

2009-2010

# RIGHTS & RESPONSIBILITIES



## NDSCS Guide to Student Rights and Responsibilities



**North Dakota  
State College of Science**



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# NDSCS GUIDE TO STUDENT RIGHTS AND RESPONSIBILITIES

The North Dakota State College of Science is committed to the principle that the affairs of the college shall be conducted in an orderly fashion. Accordingly, NDSCS expects each student will abide by civil laws and college regulations. In order to be an effective citizen, every student has the responsibility to observe and maintain a code of personal behavior and social relationships that will contribute to his or her own welfare, educational experience and to the total educational effectiveness of the college. Rules and regulations exist so that persons living and working together may pursue individual goals effectively.

The following guidelines exemplify acceptable conduct for students attending NDSCS:

- **Appearance.** Personal cleanliness is expected at all times;
- **Attitude.** Students should develop a positive attitude regarding college life and educational objectives;
- **Attendance.** Attendance at scheduled classes, college events and extracurricular activities is a vital part of educational development; and
- **Application.** Good moral values, integrity, dependability and other high standards of conduct should be applied to daily living patterns in order to become a worthy and respected student at NDSCS and a citizen of the community.

## I. Equal Opportunity Policy

The North Dakota State College of Science is an equal opportunity employer and equal opportunity educator. NDSCS is fully committed to equal opportunity in employment decisions and educational programs and activities, in compliance with all applicable federal and state laws, for all individuals without regard to race, color, national origin, religion, sex, disability, age, sexual orientation or status with regard to marriage or public assistance.

Inquiries regarding non-discrimination policies at NDSCS should be directed to the director of human resources, Haverty Hall 136, North Dakota State College of Science, 800 Sixth St. North, Wahpeton, ND 58076-0002, (701) 671-2904 or to the U.S. Department of Education's Office of Civil Rights North Dakota contact, Chicago Office, Office for Civil Rights, U.S. Department of Education, 500 W. Madison Street, Suite 1475, Chicago, IL 60661, (312) 730-1560 or TDD (877) 521-2172, fax: (312) 730-1576, e-mail [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov).

## II. Family Educational Rights and Privacy Act of 1974 (FERPA).

The Family Rights and Privacy Act allows the North Dakota State College of Science to release certain information about students. The following categories of information have been designated by NDSCS as information that may be released upon request: (a) name, campus address, home

address and telephone listing; (b) date of birth; (c) sex and marital status; (d) name and address of parent(s); (e) major field of study, including the college, division, department or program in which the student is enrolled; (f) classification as a freshman or sophomore, or by number referring to such classes; (g) participation in officially recognized activities and sports; (h) weight and height of members of athletic teams; (i) dates of attendance; (j) degrees and awards received, including selection to the President's Honor Roll; (k) the most recent previous educational agency or institution attended by the student.

NDSCS follows the North Dakota University System Board policy regarding FERPA directory information. The NDUS policy states directory information is limited to the following: student's name, home address, local address, telephone listing, e-mail address, date and place of birth, major field of study, class level, participation in officially recognized activities/sports, weight and height of athletic team members, degrees and awards received, dates of attendance, most recent educational institution attended by the student enrollment status (full-time/part-time).

Under the Family Educational Rights and Privacy Act, students have the right to request directory information not be made public by notifying NDSCS Enrollment Services office located in Haverty Hall 105/106. Students should be aware that information might be collected for use in publications in advance of printing or the completion of restrict directory information form or prior to the student restricting information through the CampusConnection. In order to effectively suppress release of directory information, students must restrict their directory information by the 10th day of the term and not reverse that restriction during the term. If the request has been made after the 10th day of classes of any term, a student's directory information may have been released publicly in printed, electronic or other forms.

NDSCS may receive many inquiries for "directory information" from a variety of sources including, but not limited to prospective employers, other colleges and universities, graduate schools, licensing agencies, government agencies, media, parents, friends and relatives.

Student should consider very carefully the consequences of their decision to withhold release of any or all directory information items.

NDSCS has no responsibility to contact students for subsequent permission to release directory information after it is restricted. NDSCS will honor student requests to withhold directory information until the student specifically and officially requests the lift of these restrictions.

Educational records are those records which are directly related to a student and maintained by this institution or by a party acting for this institution. These records include any information from which students can be individually identified, and have not been previously defined as public directory information.

Under the laws of FERPA, NDSCS will not disclose information about current or former students nor permit inspection of their educational records without the expressed, written consent of the student. Current and former students will be permitted to inspect and review their own educational records, to the exclusion of their parents and/or guardians. This applies to all students enrolled at NDSCS, regardless of age.

Specific exemptions do apply to the release of educational records. These exemptions include the situations that follow. Parents of students who are dependents, as defined under tax code, must be permitted to inspect and review the educational records of the student. Educational records must be disclosed pursuant to lawfully issued subpoenas or court orders. Educational records may be disclosed if knowledge of personal information contained in these education records is, in fact, deemed necessary by institutional personnel to protect the health or safety of the student or other person.

Upon request, NDSCS discloses education records without consent to officials of another NDUS institution in which a student seeks or intends to enroll.

Grievance/Appeal Procedures are included in this document.

### **III. Diversity Statement and Policy**

The campus community consists of students, faculty, staff and administrators. It is our belief that all community members have a responsibility, individually and collectively, to create a positive living environment that is respectful, supportive and inclusive of all people. All community members must share in the commitment to provide equal opportunity for all individuals regardless of, and including but not limited to age, race, national origin, mental or physical ability, physical appearance, gender, sexual orientation, disabilities, religious affiliation and economic or perceived social status.

North Dakota State College of Science is committed to:

- Providing a respectful and supportive environment that allows students and staff the opportunity to ask questions and express their concerns;
- Respecting people from various ethnic cultures and socio-economic backgrounds regardless of, and including but not limited to age, race, national origin, mental or physical ability, physical appearance, gender, sexual orientation, disabilities, religious affiliation and economic or perceived social status;
- Developing teaching and learning opportunities necessary to promote cultural appreciation;
- Developing effective communication skills including the interpretation of cultural verbal and non-verbal communication patterns; and
- Accommodating the needs of people from various ethnic cultures and socio-economic backgrounds regardless of, and including but not limited to age, race, national origin, mental or physical ability, physical appearance, gender,

sexual orientation, disabilities, religious affiliation and economic or perceived social status.

The North Dakota State College of Science will hold students and staff who commit acts of intolerance accountable and responsible for their actions.

### **IV. Academic Policies and Procedures**

Academic policies and procedures are located in the *NDSCS College Catalog* and can also be found at [www.ndscs.edu](http://www.ndscs.edu).

### **V. Basic Regulations of Conduct**

The policies and standards for students at the North Dakota State College of Science are considered to be a minimal code of behavior for students whose individual and collective goal is the pursuit of excellence in their chosen areas. NDSCS believes most students are rational, intelligent beings with an adult concept of the law who can conduct their daily lives within the spirit as well as the letter of the law. However, this institution believes a few basic regulations are necessary to serve the needs of a college community.

The following conduct, being incompatible with the purposes of an academic community, is prohibited for all NDSCS students and shall constitute cause for discipline and may lead to disciplinary sanctions:

1. The use of, or threat to use, force or violence against any member or guest of the college community, except when lawfully permissible.
2. Interference by force, threat or duress with the lawful freedom of movement of persons or vehicles on the college premises.
3. The intentional disruption of operations of the college, including but not limited to classes, convocations, lectures, meetings, recruiting interviews and social events, on or off the premises.
4. Any act prohibited by local, state or federal law that occurs on or off college premises that may have a negative impact on the campus community.
5. Willful damage, destruction, defacement, theft or misappropriation of equipment or property belonging to, in the possession of or on the premises occupied by the college.
6. Furnishing false or misleading information on admission, registration, student ID or any other forms, or who alters college records.
7. Making an accusation, that is intentionally false or is made with reckless disregard for the truth, against any member of the campus community.
8. The repeated use of obscene or abusive language in a classroom or public area of the college where such usage is beyond the bounds of generally accepted good taste and which, if occurring in a class, is not significantly related to the subject matter.

9. Failure to discharge a just financial obligation to the college.
10. Failure to possess a valid student ID card.
11. Possession of keys to a college building by unauthorized persons. Duplication of keys issued to a student is prohibited.
12. Any act of unlawful discrimination based on race, creed, color, sex, age, handicap or national origin or any act of retaliation against any person who has made a complaint about such discrimination.
13. Disorderly, lewd or indecent conduct.
14. Any act of sexual harassment when submission to a request or demand of a sexual nature, verbal or physical, has the effect of creating an intimidating, offensive or hostile environment.
15. Acts of academic dishonesty, including but not limited to cheating, plagiarism, falsifying research data or results or assisting others to do the same.
16. Willfully destroying, damaging, tampering with, altering, stealing, misappropriating or using without permission any college program or file.
17. Acts of hazing. Hazing is defined as any method of initiation into or affiliation with the college community, a student organization, a sports team, an academic association, or other group engaged in by an individual that intentionally or recklessly endangers another individual.
18. The illegal use or possession of intoxicating liquors, other alcoholic beverages and non-prescribed drugs.
19. Failure to conform to any applicable Board of Higher Education or institution policies or directives; or conduct that interferes with efficient administration of the college.
20. Willful incitement of persons to commit any of the acts herein prohibited.

