

2018-2019 ANNUAL SECURITY REPORT

PERSONAL SAFETY + SECURITY

NDSU Nursing at Sanford Health

NDSU
NDSU NURSING
AT SANFORD HEALTH

For any emergency requiring
immediate police, ambulance or
fire department service, dial 911.

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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, appearing to read "Dean Bresciani". The signature is fluid and cursive.

Dean L. Bresciani
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, 7 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 Canan Bilen-Green, Title IX/ADA Coordinator, at 701-231-7708 or ndsuoaaa@ndsu.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 212**

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

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

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, 2 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, NDSU telephone voice mail broadcast to the AURA phone system, and an emergency alert system for audio and video interruption of available on-campus analog cable television service. 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 Web page and NDSU 701-231-INFO line service, also available to non-campus individuals.

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 Information section, then the Phone Numbers 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 Emergency Notification Update link on the left side of the page and follow the prompts to update your information. Only one contact number, whether home or cellular phone, is available for student entry.

EMERGENCY RESPONSE

The NDSU community is encouraged to notify the Bismarck Police of any situation or incident on campus that may involve a significant emergency or dangerous situation that poses an immediate or ongoing threat to the health and safety of 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.

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 misconduct, visit www.ndsu.edu/fileadmin/policy/162.pdf. Victims of sexual misconduct or people who wish to report sexual misconduct may contact Canan Bilen-Green, Title IX/ADA Coordinator, at 701-231-7708 or ndsu.eoaa@ndsu.edu. Please note that these individuals cannot guarantee confidentiality. For a list of all confidential resources, please refer to the Confidential Reporting section on page 2.

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, and online training for all new employees.

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.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly. Victims of sexual misconduct or people who wish to report sexual misconduct may contact Canan Bilen-Green, Title IX/ADA Coordinator, at 701-231-7708 or ndsuevaa@ndsu.edu. Please note, confidentiality cannot be guaranteed. For a list of confidential resources, please refer to the Confidential Reporting section on page 2. Victims are also encouraged to report the matter to the Bismarck Police. The University will provide resources, on campus, off campus, or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

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:

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 copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes 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. 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EVIDENTIARY STANDARD			
<p>Sexual assault cases are referred to the Title IX Coordinator. Adjudication processes use the preponderance of the evidence standard.</p>	<p>Stalking cases are referred to the Title IX Coordinator. Adjudication processes use the preponderance of the evidence standard.</p>	<p>Dating violence cases are referred to the Title IX Coordinator. Adjudication processes use the preponderance of the evidence standard.</p>	<p>Domestic violence cases are referred to the Title IX Coordinator. Adjudication processes use the preponderance of the evidence standard.</p>



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.

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

www.ndcourts.gov/ndlsbc/DCRO/DCRO.aspx. 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 4002(a)(20) of the Violence Against Women Act of 1994 (42 USC 1395 (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 www.ndcourts.gov/court/Districts/Districts.htm	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 www.ndcourts.gov/court/Districts/Districts.htm	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.



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

ON CAMPUS		
Counseling Center	212 Ceres Hall, Fargo Campus	701-231-7671
Student Health Service	There is no on campus student health services available at the Bismarck Campus.	
Sexual Assault Prevention and Advocacy	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 7	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
www2.ed.gov/about/offices/list/ocr/index.html - Department of Education, Office of Civil Rights

HOW TO BE AN ACTIVE BYSTANDER

Bystanders play a critical role in the prevention of 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 without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. 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.

- 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 OK.
- 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.

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 cash money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **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.

The university conduct process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the reporting and responding parties. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Investigators are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. The Code of Student Conduct (Policy 601) provides that:

- The reporting and the responding student each have the opportunity to attend a hearing before a properly trained hearing officer that protects the safety of victims and promotes accountability;
- The reporting and the responding student will have timely notice for meetings at which the accuser or accused, or both, may be present;
- The institution will allow for timely access to the reporting student, the responding student and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meetings and hearings;
- The institutional conduct procedures will be conducted by officials who do not have a conflict of interest or bias against the reporting or the responding party;
- The institution provides the reporting and the responding parties the same opportunities to have others present during an institutional conduct proceeding. The student has the right to have a person present who may act in an advisory capacity. Hearing advisors may not serve as witnesses. Hearing advisors who do not comply with hearing procedures or the directives of the hearing officer may be cautioned by the hearing officer and if they persist, may be asked to leave.
- 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. Attorneys who do not respect this provision may be cautioned by the hearing officer and if they persist, may be asked to leave. In cases that could result in suspension or expulsion, attorneys or nonattorney advocates may fully participate, which means they may make opening and closing statements, examine and cross-examine (through the hearing officer) witnesses present during the hearing, and provide the student with support, guidance and advice throughout the process.

