



**North Dakota State College of Science**  
**Drug-Free Schools and Campuses Regulations [EDGAR Part 86]**  
**Biennial Review: 2018**

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Chair, NDSCS ATOD Prevention Team  
NDSCS Student Affairs Division  
December 2018

**North Dakota State College of Science  
Drug-Free Schools and Campuses Regulations [EDGAR Part 86]  
Alcohol and Other Drug Prevention Certification**

The undersigned certifies that it has adopted and implemented an alcohol and other drug prevention program for its students and employees that, at a minimum, includes –

**1. The annual distribution to each employee, and to each student who is taking one or more classes of any kind of academic credit except for continuing education units, regardless of the length of the student's program of study, of:**

- Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.
- A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol.
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol
- A description of any alcohol or other drug counseling, treatment or rehabilitation or re-entry programs that are available to employees or students.
- A clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with State and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

**2. A biennial review by the institution of its alcohol and other drug prevention comprehensive program to:**

- Determine its effectiveness and implement changes to its comprehensive alcohol and other drug prevention program and policies, if they are needed.
- Ensure that its disciplinary sanctions are consistently enforced.

North Dakota State College of Science  
Name of College

800 6<sup>th</sup> Street North, Wahpeton, ND 58076  
Address of College

Dr. John Richman  
Typed Name of President

45-6002451  
IRS Employer Identification Number

John Richman  
Signature of the President

Digitally signed by John Richman  
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Office, email=john.richman@ndscs.edu, c=US  
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701.671.2221  
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## I. Introduction/Overview

North Dakota State College of Science (NDSCS) is committed to an environment that supports the academic success and health of our staff and students and has a Drug-Free Campus Program that serves to provide the campus with activities and services designed to encourage a healthy and drug-free lifestyle.

In keeping with the requirements of the Drug-Free Schools and Campuses Regulations [EDGAR Part 86], North Dakota State College of Science has an Alcohol / Drug Abuse Prevention Statement or policy that describes standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on NDSCS property or as part of any NDSCS sponsored activities. The policy includes the following:

1. A description of legal sanctions under federal, state, or local law for the unlawful possession use or distribution of illicit drugs and alcohol;
2. A clear statement of disciplinary sanctions NDSCS will impose on students and employees for violations of the standards of conduct;
3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
4. A description of the drug and alcohol counseling and treatment resources available to students and employees.

As outlined in the “Complying with the Drug-Free Schools and Campuses Regulations” (EDGAR Part 86), the NDSCS Alcohol and Other Drug Policy is distributed to all students and employees as part of our Drug-Free Campus Program.

This required biennial review has the following two objectives. First, to determine the effectiveness of, and to implement necessary changes to the Alcohol, Tobacco, and Other Drug Prevention Program. Secondly, to ensure that campuses enforce the disciplinary sanctions for violating standards of conduct consistently.

## II. Biennial Review Process

This Review covers the period of 2016-2018. Specifically, it is the fall 2016 semester through the summer of 2018. It was the goal of the NDSCS Alcohol, Tobacco, and Other Drug Prevention Team to produce a Biennial Review that would be used to confirm the progress made by NDSCS and to also provide awareness into how NDSCS’s ATOD programs could be enhanced.

### A. Biennial Review Committee:

- a. Jane Vangness Frisch, Ph.D., Vice President of Student Affairs: The Vice President for Student Affairs serves as the administrative liaison for the Alcohol, Tobacco, and Other Drugs Prevention Team.
- b. Melissa Johnson, Executive Director, Student & Residential Life: The Executive Director of Student & Residential Life supervises the work of the Alcohol, Tobacco, and Other Drugs Prevention Specialist (see below).
- c. Bethany Mauch, Alcohol, Tobacco, and Other Drugs Prevention Specialist: The full-time Specialist includes 70% time allocation for direct involvement in ATOD prevention efforts and carries out prevention efforts on campus aimed at reducing high-risk drinking and alcohol, tobacco, and other drug-related consequences among NDSCS students. Specific duties include chairing the NDSCS ATOD Prevention

Team, representing NDSCS on the ND Higher Education Consortium for Substance Abuse Prevention, carrying out ATOD-related research, updating the College AOD & Tobacco policies, giving presentations to large and small groups of students, promoting prevention education messaging, assisting in creating substance-free programs and activities, and other prevention activities as needed.

- d. NDSCS ATOD Prevention Team: The NDSCS ATOD Prevention Team was formed in 2008 to address the important issues of alcohol and other drug misuse. The group has consisted of College and community stakeholders and strives to involve the entire College community in alcohol and other drug prevention programs to assist with problems associated with ATOD misuse.
1. Bethany Mauch, Chair ATOD Prevention Specialist, Student Health and Counseling
  2. Dr. Jane Vangsness Frisch, Vice President for Student Affairs
  3. Vince Plummer Counselor, Student Health and Counseling
  4. Melanie Herding Campus Nurse, Student Health and Counseling
  5. Whitney Link Officer, NDSCS Police Department
  6. Matt Diischer Assistant Director of Leadership and Community Dev., Residential Life
  7. Ariel Johnson Richland County Prevention Coordinator
  8. Mindy Tayer Director of Academic and Career Counseling, Student Success
  9. Kerri Kava Assistant Director, Student Life
  10. Tami Metzen Academic Support Specialist, Student Success
  11. Mike Redding Associate Professor/Program Coord., Case IH, Diesel Technology
  12. Student Representative Student Senate
  13. Student Representative: Wildcats After Dark Coordinator, Campus Activities Board

**B. Location(s) of the 2018 Biennial Review**

- a. All documentation pertaining to the NDSCS Alcohol and Drug Policy is available for public review. Copies of the biennial review are available in the offices of the President (Haverty Hall 151), Campus Judicial Officer (Riley Hall 130), ATOD Prevention Program Office (Riley Hall 107) and on the NDSCS ATOD Prevention website ([ndscs.edu/alcoholinfo](http://ndscs.edu/alcoholinfo)). Questions regarding the Biennial Review Report can be directed to:

Bethany Mauch, NDSCS ATOD Prevention Specialist  
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800 Sixth St. N  
Wahpeton, ND 58076  
701.671.2124 | [Bethany.Mauch@NDSCS.edu](mailto:Bethany.Mauch@NDSCS.edu)

**III. Annual Policy Notification Process**

- A. NDSCS complies with all state and federal laws regarding drug and alcohol policy distribution (North Dakota State Board of Education policy governing alcohol use on campus, the Drug-Free Workplace Act of 1988, Public Law 100-690 and the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226). NDSCS attempts to ensure every student, faculty member and staff person is informed about NDSCS' alcohol, tobacco

and drug policies. An e-mail including the full text of the policy is sent out each semester to all official student email addresses through the college listservs with the full text of the policy. E-mail is an official means of communication for all NDSCS students, faculty and staff. In addition, the policy is included in the Annual Notice of Policies that is included in all staff and faculty annual training and all NDSCS policies are given to each new faculty and staff member. A sample of the NDSCS AOD Policy e-mails sent to students and employees can be found in appendix A.

- a. For the complete NDSCS Alcohol and Other Drug Policy, please see Appendix B. The NDSCS Alcohol and Other Drug Policy can also be viewed online at [www.NDSCS.edu/AlcoholInfo](http://www.NDSCS.edu/AlcoholInfo).
- b. For the complete NDSCS AOD Policy Distribution Rationale and Plan for Fiscal Years 2016-2017 and 2017-2018, please see Appendix C.

#### B. Notification Process for Employees

- a. New hires of NDSCS are directed during HR orientation how to locate the policy and indicate they have read the policy in its entirety.
- b. All staff/faculty are provided with a College e-mail address which is the official means of communication for the campus. All staff/faculty are required to complete annual training each fall semester and training at date of hire, in which the policy is explained in detail.
- c. The NDSCS Human Resources Office also sends out the NDSCS Alcohol and Other Drug Policy to staff and faculty members on an annual basis. The All Employees listserv includes everyone currently employed by NDSCS (on regular or temporary basis), with the exception of student employees. Please see Appendix A for an example of employee AOD policy e-mail sent.

#### C. Notification Process for Students

- a. Each student receives an e-mail from the Alcohol, Tobacco, and Other Drugs Prevention Specialist each semester. This e-mail contains the full text of the NDSCS Alcohol and Drug Policy. This e-mail is sent out at the beginning of the fall semester, at the beginning of the spring semester, and at the beginning of each summer session. Please see Appendix A for an example of the student AOD policy e-mail sent.
  - i. The All Student Listserv includes all students enrolled in academic courses, with the exception of dual-credit students.
- b. Students are also notified of the policy during freshman orientation via verbal disclosure during a general mandatory orientation session.
- c. Policy Distribution Timeline:
  - i. E-Mail sent to all NDSCS students containing NDSCS Alcohol and Other Drug Policy by Bethany Mauch, ATOD Prevention Specialist (see Appendix C).
    1. August 25, 2016; January 13, 2017; June 7, 2017; July 9, 2017
    2. August 28, 2017; January 11, 2018; June 8, 2018; July 9, 2018

### IV. Alcohol and Other Drug Assessment Efforts

#### A. Student Alcohol, Tobacco and Other Drug Use Surveys

- a. The 2016 Alcohol and Other Drug Survey was developed to measure alcohol and other drug usage, as well as attitudes and perceptions among college students attending two and four year institutions in the North Dakota University System. The CORE survey, which is a similar survey that was developed in partnership with the Core Institute

(Southern Illinois University, Carbondale, IL), that had been administered to NDSCS students in 2008, 2010, 2012, and 2014 in an attempt to measure drinking and drug use behaviors, as well as their perceptions of the norms surrounding alcohol use among students. Results of the 2016 North Dakota Alcohol and Other Drug Survey are available on the [NDSCS Alcohol and Other Drug Abuse Prevention website](http://ndscs.edu/alcoholinfo) (ndscs.edu/alcoholinfo.) Results of the 2018 survey (ND Student Wellness And Perceptions Survey) will be available in the spring of 2019. This survey was created in the fall of 2018 to also include overall student wellness questions pertaining to AOD use, nicotine/tobacco, sleep, and mental health. Please see Appendix D for the 2016 Alcohol and Other Drug Survey Summary.