It is assumed any student who enrolls at NDSCS is aware of the above expectations and responsibilities, and he/she will always abide by those realistic standards of achievement and citizenship that are conducive to self growth and to the growth of the college.

## **VI. College Disciplinary Sanctions**

Individual students who are found in violation of NDSCS policy may be subject to one or more of the sanctions below, dependent upon the severity of the offense and the existence or absence of prior violations. The student shall appear before the dean of student services or a designated representative for a preliminary hearing and possible disciplinary action which may include:

1. Consultation only;
2. Referral to special classes or counseling sessions;
3. Restitution and/or fines;

4. Verbal and/or written warning that continuation or repetition of prohibited conduct may be the cause for more severe disciplinary action;
5. Probation. An indication that further violations may result in suspension. Cannot serve in elected positions in campus clubs and/or organizations;
6. Eviction from college-owned housing;
7. Suspension. Temporary withdrawal or privileges of enrollment from NDSCS for a specified period of time;
8. Indefinite suspension. Withdrawal from NDSCS until specific actions are taken prior to consideration for re-entry; or
9. Expulsion. Termination of student registration and status for an indefinite period of time. Permission of the president shall be required for readmission.

## **VII. College Judicial Committee Process/ Procedures**

Upon request of the student, the case shall be referred to the college's Judicial Committee within five working days.

1. The dean of student services shall notify the Judicial Committee and the student of the specific time and place of the meeting, shall enumerate the specific infraction(s) to be considered, and shall inform the student of his or her rights and responsibilities. The student must sign a statement affirming that these rights and responsibilities are understood and a copy has been received.
2. Judicial committee members must be given at least two working days notice of the hearing so schedules can be cleared. (Judicial hearings take precedence over other job responsibilities, and judicial committee members must make every effort to attend. In the event a member is unable to attend, that member is responsible for selecting a substitute from their division or department to participate in the hearing for them.) A prejudiced member may be removed or may voluntarily take himself or herself off the committee if the situation warrants such action.
3. The hearing will be conducted by the judicial committee chair, to be determined by the committee at large. The committee will privately deliberate as long as necessary to determine, by majority, the decision of the case. The committee as a whole (majority rule) will have one vote, and the judicial officer will have one vote. Both the judicial officer and the committee must agree upon the sanctions. (This is done because it is the judicial officer who must enforce the sanctions.)
4. The committee shall, if possible, immediately render an oral decision. A written statement of committee action shall be given to the student within two days of the close of the hearing. The judicial officer and the student must sign the decision document. The original will be kept in the student's disciplinary file. A copy will be presented to the student. The committee shall make a record summarizing the testimony and other evidence and attach to the record all documentary evidence.

5. The committee must rule on the following:
  - a) Is the student in violation of college policy as stated in the initial charge?
  - b) If the student is found to be in violation, is the penalty imposed a reasonable penalty for the infraction?
6. The following actions will be observed:
  - a) If it is determined that the student is not in violation of college policy, the sanction imposed will be overturned and no penalty will be levied.
  - b) If it is determined that the student is in violation of college policy and the sanction imposed is judged to be reasonable, the sanction will be enforced.
  - c) If it is determined that the student is in violation of college policy and the sanction imposed is not reasonable, the judicial officer and the committee will together negotiate alternate sanction(s).

### **VIII. College Judicial Committee Appeal Process**

The student may appeal the decision within 10 calendar days to the President's Disciplinary Appeal Committee, composed of the president, the vice president for academic and student affairs, one student representative selected by the Student Senate and the president of the Faculty Senate. The committee shall review the record made by the College Judicial Committee and make a decision based upon that record. However, the committee may, in its sole discretion, receive additional testimony or other evidence and make that additional evidence a part of its record. The student shall be informed of the committee's action in person and in writing.

The administration expects all students to understand and to abide by the normal rules and regulations congruent with an orderly and effective community. All references to working days shall be actual days that the college offices are open.

### **IX. Student Complaints and Grievances**

A complaint or grievance exists when an enrolled student is dissatisfied with a decision or an aspect of his or her college experience over which the student has no control and on which remedial action is desired. A grievance may also include an apparent violation of equal opportunity laws, regulations, fair grading practices or behavioral concerns.

If a student feels unfairly treated, or has a complaint, the student shall first discuss it with the faculty member, department chair, staff member, director, student within the area, or with the person where the perceived unfair treatment occurred. It may be a case of misunderstanding which can be resolved by thorough discussion.

1. Resolving Student Complaints or Grievances
 

Initially, the student, or complainant, who is considering submitting a complaint or grievance, should attempt to resolve the concern directly with the appropriate department chair, supervisor, faculty member, staff member or student. If the complainant is not satisfied, or is unwilling to address the issue at the individual or

departmental level, the complainant should contact the dean's office with administrative responsibility for the department or individual involved. The dean may be able to provide assistance in resolving the issue in an informal manner at the individual or department level. If informal resolution is not successful or is deemed unrealistic, the dean will inform the complainant of the formal grievance process. As requested by the student, the dean's offices will provide the complainant with information needed to initiate and complete this process

#### **2. Filing a Student Grievance**

*Step 1.* Students wishing to file a formal grievance shall do so to the dean with administrative responsibility for the department or individual involved by submitting the grievance in writing using the student complaint form, or other document approved by the dean. The grievance shall be submitted within five working days of the departmental decision or determination by the dean that informal resolution is not possible.

*Step 2.* The dean, either alone or in consultation with appropriate faculty, staff and students, will initiate the resolution process by investigating the complaint. An alternate resolution or decision will be reached by the dean within ten working days of receipt of the grievance and communicated to the complainant in writing. If there is no appeal, the decision of the dean is final.

#### **3. Filing an appeal**

If the complainant is not satisfied with the resolution or decision, a written appeal may be submitted to the vice president for academic and student affairs within five working days of the dean's decision. The appeal must reasonably establish that:

- a) the established procedures were not properly followed; or
- b) an adequate opportunity to present evidence was not allowed; or
- c) the evidence was not substantial enough to justify the decision or resolution.

The vice president shall assemble a Student Grievance Committee within ten working days of receipt of the written appeal. The Student Grievance Committee shall be composed of two students designated by the Student Senate, two faculty members designated by the Faculty Senate and the vice president for academic and student affairs. A prejudiced member may be removed or may voluntarily withdraw from the committee if the situation warrants such action.

The vice president shall inform the complainant and Student Grievance Committee of the specific time and place of the meeting. The committee shall review the written appeal provided by the complainant and the record made by the dean, and reach a decision based upon these documents. The committee may, in its sole discretion, receive additional testimony or other evidence and make that information part of its record. Upon reaching a decision, the vice president shall, if possible, orally communicate the committee's

decision to the student followed by a written statement within two days. If there is no appeal, the decision of the Student Grievance Committee is final. The complainant may appeal the decision within ten working days to the president.

All students have the right to present grievances in accordance to the steps outlined in this policy and are assured freedom from discrimination, coercion, restraint or reprisal in presenting grievances.

All references to working days shall be actual days that college offices are open.

## **X. Student Sexual Harassment Policy and Procedures**

The North Dakota State College of Science, in compliance with state and federal regulations, will not tolerate sexual harassment of its students by anyone; including supervisors, faculty, customers, employees, visitors or other students.

Sexual harassment is defined as:

- Unwelcome or unwanted sexual advances. This means patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures or requests for any type of sexual favor.
- Verbal abuse or kidding that is sexually-oriented and considered unacceptable by another individual. This includes commenting about an individual's appearance where such comments go beyond mere courtesy; telling "dirty jokes" that are clearly unwanted or considered offensive by others; or any other tasteless, sexually-oriented comments, innuendoes or actions that offend others.
- Engaging in any type of sexually-oriented conduct that would interfere with another's regular day-to-day performance.
- Creating a college environment that is intimidating, hostile or offensive because of unwelcome or unwanted sexually-oriented conversations, suggestions, requests, demands, physical contacts or attentions.

Normal, courteous, mutually respectful, pleasant, non-coercive interactions between men and women that are acceptable to both parties are not considered to be sexual harassment.

Supervisory responsibility:

- Employees are expected to deal swiftly and vigorously with any sexual harassment situation.
- Any employee or student who engages in sexual harassment is subject to standard disciplinary procedures.
- Any employee in a supervisory role who becomes aware of sexual harassment but fails to take immediate action against it will be subject to disciplinary procedures also. Not taking immediate action is viewed by the courts as condoning the behavior.

### **1. Reporting Student Sexual Harassment**

*Student reporting procedure:*

- a) Complaints and reports of sexual harassment, by or of any student of this institution, shall be brought to the attention of one of the following student support members: dean of student services, director of counseling services, director of residence life, campus nurse or director of campus police. In the event a student support member or a supervisor of a student support member is the subject of a complaint, the report or complaint shall be brought to the president of the college.
- b) The individual receiving the report shall make an initial investigation and attempt to informally resolve the complaint, reporting in writing to the complainant and, when appropriate, to the accused, the recommendations to resolve the complaint.
- c) If the problem is not resolved to the satisfaction of the complainant through the informal process, the complaint shall be referred for formal hearing with the College Judicial Committee (student) or director of human resources (employee).
- d) College officials shall take all reasonable precautions to ensure there is no retaliation toward the complainant. Upon request, the complainant shall be guaranteed confidentiality. Furthermore, all records concerning students are subject to the Family Educational Rights and Privacy Act and may be disclosed only according to the provisions of that Act.