- A student conduct decision is based on the preponderance of evidence standard, i.e., "more likely than not to have occurred" standard;
- The reporting and the responding parties will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final; and
- The reporting and the responding parties each have the right to appeal the outcome of the hearing and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved. An appeal by the reporting student may only be allowed when it is alleged that the reporting student was the subject of a Title IX violation, including sexual assaults, as defined in this code. In some cases, a reporting party's appeal could result in a different decision and/ or stronger sanctions than originally imposed. An appeal of any conduct process decision must be made in writing within five business days following the date the sanction notice is sent to the student. In extraordinary circumstances, the Vice Provost or designee 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 persons 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.

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 decision, and/or evidence that the student was not afforded due process as outlined in this Code. 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.

A person alleging sexual assault, domestic violence, dating violence, or stalking may also utilize the complaint and investigatory procedures set forth in the university Policy 156; Discrimination, Harassment, and Retaliation Complaint Procedures, in order to remedy any hostile environment. All conduct proceedings against students however will be resolved through the Code of Student Conduct.

When a reporting party does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the university's ability to respond to the complaint may be limited.

The university will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law.

REPORTING/CONFIDENTIALITY: NDSU faculty, staff and students are encouraged to report incidents or information related to sexual misconduct as soon as possible. If criminal activity is involved, victims or witnesses are encouraged to contact NDSU Police or your local law enforcement. Victims of sexual misconduct or people who wish to report sexual misconduct may contact Canan Bilen-Green, Title IX/ADA Coordinator, at 701-231-7708 or ndsuoaaa@ndsu.edu. Please note that confidentiality cannot be guaranteed. For a list of confidential resources, please refer to the Confidential Reporting section below.

The guiding principal in accepting reports of sexual misconduct is to avoid 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 | 701-231-5733**

STUDENT HEALTH SERVICE | 701-231-7331

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

CODE OF STUDENT CONDUCT RESOLUTION STEPS:

The resolution of alleged code of conduct violations generally includes the following steps:

- Receipt of an incident report;
- Creation of a conduct file;
- Implementation of interim actions, if necessary;
- Investigation of incident, if necessary;
- Notice of charges;
- Prehearing conference;
- Administrative hearing;
- Notice of decision;
- Right of appeal;
- Notice of appeal decision.

Cases related to Title IX compliance will require some modification of the resolution process, as approved by the NDSU Title IX Coordinator.

ANONYMOUS COMPLAINTS: Anonymous complaints will be accepted by the University. The University's ability to investigate and resolve anonymous complaints will be limited if the information contained in the anonymous complaint cannot be verified by independent facts. Anonymous complaints may be filed by the following means:

- Bias Report Form: www.ndsu.edu/biasreport/

SANCTIONS AND PROTECTIVE MEASURES. 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 action will be taken against the responding student; however, having been through the Code process, the student is considered knowledgeable regarding the Code's provisions and expectations, and that knowledge may be taken into consideration in the event of future Code actions.

In all cases, investigations that result in a finding of more likely than not that a violation of the Code of Student Conduct occurred will lead to initiation of conduct procedures against the responding student. In cases in which the student is found responsible for violating one or more policies, a sanction may be imposed. The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:

- **Warning:** A warning is a written notification that subsequent code violations will normally result in more severe sanctions.
- **Conduct Probation:** Conduct probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with university policies; local, state and federal laws; and any other terms or conditions that have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Further prohibited conduct may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion.
- **Supervised Conduct Probation:** Supervised conduct probation generally requires meetings with a member of Student Affairs or Residence Life at regularly established intervals to monitor progress in behavioral, academic, social, vocational and other areas of the student's life necessary to strive for overall success at NDSU. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth. Further prohibited conduct may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion.
- **Conduct Suspension:** Conduct suspension is a written notification of the termination of status as an enrolled student or registered student organization 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 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, Ceres Hall, or online through One Stop. An interview with a member of the Student Affairs Office staff will also be required prior to acceptance of the student's application for readmission.
 - The student's transcript will carry a notation "may not register for non-academic 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.
 - There may be other restrictions placed on the suspended student including, but not limited to, restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. The student also may be required to obtain prior written permission from a member of the Student Affairs office staff 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 matter of permanent record. A permanent record indicates that student conduct files may be retained indefinitely at the discretion of the Vice Provost, but not less than seven years.
 - Student organizations placed on suspension may have all rights and privileges provided by the 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 terms and conditions.
- **Conduct Expulsion:** Expulsion is a 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 matter of permanent record. The student must leave university residences and cease all use of university owned or controlled buildings, properties and services as designated in the expulsion notice. The expulsion notice will also include any other specific restrictions and a time frame during which these restrictions apply. These may include restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. Written requests for exceptions to restrictions 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.

Certain conditions may be assigned to the student as part of the sanction. These conditions may include:

- **Alcohol and Other Drug Programming, Evaluation, and/or Testing:** A student may be required to participate in alcohol and other drug programming as a result of participating in any incident involving the use or abuse of alcohol and other drugs. The university reserves the right to require alcohol/drug testing and/or evaluation 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
 - Any pattern of conduct has been demonstrated by a student
- **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; and/or meeting with a designated university official or other assignment.
- **Restricted Access:** Students may have access to university facilities and ground restricted for a specified period of time. Restricted access may include but is not limited to entry into university facilities or athletic fields, access to specific university offices, and visiting and/or living in any university housing facility. Students found in violation of restricted access directives may be issued a trespass warning by the University Police and may be subject to further conduct action.
- **Loss of Privileges:** A student may be denied various privileges associated with being a student at NDSU. Such privileges may include, but are not limited to, one or more of the following:
 - Participating in or attending events sponsored by the university or by students;
 - Holding office in any CSO recognized student organizations;
 - Receiving or being a guest in residence life facilities;
 - Access to parts of or all university property, including eligibility to reside in university facilities;
 - Receiving financial aid;
 - Being employed by the university;
 - Representing the university, including travel on behalf of the university;
 - Sponsoring or hosting organization or campus wide functions;
 - Using IT services, and;
 - Maintaining recognized student organization status with the CSO.
- **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, but are not limited to, 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). In the case of personal injury, the responsible party may be required to cover the cost of medical care for others harmed as a result of the student's actions. When available and appropriate, secondary markets may be utilized. The decision maker shall consider information and/or evidence provided by both parties to achieve a fair and just result. Failure to make timely arrangements for restitution may result in the cancellation of the student's registration, prevention of the student's re-registration, or more severe sanctions including, but not limited to, conduct suspension or expulsion. When the responsible party is a student organization, additional sanctions or terms and conditions also may be assigned for failure to make timely arrangements for restitution.

- **Confiscation:** In addition to items seized as evidence, goods used or possessed in violation of university policies and/or local, state or federal laws, may be confiscated and not be returned to the student.

For students, sexual assault, domestic violence, dating violence and stalking are violations of the Code of Student Conduct. The Code of Conduct (Policy 151) for employees states that all employees must, at all times, comply with all applicable laws, regulations, policies, and procedures. All conduct must meet or exceed minimum standards established by law. All employees shall report suspected violations of the Code to their supervisor, some other senior manager or administrator or legal counsel. Failure to report known or suspected violations is in itself a violation and may lead to dismissal or other disciplinary action. Alleged violations of the Code involving NDUS officers or employees shall be investigated by the appropriate NDUS officer. All officers and employees shall cooperate in investigations of alleged violations. A violation of the Code is cause for disciplinary action including verbal warning, written warning, suspension without pay, or dismissal, in addition to any criminal or other civil sanctions that may apply.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University order of no contact, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by North Dakota State University.

Protective Measures: When warranted by the circumstances surrounding a complaint of sexual misconduct, domestic violence, dating violence, or stalking, the University may implement protective measures. Violation of these protective measures may be considered grounds for additional complaints of code or as retaliation for the ongoing investigation of the code violation. Potential protective measures include, but are not limited to:

- Providing an escort to the complainant
- Issuing a no contact order prohibiting contact between the parties
- Housing/workplace changes
- Altering class schedules and other academic support
- Providing counseling services
- Loss of privileges for the accused
- Temporary emergency suspension of the accused

Violations of protective measures may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by North Dakota State University.