- i. In 2015, a task force was formed from members of the ND Higher Education Consortium for Substance Abuse Prevention (NDHECSAP) to explore the possibility of improving the survey administration strategy for 2016. As a result, the task force created an revised survey titled the North Dakota Alcohol, Tobacco, and Other Drugs Survey (ND ATOD Survey). This survey was specifically altered to be administered to all 11 college campuses and universities in the NDUS electronically. To preserve the reliability of the longitudinal data, the survey continues to include items from the nationally administered Core Survey through an agreement with the Core Institute.
- b. In the spring of 2018, NDSCS administered the 2018 NDSCS Employer Survey (ATOD). This survey was developed to measure and understand the frequency of which employers of NDSCS graduates conduct criminal background checks on prospective employees, including scrutiny of alcohol-related arrests and citations. This survey was adapted from an instrument originally developed and administered at North Dakota State University (Beseler Thompson & Carlson, 2017). Please see Appendix E for the 2018 NDSCS Employer Survey Summary.

## **B. NDSCS Strategic Plan**

- a. In 2016, the NDSCS Alcohol, Tobacco and Other Drug Prevention Team assembled to assess our current strategies and to identify new, research-based strategies to reduce drinking and its consequences. The tool used during the planning process was the National Institute on Alcohol Abuse and Alcoholism (NIAAA) College Intervention Matrix (AIM). The outcomes will be assessed based on data from the 2016-2018 ND ATOD Surveys. The following items were identified as part of the 2016-2019 plan (please see also Appendix F.)
  - i. Work with community stakeholders to enforce compliance checks in the City of Wahpeton, ND.
  - ii. Research the possibility of a Social Host Property Law in Richland County, ND.
  - iii. Enhance current NDSCS parent-based alcohol communication.
  - iv. Implement a personalized feedback intervention (PFI) tool for tobacco/nicotine violators.
  - v. Research the possibility of increases the state-wide alcohol tax.

### **C. Presentations**

- a. Vangsness Frisch, J., Johnson, M., Kava, K., & Mauch, B. (March 2018). *That's a Wrap! Enhancing AOD Prevention and Education Messages through Creative Video Marketing*. Presentation at the NASPA Annual Conference: Philadelphia, PA.
- b. Mauch, B. & Kava, K. (October, 2018). *That's a Wrap! Enhancing AOD Prevention and Education Messages through Creative Video Marketing*. Presentation at the Minnesota Prevention Resource Center Program Sharing Conference: St. Cloud, MN.

## **V. AOD Policy, Enforcement & Compliance Inventory, & Data**

### **A. Alcohol and Other Drug Abuse Prevention Statement**

- a. NDSCS is committed to maintaining a healthy academic and social environment conducive to the academic and personal development of students, faculty, and staff. To help achieve such an environment, NDSCS complies with and supports the North Dakota State Board of Higher Education (SBHE) governing alcohol use on campus (Policy 918), the Drug Free Workplace Act of 1988, Public law 100-690 and the Drug-Free Schools and Communities Act Amendments of 1989, and Public Law 101-226 governing prevention programs and federal assistance to institutions of higher learning and amendments thereto. A summary of local, state and federal laws related to alcohol and other drugs can be found at the Alcohol, Tobacco and Other Drug Prevention website.

Alcohol and other drug use represents a major health problem in the United States and poses a serious threat to the health and welfare of the NDSCS community. This threat occurs at NDSCS in the form of property damage, acts of vandalism, disciplinary problems, driving under the influence (DUI), automobile and other types of accidents, decreased career opportunities and academic performance, impaired social relationships, violence and decreased ability to cope with the stresses of life. More information on the health risks associated with alcohol misuse and other drug misuse can be found at the National Institutes for Health website as well as the NDSCS Alcohol, Tobacco and Other Drug Prevention website.

### **B. Inventory of Policies**

#### **a. NDSCS Alcohol and Other Drug Policy**

- i. The ATOD Prevention Team consistently examines the Alcohol, Tobacco and Other Drug Policy on an annual basis and suggests revisions in a timely manner. The NDSCS ATOD policy is prominently posted on the [NDSCS ATOD website](#). The NDSCS ATOD policy is also included in the [Guide to Student Rights and Responsibilities](#) that is available on the [NDSCS website](#).
- ii. Copy of the Policy Distributed to Students and Employees:
  1. See part 86 worksheet: Appendix G.
  2. See Appendix B for the NDSCS Student & Employee Alcohol and Other Drug Policy.
  3. See Appendix H for the NDSCS 2016 Annual Security Report and Fire Safety Report.



**b. NDSCS Parental Notification Policy**

- i. The Parental Notification policy allows for (but does not require) notification of parents or guardians of students under 21 who are found responsible for violating NDSCS' AOD policy. For most violations regarding alcohol and other drugs, including first-time violations, parents of students under 21 receive a letter explaining that the student has violated the policy, encouraging the parents to have a conversation with the student about the incident, and providing educational resources for parents to reference. To view the NDSCS PN Policy, please see NDSCS Alcohol and Other Drug Policy section 14 in Appendix B.

**c. NDSCS Guide to Student Rights and Responsibilities: A Code of Conduct**

- i. The primary purpose of the Student Code of Conduct is to educate and guide students to understand their rights and responsibilities in regard to appropriate behavior and respect for others in the College community. The NDSCS Code of Conduct can be found at [NDSCS.edu](http://NDSCS.edu) → Current Students → Student Life → Student Rights & Responsibilities and/or please see Appendix I for the Student Code of Conduct in its entirety.

**d. NDSCS Tobacco-Free Environment Policy**

- i. North Dakota State College of Science is committed to creating a safe, clean, and healthy educational environment for all students, employees, and visitors. NDSCS is a tobacco-free college in order to promote the health, wellness, and safety of all constituents. The purpose of the policy is to reduce the harmful effects of secondhand smoke; provide an environment that encourages persons to be tobacco and nicotine free; and establish a culture of respect and wellness. The NDSCS Tobacco-Free Environment Policy can be found at [NDSCS.edu/Tobacco](http://NDSCS.edu/Tobacco). Please see Appendix J for the NDSCS Tobacco-Free Environment Policy in its entirety.

**e. NDSCS Wildcats Student-Athlete Code of Conduct**

- i. The NDSCS Athletics Department provides each student with a Student-Athlete Code of Conduct. This code outlines the procedures and general regulations that have been established by NDSCS, The Mon-Dak Conference, The Minnesota College Athletic Conference (Football), Region 13, and the National Junior College Athletic Association (NJCAA). Please see Appendix K for the Student-Athlete Code of Conduct in its entirety.

**f. NDSCS Sexual Misconduct Title IX Compliance Policy**

- i. In accordance with Title IX, NDSCS does not tolerate sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking, and intimate partner violence in NDSCS's educational program and activities. Also prohibited under Title IX is any rule violated on the basis of the recipient of the behavior's sex and/or gender, which is severe

enough to cause discriminatory effect. For the NDSCS Title IX Policy in its entirety and in relation to alcohol or other drugs, please see Appendix L.

### **C. Methods used for general enforcement**

#### **a. NDSCS Campus Police**

- i. The NDSCS Police staff have full arrest powers and are licensed by the State of North Dakota. The NDSCS Police, in conjunction with the Wahpeton Police Department provide vehicle patrol 24 hours a day year-round. NDSCS Police report violations of campus regulations and enforce city and state laws. Initial criminal reports, investigations and most cases are developed for prosecution. All criminal reports taken by the NDSCS Police are filed through the Wahpeton Police Department. The Wahpeton Police Department regularly shares information with the NDSCS Police, regarding incidents occurring in the area surrounding the campus. The NDSCS Police are armed and maintain radio contact with the Wahpeton Police department through the Richland County Central Dispatch Center.
- ii. Student Security
  1. Student Security (student employees under the supervision of NDSCS Police) assist NDSCS Police during the evening hours on the Wahpeton campus by checking exterior doors, vehicles parked in lots, and providing escort service to persons requesting it. NDSCS Police, or Student Security, lock campus buildings each evening. In addition, checks on exterior doors and interior public areas of buildings, as well as the campus grounds, are completed nightly.

#### **b. Assistant Director for Leadership and Community Development (ADLCD)**

- i. Assist with student conduct administration, behavioral intervention, and critical incident management. The ADLCD serves as the functional lead for the conduct process and ensures policies/procedures are followed by all hearing officers, responds to and addresses student incidents and behavioral concerns, educates hall staff on student conduct policies and procedures, behavioral intervention, and critical incident management, enforces all aspects of the student code of conduct and residential life housing contracts, and reviews and edits policies and procedures as needed related to conduct.

#### **c. NDSCS Resident Directors**

- i. Staff members who also live in the residence halls. Primary responsibilities include educating students, staff, and guests on College policies and procedures, maintaining knowledge and educating students and staff of the Guide to Student Rights and Responsibilities: Student Code of Conduct, investigating policy violations and assisting in adjudicating student conduct cases utilizing procedures in the Code of Conduct, and maintaining student behavioral files through Conduct Coordinator program.

#### **d. NDSCS Resident Assistants**

- i. Resident Assistants (RAs) are student staff members in the residence halls who create and promote safe and inclusive living and learning communities on campus. RA Responsibilities include planning building-wide events, ATOD prevention/education passive programming, assisting campus police with safety and security, and performing administrative tasks related to campus violations. Resident Assistants receive training related to alcohol and other drug abuse prevention and referring those who may be struggling with AOD misuse.

**D. NDSCS Drug and Alcohol related incidents**

- a. The number of disciplinary cases handled by Residential Life involving alcohol and other drugs has remained fairly consistent based on the increase in student enrollment over the past several years. All Drug Law Violations arrests or non-arrests are referred for disciplinary actions, therefore, they are not counted in both categories of arrest and referral. All alcohol arrests are also referred and therefore not counted in both categories. Additional information about the charts may be obtained from the NDSCS police.

