by Sanford, from whom NDSU rents the space from. Also local law enforcement may patrol on and near the campus, but there is no written agreement or contract with our institution for these services.

directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

RAPE is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

FONDLING is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

INCEST is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

The state of North Dakota defines the statutory age of consent in North Dakota Century Code 12.1-20-01:

- 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 three years older than the minor.

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

12.1-20-03 GROSS SEXUAL IMPOSITION:

- A person who engages in a sexual act with another, or who causes another to engage in a sexual act, is guilty of an offense if:
 - That person compels the victim to submit by force or by threat of imminent death, serious bodily injury or kidnapping, to be inflicted on any human being;
 - That 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 chapter 19-03.1, or other means with intent to prevent resistance;
 - That person knows or has reasonable cause to believe that the victim is unaware that a sexual act is being committed upon him or her;
 - 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, is guilty of an offense if:
 - The victim is less than 15 years old;
 - That person compels the victim to submit by force or by threat of imminent death, serious bodily injury or kidnapping, to be inflicted on any human being; or
 - That person knows or has reasonable cause to believe that the victim is unaware that sexual contact is being committed on the victim.

12.1-20-03.1. CONTINUOUS SEXUAL ABUSE OF A CHILD:

- An individual in adult court is guilty of an offense if the individual engages in any combination of three or more sexual acts or sexual contacts with a minor under the age of 15 years during a period of three or more months. The offense is a class AA felony if the actor was at least 22 years of age at the time of the offense. Otherwise, the offense is a class A felony. The court may not defer imposition of sentence.
- If more than three sexual acts or contacts are alleged, a jury must unanimously agree that any combination of three or more acts or contacts occurred. The jury does not need to unanimously agree which three acts or contacts occurred.
- No other felony offense under this chapter involving the same victim may be charged in the same proceeding with a charge under this section unless the other charged offense occurred outside the time period charged under this section or the other offense is charged in the alternative. A defendant may be charged with only one count under this section, but a separate count may be charged for each victim if more than one victim is involved.

12.1-20-04. SEXUAL IMPOSITION.

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

- Compels the other person to submit by any threat or coercion that would render a person reasonably incapable of resisting; or
- Engages in a sexual act or sexual contact with another, whether consensual or not, as part of an induction, initiation, ceremony, pledge, hazing or qualification to become a member or an associate of any criminal street gang as defined in section 12.1-06.2-01.

12.1-20-07. SEXUAL ASSAULT.

- A person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:
 - That person knows or has reasonable cause to believe that the contact is offensive to the other person;
 - That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person's conduct;
 - That 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 chapter 19-03.1, or other means for the purpose of preventing resistance;
 - The other person is in official custody or detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over that other person;
 - The other person is a minor, 15 years of age or older, and the actor is the other person's parent, guardian or is otherwise responsible for general supervision of the other person's welfare; or
 - The other person is a minor, 15 years of age or older, and the actor is an adult.

12.1-20-11. INCEST.

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

(14-03-03 Void marriages. The following marriages are incestuous and void:

- Marriage between parents and children, including grandparents and grandchildren of every degree.
- Marriage between brothers and sisters of the half as well as the whole blood.
- Marriage between uncles and nieces of the half as well as the whole blood.
- Marriage between aunts and nephews of the half as well as the whole blood.
- Marriage between first cousins of the half as well as the whole blood.

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

DOMESTIC VIOLENCE: The term "domestic violence" means

- Felony or misdemeanor crimes of violence committed—
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 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 Defines Domestic Violence in North Dakota Century Code 14-07.1-01 as physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members. The code defines family or household member as a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court.

DATING VIOLENCE: The term “dating violence” means violence committed by a person

- Who is or has been in a social relationship of a romantic or intimate nature with the victim and
- The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

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.

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 stalker 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 persons means a reasonable 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 stalk as engaging in an intentional course of conduct directed at a specific person which frightens, intimidates or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person’s

immediate family and must cause a reasonable person to experience fear, intimidation or harassment. The state defines course of conduct as a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity. The state defines immediate family as a spouse, parent, child or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.