*Employee reporting procedure:*

- a) Any employee in a supervisory role with students (example: faculty member, coach, work-study supervisor) who observes an incident of sexual harassment, is obligated to confront the harasser and tell him or her their behavior is inappropriate and cannot be tolerated. The incident and confrontation must be documented.
- b) In the event of a serious incident or repeated harassing behavior, the supervisor shall bring the incidents and copies of documentation to the attention of one of the following student support members: dean of student services, director of counseling services, director of student life, campus nurse or director of campus police.
- c) Any employee in a non-supervisory role with students (example: food service worker, secretary, custodian) who observes an incident of sexual harassment, shall report the incident to their supervisor for appropriate action.
- d) The individual receiving the report shall make an initial investigation and attempt to informally resolve the complaint, reporting in writing to the complainant and, when appropriate, to the accused the recommendations to resolve the complaint.
- e) In the event a student support member or a supervisor of a student support member is the accused, the report or complaint shall be brought to the president of the college.

f) If the problem is not resolved to the satisfaction of the complainant through the informal process, the complainant shall be referred for a formal hearing with the College Judicial Committee (student) or director of human resources (employee).

2. Privacy

College officials shall take all reasonable precautions to ensure that there is no retaliation toward the complainant. Upon request, the complaint shall be guaranteed confidentiality. Furthermore, all records concerning students are subject to the Family Educational Rights and Privacy Act and may be disclosed only according to the provisions of that Act.

**XI. Sexual Assault Policy**

North Dakota State College of Science is committed to creating a campus community free from interpersonal abuse, including sexual assault. NDSCS pledges its resources to the following twofold process:

- a) to provide crisis intervention and judicial response for victims and alleged offenders; and
- b) to educate and promote discussion on interpersonal abuse and violence.

*Definition:*

For the purpose of this policy, sexual assault is any sexual behavior between two or more people to which one person does not or cannot consent. In describing sexual assault, NDSCS relies upon North Dakota state law concerning sexual imposition which is much broader than the traditional concept of rape. NDSCS prohibits sexual acts or contacts with others which can involve compelling a victim to submit to sexual acts or contacts by force or threat of force, use of intoxicants to substantially impair the victim’s power to give consent, engaging in such acts when there is reasonable cause to believe the other person suffers from a mental state which renders him or her incapable of understanding the nature of the contact or where the victim is under 15 years of age. The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others. Prohibited behavior includes all forcible and non-forcible sex offenses provided for under North Dakota state law. Examples of prohibited behavior include but are not limited to the following:

- Acquaintance or date rape;
- Stranger rape;
- Attempted sexual acts by use of verbal or non-verbal threats; or
- Indecent exposure.

1. Intervention

The college has a coordinated response system that attends to the survivors’ physical and emotional well-being. The college directs judicial/disciplinary efforts that respect the personal rights of both victim and alleged perpetrator.

All reports of sexual assault are treated with respect to the privacy of the involved individuals. Incidents are

reported to appropriate departments and agencies in consideration of safety concerns and investigative needs. In addition, NDSCS publishes and disseminates annual statistics on incidents of sexual assault.

2. Disciplinary Action

NDSCS imposes appropriate sanctions upon violators of the sexual assault policy. These sanctions can include but are not limited to suspension and expulsion. In addition, an individual charged may be subject to prosecution under North Dakota criminal statutes.

NDSCS considers physical surroundings in addressing prevention of campus sexual assault. The college continually reviews and modifies the physical surroundings to foster security and safety. The college examines such factors as campus signs, lighting and locking procedures. For further safety information, contact the NDSCS Campus Police office.

3. Reporting

The guiding principle in the report of a sexual assault is to avoid re-victimizing the sexual assault survivor by forcing the person into any plan of action. Sexual assault survivors may contact any one of several NDSCS departments or community agencies for assistance. The following resources provide immediate aid or on-going consultation:

- Three Rivers Crisis Center (24 hours) ..... 642-2115
- NDSCS Crisis Center Advocate..... 671-2344
- NDSCS Campus Police..... 671-2233
- NDSCS Counseling Services..... 671-2286/2319
- NDSCS Health Services ..... 671-2286
- NDSCS Residence Life Director ..... 671-2520/2224
- Hope Unit..... 643-0499
- Wahpeton Police..... 642-7722
- Emergency number (on-campus) ..... 9-911
- Emergency number (off-campus) ..... 911
- Help Line Crisis & Referral (24 hours) .. 800-472-2911

A report of sexual assault will be handled by the following procedures:

- a) In the event of a medical emergency, medical response personnel will be contacted.
- b) It is recognized that a sexual assault survivor may be undecided in reporting the assault to the police. A report to the police can empower the survivor in exercising legal rights and aid in the protection of others. If a report is to be made to the police, the survivor will be encouraged not to destroy evidence by bathing, douching, changing clothes or cleaning up in any way. If the sexual assault survivor is undecided in reporting, the survivor will be encouraged to preserve evidence anyway, in case

the individual decides to file a police report at a later date.

- c) The sexual assault survivor who does not wish to see the police will be encouraged to go to the hospital. A medical exam will treat physical problems and may diminish fears about injury, venereal disease or pregnancy. The medical exam includes preserving evidence in the event the sexual assault survivor later chooses to file a police report.
- d) If the survivor has agreed to contact the Campus Police, NDSCS Counseling Services and the NDSCS crisis center advocate will be notified for immediate emergency assistance. The personal counselor and/or appropriate person assigned will support the survivor experiencing possible conflicting feelings and aid in developing options.

If the sexual assault survivor has decided not to report the assault, the counselor will maintain confidentiality. Other alternatives include:

- e) The sexual assault survivor can make an anonymous report to the police.
- f) The sexual assault survivor can make the decision to report later. However, earlier reports may improve the preparation of a viable prosecution. It is noted that some sexual assault survivors have waited for days or years to seek help. At anytime, survivors of sexual assault may seek counseling from the NDSCS Student Health and Counseling Services or other community counseling services.
- g) The sexual assault survivor may choose to contact the dean of student services for clarification of survivor rights. If the incident occurred off-campus and involved an NDSCS student, the sexual assault survivor will be advised to consider contacting the appropriate police department and filing a police report.
- h) If violence occurs on-campus and the student contacts the dean of student services, the procedures to be followed are outlined in the *NDSCS Guide to Student Rights and Responsibilities*. Initially, the student making an accusation can expect the following assistance from the judicial officer:
  - The sexual assault survivor will be encouraged to file a police report. The student may also be encouraged to seek assistance at the NDSCS Student Health and Counseling Services. If the student does not choose to file a report, the student may still request procedural services from the judicial officer.
  - On-campus adjudication is conducted through the dean of student services.

Further proceedings are outlined in the *NDSCS Guide to Student Rights and Responsibilities*.

- i) Disciplinary proceedings following a sexual assault report include:

- the right of the accuser and the accused to have the same opportunities in having others present during the campus disciplinary process; and
- the right of the accuser and the accused to be informed of the outcome of the campus disciplinary process.
- In the event of an off-campus prosecution, the college reserves the right to proceed with an on-campus adjudication, based on the court's guilty finding, with or without the participation of the sexual assault survivor.

- j) NDSCS offers the following services:

- Parking re-assignment;
- Escort services;
- Place of residence and phone number change;
- Restraining order assistance;
- Academic schedule adjustments;
- College withdrawal; and
- Student judicial procedures.

Portions of this policy are reprinted pending permission from appropriate resources.

## **XII. Student Eligibility to Participate in Activities**

1. To participate in music or drama, a student must meet established NDSCS standards of academic progress. Eligibility for participation in intercollegiate athletics is established by the National Junior College Athletic Association.
2. Only regular, full-time students not on probation (academic or disciplinary) are permitted to participate in extracurricular activities other than intramural or residence hall programs. Extracurricular activities are organized college-related student activities outside the regular curriculum requirements, in which students participate voluntarily.
3. Any student who files for an elective position or applies for an appointed position must meet the requirements stated in the foregoing item at the time of filing or applying and must have the intention of being enrolled and on campus during the entire period of the elected or appointed term for which he or she has filed or applied.
4. A student must have a 2.0 GPA in the semester preceding election or appointment and must have a cumulative average of 2.0 to hold any of the following positions:
  - Chair of any all-college event;
  - Homecoming Queen, Campus Sweetheart or similar honor;
  - Student Senate and Campus Activities Board;
  - Editor or staff member of a publication;

- President of an organization; or
  - Member of a faculty-student standing committee.
5. Should a student fail to maintain a 2.0 GPA for any given semester, he/she shall immediately forfeit the right to any position held as listed in the preceding paragraph.