<b>CHART V - LIQUOR, DRUG, WEAPONS LAW ARRESTS</b>					
	<b>Year</b>	<b>Total on Campus</b>	<b>Campus Residential Facilities</b>	<b>Non-Campus Building or Property</b>	<b>Public Property</b>
Liquor Law*	2017	26	15	0	1
	2016	30	14	0	0
	2015	6	3	0	0
Drug Law*	2017	2	0	0	0
	2016	4	3	0	2
	2015	9	7	0	2
Illegal Weapons Possession	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

<b>CHART VI - LIQUOR, DRUG, WEAPONS LAW DISCIPLINARY REFFERALS</b>					
	<b>Year</b>	<b>Total on Campus</b>	<b>Campus Residential Facilities</b>	<b>Non-Campus Building or Property</b>	<b>Public Property</b>
Liquor Law*	2017	130	128	0	20
	2016	113	96	0	3
	2015	123	117	0	3
Drug Law*	2017	36	35	0	5
	2016	14	13	0	10
	2015	13	12	0	0
Illegal Weapons Possession	2017	3	3	0	0
	2016	1	1	0	0
	2015	0	0	0	0

## **VI. AOD Comprehensive Program Inventory & Related Process**

### **A. Community Activities/Initiatives**

- a. In 2006, the NDSCS ATOD Prevention Team was formed to complete the 2008 Biennial Review and address the important issues of alcohol and drug misuse. The ATOD Prevention Team meets monthly and provides direction to prevention efforts at NDSCS, for membership list see Appendix M. Minutes from all NDSCS ATOD Prevention Team meetings are available by request from the ATOD Specialist.
- b. The group, currently chaired by Bethany Mauch, ATOD Specialist, created a Mission & Vision Statement in the Fall of 2014 which is reflected below:
  - i. NDSCS ATOD Mission Statement: The mission of the Alcohol, Tobacco and Other Drugs (ATOD) Task Force at North Dakota State College of Science is to bolster student success by promoting and supporting low-risk decisions regarding ATOD use throughout the College and the broader community.
  - ii. NDSCS ATOD Vision Statement: We envision a College and community free from high-risk alcohol, tobacco and other drug use.
- c. NDSCS is a member institution of the North Dakota Higher Education Consortium for Substance Abuse Prevention (NDHECSAP). This consortium provides support to all member institutions to reduce substance abuse in North Dakota's college student population and reduce negative health and safety consequences related to substance abuse in that population. The efforts of the NDHECSAP are sustained by a full-time director.
- d. NDSCS is represented on the Substance Abuse Stakeholder's Task Force, a Richland-Wilkin County community coalition. This community group proactively addresses the issues of alcohol and other drugs in order to promote a healthy community.
- e. NDSCS is a member of the Project YES Youth and Community Prevention Coalition, whose goal is to prevent and reduce youth substance abuse and to encourage youth to make healthy, safe decisions. This coalition aims to reduce substance abuse among youth and, over time, among adults by addressing the factors in the county that increase the risk of substance abuse and promoting the factors that minimize the risk of substance abuse. It also aims to strengthen and maintain collaboration among community members to support the drug prevention efforts of the coalition.
  - i. Bethany Mauch, NDSCS ATOD Prevention Specialist has partnered with Ariel Johnson, Chair of the Project YES Youth and Prevention Coalition to provide a Vaping Education Presentation to Wahpeton Middle School and High School staff. (May 2018). 25-30 staff members were present.

### **B. NDSCS College-wide drug and alcohol awareness events and initiatives**

- a. First-year students and family members: Several attempts are made to educate parents and students about the impact that alcohol can have on their health and academic well-being throughout their college experience. A brief overview of these efforts is provided below.
  - i. Registration/Orientation Days: The Executive Director of Student and Residential Life and the Vice President for Student Affairs present on the

NDSCS ATOD policy, the possible sanctions, the NDSCS Parental Notification Policy and student decision making at NDSCS.

1. Student/Parent orientation session: Presenters provide an overview to the NDSCS ATOD policy, high-risk decisions and the impact of those decisions on student success and developmental problems. Educational and financial sanctions are discussed as well as the process followed when found in violation of the ATOD policy, including the NDSCS Parental Notification Policy.
  2. Parent Orientation & Athletic Orientation: NDSCS Administration provide a more in-depth overview of the NDSCS ATOD Policy, Parental Notification Policy, educational and financial sanctions, as well as the NDSCS judicial process.
  3. An informational brochure (see Appendix N) regarding alcohol and other drugs is included in the orientation packets. This brochure is aimed toward parents/guardians of first year students. The brochure addresses how to talk with their students about alcohol and drugs, addresses frequently asked questions and provides normative data regarding alcohol use at NDSCS.
  4. Parents are also provided with the website link to the Alcohol, Tobacco and Other Drug Prevention Website. [This section](#) of the website is geared towards parents/guardians and focuses on talking to their students about the risks of drinking. [Parents LEAD](#) information as well as a brochure for talking to students about alcohol is provided.
- b. The [Alcohol, Tobacco and Other Drug Prevention website](#) was launched in 2011 and is maintained with the purpose of educating students, faculty/staff and parents about high risk alcohol use. It has several interactive calculators such as blood alcohol concentration, calories, and cost to help students assess their alcohol use. It also contains CORE survey data from previous years, answers to frequently asked questions, references to alcohol policies, referral information, and resources for students, parents, faculty, and staff. Links to eCHUG, eTOKE, and eCheckup To Go for Tobacco are also available on the website, along with information about alcohol and sexual assault.
- c. Health & Wellness Seminar: At the beginning of each fall and spring semesters, the NDSCS Student Advocate and the NDSCS ATOD specialist speak with the majority of first year students through their First Year Experience (FYE) class during the health and wellness section of their coursework. The focus is on helping students avoid the financial, personal, legal, physical and academic consequences associated with high-risk choices as well as safety, responsibility, and community with an emphasis on ATOD and sexual assault prevention.
- d. Use of social norms: Social norms are used in a variety of alcohol prevention efforts at NDSCS, including the ATOD workshops, classroom and group presentations and training, educational campaigns, and social norms campaigns. NDSCS strives to use the social norms approach in efforts to correct students' misperception of their peers' alcohol use.
- e. Don't Cancel Class Initiative was created in the spring of 2015 and was developed to support faculty who may need to be away from class due to a professional or personal

conflict. Professional staff covers classes and presents on topics that may be related to the coursework or issues college students may face while in college. Student organizations and departments on campus can also request a presentation on any of the topics available. Topics included:

- i. Resume Building; Diversity Awareness; Safe Zone; Gender Matters; Mental Health Awareness for College Students; Alcohol 101; Tobacco 101; Marijuana 101; Sexual Assault & Violence; Consent & Sex; and Working Alcohol and Drug Free.
  1. 2016-2017: total of 47 presentations provided
  2. 2017-2018: total of 24 presentations provided
  3. Fall 2018: total of 26 presentations were provided
- f. The Rethink That Drink Campaign was launched in the spring of 2016. The campaign focuses on reducing the harmful consequences and myths commonly associated with students making high-risk drinking decisions. The campaign aims to educate students on the reality behind high-risk drinking behaviors and alternatives to keep students' out of harms way. Elements of the campaign include a website ([www.ndscs/rethinkthatdrink](http://www.ndscs/rethinkthatdrink)) with educational material, t-shirt giveaways, dining room table tents, banners across high traffic areas on campus, social media posts, campus-wide emails, a promotional video, and a variety of other promotional efforts.
- g. Mental Health First Aid Training has been made available to the College Community at least one time each year since the fall of 2014. This training is a nationally recognized, interactive, educational program that introduces participants to risk factors and warning signs of mental health problems, raises awareness of the impact of mental health concerns, teaches how to response to common mental health situations, and discusses current treatments.
- h. Resident Assistant (RA) Training is provided each fall for both new and returning RAs. Training sessions include ATOD information as well as the use of normative information with both injunctive and descriptive norms to correct student's misperception of their peers' alcohol use and to be able to identify themselves as a resource for those individuals seeking information and guidance on issues related to alcohol, tobacco/nicotine, and other drug use. RA's also attend a one-hour mental health and suicide prevention training with the NDSCS College Counselor.
- i. Screening Days are used throughout the year which bring attention to the critical needs of those with alcohol and other substance use disorders, mental health concerns, and eating disorders. The College Counselor is on-site to make appointments with students following the specific screening. The screening day activities also serve as an awareness piece for students and employees.
- j. NDSCS employs a full time Personal Counselor. Responsibilities include mental health treatment, education and outreach to the student body. Referrals and coordination of services are conducted when ATOD and medication management services are required. Outpatient and in-patient referrals are made to a local provider on an as needed basis. NDSCS is also contracting with a local clinic to deliver medication assessment and prescription services on campus. Mental Health services are available to students at both Wahpeton and Fargo. NDSCS Fargo students have

options of receiving services on campus at NDSU, or off-campus at the NDSU Community Counseling Center depending on their enrollment status.

- k. Wildcats After Dark, a late-night, alcohol-free event program, has been implemented throughout each academic year since Fall 2013, with NDSCS enhancing the program in 2017 to include leadership opportunities for students with the Wildcats After Dark Event Coordinator position. In 2016, the program received permanent funding and was relocated permanently into Student Life Campus Activities Board. Please see Appendix O for a copy of the Memorandum of Understanding (MOU) between Student Life Campus Activities Board and the Alcohol, Tobacco, and Other Drugs Prevention Team. The guidelines of the MOU The function of this Student Coordinator position was to create an alcohol alternative program numerous times throughout the academic year on a high-risk evening. The Campus Activities Board is responsible for programming and running the events such as dances, movie nights, crafts, and more.
- l. Employee Assistance Program (EAP): As part of their benefit package, NDSCS employees may access services through the Employee Assistance Program. This program is a confidential and independent short-term counseling program that offers professional guidance and services to organizations, employees and managers.
- m. The Wildcats Care Campaign was developed as a college and community initiative to bring a collaborative awareness of respect to NDSCS students and employees that is focused on respecting yourself, your community, and respecting each other. This campaign aims to create a community that demonstrates and promotes respect for each other, reinforce good behaviors, encourage courtesy, civility, and respect, and develop awareness of the impact of disrespectful behaviors. Numerous events and activities are promoted through this campaign throughout the academic year including presentations (mental health, diversity, ATOD), social media messages, e-mails, and guest speakers.