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

AGGRAVATED ASSAULT: An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, 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-NEGLIGENT MANSLAUGHTER: The willful (non-negligent) 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 under confrontational circumstances from the control, custody or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

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

For Clery purposes, hate crimes include any offense in the following categories that is motivated by bias:

- | | |
|---|--|
| • Murder and non-negligent manslaughter | • Arson |
| • All sex offenses | • Larceny-theft |
| • Robbery | • Simple assault |
| • Aggravated assault | • Intimidation |
| • Burglary | • Destruction/damage/vandalism of property |
| • Motor vehicle theft | |

WEAPONS LAW 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, or other weapons used in a deadly manner.

DRUG ABUSE VIOLATIONS: Violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

LIQUOR LAW VIOLATIONS: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

NDSU DEFINITIONS

The terms and definitions used here are important components of University policy. The definitions are intended to give meaning to these terms in the context of the University community. Criminal and other applicable state laws may use different definitions. Section 13 provides North Dakota criminal law terms and definitions. For definitions specifically related to Title IX Complaints, please see Policy 156.1: Title IX Grievance Procedures and State Board Higher Education Policy 520.

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

Consent – Mutually 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 sexual activity.
- **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 resistance (including the lack of a “no”) should not – in 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 to go to a private room or location, or going on a date.
- **Voluntary:** Consent must be freely given and cannot be the result of force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure) or fraud (misrepresentation or material omission 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, voluntarily or involuntarily, 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, sleep, or other state in which the person is unaware that sexual activity is occurring. Consent is not effective if it results from: (a) the use of physical violence, (b) threats, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor 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 position should have known whether the other party could or could not consent to the sexual activity.

- **Physical violence** means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
- **Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person’s reputation, or to cause a person academic or economic harm.
- **Intimidation** is an implied threat that menaces or causes reasonable fear in another person. A person’s size, alone, does not constitute intimidation; however, a person’s size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).
- **Coercion** is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.
- **Incapacitation** is a state of being that prevents an individual from having capacity to give consent. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity. A person who is incapacitated is unable, temporarily or permanently, to give consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.

Discrimination Based on Pregnancy or Parental Status –

Excluding persons from, denying them the benefit of, or discriminating against them due to their pregnancy or status as a parent. To ensure a pregnant student’s access to their education, faculty and staff must make modifications that are reasonable and responsive to the student’s temporary pregnancy status. Faculty that have their own policies about class attendance and make-up work must make sure their policies are not discriminatory.

Gender-Based Harassment – Verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person’s ability to participate in or benefit from the University’s education or work programs or activities. For example,

persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this Policy.

Intimate Partner Violence – Any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate Partner Violence is an offense that meets the definition of domestic violence or dating violence:

- Domestic Violence – Abuse or violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common or by a person with whom the Reporting Party is cohabiting (or has cohabited) with a spouse or intimate partner.
- Dating Violence – Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship will be determined based on the Reporting Party's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.
- Intimate Partner Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).
- Physical Assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

Public Indecency – Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to: 1) Exposing one's genitals or private areas; 2) Public urination; 3) Defecation; and/or 4) Public sex acts.

Reporting Party – A person or entity (in the case of the university) who submits a complaint alleging a violation of this policy.

Responding Party – Generally, the Responding Party is the person who is alleged to be responsible for the Prohibited Conduct alleged in a complaint.

Retaliation – Any adverse action taken against a person for making a good faith report of Prohibited Conduct, assisting someone making such a report, or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

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

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

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

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

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

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

- Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Party.
- Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment.

Sex Discrimination – An act that deprives a member of the university community of their rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits, or opportunities with the university on the basis of the person's sex (including pregnancy, sexual orientation, and gender identity/expression) or having a policy or practice that has a disproportionately adverse impact on protected class members.

Sexual Exploitation – Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party, and that behavior does not otherwise fall within the definitions of Sexual Harassment, nonconsensual Sexual Intercourse or nonconsensual Sexual Contact. Sexual Exploitation includes, but is not limited to:

- Recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's consent;
- Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);

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

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

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs 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, limits, or deprives an individual from participating in or benefitting 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, the less need there is to show a repetitive series of incidents to prove a hostile environment. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

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

Stalking – A course of unwelcome conduct directed at a specific person that would cause a reasonable person to fear for their own 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, 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. Reasonable person means a reasonable person under similar circumstances and similarly situated to the Reporting 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 innuendoes, 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.