### **XIII. Security Policy**

1. Administrative Responsibility  
In accordance with the 1994 Student Right-to-Know and the Campus Security Act, the North Dakota State College of Science has determined the following:
  - a) The campus law enforcement unit shall be the North Dakota State College of Science Police department.
  - b) All criminal offenses shall be reported to the campus police, phone 671-2233, Riley Hall.
  - c) The sergeant of campus police is the Student Right-to-Know and Campus Security Act Campus Authority. He or she is responsible to see crimes covered in the regulations are published and posted on the NDSCS Web site. Others can receive this information by requesting the information from the Campus Police department.
  - d) In cases where the campus police sergeant is not available, the Student Crisis Management Team will assume the duties as indicated.
  - e) The college authority, after consultation with appropriate others, will disclose to the students and employees that information deemed necessary for them to know a threat exists.
  - f) The final decision rests with the designated college authority as to how and what information is to be released.
  - g) Options for disseminating information concerning the existence of a threat includes:
    - Notifind;
    - NDSCS Web site;
    - E-mail/campus mail;
    - Transmitter;
    - Bulletin boards/announcements;
    - All college assembly;
    - News media; and
    - Other
2. Procedure to Report a Crime
  - a) Report all crimes immediately. Contact the North Dakota State College of Science Police department, phone 671-2233 (available on a 24-hour basis), or go directly to Riley Hall.
  - b) It is a responsibility of the Campus Police department to be on call and to respond to all campus police emergencies.
  - c) Additional responsibilities of the Campus Police department include keeping and maintaining of essential records of crimes committed so that annual reports can be submitted when requested and required.
3. General Information  
It is important to note that all situations cannot be

anticipated, and it is the expectation that in these cases common sense will prevail.

### **XIV. Student Crisis Management Team**

The Student Crisis Management Team consists of key student support staff members. The purpose is to respond quickly and sensitively to the needs of students, staff members and affected families in the event of a campus crisis. The team will establish a clear and effective method of communication to the campus community and other involved parties about events taking place and the procedures set in place to manage the crisis. It is intended that any campus crisis will have minimal impact on the educational process.

Students or staff impacted by natural disaster, victimized by or witnessing any violence, criminal activities, or potentially life threatening language or events are asked to contact any member of the Student Crisis Management Team for assistance and/or campus-wide notification as may be appropriate. Identities of reporting individuals are held in strictest confidence.

A list of Student Crisis Management Team members can be obtained from the dean of student services (Student Center 154), Residential Life (Student Center 154), Campus Police (Riley Hall) or the Safety Officer (Human Resources).

Melissa Johnson, Director, Residence Life  
701-640-7227 cell • 701-671-2224 work

Vince Plummer, Personal Counselor  
701-899-1795 cell • 701-671-2319 work

Georgia Pullen, Dean of Student Services  
701-640-1348 cell • 701-671-2847 work

Aaron Berg, Sergeant, NDSCS Police  
701-671-2233 work 24 hours • 701-671-2728 work  
701-899-2028 24 hours

Miriam Skilbred, Campus Nurse  
701-640-5994 cell • 701-671-2286 work

### **XV. Emergency Procedure Policy**

In the event of an attempted suicide or similar personal emergency on the NDSCS campus, college employees are instructed to implement the following procedures:

- If the incident is immediately life threatening, follow the NDSCS Emergency Procedures Policy and call 9-911 to report and request ambulance response.
- Notify the campus police and the NDSCS Suicide Assessment Team (director of counseling, college nurse and dean of student services).

Upon notification, the Suicide Assessment Team will implement the following process:

1. Based on evaluation by one or more of the respondents as to the seriousness of the situation, the individual may be referred to the St. Francis Medical Center.

2. After an evaluation by a physician and/or psychologist/psychiatrist, the college will require a professional assessment as to the individual's ability to return to a classroom setting and college housing.
3. Once the written assessment is received by the college, the assessment team will make a recommendation to the vice president for academic and student affairs as to the feasibility of continuing an academic pursuit at NDSCS.
4. Should the student be allowed to continue an academic pursuit, the vice president for academic and student affairs will assign a professional staff member to monitor the pertinent academic progress of the student.

## **XVI. Disability Support Services**

NDSCS affirms and recognizes its commitment to nondiscrimination on the basis of disability and its intention to comply with all laws prohibiting such discrimination including Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. For information on accessing accommodations, refer to <http://www.ndscs.edu/asc/dssupportserv.jsp>.

## **XVII. Service Animals at NDSCS**

1. **Visitors:** An individual with a disability who utilizes a service animal and is a visitor at NDSCS is welcome to request any specific accommodations related to the needs of the visitor or the service animal. If accommodations or additional information are needed, a visitor may contact the Disability Support Services office. No registration with the Disability Support Services office is required.
2. **Students or Employees:** Students and employees with a disability who regularly utilize a service animal shall register either with the Disability Support Services office (students) or with the Human Resources office (employees). The student/employee shall provide the relevant office with documentation of the disability within 30 days of using the service animal on campus. When requested, documentation for students or employees with a disability who use a service animal should include the following:
  - Diagnostic statement identifying the disability or impairment.
  - Description of the current functional limitations.
  - Specific tasks the service animal will perform to meet the accommodation needs of the individual and assist with the functional limitations.
3. **Responsibilities of Persons Using Service Animals:**
  - a) The care and supervision of a service animal is the responsibility of the individual who uses the animal's service. This person is considered the handler of the service animal. It is important for the handler to maintain control of the animal at all times. Requirements for clean-up of animal waste are based on the City of Wahpeton's Policy and handler is responsible for following the City's policy.

The City of Wahpeton's animal ordinance and pet license policy can be found at <http://www.wahpeton.com>. If the handler is unable to physically remove the waste, an alternative arrangement should be coordinated through the Disability Support Services office. When appropriate, spaces will be designated as animal toileting areas by the college's facilities management and residence life staff.

- b) Service animals need to be immunized against diseases common to that animal. Dogs should wear a current rabies vaccination tag. Service animals to be housed in a college residence hall or apartment must have an annual clean bill of health from a licensed veterinarian. The college has authority to direct that a service animal receive veterinary attention at the institutions expense.
  - c) Students and employees utilizing a service animal will be required to follow the City of Wahpeton licensing and animal tag policy.
  - d) The City of Wahpeton has an ordinance requiring pets to remain on a leash when not on the owner's property, and services animals are subject to this ordinance.
4. Members of the college community are expected to follow these guidelines regarding service animals:
    - a) Allow a service animal to accompany the handler at all times and everywhere on campus except where animals are specifically prohibited due to safety or health restrictions, or where the animal may be in danger, or where the integrity of research may be compromised due to the presence of chemicals and/or organisms.
    - b) Do not touch or feed a service animal unless invited to do so.
    - c) Refrain from startling a service animal.
    - d) Do not separate or attempt to separate a service animal from its handler.
  5. **Expectations for Service Animals' Behavior**  
A service animal whose behavior is disruptive or presents a direct threat to the safety of others may be removed from NDSCS. For purposes of public health and safety, service animal users are asked to keep service animals well groomed and not to bring service animals that are sick onto the campus or other NDSCS locations.
  6. **Areas Off Limits to Service Animals**  
The College may prohibit the use of service animals in certain locations due to health or safety restrictions, where service animals may be in danger or where their use may compromise the integrity of research.
  7. **Service Animals in residential halls/apartments**  
Service animals may not reside in residential halls/apartments without approval of Residence Life. Such requests will be processed as follows:
    - a) An individual should provide the Disability Support Services office appropriate documentation at least 60 days before housing is needed for the service animal. Such advance notice helps to ensure that

accommodations are appropriate and that the student will have a smooth transition into college housing.

- b) The disability services coordinator will review the documentation and arrange for the director of residence life and the person making the request to facilitate accommodations.
  - c) Accommodations for the individual and/or service animal will be determined on a case-by-case basis.
  - d) A person with a service animal on campus is financially responsible for property damage caused by his or her service animal.
8. Dispute Resolution Procedure
- In the event of a dispute or disagreement about a disability determination, appropriateness of an accommodation, service quality, or an animal restriction, a student should confer with the disability services coordinator. If the matter is not resolved, the student may follow the grievance procedure as outlined in the Disability Support Services Handbook. An employee with a dispute or disagreement may file a grievance and submit to the Office of Human Resources. A visitor with a dispute regarding the use of a service animal at NDSCS should contact the Disability Support Services office.

## **XVIII. NDSCS Student Alcohol/Drug Policy and Sanctions**

The North Dakota State College of Science, in accordance with North Dakota State Board of Higher Education Policy 918, prohibits the possession, sale, dispensation, display, in possession of alcoholic containers, empty or full, use or consumption of alcoholic beverages and/or drugs upon land or in buildings owned by the Board or its institutions. The exceptions to this policy are (1) if the NDSCS president gives written permission prior to an event or (2) a physician prescribes medication for specific individual use.

### **1. Sanctions**

Students found in violation of the college alcohol/drug policy will be subject to the following sanctions:

- a) First Violation — \$250 fine and student is required to complete a substance use/abuse evaluation through NDSCS Student Health and Counseling Services.
  - b) Second Violation — \$250 fine and student is required to complete an educational component (CHOICES), possible substance abuse evaluation and compliance with subsequent treatment/intervention counseling as indicated through NDSCS Student Health and Counseling Services.
  - c) Third Violation — Eviction from college housing for students living on campus; subject to the NDSCS Guide to Student Rights and Responsibilities sanctions for others.
2. Appeal
- A student may appeal this decision through the appeal process outlined in the *NDSCS Guide to Student Rights and Responsibilities*, Section VI. If the violation occurred in a residential facility and the sanction was

levied by the Residence Life office, the appeal will first be heard by the director of residence life, followed by the dean of student services prior to convening the Judicial Committee.