### **C. Programs for Special Populations**

- a. Athletes:
  - i. The ATOD Specialist presents to all NDSCS athletic groups at the beginning of the fall semester (and upon request thereafter). This presentation is based on the CHOICES curriculum which engages students in self-reflective processes where they independently choose to change high-risk alcohol use behaviors using information provided here about alcohol, the risks associated with excessive drinking and available alternative coping strategies.
  - ii. NDSCS Student Health & Counseling Services partnered with the NDSCS Athletic Trainer in the Spring of 2018 to provide AOD and mental health screening for all NDSCS athletes. Student athletes fill out an online screening tool with the athletic training. The results of the screening are then automatically sent to the NDSCS Counselor for review and referral.
  - iii. NDSCS Athletes must also attend a mandatory athlete orientation in the fall of each academic year that focuses on NDSCS expectations and NDSCS AOD and Tobacco policies and the consequences associated with use and association of use. State and federal laws are also presented on during this session.

## D. Group Based Programs/Interventions

- a. Educational sanctioning for AOD violations: most students who violate the NDSCS ATOD policy have an initial meeting with a hearing officer. In the initial meeting, the violation is discussed and conditions of the student's sanction are assigned. NDSCS utilizes an educational sanction and condition process that was developed to help students learn from their decisions. Because of this, each situation is viewed individually and the decisions are made based on that specific situation. Conditions of a sanction vary based on the situation.
  - i. Often for a first alcohol violation, students will be required to complete eCheckup To Go (eCHUG) and are charged a \$250.00 fine.
  - ii. For a typical second violation, students are required to complete the CHOICES class.
  - iii. A typical third violation includes a fine as well as referred to BASICS (Brief Alcohol Screening for College Students.) Students who were cited/documentated in high risk circumstances can be sanctioned for any of the three intervention programs.
  - iv. Usually for a first violation involving marijuana, students will be required to complete eCHECKUP TO GO (eToke), and go through a brief intervention program.
  - v. Likewise for a tobacco/vaping violation, students are required to complete the eCheckup To Go program for Tobacco as well as have a brief intervention with the ATOD Prevention Specialist.
- b. NDSCS employs one full time mental health counselor. Regarding substance use disorders, the Personal Counselor offers individual and group counseling for students on an outpatient basis and routinely connect students with community support group meetings, such as Alcoholics Anonymous and Narcotics Anonymous. Finally, the Personal Counselor works closely with other area providers to connect students with more intensive care as needed. In the case that a student is in need of more intensive treatment than can be provided by NDSCS, referrals are commonly made to local substance use treatment facilities including First Step Recovery, Prairie St John's Psychiatric Hospital, Sanford Hospital, South East Human Service Center, or a variety of high-intensity outpatient treatment facilities. NDSCS also contracts with a medical provider from Essentia Health to evaluate and provide medication management exclusively for the treatment of mental health. Examples of what are treated include ADHD, depression, and anxiety. Students meet with the provider at NDSCS Student Health & Counseling and there are no fees, co-pays, or billing for visits with the provider.
- c. The First Year Experience (FYE) Program, is a one-credit course that provides the tools and skills necessary to get a strong start with the transition for new students at NDSCS. This course will introduce students to campus resources, policies and procedures and cover topics such as time management, study skills, goal setting, wellness, financial literacy and professional development.
  - i. E-CHUG is currently being required of all first-year students at NDSCS. Funding to assist with implementation was provided by the ND Partners in Prevention grant from 2010 to 2012 and the Campus Tobacco Prevention Project from 2013-2016. Since the fall of 2016, the North Dakota Higher Education Consortium for Substance Abuse Prevention (NDHECSAP) has



covered the cost for NDSCS to continue to implement the eCheckup To Go program. All first-year students are notified of the requirement to complete e-CHUG during their fall semester FYE class during the first 6 weeks on campus. Correspondence and response rate maintenance regarding the requirement comes from the Director of Student Success, FYE instructors and the ATOD Specialist.

- ii. Health & Wellness Seminar: At the beginning of each fall and spring semesters, the NDSCS Student Advocate and the NDSCS ATOD specialist speak with the majority of first year students through their First Year Experience (FYE) class during the health and wellness section of their coursework. The focus is on helping students avoid the financial, personal, legal, physical and academic consequences associated with high-risk choices as well as safety, responsibility, and community with an emphasis on ATOD and sexual assault prevention.

### **E. Environmental/Socio-Ecological Based Programs**

- a. Campus Activities Board (CAB):
  - i. The Campus Activities Board provides late-night entertainment options on and off campus throughout the academic year. These events are sponsored by the Campus Activities Board consistently each week.
  - ii. Other campus constituents plan alcohol free, late night events throughout the academic year as well. These sponsors consist of Residence Life, Student Life, Student Senate, Student Success, CRU, DECA Club and the Diversity & Equity Council.
- b. Volunteer opportunities:
  - i. NDSCS promotes and educates on volunteer opportunities in the community and on campus throughout the year which helps students, faculty and staff find service opportunities in the Wahpeton-Breckenridge and surrounding communities.
- c. Campus offers a variety of alcohol-free settings with extended hours
  - i. NDSCS Clair T. Blikre Activities Center (BAC)
    1. Monday-Thursday: 6 a.m. – 8 p.m.
    2. Friday: 6 a.m. – 5 p.m. & 7 p.m. – 10 p.m.
    3. Saturday: 12-6 p.m. & 7-10 p.m.
    4. Sunday: 2-8 p.m.
    5. Holidays: Hours vary
  - ii. Hektner Student Center Hours:
    1. Monday-Friday 6:30 a.m. – 11 p.m.
    2. Saturday and Sunday 11:30 a.m. – 11 p.m.
      - a. Game Room Hours
        - i. Sunday-Friday 5 p.m. – 11 p.m.
        - ii. Saturday 1 p.m. – 11 p.m.
  - iii. NDSCS Mildred Johnson Library
    1. Monday-Thursday: 7:45 a.m. – 8 p.m.
    2. Friday: 7:45 a.m. – 12 p.m.
    3. Sunday: 6-9 p.m.
    4. Holidays: Hours vary
  - iv. NDSCS Student Success Center

1. Sunday-Thursday 7:45 a.m. – 10 p.m.
  2. Friday 7:45 a.m. – 5 p.m.
- d. Non-Alcoholic beverages at events
- i. NDSCS maintains a dry campus, including at all NDSCS events and NDSCS sponsored, off-campus events. NDSCS in accordance with North Dakota State Board of Higher Education Policy 918 ([www.ndus.edu/policies](http://www.ndus.edu/policies)), prohibits the possession, sale, dispensation, display, in possession of alcohol 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.
  - ii. Off-campus alcohol and other 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.
- e. Focus on class attendance and academic responsibility
- i. Focus on class attendance and academic responsibility is emphasized in the NDSCS Policies and Procedures Catalog which states that attendance in classes is expected of each student. This focus is also evident in the specialized learning environments of the Technologies and Services Division. This attendance policy states that any student absent more than 10 percent of the course's total contact hours will have an additional letter grade deducted from his or her current course grade; or any student absent more than 14 percent of a course's total contact hours will have an additional letter grade deducted from his or her current course grade; or any student absent more than 18 percent of a course's total contact hours will be dropped from the course if that rate is reached before the last day to drop classes. If the 18 percent absence rate is reached after the drop date, the student will receive an "F."
- f. Substance-Free Residence Options
- i. NDSCS maintains a dry campus, including its residence halls. NDSCS in accordance with North Dakota State Board of Higher Education Policy 918, prohibits the possession, sale, dispensation, display, in possession of alcohol 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.
- g. Student Success Center's Study & Tutor Area provides tutors to facilitate student academic skill development and provide tutoring in a group setting. Tutors guide students in understanding and developing metacognitive skills and self-regulatory behaviors (such as time management) to improve their academic achievement. Tutors also act as referral agents, and demonstrate a genuine concern for the academic, social and emotional needs of students. Staff members are also involved in outreach programs, including a partnership with the NDSCS Athletic Department.
- h. Campus Activities Board: Student leaders develop, organize and implement programs, which all serve the social interest of NDSCS students.

- i. Wildcat Welcome Team: Students serve as resources and familiar contacts for new students who are making the transition to NDSCS. They are often some of the first contacts incoming students and their families will have at NDSCS and will assist in creating a positive experience as an introduction to becoming a Wildcat.
- j. Wildcat Ambassadors help foster a community for NDSCS students, faculty and staff while serving as a resource and familiar contact for visitors who come to campus for both NDSCS sponsored and non-NDSCS sponsored events.
- k. Student Senate members represent and serve the student body to enhance students' college experience through the empowerment of all students. The Senate's responsibilities include chartering student clubs, awarding discretionary funding to student clubs and organizations, assisting with funding and hosting student programs and events, and representing student interests across campus.
  - i. Student Senate Responsibilities:
    1. Meet weekly during the academic year to discuss College updates and weigh in on important decisions regarding students and the institution.
    2. Participate and serve on a variety of NDSCS and Student Senate committees that can improve the student experience such as Parking Committee, Diversity and Equity Team, and more.
    3. Plan Agawasia Day
    4. Share new initiatives and ideas with the Senate
    5. Participate in the North Dakota Student Association (NDSA) once a month throughout North Dakota.
  - ii. Representatives from Student Senate serve on the ATOD Prevention Team as well as various committees throughout NDSCS (Diversity & Equity, etc.)
- l. NDSCS Media Squad: Each year, the NDSCS ATOD Prevention Team partners with the NDSCS Media Squad to promote the importance of prevention alcohol and other drug misuse among our College community. A 60-90 second video is created showcasing ATOD prevention and/or education coinciding with a College-wide social norms or awareness campaign.