Offense (Reported by Hierarchy)	Year	On-Campus Property	On-Campus Housing Facilities*	Non-Campus Property	Public Property	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Manslaughter by Negligence	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Rape	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Fondling	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0

Offense (Reported by Hierarchy)	Year	On-Campus Property	On-Campus Housing Facilities*	Non-Campus Property	Public Property	Unfounded Crimes
Incest	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Statutory Rape	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Robbery	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Aggravated Assault	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Burglary	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Motor Vehicle Theft	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Liquor Law Arrests	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Drug Law Arrests	2023	0	N/A	0	1	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Weapons Law Arrests	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Drug Law Violations Referred for Disciplinary Action	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Arson	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	1	N/A	0	0	0
Domestic Violence	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Dating Violence	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Stalking	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
	2019	0	N/A	0	0	0

*On-Campus Housing Facilities crime statistics are a subset of the On Campus category, i.e. they are counted in both categories, but there are no on-campus housing facilities at the Bismarck campus. No Hate Crimes were reported in 2023, 2022, and 2021.

CRIME PREVENTION AND SAFETY TIPS

WHEN DRIVING

- When approaching your vehicle carry your keys so you can enter quickly.
- Lock your doors and keep windows rolled up whenever possible. Always check the rear seat for intruders before entering your vehicle.
- Drive on well-traveled and well-lit streets.
- Never hitchhike and never pick up hitchhikers.
- If someone tries to enter your stopped vehicle, sound the horn and drive away.
- If your vehicle breaks down, raise the hood and wait in your locked car for help.
- Be aware that an accident may be staged to provide the other driver with an opportunity to commit a criminal act.
- Leave enough room between your car and the one ahead so you can drive around it if necessary.

WHEN WALKING OR JOGGING

- Avoid walking or jogging alone, especially after dark. 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 read when returning to your residence hall 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 loitering about unusual hours and locations.
- Someone running, especially if something of value is being carried.
- Someone exhibiting unusual mental or physical symptoms. Person(s) could be under the influence of drugs, or otherwise needing medical or psychiatric assistance.
- Someone going from room to room or car to car trying doors.
- Open or broken doors or windows.
- Unusual noises-anything suggestive of foul play, danger, or illegal activity.
- People sitting in parked vehicles for extended periods of time.
- Vehicles driving slowly in a parking lot at night.

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 they do not respond get help.
- Check the person's skin. If his/her skin is pale or is cold or clammy get help.
- Listen to their breathing. If it is irregular, or too slow/shallow (less than eight breaths per minute or more than 10 seconds between breaths) get help.

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.

TELEPHONE/EMAIL HARASSMENT

Obscene or threatening telephone calls, email messages, or other forms of electronic communication, should be reported to the police immediately. Other harassing messages should be reported if they persist. If you receive such a telephone call, remain calm and hang up. If you receive such a message by email, do not reply or delete the message, and contact Bismarck Police at 701-223-1212.

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, staying 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 push against the door and seek protective cover.
- Keep quiet and act as if no one is in the room.
- Do not answer the door.
- 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.
- Wait for the police or emergency personnel to assist you out of the building. Obey all commands from the police for safety reasons and wait for further instructions.



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/.

The video RUN. HIDE. FIGHT.® Surviving an Active Shooter Event is located at https://www.ndsu.edu/police_safety/universitypolice/active_shooter/ (scroll to the bottom of the page) for further active shooter training.

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 (following 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.
- Follow the instructions given by the police.
- Do not open it.
- Do not shake or empty the contents of any suspicious mail.
- Do not carry the package or envelope, show it to others, or allow others to examine it.
- Treat the scene as a crime scene.