The University will, upon written request, disclose to the alleged victim or a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

SEX OFFENDER REGISTRATION

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

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

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

The registration forms contain instructions directing the offender to register in 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.

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 (Not Reported by Hierarchy)	Year	On-Campus Property	On-Campus Housing Facilities*	Non-Campus Property	Public Property	Unfounded Crimes
Arson	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Domestic Violence	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Dating Violence	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Stalking	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	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
Murder/Non-negligent Manslaughter	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Manslaughter by Negligence	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Rape	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Fondling	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Incest	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Statutory Rape	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Robbery	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Aggravated Assault	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Burglary	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Motor Vehicle Theft	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Liquor Law Arrests	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Drug Law Arrests	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Weapons Law Arrests	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Drug Law Violations Referred for Disciplinary Action	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	0	N/A	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2017	0	N/A	0	0	0
	2016	0	N/A	0	0	0
	2015	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.
No Hate Crimes were reported in 2015, 2016 and 2017.

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):

1. 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:
 - a. Neither the injury inflicted nor the injury threatened is such as to jeopardize life or seriously impair health;
 - b. The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
 - c. 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.
2. Assent does not constitute consent, within the meaning of this section, if:
 - a. 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;
 - b. 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
 - c. It is induced by force, duress or deception.

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

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

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

INCEST is defined as 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:

1. 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.
2. 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.
3. 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:

1. 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:
 - a. 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;
 - b. 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;
 - c. 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;
 - d. The victim is less than 15 years old; or
 - e. 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.
2. A person who engages in sexual contact with another, or who causes another to engage in sexual contact, is guilty of an offense if:
 - a. The victim is less than 15 years old;
 - b. 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
 - c. 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:

1. 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.
2. 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.
 3. 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:

1. Compels the other person to submit by any threat or coercion that would render a person reasonably incapable of resisting; or
2. 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.

1. 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:
 - a. That person knows or has reasonable cause to believe that the contact is offensive to the other person;



- b. 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;
- c. 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;
- d. 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;
- e. 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
- f. 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:

- 1. Marriage between parents and children, including grandparents and grandchildren of every degree.
- 2. Marriage between brothers and sisters of the half as well as the whole blood.
- 3. Marriage between uncles and nieces of the half as well as the whole blood.
- 4. Marriage between aunts and nephews of the half as well as the whole blood.
- 5. 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

- 1) Felony or misdemeanor crimes of violence committed—
 - (i) By a current or former spouse or intimate partner of the victim;
 - (ii) By a person with whom the victim shares a child in common;
 - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - (iv) 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
 - (v) 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.
- 2) 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

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and
- 2) 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-

- (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (ii) 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

- 1) engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - (i) fear for the person's safety or the safety of others; or
 - (ii) Suffer substantial emotional distress.
- 2) For the purposes of this definition—
 - (i) 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.
 - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - (iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.
- 3) 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
- All sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

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.



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_awareness.

NDSU students, faculty and staff can receive further online active shooter training at www.ndsu.edu/police_safety/universitypolice/active_shooter_awareness. You will need to click on the link titled “Active Shooter Training for NDSU Faculty, Staff and Students”.

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

BOMB THREATS

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

- Remain calm.
- Immediately report the incident to Bismarck Police 701-223-1212.
- Follow the Bismarck Police instructions, including evacuation of the building if necessary. Alert others to evacuate the area (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 Enrollment Management (701-231-7701) for students. The Vice Provost will determine if, by whom, and at what point family members should be contacted. Outside of normal university operating hours, leave a voice message with basic information: type of incident, location, contact information for the person reporting, etc.
- Students may contact the Vice Provost for Student Affairs and Enrollment Management to request contact be made with all of his/her current faculty 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. Form for employees can be located at: www.ndsu.edu/fileadmin/vpfa/forms/UPS0-IncidentReport.pdf. Form for non-employees: www.ndsu.edu/fileadmin/vpfa/forms/UPS0-NonEmplIncidentReport.pdf
- 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.