## **F. Alcohol Availability**

- a. Alcohol is banned or restricted on campus
  - i. See the [NDSCS Alcohol and Other Drug Policy](#) and [State Board of Higher Education Policy 918](#).
  - ii. Exceptions to this policy include if the NDSCS President gives written permission prior to an event or a physician prescribes medication for specific individual use.
- b. Alcohol is prohibited in public places
  - i. See [Wahpeton Municipal Code Section 22-81\(i\)](#).
- c. Delivery or use of kegs or other common containers is prohibited on campus
  - i. See the [NDSCS Alcohol and Other Drug Policy](#) and [State Board of Higher Education Policy 918](#).
- d. Alcohol servers are provided with alcohol server training

- i. The Richland County Sheriff's Department provided Responsible Beverage Server Trainings throughout the county from May 2015 to May 2016 through a SPF-SIG grant to Richland County Health Department. The program was led by local law enforcement agents who discussed state and local laws pertaining to minors, the sale or delivery of alcohol to minors, obviously intoxicated persons, and dram shop laws. Participants also learned about detecting or deterring underage purchase or consumption of alcohol, proper carding procedures including detection or false or altered ID's, proper procedures in dealing with an underage drinking or underage person attempting to purchase, the psychological effects of alcohol, and the detection of intoxication and intervention with intoxicated persons. Eleven classes were provided with a total of 193 individuals in attendance to receive the training. This program continued with local funds into Fall 2018.
- e. Days or hours of alcohol sales is limited
  - i. During the 2005 legislative session SB 2067 was passed, which amended sections 5-01-08 and 5-02-06 of the North Dakota Century Code. This bill defines when a person legally turns 21 years of age, "... a person is not twenty-one years of age until eight a.m. on that person's twenty-first birthday." This legislation was aimed to eliminate so-called "power hours," in which newly-legal drinkers often attempted to consume large amounts of alcohol between midnight and when the bar is closed.
  - ii. The City of Wahpeton has established an ordinance for serving to an intoxicated person. [Municipal Code 26-281\(e\)](#) outlines the law concerning delivering alcoholic beverages to an habitual drunkard or intoxicated person.
- f. Establishment of Dram Shop Laws
  - i. North Dakota Century Code (NDCC 05-01-06.1) establishes that every spouse, child, parent, guardian, employer, or other person who is injured by any obviously intoxicated person has a claim for relief for fault against any person who knowingly disposes, sells, or gives away alcoholic beverages to:
    1. A person under twenty-one years of age
    2. An incompetent, or
    3. An obviously intoxicated person
    4. And if death ensues, the survivors of the deceased are entitled to damages.
  - ii. Enforcement of and penalties for violation of this law are dependent on the philosophy of individual city governments and the circumstances surrounding each occurrence.

## **G. Alcohol Marketing and Promotion**

- a. Alcohol advertising on campus is prohibited
  - i. See the [NDSCS Alcohol and Other Drug Policy](#) (Appendix B). This policy prohibits the possession, sale, dispensation, display, in possession of alcoholic containers, empty or full, use or consumption of alcohol beverages and/or drugs upon land or in buildings owned by the Board or its institutions.
  - ii. Students living in the residence halls are prohibited from posting signage (posters, neon 'bar signs', or other alcohol advertisement materials in windows or where they are visible from the hall of a residence hall.
  - iii. Alcohol advertising is prohibited at NDSCS Athletic and Fine Art Events.

## VII. AOD Comprehensive Program Goals and Objectives for Biennium Period

- a. In the 2016 Biennial Review report, the following recommendations were made for the current review:
  1. Enhance parent-based alcohol communication
  2. Support the development of consistent and effective AOD related policies
  3. Continue to support and assist with state-wide prevention efforts
- b. Achievement:
  - i. In regards to parent-based alcohol communication, more of an emphasis was put on being more active in community coalitions to assist in the sharing of prevention knowledge and training. The NDSCS ATOD Prevention Team focused on offering more trainings, continuing to collect data and disseminating data and education to the College Community.
  - ii. In 2016, NDSCS adopted a comprehensive Tobacco Policy and educational program, the first of its kind in the North Dakota University System. Nationwide there has been an increase in vaping among youth. NDSCS noticed this trend and began to implement educational sanctions along with monetary sanctions that matched what we were doing for alcohol and other drug violations.

NDSCS currently uses the eCheckup To Go for Tobacco program in all tobacco policy violations at NDSCS. In 2017, the NDSCS ATOD Prevention Team reviewed the current Alcohol and Other Drug Policy and made updates and revisions. More notably, combined the once separate Student Policy and Employee Policy. NDSCS now has a comprehensive Alcohol and Other Drug Policy that includes definitions, social media guidelines, Employee Assistance Program information, updated the existing financial aid eligibility information, and added an existing Sexual Assault Amnesty section to the policy.

- iii. State-wide prevention efforts have come to a standstill as there has been much turnover in the University System. The NDSCS ATOD Prevention Specialist continues to be an active member in the ND Higher Education Consortium for Substance Abuse Prevention and will continue to work with other institutions to promote and support evidence based prevention strategies.

## VIII. NDSCS ATOD Prevention Program Strengths and Weaknesses

- a. Based on the review of the past two years by the ATOD Prevention Team, several areas were noted as strengths and other areas were noted for needing improvement
  - i. Strengths of NDSCS Alcohol and Other Drug Abuse Prevention Programs
    1. Commitment to evidence-based prevention efforts: data is gathered consistently every two years and used to direct decision-making and programming efforts related to prevention at NDSCS.
    2. Prevention efforts are well supported at NDSCS: evaluation data from 2014 suggests that AOD prevention activities are well-established and well-supported by administrators at NDSCS.

3. Engagement of members on the ATOD Prevention Team: members are actively involved in the work of the team and a vast majority of strategies and programs have been accomplished and/or institutionalized.
4. The ATOD Prevention Team also has broad representation of faculty, staff, and students, which allows for multidimensional leadership regarding ATOD issues across the College Community.
5. Continued relationship and networking with the ND Higher Education Consortium for Substances Abuse Prevention (NDHECSAP), Wahpeton Prevention Coalition (Project YES), and the Wilkin County Youth and Community Prevention Coalition (We Care Coalition).
6. Effective collaborative relationships have been established with many campus stakeholders and this has led to implementation and continuation of many critical, evidence, evidence-based efforts, such as Residence Life Staff AOD Training, educational workshops for student-athletes, and the Don't Cancel Class Program.
7. Low marijuana use rates: marijuana use rates continue to be lower than national averages, despite the national trends toward increasing marijuana use rates (ND ATOD Survey, 2016.)
8. Low opioid use rates: opioid use and death rates are low at NDSCS compared to other regions of the U.S. (ND ATOD Survey, 2016.)
9. Late-night programming available weekly throughout the academic year and extended hours are available in high-traffic buildings on campus (Library, Activities Center, and Student Center.)
10. Consistent enforcement on and off-campus regarding alcohol, tobacco, and other drugs.
11. NDSCS AOD Policy is in compliance with the Drug Free Schools and Campuses Act.
12. NDSCS Police Department provides 24/7 coverage with the assistance of Wahpeton Police Department.
13. Strong connection with mental health and sexual assault prevention programming due to the leadership of the Vice President of Student Affairs.
14. Institutionalized efforts and resources: several prevention efforts have been institutionalized, including the late-night event funding provided by the ATOD Prevention Team to the Campus Activities Board: Wildcats After Dark program each academic year, implementation of ATOD presentations in the Don't Cancel Class Program, educational sessions with high-risk populations such as freshman and athletes, consistent screening for AOD

misuse concerns, and extensive educational outreach to the College Community.

15. ATOD prevention programs include a broad spectrum of prevention strategies at the individual and environmental levels.
  16. Full-time licensed professional clinical counselor and student health services are available to students free of charge.
  17. Mental health and alcohol use screening tools are available at the NDSCS website.
  18. Strong policy enforcement, both on and off-campus, regarding alcohol, other drugs, and violence of any kind; the Code of Student Conduct effectively addresses on and off-campus violations.
  19. Student leadership positions that emphasize responsible decision making and allow students the opportunity to advocate for change (Wildcats After Dark Event Coordinator, Student Senate, CAB, Wildcat Ambassadors, Wildcat Welcome Team).
  20. All first-year students are required to live in the residence halls, complete the eCheckup To Go for Alcohol as a freshman, and attend the FYE health and wellness seminar during the fall and spring semesters.
  21. NDSCS is the only tobacco-free campus in the NDUS and the eCheckup To Go for Tobacco is utilized as an educational sanction for student tobacco policy violations.
  22. Residence Life staff conducts alcohol education programming events throughout each semester.
- ii. Weaknesses of NDSCS Alcohol and Other Drug Misuse Prevention Programs
1. Low student, faculty, and staff direct engagement in alcohol prevention efforts and programming.
  2. Alcohol use remains constant although negative consequences related to AOD use rates have declined. Alcohol use in the last year percentages are consistently above national averages (ND ATOD SURVEY 2016).
  3. State and local culture of heavy drinking; youth problems are reflective of issues present in all age groups.
  4. Lack of positive media messages regarding low-risk use of alcohol.
  5. NDSCS has high tobacco use rates compared to other NDUS campuses.
  6. Challenge to maintain consistent policy/law enforcement and to make policy changes due to Wahpeton's location on the North Dakota/Minnesota boarder.

7. North Dakota medical marijuana legalization in 2016; increasing the acceptance of recreational marijuana state-wide, decreasing the perceived risk of marijuana use.
  8. Lack of available evidence-based prevention strategies related to marijuana use as well as lack of research regarding cannabis concentrates.
  9. Increasing trends of vaping and e-cigarettes at NDSCS and nationally and the perceived risk associated with these products.
- iii. Recommendations for NDSCS Alcohol and Other Drug Prevention Program
1. Partnering with Richland County Public Health Tobacco Prevention for increased outreach to students regarding informative norms, education, and additional programming regarding vaping and e-cigarette use.
  2. Development of additional community partnerships: opportunities exist to continue building partnerships with local community representatives and legislators.
  3. New strategic plan in 2019 that can provide clear direction for the future of ATOD prevention efforts at NDSCS.
  4. Expand current prevention efforts to target specific high-risk populations (i.e., Transportation Department at NDSCS.)

## **Conclusion**

North Dakota State College of Science is committed to the process of continuous improvement and has adequate policies and procedures, evidence-based prevention strategies, counseling, and programs available to address students use of alcohol, tobacco/nicotine, and other drugs. NDSCS has enforced these policies as indicated above, and the College will continue to provide and enhance its educational programs for students and employees that focuses on the harmful risks associated with substance misuse.



**Appendix A: Sample of Alcohol and Other Drug Policy E-mail to students and employees**

**Subject:** NDSCS Alcohol and Other Drug Policy  
**Date:** Monday, July 9, 2018 at 10:31:59 AM Central Daylight Time  
**From:** Mauch, Bethany <bethany.mauch@ndscs.edu>  
**To:** ndscs-all-students@listserv.nodak.edu <ndscs-all-students@listserv.nodak.edu>  
**Attachments:** image001.png

NDSCS Students,

North Dakota State College of Science is committed to supporting an academic and social environment that is beneficial to the academic and personal development and to the well-being and success of all members of the Wildcat Community. For this reason, NDSCS complies with and supports the [North Dakota State Board of Education policy governing alcohol use on campus](#), the [Drug Free Schools and Communities Act Amendments of 1989](#), and Public Law 101-226 governing prevention programs and federal assistance to institutions of higher learning and amendments thereto.