### **3. Residence Life**

Because NDSCS does not have designated family and married housing, alcoholic beverages and the possession of empty alcoholic beverage containers are prohibited in NDSCS residence facilities, to include all residential halls and apartment complexes, regardless of occupant's age.

### **4. Student Organizations**

Student organizations found in violation of city or state laws and college regulations involving the use or possession of alcohol/drugs are also subject to disciplinary action. In general, disciplinary penalties for student organizations are the same as those listed for individual students. However, it is possible that an offending student organization may be denied recognition or affiliation with the college as part of the disciplinary action. Advisors are expected to conduct themselves in accordance with college employee alcohol/drug policy and policies outlined in the faculty handbook when involved in any capacity (on and off campus) with student organizations, field trips and other related academic activities.

### **5. Off Campus Alcohol/Drug Violations**

Students may be subject to on campus sanctions for off campus alcohol/drug related behavior. The campus receives reports regarding students from law enforcement and other agencies in the form of summons to court, reports of loud parties, minor in possession/minor consuming/under the influence, driving under the influence of alcohol/drugs or other similar alcohol and drug violations.

## **XIX. Disciplinary Sanction for Alcohol or Other Drug Policy Violations in Classrooms, Shops or Labs**

When a student comes to class chemically impaired, the instructor shall immediately refer the student to the Division Dean's office or other appropriate authority.

Disciplinary action will be adjudicated through the office of the appropriate division dean. Students found in violation of the college classroom alcohol policy may be subject to one or more of the following actions, dependent upon the severity of the offense and the existence or absence of prior alcohol or other drug violations:

- a) Consultation only;
- b) Unexcused absence from the class in which the student was removed;
- c) Exclusion from the class for a designated period of time to be determined by the faculty member and the division dean or designate;
- d) Referral to counseling services for chemical use evaluation;
- e) Referral to the dean of student services for disciplinary action;

- f) Expulsion (permanent removal) from the class;
- g) Suspension from NDSCS (temporary withdrawal of privileges of enrollment from the college for a specified period of time); or
- h) Indefinite suspension (specific actions must be taken prior to consideration for re-admission to the college).

## XX. Firearms/Explosives/Other Policy

### 1. Policy

Possession, display or storage of weapons in or on college owned buildings, grounds or controlled property, including personal vehicles while on college grounds, is prohibited, unless permission and authorization for such possession has been granted by the director of residence life. Permission will only be granted for legal hunting weapons, for students enrolled in any NDSCS course where the use of hunting weapons, at an approved location, is permitted; and/or for legal hunting purposes only, during designated hunting seasons, while in possession of a valid hunting license.

Prohibited weapons include, but are not limited to, BB/pellet/dart or paint ball guns, handguns, bombs, explosives, martial arts implements, sabers, swords, tasers, knives/daggers, dangerous chemicals, fuels or fireworks. Other items will be considered weapons when those items are used to threaten or inflict bodily harm or injury.

### 2. Sanctions

Sanctions for a violation of this policy range from, but are not limited to, a \$100 fine, eviction from college housing and/or expulsion, dependent upon the nature of the violation as determined by the dean of student services. Possession of a handgun in or on college owned buildings, grounds or controlled property, including personal vehicles while on college grounds, will result in expulsion.

## XXI. North Dakota University System Computer and Network Usage Policy

The following are excerpts from NDUS policy. To see full policy refer to: <http://www.ndus.edu/policies/sbhe-policies/policy.asp?ref=2429>

### 1. Authorized Use

Use of computing and networking resources shall be limited to those resources and purposes for which access is granted. Use for political purposes is prohibited. (see section 39-01-04 of the ND Century Code) Use for private gain or other personal use not related to job duties or academic pursuits is prohibited, unless such use is expressly authorized under governing institution or system procedures, or, when not expressly authorized, such use is incidental to job duties or limited in time and scope, and such use does not: (1) interfere with NDUS operation of information technologies or electronic mail services; (2) burden the NDUS with incremental costs; or (3) interfere with the user's obligations to the institution or NDUS.

### 2. Authorized User(s)

Computing and networking resources are provided to support the academic research, instructional, outreach and administrative objectives of the NDUS and its institutions. These resources are extended to accomplish tasks related to the individual's status with NDUS or its institutions. Authorized users are (1) current faculty, staff and students of the North Dakota University System; (2) individuals connecting to a public information service (see section 5.3); and (3) other individuals or organizations specifically authorized by the NDUS or an NDUS institution. For the purposes of this policy, no attempt is made to differentiate among users by the user's group. These policies treat all users similarly, whether student, faculty, staff or other authorized user, in terms of expectations of the user's conduct.

### 3. Privacy

In general, all electronic information shall be free from access by any but the authorized users of that information. Exceptions to this basic principle shall be kept to a minimum and made only when essential to:

- a) meet the requirements of the state open records law and other statutory or regulatory requirements;
- b) protect the integrity of the college or university and the rights and property of the State;
- c) allow system administrators to perform routine maintenance and respond to emergency situations such as combating "viruses" and the like (see sections NDUS 4.3, 4.4).

### 4. Encryption and Password Protection

When using encryption utilities or password protection schemes on institutional information or computing equipment, a unit-level recovery process must be used. No data protection schemes may be used to deprive a unit or institution from access to data or computing equipment to which they are entitled.

### 5. Freedom from Harassment and Undesired Information

All members of the campus community have the right not to be harassed by computer or network usage of others (see section NDUS 3.1.3.).

### 6. Appeals of Sanctions

Individuals may appeal any sanctions according to the process defined for their institution.

### 7. Individual Responsibilities

Each member of the campus community enjoys certain privileges and is responsible for the member's actions. The interplay of these privileges and responsibilities engenders the trust and intellectual freedom that form the heart of this community.

### 8. Respect for Rights of Others and Legal and Policy Restrictions

Users are responsible to all other members of the campus community in many ways. These include the responsibility to:

- respect and value the right of privacy;

- recognize and respect the diversity of the population and opinion in the community, and;
- comply with NDUS and institution policy and all laws and contracts regarding the use of information that is the property of others.

#### 9. Privacy of Information

All electronic information which resides on NDUS and institution computers, and any data on any device that connects, wired or wireless, to the campus network may be determined to be subject to the open records laws of North Dakota.

Individuals are prohibited from looking at, copying, altering, or destroying another individual's electronic information without explicit permission (unless authorized or required to do so by law or regulation). The ability to access a file or other information does not imply permission to do so unless the information has been placed in a public area such as a Web site.

The NDUS CIO is authorized to develop and publish standards for the NDUS institutions. The NDUS Data Classification and Information Technology Security Standard further defines and explains NDUS and institution data classifications, standards, and security responsibilities.

Except to the extent that a user lacks control over messages sent to the user, electronic information is deemed to be in the possession of a user when that user has effective control over the location of its storage.

#### 10. Intellectual Property

Users are responsible for recognizing and honoring the intellectual property rights of others. Users are prohibited from using, inspecting, copying, storing, and redistributing copyrighted material and computer programs in violation of copyright laws. Software subject to licensing must be properly licensed and all users must strictly adhere to all license provisions (installation, use, copying, number of simultaneous users, term of license, etc.).

When reproducing or distributing information, users are responsible for the observation of copyright rights and other intellectual property rights of others and all state and federal laws, institutional and NDUS policies. Generally materials owned by others cannot be used without the owner's permission. Written consent from the copyright owner is normally necessary to reproduce or distribute copyrighted material. There are some exceptions such as fair use in teaching and in research.

Documentation of consent to use copyrighted materials must be kept on record and made available to institution officials upon request. The NDUS assumes no obligation to monitor users for infringing activities, but will, when such activities are called to the appropriate official's attention, investigate to determine if there is likely infringement and make appropriate responses.

Users should also be careful of the unauthorized use of trademarks. Certain uses of such marks online on

Web sites or in domain names can constitute trademark infringement. Unauthorized use of an institution's name in these situations can also constitute trademark infringement.

#### 11. Harassment

Users may not use NDUS or NDUS institution computers or networks to harass any other person. Prohibited activities include, but are not limited to:

- intentionally using the computer to annoy, harass, terrify, intimidate, threaten, offend or bother another person by conveying obscene language, pictures, or other materials or threats of bodily harm to the recipient or the recipient's immediate family;
- intentionally using the computer to contact another person repeatedly with the intent to annoy, harass or bother, whether or not an actual message is communicated, and/or the purpose of legitimate communication exists, and where the recipient has expressed a desire for the communication to cease;
- intentionally using the computer to contact another person repeatedly regarding a matter for which one does not have a legal right or institutional sanction to communicate, once the recipient has provided reasonable notice that he or she desires such communication to cease;
- intentionally using the computer to disrupt or damage the academic, research, administrative, or related pursuits of another; or
- intentionally using the computer to invade the privacy, academic or otherwise, of another or the threatened invasion of the privacy of another.

#### 12. Attempts to Circumvent Security

Users are prohibited from attempting to circumvent or subvert any system's security measures. Any security incidents should be reported to the system administrators and the campus IT security officer.

#### 13. Decoding Access Control Information

Users are prohibited from using any computer program or device to intercept or decode passwords or similar access control information.