- Put the package or envelope down on a stable surface; do not sniff, touch or look closely at it, or at any contents which may have spilled.
- Alert others in the area about the suspicious envelope or package. Leave the area, close any doors and take actions to prevent others from entering the area. If possible, shut off the ventilation system.
- Wash your hands with soap and water to prevent spreading potentially infectious material to face or skin. Seek additional instructions for exposed or potentially exposed persons.
- Evacuate the building if told to do so by emergency response officials.
- If possible, create a list of persons who were in the room or area when this suspicious letter or package was recognized, and a list of all persons who also may have handled the package or envelope. Give this list to the Safety Office, local public health authorities, or law enforcement officials.

Some characteristics of suspicious packages may include the following:

- Unexpected or from someone unfamiliar to you.
- Has no return address, or has one that can't be verified as legitimate.
- Marked with restrictive endorsements such as personal, confidential, or do not X-ray.
- Has protruding wires or aluminum foil, strange odors, or stains.
- Shows a city or state in the postmark that does not match the return address.
- Unusual weight given the size, lopsided, or oddly shaped.
- Threatening language and inappropriate or unusual labeling.
- Excessive postage or packaging material, such as masking tape and string.
- Misspellings of common words, incorrect titles or titles without a name.
- Addressed to someone no longer with your organization or are otherwise outdated.
- Ticking sound.
- Powdery substance felt through or appearing on the package or envelope.

MEDICAL EMERGENCIES

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

- 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 Institutional Equity (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 Institutional Equity to request contact be made with all of his/her current faculty members and academic advisors regarding his/her absence and anticipated return.
- Complete the University Incident Report Form immediately and submit to the Safety Office within 24 hours. The process to complete incident reporting for both employees and non-employees is described at www.ndsu.edu/police_safety/public_health_and_safety/incident.
- Employees injured on the job in need of medical care should report to NDSU's Designated Medical Provider and complete an incident report within 24 hours. Questions/assistance can be obtained by calling the NDSU Claims Specialist at 701-231-9587 during normal business hours.

TORNADO PREPAREDNESS

When the threat of a tornado is imminent, the city emergency sirens will be activated. Be familiar with the weather service alert and siren system. There is a test of the sirens the last Friday of each month at 9:30 a.m. In the event of a tornado warning follow these steps:

- Stay calm and seek an area of safety immediately and monitor local weather announcements if possible.
- If you are outside, seek shelter in a nearby sturdy building if time permits, or lie flat in a ditch or low-lying area.
- If you are inside a building, seek shelter immediately in the lower level or interior hallway or room of the building, get under something sturdy, stay away from outside windows and walls, and assume a crouched position with arms over your head.
- If you are in a vehicle in the immediate path of the tornado, get out immediately and seek an area of safety if time permits, or if unable to leave the vehicle, ensure the lap/shoulder belt is on, and cover your head with your arms and/or any other protective items available to you such as coats, blankets or cushions.
- Remain in an area of safety until the "all clear" has been provided by weather announcements or other emergency authorities.

After the disaster or emergency:

- Use extreme caution in entering or working in buildings that may have been damaged or weakened, as they may collapse without warning.
- Check for fire and be aware of the possibility of gas leaks or electrical short circuits. If detected, notify the gas company, electrical company, the police or fire department.

Do not go back into the building until you have been assured it is safe by these officials.

- Do not light matches or turn on electricity.
- Stay away from fallen or damaged electrical wires.
- Stay away from disaster areas. Sightseeing will interfere with emergency operations and may be dangerous.
- Do not use the phone except for emergencies.

WINTER DRIVING ISSUES

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

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

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

Some tips for automobile travel in the winter months:

- Check weather reports before leaving.
- Limit driving to daylight hours and carry a car safety kit that includes blankets, matches, candles, high energy dry foods, a flashlight and spare batteries, transistor radio and a shovel.
- Check road conditions from the State Highway Department
 - Inside the state of North Dakota call 511
 - Inside the state of South Dakota call 511
 - Minnesota call 800-542-0220
- Do not travel if blizzard conditions are expected.
- Do not pass snow plows working on highways. They can cause whiteouts due to blowing snow. Normally the plow operator will pull over every few miles to let traffic pass.
- Tell someone of your route and when to expect you.
- If stranded, stay in your vehicle.