NDSCS 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.

The full text of NDSCS Student Alcohol and Other Drug Policy and information on the health risks of alcohol and other drugs is available on the [NDSCS Alcohol and Other Drugs Prevention website](#). For your reference, the policy is also available in its entirety at the end of this message. Copies of this policy may be obtained at the offices of Student Health and Counseling Services, Riley Hall - Room 113 and the campus judicial officer, Riley Hall - Room 130.

For questions or concerns regarding the policies listed above or questions regarding alcohol and drug misuse, please contact Bethany Mauch at 701-671-2124 or via e-mail at [Bethany.Mauch@ndscs.edu](mailto:Bethany.Mauch@ndscs.edu).

## **NDSCS Alcohol and Other Drug Policy**

**Applies to:** All NDSCS Students, Employees, and Visitors.

**1. Statement of Purpose.** NDSCS is committed to maintaining a healthy academic and social environment conducive to the academic and personal development of students, faculty, and staff. To help achieve such an environment, NDSCS complies with and supports the North Dakota State Board of Higher Education (SBHE) governing alcohol use on campus (Policy 918), the [Drug Free Workplace Act of 1988](#), [Public law 100-690](#) and the [Drug-Free Schools and Communities Act Amendments of 1989](#), and [Public Law 101-226](#) governing prevention programs and federal assistance to institutions of higher learning and amendments thereto. A summary of local, state and federal laws related to alcohol and other drugs can be found at the [Alcohol, Tobacco and Other Drug Prevention website](#).

Alcohol and other drug use represents a major health problem in the United States and poses a serious threat to the health and welfare of the NDSCS community. This threat occurs at NDSCS in the form of property damage, acts of vandalism, disciplinary problems, driving under the influence (DUI), automobile and other types of accidents, decreased career opportunities and academic performance, impaired social relationships, violence and decreased ability to cope with the stresses of life. More information on the health risks associated with [alcohol abuse](#)

and other [drug abuse](#) can be found at the National Institutes for Health website as well as the [NDSCS Alcohol, Tobacco and Other Drug Prevention website](#).

**2. Definitions:** For the purpose of this policy, the following definitions apply:

- “College Property” includes all property, both indoor and outdoor, that is owned, operated, leased, occupied or controlled by NDSCS including, but not limited to, all buildings, green spaces, athletic fields, parking lots, campus walkways, state fleet vehicles, and personal vehicles while on College property.
- “Off-Campus College-Sponsored Events” means any event sponsored by NDSCS that does not take place on College property.
- “Off-Campus” refers to alcohol or other drug related use and activity that occurs off College property.
- “Employee” means any person employed by NDSCS in a full- or part-time capacity, or any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by NDSCS, or any person working on College property on a volunteer basis. The term includes, but is not limited to, student employees, faculty, administrators, personnel, contractors, consultants, and vendors.
- “Student” means a person enrolled in any credit or non-credit academic course or program offered by NDSCS.
- “Alcohol” includes any product, including spirits, wine, beer or others containing one-half of one percent or more of alcohol by volume and every consumable liquid or solid containing alcohol, or any products defined as “alcoholic beverages” in the [North Dakota Century Code](#) (hereafter referred to as “alcohol”).
- “Visitor” means any person on College property or participating in a College-sponsored event who is not a student or employee.
- “Private space” is defined as a student’s room and/or employee residence in a College-owned residential facility.
- “Other drugs” includes all illegal (state or federal level) drugs as well as the misuse of legal drugs, such as prescription medications.
- “Paraphernalia” includes, but is not limited to, all items used for the purpose of preparing, injecting, ingesting, inhaling or otherwise using other drugs, as well as paraphernalia that facilitates the rapid consumption of alcohol.
- “Social Media” means any web-based system or service used to communicate and share information between people through interactions with video, audio, text, or multimedia.

**3. Prohibited Conduct.** NDSCS, in accordance with [North Dakota State Board of Higher Education Policy 918](#), prohibits the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and products, as well as any illicit drugs or drug paraphernalia on or off College property, in College buildings, any public College area, in College housing, College vehicles, or at any College affiliated event held on or off-campus, which are sponsored by students, employees and college organizations. Any use of illicit and/or misuse of prescription medications on or off College property or at College-sponsored events is strictly prohibited. This includes the use of marijuana, including recreational and medicinal uses, regardless of state law.

**4. Exceptions.** The exception to this policy is if the NDSCS President gives written permission prior to an event. For specifics on exceptions, see [SBHE Policy 918: Alcoholic Beverages](#).

**5. Sexual Assault Amnesty.** In order to encourage reports of conduct that is prohibited under the NDSCS [Sexual Misconduct and Title IX Compliance Policy](#), students who experience sexual misconduct while under the influence of alcohol or other drugs, may not be subject to the

Student Conduct process for the alcohol or other drug offense.

**6. College-sponsored and Student Organization events.** Student organizations found in violation of city or state laws and college policy involving the use or possession of alcohol/other 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. Faculty and staff advisors are expected to conduct themselves in accordance with all college policies when involved in any capacity (on and off-campus) with student organizations, field trips, and other related academic activities. For assistance when planning off-campus events or for questions related to responsibilities and/or expectations, students can consult with the Assistant Director of Student Life and employees can consult with the Executive Director of Human Resources.

**6.1** Students and employees and their respective college organizations may not use organizational or public funds for the purchase of alcohol.

**6.2** Sale of alcohol by students and student organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sales such as charging admission to parties, selling cups, selling drink tickets, etc.

**6.3** Off-College property activity conducted by students and employees, and their respective campus organizations shall not encourage excessive and/or rapid consumption of alcohol. For further information about low-risk alcohol consumption, see the [NDSCS Alcohol and Other Drug Prevention website](#).

**6.4** College-sponsored events/activities that are held at locations off-College property, and at which alcohol is legally sold and may be present, are required to adhere to this policy.

**6.5** Alcohol shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective campus organizations, on or off

**7. Financial Aid Eligibility.** A federal or state drug conviction can disqualify a student from receiving federal financial aid funds. The conviction must have occurred during a period of enrollment for which the student was receiving Title IV aid (i.e., Federal Pell Grant, Federal Perkins Loan, Federal Stafford Loan, etc.). Depending on whether the conviction was for sale or possession and if the student has previous offenses, the period of ineligibility can range from one year to an indefinite period. The student regains eligibility the day after the period of ineligibility ends or the student successfully completes a qualified drug rehabilitation program as defined in the [Higher Education Opportunity Act of 2008, § 485\(a\)\(7\)\(c\) and \(a\)\(9\).](#)

**8. Advertising and Sponsorship.** NDSCS prohibits alcohol and other drug advertising or sponsorship on College property, at off-campus, College-sponsored events, and in all publications controlled by NDSCS. NDSCS will not accept any form of contribution including, but not limited to, financial support, gifts or in-kind support from the alcohol and tobacco industry for the sponsorship or promotion of any event or activity affiliated in any manner with NDSCS or located on College property.

**8.1** Public displays of advertising or promotion of the use of alcoholic beverages or tobacco products in college buildings or any other public college area including College owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, large balloon blow-ups, etc.

**9. Distribution.** The NDSCS Alcohol and Other Drug Policy will be distributed to students at the beginning of each semester. NDSCS employees will receive the policy in the annual notification of policies through the Human Resources Office. The policy is also available at the [NDSCS](#)

[Alcohol, Tobacco and Other Drugs Prevention website](#). Copies of the NDSCS Alcohol and Other Drug Policy can be found at the Student Health and Counseling Services office and Residential Life Office.

**10. Treatment Resources.** NDSCS recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and there are assistance programs available to help individuals experiencing problems. When appropriate, NDSCS personnel will refer students and employees to agencies outside of NDSCS for treatment/rehabilitation. Such referrals shall be coordinated through [NDSCS Student Health and Counseling Services](#) (701-671-2286) and/or NDSCS Human Resources at (701-671-2903). For additional information, students and employees who are seeking such services for themselves or others should contact NDSCS Student Health and Counseling.

**10.1** Organizations are required, Federal Regulation (2 CFR § 182.215), to not only publish a drug-free workplace statement, but also establish a drug-free awareness program for employees. Part of the drug-free awareness program is to inform employees regarding the dangers of drug abuse misuse in the workplace. Information on the health risks of alcohol abuse and drug abuse can be found at the U.S. National Library of Medicine and the National Institutes for Health. Additional information can be found at the Alcohol and Other Drug Prevention Programs website.

**10.2** NDSCS Employee Assistance Program (EAP) is available to all employees of the College. The EAP is facilitated by the Village Business Institute and can be accessed by contacting NDSCS Human Resources at 701-671-2903 or through the Village Business Institute portal at: [www.villageepa.com](http://www.villageepa.com).

**11. Social Media.** Students and employees are not restricted from using social media. However, any content made public via social media is expected to follow the [NDSCS Social Media Guidelines](#) and any violation of the [Guide to Student Rights and Responsibilities](#) discovered through the use of social media may result in disciplinary action.

**12. Off-Campus Alcohol and Other Drug Use.** As members of the College community, including all students are expected to behave responsibly when off-campus. Students violating civil or criminal law and/or the NDSCS Student Guide to Rights and Responsibilities may be subject to College conduct procedures. Students should be aware that unlawful use, possession, distribution, manufacture or distribution, manufacture or sale of a controlled substance cited by local law enforcement may be reported to the College. If reported, the College will take appropriate disciplinary action under this policy.

**13. Alcohol and other drug policy and sanctions for violations in a classroom, shop, or lab.** When in the view of an instructor, a student comes to class chemically impaired, the instructor shall immediately refer the student to the Executive Director of Student and Residential Life or other appropriate College authority.

**14. Parental Notification.** Parents or guardians of students under the age of 21 may be contacted by an NDSCS administrator following alcohol and/or other drug related policy violations.

- If a student is found responsible for violating the NDSCS alcohol and other drug policy.
- Based on situations that appear to endanger the health, safety, or life of other persons or the student.

- If an individual is involved in incidents that resulted in significant property damage.
- If a decision is made that it is in the best interest of a particular student to involve a parent or guardian to help address other significant life concerns related to illegal use of alcohol or other drugs.