#### 14. Denial of Service

Deliberate attempts to degrade the performance of any computer system or network or to deprive authorized personnel of resources or access to any computer system or network are prohibited.

#### 15. Harmful Activities

Harmful activities are prohibited. Examples include, but are not limited to: IP spoofing; creating and propagating viruses; port scanning; disrupting services; damaging files; or intentional destruction of or damage to equipment, software or data.

#### 16. Unauthorized Activities

Authorized users may not:

- damage computer systems;

- obtain extra resources not authorized to them;
- deprive another user of authorized resources, or
- gain unauthorized access to systems by using knowledge of a special password, loopholes in computer security systems, another user's password and/or access abilities used during a previous position.

#### 17. Unauthorized Monitoring

Authorized users may not use computing resources for unauthorized monitoring or scanning of electronic communications without prior approval of the campus CIO or the campus or NDUS IT security officer.

#### 18. Personal Business

Computing and networking resources may not be used in connection with compensated outside work or for private business purposes unrelated to the NDUS or institutions, except in accordance with the NDUS Consulting Policy.

#### 19. NDUS and NDUS Institutional Privileges

Imposition of Sanctions:

- i) The institution may impose sanctions on anyone who violates the Computer and Network Usage Policy.

Suspension of individual privileges:

- ii) NDUS and institutions operating computers and networks may suspend computer and network privileges of a user to protect the integrity, security or functionality of the institution or NDUS and/or their resources or to protect the institution or NDUS from liability; to protect the safety or well-being of members of the community, or upon receipt of a legally served directive of appropriate law enforcement agencies or others.

Access will be promptly restored when the protections are assured, unless access is suspended as a result of formal disciplinary action imposed by Campus Judicial Officers, HECN or other legal officers.

- a) First and minor incident  
Minor infractions of these policies are generally resolved informally by the unit administering the accounts or network in conjunction with the campus IT security officer. Minor infractions are those in which the impact on the computer or network resource is minimal and limited to the local network. Resolution of the infraction will include referral to the NDSCS Guide to Student Rights and Responsibilities, staff or faculty handbooks, or other resources for self-education about appropriate use. In the case of students, a copy of the resolution will be sent to the dean of student services, and the campus judicial officer.
- b) Subsequent and/or major violations  
Repeated minor infractions or more serious misconduct may result in immediate loss of computer access privileges or the temporary or permanent modification of those privileges. More serious violations include, but are not limited to,

unauthorized use of computing facilities, attempts to steal passwords or data, unauthorized use, distribution or copying of licensed software, or other copyrighted materials, use of another's account, harassment or threatening behavior, or crashing the system. Policy violators will be referred by the campus IT security officer to the dean of student services, the campus judicial officer, for further action.

- c) Range of disciplinary sanctions

Users who violate this policy are subject to the full range of sanctions, including the loss of computer or network access privileges, disciplinary action, dismissal from the institution, and legal action. Use that is judged excessive, wasteful, or unauthorized may result in denial of access to computing and networking resources and may subject the user to appropriate disciplinary and/or legal procedures. Any offense which violates local, state, or federal laws may result in the immediate loss of all computing and networking resource privileges and will be referred to appropriate college or university offices and/or law enforcement authorities.

#### 20. Appeals

Notice of violations and appeals of decisions will follow campus procedures.

## **XXII. Residence Life and Dining Services Standard Regulations and Expectations** (Housing and Dining Services)

Students are expected to know and abide by the terms and conditions of the Housing and Dining License/Contract and rules and regulations specified in the NDSCS Guide to Student Rights and Responsibilities, as provided by Residence Life/Dining Services.

### **Residence Life (Housing)**

Regulations governing all residential facilities are established by the state, federal statute, college administration and agreed housing guidelines (North Dakota State Housing Association). All violations are dealt with in accordance to established procedures. The ultimate goal of all community standards and expectations is to promote responsible citizenship and self-discipline.

Due to the nature of on-campus living, environmental safety and security standards have been established. All students will be held accountable for their behaviors in residence halls and college apartments. All students and their guests need to cooperate with efforts to establish a secure campus by complying with policies and cooperating with residence hall staff. Any resident found in violation of any of the policies listed in this document is subject to disciplinary sanctions. Sanctions are outlined following all policy information.

Failure to comply with the instructions or directions of college officials in the performance of their duties is prohibited. Such acts may include but are not limited to intentionally, knowingly or recklessly obstructing or delaying any college proceedings, failing to cooperate

with an investigation, fleeing a police officer or college personnel, and/or failing to comply with assigned college behavior sanctions. Verbal and/or physical abuse directed toward any college personnel will not be tolerated and shall constitute a violation of this code.

#### 1. Residential Life (Housing) Expectations

##### a) Identification

Failure to produce either an NDSCS identification card or a state or federal photo identification card upon request by any college personnel, including, but not limited to, NDSCS police officers, hall directors, and other residence life staff and other college staff in the performance of their duties is prohibited.

##### b) Keys/Access Cards

Students are not permitted to duplicate keys/access cards issued by residence life. Students also are not allowed to loan keys/access cards to other individuals. Students residing in residence halls must possess a working access card.

Students are expected to be responsible for their keys/access cards and security of their rooms and apartments. All residents are required to report lost/missing keys to a residence life staff member immediately. Room/apartment and suite doors should be locked whenever a student leaves. Students are responsible for carrying their keys. If a residence life staff member or campus police officer is repeatedly required to unlock doors during the year, disciplinary action may be taken. Loaning keys or ID cards to another individual or losing keys is a serious breach in the NDSCS security system and appropriate disciplinary action may be taken.

##### c) Screens and Roofs

Due to safety and facility concerns, window screens are not to be removed from windows for any reason. A \$25.00 fine plus a charge for any damages is assessed for screen removal. Windows are not to be used for entrances or exits to and from buildings unless an emergency exists. Residents are responsible for any objects thrown from windows and face serious disciplinary action. Residents and their guests are not allowed on roofs for any reason.

##### d) Smoking/Open Flame

Smoking is not prohibited in any residential facility. Fire hazards, including but not limited to, any item having an open flame, open heating coils, candles, incense, and halogen lamps are strictly prohibited. No liquids or materials of an explosive or combustible nature shall be kept on the premises.

##### e) Disorderly or Disruptive Conduct

Residents should not engage in disruptive or disorderly conduct. This includes, but is not limited to, activities which are excessively noisy or otherwise disruptive to other residents. Being under the influence of alcohol/drugs is not considered an excuse for misconduct.

##### f) Lewd or Obscene Behavior

Lewd or obscene behavior that flagrantly violates community standards with respect to sexuality is prohibited. Pictures and posters obviously intended to be of an adult nature may be displayed only if they are not in any way visible from outside the private room.

##### g) Firearms, Weapons, Chemicals, & Fireworks

Firearms are prohibited in all residential halls and apartments.

See *NDSCS Guide to Student Rights and Responsibilities*, section XX.

##### h) Animals

Animals are prohibited in all residential halls/apartments unless this animal is a service animal.

##### i) Service Animals

Service animals that assist persons with disabilities are permissible. "Service Animal" is defined by the Americans with Disabilities Act, means a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. Service animals perform some of the functions and tasks an individual with a disability cannot perform for him/herself in activities of normal living.

Service animals must be on a leash, must be under control of the owners' or their designees at all times, and should not be left unattended. Owners are responsible for any health or safety issues that may arise concerning the presence of these animals on college properties and at NDSCS sponsored events.

Students with a disability who regularly utilize a service animal are required to register with the Disability Services office to establish that the animal meets the service animal definition above. A requesting individual should provide appropriate documentation to the Disability Services office at least 60 days before housing is needed for the service animal. The Disability Services office staff will review the documentation and determine a reasonable accommodation. Service animals may not reside in a residential facility without expressed approval from Residence Life.

See *NDSCS Guide to Student Rights and Responsibilities*, section XVII.

##### j) Sporting Activity Restrictions

Due to safety and facility concerns, riding skateboards or scooters and using in-line skates, roller skates and bicycles are prohibited inside all residential facilities. Use of water guns, water balloons and throwing of flying discs (Frisbees™), balls, or other objects also are prohibited indoors, except when authorized.

##### k) Guests and Visitation

Residents are responsible for knowing the identity of their guests and are responsible for guest behaviors. Residence hall visitors are required to sign in and show proper documentation at the residence hall

front desk during desk hours. Residents are held liable for loss or damages to property caused by their guests. All visitors must be at least 17 years of age and have a photo ID. Minor children must be accompanied by their parents or guardians.

l) Overnight Residence Hall Guests

Guests of the same sex are permitted to stay overnight in the residence halls with approval from residence life staff. Residents must register their overnight guests before 11 p.m. Guests may not stay more than three consecutive nights. Residents with guests of the opposite sex (such as a parent or other relative) must make arrangements through the Department of Residence Life for housing in NDSCS Guest Housing located in Satterlee Hall. Cost for a room is \$10.00 per person per night. Co-habitation is strictly prohibited.

m) Visitation hours

Visitation hours are 10 a.m.-1 a.m., Sunday through Thursday. Residence halls have 24 hour visitation on Friday and Saturday only. Visitation hours will be supervised and enforced by residence life staff. Please be aware the college retains the right to alter and cancel visitation hours whenever change is necessary.

n) Quiet Hours/Noise

Residents and guests must respect quiet hours in all residential facilities. Specific quiet hours are posted in each hall and apartment building. Courtesy hours are in effect 24 hours a day to allow students to pursue their academic studies and promote a comfortable living environment.

o) Escorting of Guests

Entrance doors for the residence hall and college apartment buildings are locked 24 hours a day. Guests must meet their resident-host at an entrance door to gain entry into the building. Non-residents must be escorted by a resident at all times when in the residence halls or college apartments. Students are not allowed to prop open doors or allow unauthorized persons into campus housing facilities.

p) Theft of Property

Theft or removal of college property and/or furnishings including, but not limited to, furniture, artwork, plants, electronics, and signs from their designated locations is prohibited.

q) Damage to or Destruction of Property

Intentional or malicious damage, destruction, or defacing of residence facilities or college property is prohibited by college policy and state law. Any student determined to have been involved in the damage or destruction of college property will automatically be referred to the NDSCS campus police and the director of residence life for disciplinary action.

r) Gambling

Illegal gambling at any time and in any form is prohibited.

s) Sales and Solicitation

Unauthorized sales or solicitations in any campus buildings are strictly prohibited.

For questions regarding sales in residential facilities, see the director of residence life. No private business shall be established or operated on the premises of any college-owned housing.

t) Inspection

The college retains the right to inspect rooms/apartments for the purposes of maintenance, cleaning, personal safety, and for purposes of administering provisions of a resident's contract. Such entry by the college shall not be regarded as a search but is separately agreed to and authorized by the resident as part of their contract. Entries and/or searches of rooms/apartment by law enforcement officials, whether NDSCS campus police officers or officers of local agencies (Richland County Sheriff, SEMCA, and North Dakota Highway Patrol) will only be conducted in accordance with North Dakota Century Code and federal laws.

The Department of Residence Life has the authority and responsibility to enter a resident's room/apartment when there is sufficient reason to suspect a probable violation of college policy and/or state or federal laws is occurring therein. Suites are deemed common areas and do not require permission for entry.

2. Residence Life (Housing) Sanctions, Terms and Conditions

A sanction is a consequence placed upon a student for conflicts with specified college policies. Sanctions help define the student relationship with the college in the context of current and potential future behavior, including a notice that further conflicts may lead to more severe behavioral sanctions.

In assigning one or more sanctions for inappropriate student behavior, the Department of Residence Life will consider:

- a) Facts of the case as presented from all relevant sources, including the accused student;
- b) Existence of any physical evidence or written or oral information provided by the accused student and/or witnesses;
- c) Type and severity of the offense; and/or
- d) Previous incidents of inappropriate behavior committed by the student accused.

If a student is found not responsible for the alleged code violation(s), no action will be taken against the accused student.

If a student is found responsible for violating one or more policies, one or more of the following terms and conditions may be imposed:

- a) Verbal and/or written warning that continuation or repetition of prohibited conduct may be cause for more severe disciplinary action;
- b) Referral to special classes or counseling sessions;
- c) Community/campus service hours;
- d) Confiscation;
- e) Loss of privileges;
- f) Compliance with a conduct agreement;
- g) Restitution and/or fines;
- h) Referral to the director of residence life or dean of student services;
- i) Eviction from college housing; and/or
- j) Exclusion from college housing.

With each sanction, other educational or restorative actions or other terms and conditions may be assigned. In addition, notification may be given to other college officials as necessary.

### Dining Services

All customers in Dining Services facilities are expected to conduct themselves in a manner according to set standards for students as listed in the NDSCS Guide to Student Rights and Responsibilities.

1. Failure to abide by college and dining services standards and policies and procedures may result in college disciplinary action. Actions showing failure to abide by college and dining services standards will result in a written report/statement submitted to the director of auxiliary services by the dining services staff member and/or supervisor in the dining facility witnessing the actions of the student.
2. The director will review the report and contact the student requesting an appointment by sending a memo to the student's NDSCS mail box. The student must respond and schedule a meeting with the director within three business days of the date on the memo. (Failure of the student to respond will be cause for a formation of a Disciplinary Action Committee without meeting with the student.)
3. If after reviewing the written report and meeting with the student, it is deemed necessary, the director will assemble a Disciplinary Action Committee which is comprised of the director of auxiliary services, dining services director, one member of the Student Senate and director of residence life.
  - a) The Disciplinary Action Committee will review the written report, hear the details from the director and make a recommendation of the disciplinary action to be imposed based on a simple majority vote of the committee regarding the action(s) of the student. The recommendation will be given to the director of auxiliary services and the vice president of administrative affairs. The recommendation of the committee will be taken into account by the director and vice president while making a final determination as to the decision of disciplinary action to be taken. Notice of the decision and

disciplinary action will be sent to the student's NDSCS mail box.

- b) The disciplinary action may consist of:
    - No action is to be taken by the department;
    - Probation with stipulations (decided by the director of auxiliary Services) within Dining Services facility(s) (all or part thereof) for the duration of the semester;
    - Temporary loss of dining services privileges (refunds will not be given);
    - Involuntary cancellation of the dining plan;
    - Loss of the privilege to utilize any of the Dining Services facilities or services to include all or a portion thereof. (sack lunches/meals; meals served in the Campus Connection; meals served in the Flickertail Dining Room; pizza deliveries; to-go meals; convenience store services or products; or catering services; and/or
    - Recommendation to the dean of student services for removal from NDSCS as a student.
  - c) The student will be held financially responsible to the college and other students for damage, loss or injury sustained by the college, its employees, agents and students as a result of the student's or their guests' acts or omissions. Students are responsible for damages and loss to dining services property resulting from negligence or misuse. Willful damage shall be cause for disciplinary action.
4. Safety, security and sanitation.
    - a) Students are required to comply with all safety, security and sanitation procedures and may not tamper with locked and closed doors or admit unauthorized people into the dining areas.
    - b) The college deems it unlawful to gain entry to a dining area, facility or room by tampering with locked doors, pulling open locked doors, gaining entrance or attempting to gain entrance in a fashion that is against policies and procedures as set forth by signage or policies in dining services operations.
  5. Solicitation. Solicitation of any type is not allowed in any Dining Facility by any individuals/groups, with the exception of NDSCS administrative functions or purposes that have been approved by the director of dining services and/or director of auxiliary services.
  6. Contract cancellation, termination, refund policy and contract credits.
    - a) All plans are "block" plans, which means customers are purchasing a certain number of meals. The number of meals on each plan is for an entire semester. Meals not utilized during each semester are forfeited and do not carry over to the next semester. No refunds are made for unused meals unless approved (see 6.d of this section). Payment for dining plans is made during the "Wildcat Payment & Refund Days."

- b) Refunds for missed meals are given only in the case of medical illness requiring hospitalization.
  - c) The department of dining services requires written documentation for any first year student seeking to be released from the contract. The department of dining services will only grant permission if the student will be living with the student's parent or legal guardian. In the event that the prescribed procedure is not adhered to, the student will not be released from the contract and will be responsible for the dining plan and all applicable charges for the duration of the contract.
  - d) Refunds for the unused part of a meal contract in the event of withdrawal, suspension or expulsion are governed by and credits for the unused portion of the contract will be pro-rated by the week in accordance with the State Board of Higher Education Refund Policy. Credits are placed on the student's college account and are applied to unpaid account balances.
  - e) Early withdrawal whether voluntary or involuntary from the 225 or 300 dining plan will terminate the dining dollars account and any dining dollars spent will be deducted from any refund that may be received.
  - f) NDSCS reserves the right to terminate this contract based on violation of college policies and rules, dining services standards, policies and rules, failure to pay fees when due or student withdrawal, suspension or expulsion from the college.
7. Payments/charges
- a) All payments for dining plans are to be made to North Dakota State College of Science.
  - b) Payment is due, along with tuition and fees, during "Wildcat Payment & Refund Days," as scheduled each semester by the NDSCS Business Affairs office.

### **XXIII. Criminal Background Check Process**

1. Beginning July 1, 2008, all applications, including common application, reapplication and continuing application, will include the following questions:
  - a) Have you ever pled guilty (or no contest) to or been convicted of any felony? Yes/No
  - b) Within the past 10 years, have you pled guilty (or no contest) to or otherwise been convicted of a misdemeanor crime involving violence or the threat of violence in any court? Yes/No
  - c) Are you currently required to register as a sex offender in any state? Yes/No
  - d) Have you been dismissed or suspended from a college or university for disciplinary reasons within the last 5 years ("Dismissed for disciplinary reasons" means a permanent separation from an institution due to conduct or behavior. "Suspended for disciplinary reasons" means a sanction imposed for disciplinary reasons that results in a student leaving school for a fixed period but not permanently.) Yes/No
2. All applications are received in Enrollment Services. Those students who indicate 'yes' or answer they have pled guilty to or been convicted of a crime will receive a letter. The letter states the applicant must provide criminal history record including any pending adult charges. If sanctions were imposed, an official copy of letter(s) or documents which indicate the nature of sanctions imposed and which confirm the completion of all sanctions imposed is required.
3. All documentation (criminal history checks and letters or documentations) must be received 30 days prior to the start of the term to be considered for admission and will be retained for 30 working days after the beginning of the semester, at which time the record will be shredded by a NDSCS employee. If a student doesn't attend and wishes to reapply for the following term, they must resubmit a criminal history check and letters or documentation.
4. A committee, chaired by the director of enrollment services, will be established to determine if a student will be admitted to NDSCS and/or determine if any conditions are to be imposed. The committee will consist of the dean of student services, a member from Enrollment Services, director of residence life, mental health program coordinator, a member from campus police and a member from human resources, and participation of over 50% of the membership is required to meet quorum. The chair will vote only if a tie decision occurs.
5. If the student is admitted, an addendum to the letter of admission will be sent to the student and placed in the student's admission file. The addendum will note conditions to which the student will be admitted, and the student will be required to meet with the dean of student services by a scheduled date.
6. If the student is not admitted, the student will be informed via letter.
7. A student who is denied admission, or chooses to appeal the conditions under which admission is allowed, may appeal by providing a written statement to the vice president of academic and student affairs within five working days of receiving the committee's decision. The student may appeal the vice president's decision within ten working days to the NDSCS president. The president's decision is final.
8. Copies of the student's criminal history check and letters or documentation cannot be shared with other non-NDSCS agencies, offices or departments, and the criminal history check and letters or documentation will be maintained in a file separate from the official student file. NDSCS will retain the record for 30 working days after the beginning of the semester, at which time the record will be shredded by a NDSCS employee.