**FERPA NOTE:** Congress amended the Family Educational Rights and Privacy Act (FERPA) in late 1998 to permit colleges and universities to notify the parents or guardians of students under the age of 21 about violations of campus alcohol and/or drug policies (See: § 99.31(a)15). This exception to FERPA was enacted because of the detrimental health and safety consequences associated with underage drinking. Additional information regarding FERPA provisions for notifying parents of alcohol and other drug violations can be found at <https://www2.ed.gov/policy/gen/guid/fpco/faq.html#q8>.

**15. Sanctions: Students.** Students found in violation of the NDSCS Alcohol and Other Drug Policy may be subject to one or more of the sanctions below, dependent upon severity of the offense and the existence or absence of prior violations:

- Consultation only;
- Requirement to attend educational sessions related to alcohol and/or other drugs, or counseling sessions;
- Restitution and/or fines;
- Verbal and/or written warning that continuation or repetition of prohibited conduct may be the cause for more severe disciplinary action;
- Probation. An indication that further violations may result in suspension.
- Dismissal from Student Leadership positions and/or organizations.
- Exclusion from college-owned housing;
- Trespass from all, or portions, of campus;
- Suspension. Temporary withdrawal or privileges of enrollment from NDSCS for a specified period of time.;
- Indefinite suspension. Withdrawal from NDSCS until specific actions are taken prior to consideration for re-entry; or
- Expulsion. Termination of student registration and status for an indefinite period of time. Permission of the president shall be required for readmission.
- Registration/Transcript/Graduation Hold
- May have Loss of privileges or other educational sanctions (including status as a registered student organization)

**Note:** Individual student behavioral actions and or student organization behavioral actions will be adjudicated as assigned by the Executive Director of Student and Residential Life or designee.

## **16. Employees**

For NDSCS employees, compliance with this policy is a term and condition of employment. Employee use and misuse of alcohol and other drugs represents a substantial risk to public and co-worker safety, and will not be tolerated. Employees must recognize their responsibility to seek and/or complete appropriate treatment. As part of their benefit package, employees may access services through the Employee Assistance Program. Employees may refer students in need of services to the office of Student Health and Counseling at 701-671-2286. Individual employees who are found in violation of the College policy on alcohol and other drugs by their supervisors will be held accountable for their actions with appropriate disciplinary action up to and including termination. When an employee is convicted of violating a criminal drug statute in the workplace, on or off-campus, the Executive Director of Human Resources must be notified no later than five days after such conviction. NDSCS is required by law to

inform the federal contracting officer within 10 days of receiving such notice from an employee or otherwise receiving notice of such conviction.

**16.1 Sanctions: Employees.** For NDSCS employees, non-compliance with this policy could result in disciplinary action up to and including termination of employment. If an employee is convicted under criminal drug statute for a violation occurring in the workplace, on or off-campus, actions may include:

- Requiring the employee to participate in a drug assistance or rehabilitation program approved by NDSCS;
- Disciplinary action up to and including termination of employment.

Disciplinary action may include one or more of the following:

- Warning, reprimand, or probationary status;
- Suspension;
- Termination of employment; or
- Any combination of the above sanctions.

**Note:** These penalties need not necessarily be applied in numerical sequence. Any penalty may be chosen from this list for any offense.

**16.2 Work attendance while under the influence.** Consumption of alcohol or other drugs, being at work while under the influence of alcohol or other drugs, misuse of prescriptions medications, disruptive behavior, gambling, unauthorized use of public property or resources and other unauthorized activities that disrupt the efficient and economical administration of the NDUS are prohibited. Individual employee disciplinary actions will be adjudicated through the Human Resources Executive Director according to College Policy.

**17. Appeals: Students and Employees.** A student may appeal sanctions through the Appeal Procedure outlined in the [Guide to Student Rights and Responsibilities](#). Individual employee disciplinary actions will be adjudicated and appealed through NDUS policy with guidance from the Human Resources Executive Director.

**18. Prevention and Education.** NDSCS supports a healthy and safe College community; and is committed to providing prevention and education for students and employees related to:

- The risk associated with alcohol and other drug use and misuse;
- The availability of alcohol and other drug counseling, rehabilitation and employee assistance programs;
- The legal and College consequences imposed on employees and students for alcohol and other drug use and misuse violations.

**Bethany M. Mauch**

Alcohol, Tobacco and Other Drugs Prevention Specialist

North Dakota State College of Science

Riley Hall 107

p: 701.671.2124

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

**Appendix B: NDSCS Alcohol and Other Drug Policy**





## POLICY AND PROCEDURE MANUAL North Dakota State College of Science

### NDSCS Alcohol and Other Drug Policy

Source: NDSCS President

Applies to: All NDSCS Students, Employees and Visitors.

- 1. Statement of Purpose.** NDSCS is committed to maintaining a healthy academic and social environment conducive to the academic and personal development of students, faculty, and staff. To help achieve such an environment, NDSCS complies with and supports the North Dakota State Board of Higher Education (SBHE) governing alcohol use on campus (Policy 918), the [Drug Free Workplace Act of 1988, Public law 100-690](#) and the [Drug-Free Schools and Communities Act Amendments of 1989, and Public Law 101-226](#) governing prevention programs and federal assistance to institutions of higher learning and amendments thereto. A summary of local, state and federal laws related to alcohol and other drugs can be found at the [Alcohol, Tobacco and Other Drug Prevention website](#).

Alcohol and other drug use represents a major health problem in the United States and poses a serious threat to the health and welfare of the NDSCS community. This threat occurs at NDSCS in the form of property damage, acts of vandalism, disciplinary problems, driving under the influence (DUI), automobile and other types of accidents, decreased career opportunities and academic performance, impaired social relationships, violence and decreased ability to cope with the stresses of life. More information on the health risks associated with [alcohol misuse](#) and other [drug misuse](#) can be found at the National Institutes for Health website as well as the [NDSCS Alcohol, Tobacco and Other Drug Prevention website](#).

- 2. Definitions:** For the purpose of this policy, the following definitions apply:
  - “College Property” includes all property, both indoor and outdoor, that is owned, operated, leased, occupied or controlled by NDSCS including, but not limited to, all buildings, green spaces, athletic fields, parking lots, campus walkways, state fleet vehicles, and personal vehicles while on College property.
  - “Off-Campus College-Sponsored Events” means any event sponsored by NDSCS that does not take place on College property.
  - “Off-Campus” refers to alcohol or other drug related use and activity that occurs off College property.
  - “Employee” means any person employed by NDSCS in a full- or part-time capacity, or any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by NDSCS, or any person working on College property on a volunteer basis. The term includes, but is not limited to, student employees, faculty, administrators, personnel, contractors, consultants, and vendors.
  - “Student” means a person enrolled in any credit or non-credit academic course or program offered by NDSCS.

- “Alcohol” includes any product, including spirits, wine, beer or others containing one-half of one percent or more of alcohol by volume and every consumable liquid or solid containing alcohol, or any products defined as “alcoholic beverages” in the [North Dakota Century Code](#) (hereafter referred to as “alcohol”).
- “Visitor” means any person on College property or participating in a College-sponsored event who is not a student or employee.
- “Private space” is defined as a student’s room and/or employee residence in a College-owned residential facility.
- “Other drugs” includes all illegal (state or federal level) drugs as well as the misuse of legal drugs, such as prescription medications.
- “Paraphernalia” includes, but is not limited to, all items used for the purpose of preparing, injecting, ingesting, inhaling or otherwise using other drugs, as well as paraphernalia that facilitates the rapid consumption of alcohol.
- “Social Media” means any web-based system or service used to communicate and share information between people through interactions with video, audio, text, or multimedia.

3. **Prohibited Conduct.** NDSCS, in accordance with [North Dakota State Board of Higher Education Policy 918](#), prohibits the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and products, as well as any illicit drugs or drug paraphernalia on or off College property, in College buildings, any public College area, in College housing, College vehicles, or at any College affiliated event held on or off-campus, which are sponsored by students, employees and college organizations.

Any use of illicit and/or misuse of prescription medications on or off College property or at College-sponsored events is strictly prohibited. This includes the use of marijuana, including recreational and medicinal uses, regardless of state law.

4. **Exceptions.** The exception to this policy is if the NDSCS President gives written permission prior to an event. For specifics on exceptions, see [SBHE Policy 918: Alcoholic Beverages](#).
5. **Sexual Assault Amnesty.** In order to encourage reports of conduct that is prohibited under the NDSCS [Sexual Misconduct and Title IX Compliance Policy](#), students who experience sexual misconduct while under the influence of alcohol or other drugs, may not be subject to the Student Conduct process for the alcohol or other drug offense.
6. **College-sponsored and Student Organization events.** Student organizations found in violation of city or state laws and college policy involving the use or possession of alcohol/other 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. Faculty and staff advisors are expected to conduct themselves in accordance with all college policies when involved in any capacity (on and off-campus) with student organizations, field trips, and other related academic activities. For assistance when planning off-campus events or for questions related to responsibilities and/or expectations, students can consult with the Assistant Director of Student Life and employees can consult with the Executive Director of Human Resources.