## XXIV. Consumer Information

The U.S. Department of Education has mandated that schools must provide currently enrolled students and/or prospective students a list of the information that must be disclosed with instructions for obtaining the full disclosure. The list must be provided annually. The schools are required to list all information that must be disclosed, briefly describe the disclosure information, and explain how students may obtain the disclosure information. Schools must promptly make the information available to any student upon request.

Following is a list and description of the required disclosures and information on how to obtain them here at NDSCS. Much of the information is contained in this catalog and can be referenced herein. NDSCS strives to understand and comply with all required rules and regulations from many governmental sources. NDSCS is audited on an annual basis and undergoes various compliance reviews as needed.

1. Rights under the Family Educational Rights and Privacy Act (FERPA). Please refer to the FERPA section of the catalog for more information. For additional detailed information, please consult the Enrollment Services office in Haverty Hall.
2. Available financial resources. Please refer to the student financial aid section of the NDSCS Catalog for more information. For more detailed information consult the NDSCS Enrollment Services office in Haverty Hall.
3. Institutional information. This catalog has considerable institutional information. For even more detailed information, please consult the respective offices on the NDSCS campus.
4. Completion/graduation rate and, if applicable, transfer out rate information. This information is available at the Enrollment Services office in Haverty Hall. The NDSCS Athletic Department, located in the Blikre Activities Center on the NDSCS campus, also has information on this topic.
5. Campus Security Report. This report is compiled in the NDSCS Campus Police office in Riley Hall, and it has detailed information on this topic. This office also annually distributes this report. All required crime reporting information should be reported to them. The campus police phone number is (701) 671-2233, if it is not convenient for you to stop in. The campus police also work very closely with local law enforcement agencies. The campus' annual security report, see <http://www.ndscs.edu/police/cleryreport.jsp>
6. Report on athletic program participation rates and financial supporting data. The NDSCS Athletic Department, located in the Blikre Activities Center, puts this report together, and it is available for public inspection. The NDSCS Business Affairs office, as well as the NDSCS Enrollment Services office, both located in Haverty Hall, might be of additional assistance, if more information is needed.
7. Right to and procedures for inspecting and reviewing student education records. Please refer to the Enrollment

Services office in Haverty Hall for information on this matter.

8. Right to and procedures for requesting amendment of student's education records student/parent believes to be inaccurate, misleading, or in violation of student's privacy rights. Again, see No. 8 above, i.e. the NDSCS Enrollment Services office is responsible for this and is willing to help in any way that they can.
9. Right to consent to disclosure of personally identifiable information contained in the student's education records. Again, refer to the NDSCS Enrollment Services office.
10. Right to file a complaint with the U.S. Department of Education for alleged school or educational agency failure to comply with FERPA requirements. Again, see the NDSCS Enrollment Services office in Haverty Hall for detailed information on this topic.
11. Right to the criteria used to determine what constitutes a school official and a legitimate educational interest if school's or educational agency's policy is to disclose personally identifiable information from student's education records under 99.31 without prior consent. Again, see the NDSCS Enrollment Services office in Haverty Hall on the NDSCS campus for this and all student academic record type information. Additional and/or related information is also available in the other administrative offices on the NDSCS campus.

## XXV. Other Consumer Information

1. Regarding special facilities and services that may be available to disabled students, contact the disabilities coordinator in the Academic Services Center on the second floor of the Mildred Johnson Library. Other offices, such as the dean's offices, can also be helpful.
2. Regarding the availability of a G.E.D. program in the community, contact the Wahpeton Public School System.
3. The NDSCS president's office, two vice presidents and one associate vice president are located in Haverty Hall. The academic division deans' offices are both located in Old Main. The dean of student services is located in the Student Center. Feel free to contact them if you feel that you did not receive the consumer information that you are entitled to from the respective offices mentioned herein.

## XXVI. Notice of Disclaimer

The North Dakota State College of Science reserves the right to make changes in curriculums, rules, and fees whenever such changes are deemed necessary. A special notice from the State Board of Higher Education requires the following announcement be published in all catalogs and bulletins issued by state educational institutions of North Dakota: catalogs and bulletins of educational institutions are usually prepared by faculty committees or administrative officers for the purpose of furnishing prospective students and other interested persons with information about the institutions that issue the same. Announcements contained

in such printed material are subject to change without notice and may not be regarded in the same nature of binding obligations on the institutes and the State.

Institutional Liability — North Dakota State College of Science disclaims liability of any kind for injury or illness of any student as a result of participation in athletics, physical education, field trips, shop or laboratory work, or classroom activities. Every reasonable effort is made to provide safe conditions for the conduct of these activities.

# NDSCS Policy and Procedures Crosswalk

Student Policy and Procedure	NDSCS Catalog	NDSCS Guide to Student Rights and Responsibilities	NDSCS Web site www.ndscs.edu	Residence Life and Dining Services Contract Booklet
Academic Program Description and Requirements	x		x	
Academic Adding/Dropping Classes	x		x	
Academic Attendance Policy	x		x	
Academic Audit of Courses	x			
Academic Challenge Exams	x			
Academic Course Descriptions	x		x	
Academic Credit for Life and Work Experience	x			
Academic Grading System	x			
Academic Integrity Expectations	x	x	x	
Academic Transfer	x		x	
Academic Warning, Probation, Suspension & Re-admission	x		x	
Academic Withdrawal from College	x		x	
Accreditations	x		x	
Admissions Requirements and Procedures	x		x	
Assessment and Course Placement	x		x	
Basic Regulations of Conduct		x		
Campus Security Report			x	
Child Care Center Availability and Process	x		x	
College Disciplinary Sanctions		x		
College Judicial Committee Appeal Process		x		
College Judicial Committee Process and Procedures		x		
Computer & Network Usage Policy		x	x	
Consumer Information	x	x	x	
Copyright Guidelines			x	
Criminal Background Check Process		x	x	
Dining Services Policies, Procedures & Expectations	x	x	x	x
Disability Support Services	x	x	x	
Distance Education Procedures			x	
Diversity Statement and Policy	x	x	x	
Equal Opportunity Policy	x	x	x	
Family Educational Rights and Privacy Act (FERPA)	x	x	x	
Fees and Payments - Business Office			x	
Financial Aid Eligibility & Reinstatement	x	x	x	
Financial Aid Process	x		x	

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Student Policy and Procedure	NDSCS Catalog	NDSCS Guide to Student Rights and Responsibilities	NDSCS Web site www.ndscs.edu	Residence Life and Dining Services Contract Booklet
Firearms/Explosives/Other Policy		x	x	
FLEXtime Courses	x		x	
General Education Transfer Policy/Agreement	x		x	
Graduation Requirements & Procedure	x		x	
Immunization Record Requirements			x	
Library Services & Policies	x		x	
Mailroom Policies & Procedure	x		x	x
Parking on Campus Policy	x		x	
Public/Open Records Policy			x	
Quality Pledge/Program Guarantee	x		x	
Refund Schedule	x		x	
Reporting a Crime		x	x	
Residence Life Policies, Procedures & Expectations	x	x	x	x
Security Policy		x	x	
Service Animals at NDSCS		x	x	
Sexual Assault Policy		x	x	
Smoke-free Facilities Policy			x	
Solicitation, Distribution and Posting Policy			x	
Student Alcohol/Drug Disciplinary Sanctions in Classrooms, Labs, Shops		x	x	
Student Alcohol/Drug Policy and Sanctions		x	x	
Student Complaints and Grievances Process		x		
Student Crisis Management Team		x	x	
Student Eligibility to Participate in Activities		x	x	
Student Emergency Procedure Policy		x		
Student Health and Counseling Services	x		x	x
Student Club/Organization Recognition Process			x	
Student Responsibilities	x	x	x	
Student Senate and Club/Organization Guidelines			x	
Student Sexual Harassment Policy and Procedures		x		
Testing Center Policy and Procedures	x		x	
Use of College Property Policy			x	
Use of NDSCS Name, Logo and Trademark			x	
Wildcat Card Terms and Conditions			x	



[www.ndscs.edu](http://www.ndscs.edu)