- 6.1 Students and employees and their respective college organizations may not use organizational or public funds for the purchase of alcohol.
  - 6.2 Sale of alcohol by students and student organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sales such as charging admission to parties, selling cups, selling drink tickets, etc.
  - 6.3 Off-College property activity conducted by students and employees, and their respective College organizations shall not encourage excessive and/or rapid consumption of alcohol. For further information about low-risk alcohol consumption, see the [NDSCS Alcohol and Other Drug Prevention website](#).
  - 6.4 College-sponsored events/activities that are held at locations off-College property, and at which alcohol is legally sold and may be present, are required to adhere to this policy.
  - 6.5 Alcohol shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective college organizations, on or off college property.
7. **Financial Aid Eligibility.** A federal or state drug conviction can disqualify a student from receiving federal financial aid funds. The conviction must have occurred during a period of enrollment for which the student was receiving Title IV aid (i.e., Federal Pell Grant, Federal Perkins Loan, Federal Stafford Loan, etc.). Depending on whether the conviction was for sale or possession and if the student has previous offenses, the period of ineligibility can range from one year to an indefinite period. The student regains eligibility the day after the period of ineligibility ends or the student successfully completes a qualified drug rehabilitation program as defined in the [Higher Education Opportunity Act of 2008, § 485\(a\)\(7\)\(c\) and \(a\)\(9\)](#).
8. **Advertising and Sponsorship.** NDSCS prohibits alcohol and other drug advertising or sponsorship on College property, at off-campus, College-sponsored events, and in all publications controlled by NDSCS. NDSCS will not accept any form of contribution including, but not limited to, financial support, gifts or in-kind support from the alcohol and tobacco industry for the sponsorship or promotion of any event or activity affiliated in any manner with NDSCS or located on College property.
  - 8.1 Public displays of advertising or promotion of the use of alcoholic beverages or tobacco products in college buildings or any other public college area including College owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, large balloon blow-ups, etc.
9. **Distribution.** The NDSCS Alcohol and Other Drug Policy will be distributed to students at the beginning of each semester. NDSCS employees will receive the policy in the annual notification of policies through the Human Resources Office. The policy is also available at the [NDSCS Alcohol, Tobacco and Other Drugs Prevention website](#). Copies of the NDSCS Alcohol and Other Drug Policy can be found at the Student Health and Counseling Services office and Residential Life Office.
10. **Treatment Resources.** NDSCS recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and there are assistance programs available to help individuals experiencing problems. When appropriate, NDSCS personnel will refer students and employees to agencies outside of NDSCS for treatment/rehabilitation. Such referrals shall be coordinated through [NDSCS Student Health and Counseling Services](#) (701-671-2286) and/or NDSCS Human Resources at (701-671-2903). For additional information, students and employees who are seeking such services for themselves or others should contact NDSCS Student Health and Counseling.

**10.1** Organizations are required, Federal Regulation (2 CFR § 182.215), to not only publish a drug-free workplace statement, but also establish a drug-free awareness program for employees. Part of the drug-free awareness program is to inform employees regarding the dangers of drug abuse misuse in the workplace. Information on the health risks of alcohol abuse and drug abuse can be found at the U.S. National Library of Medicine and the National Institutes for Health. Additional information can be found at the Alcohol and Other Drug Prevention Programs website.

**10.2** NDSCS Employee Assistance Program (EAP) is available to all employees of the College. The EAP is facilitated by the Village Business Institute and can be accessed by contacting NDSCS Human Resources at 701-671-2903 or through the Village Business Institute portal at: [www.villageepa.com](http://www.villageepa.com).

**11. Social Media.** Students and employees are not restricted from using social media. However, any content made public via social media is expected to follow the [NDSCS Social Media Guidelines](#) and any violation of the [Guide to Student Rights and Responsibilities](#) discovered through the use of social media may result in disciplinary action.

**12. Off-Campus Alcohol and Other Drug Use.** As members of the College community, including all students are expected to behave responsibly when off-campus. Students violating civil or criminal law and/or the NDSCS Student Guide to Rights and Responsibilities may be subject to College conduct procedures. Students should be aware that unlawful use, possession, distribution, manufacture or distribution, manufacture or sale of a controlled substance cited by local law enforcement may be reported to the College. If reported, the College will take appropriate disciplinary action under this policy.

**13. Alcohol and other drug policy and sanctions for violations in a classroom, shop, or lab.** When in the view of an instructor, a student comes to class chemically impaired, the instructor shall immediately refer the student to the Executive Director of Student and Residential Life or other appropriate College authority.

**14. Parental Notification.** Parents or guardians of students under the age of 21 may be contacted by an NDSCS administrator following alcohol and/or other drug related policy violations.

- If a student is found responsible for violating the NDSCS alcohol and other drug policy.
- Based on situations that appear to endanger the health, safety, or life of other persons or the student.
- If an individual is involved in incidents that resulted in significant property damage.
- If a decision is made that it is in the best interest of a particular student to involve a parent or guardian to help address other significant life concerns related to illegal use of alcohol or other drugs.

**FERPA NOTE:** Congress amended the Family Educational Rights and Privacy Act (FERPA) in late 1998 to permit colleges and universities to notify the parents or guardians of students under the age of 21 about violations of campus alcohol and/or drug policies (See: § 99.31(a)15). This exception to FERPA was enacted because of the detrimental health and safety consequences associated with underage drinking. Additional information regarding FERPA provisions for

notifying parents of alcohol and other drug violations can be found at <https://www2.ed.gov/policy/gen/guid/fpco/faq.html#q8>.

- 15. Sanctions: Students.** Students found in violation of the NDSCS Alcohol and Other Drug Policy may be subject to one or more of the sanctions below, dependent upon severity of the offense and the existence or absence of prior violations:
- Consultation only;
  - Requirement to attend educational sessions related to alcohol and/or other drugs, or counseling sessions;
  - Restitution and/or fines;
  - Verbal and/or written warning that continuation or repetition of prohibited conduct may be the cause for more severe disciplinary action;
  - Probation. An indication that further violations may result in suspension.
  - Dismissal from Student Leadership positions and/or organizations.
  - Exclusion from college-owned housing;
  - Trespass from all, or portions, of campus;
  - Suspension. Temporary withdrawal or privileges of enrollment from NDSCS for a specified period of time.;
  - Indefinite suspension. Withdrawal from NDSCS until specific actions are taken prior to consideration for re-entry; or
  - Expulsion. Termination of student registration and status for an indefinite period of time. Permission of the president shall be required for readmission.
  - Registration/Transcript/Graduation Hold
  - May have Loss of privileges or other educational sanctions (including status as a registered student organization)

**Note:** Individual student behavioral actions and or student organization behavioral actions will be adjudicated as assigned by the Executive Director of Student and Residential Life or designee.

**16. Employees**

For NDSCS employees, compliance with this policy is a term and condition of employment. Employee use and misuse of alcohol and other drugs represents a substantial risk to public and co-worker safety, and will not be tolerated. Employees must recognize their responsibility to seek and/or complete appropriate treatment. As part of their benefit package, employees may access services through the Employee Assistance Program. Employees may refer students in need of services to the office of Student Health and Counseling at 701-671-2286.

Individual employees who are found in violation of the College policy on alcohol and other drugs by their supervisors will be held accountable for their actions with appropriate disciplinary action up to and including termination. When an employee is convicted of violating a criminal drug statute in the workplace, on or off-campus, the Executive Director of Human Resources must be notified no later than five days after such conviction. NDSCS is required by law to inform the federal contracting officer within 10 days of receiving such notice from an employee or otherwise receiving notice of such conviction.

**16.1 Sanctions: Employees.** For NDSCS employees, non-compliance with this policy could result in disciplinary action up to and including termination of employment. If an employee is convicted under criminal drug statute for a violation occurring in the workplace, on or off-campus, actions may include:

- Requiring the employee to participate in a drug assistance or rehabilitation program approved by NDSCS;
- Disciplinary action up to and including termination of employment. Disciplinary action may include one or more of the following:
  - Warning, reprimand, or probationary status;
  - Suspension;
  - Termination of employment; or
  - Any combination of the above sanctions.

**Note:** These penalties need not necessarily be applied in numerical sequence. Any penalty may be chosen from this list for any offense.

**16.2 Work attendance while under the influence.** Consumption of alcohol or other drugs, being at work while under the influence of alcohol or other drugs, misuse of prescriptions medications, disruptive behavior, gambling, unauthorized use of public property or resources and other unauthorized activities that disrupt the efficient and economical administration of the NDUS are prohibited. Individual employee disciplinary actions will be adjudicated through the Human Resources Executive Director according to College Policy.

**17. Appeals: Students and Employees.** A student may appeal sanctions through the Appeal Procedure outlined in the [Guide to Student Rights and Responsibilities](#). Individual employee disciplinary actions will be adjudicated and appealed through NDUS policy with guidance from the Human Resources Executive Director.

**18. Prevention and Education.** NDSCS supports a healthy and safe College community; and is committed to providing prevention and education for students and employees related to:

- The risk associated with alcohol and other drug use and misuse;
- The availability of alcohol and other drug counseling, rehabilitation and employee assistance programs;
- The legal and College consequences imposed on employees and students for alcohol and other drug use and misuse violations.

Approved by:

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President's Signature

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Date

**Appendix C: NDSCS Alcohol and Other Drug Policy Distribution and Rationale**

# **North Dakota State College of Science Alcohol and Other Drug Policy Distribution Rationale and Plan for FY 2016-2017 and 2017-2018**

## **POLICY DISTRIBUTION AND NOTIFICATION INTRODUCTION:**

In accordance with the 1989 amendments to the Drug-Free Schools and Communities Act, as articulated in the Education Department General Administrative Regulations (EDGAR) Part 86 (Drug Free Schools and Campuses Regulations) each year NDSCS attempts to ensure every student, faculty member and staff person is informed about the NDSCS Alcohol and Other Drug Policy.

## **DISTRIBUTION METHOD:**

An e-mail including the full text of the policy is sent to the student listserv at the beginning of each semester to include summer session. This e-mail also references where a hard copy can be physically located on campus and a contact number for assistance. Faculty and staff obtain the policy via email at the beginning of each fall semester in August. Students, faculty and staff are assigned an e-mail address upon hire or admission to NDSCS. E-mail is the official method of communication for the campus effective March 29<sup>th</sup> 2012.

## **ALTERNATIVE DISTRIBUTION METHOD:**

The NDSCS Alcohol and Other Drug Policy is available online at [NDSCS.edu/AlcoholInfo](http://NDSCS.edu/AlcoholInfo). For more information on policy notification procedures, please contact Bethany Mauch at 701.671.2124 or [Bethany.Mauch@NDSCS.edu](mailto:Bethany.Mauch@NDSCS.edu).

## **2016-2017 Distribution Timeline:**

### **August 25, 2016**

E-Mail sent to all students containing NDSCS Alcohol and Other Drug Policy by Bethany Mauch, Alcohol, Tobacco and Other Drug Prevention Specialist.

### **January 13, 2017**

E-Mail sent to all students containing NDSCS Alcohol and Other Drug Policy by Bethany Mauch, Alcohol, Tobacco and Other Drug Prevention Specialist.

### **June 7, 2017**

E-Mail sent to all students containing NDSCS Alcohol and Other Drug Policy by Bethany Mauch, Alcohol, Tobacco and Other Drug Prevention Specialist.

### **July 9, 2017**

E-Mail sent to all students containing NDSCS Alcohol and Other Drug Policy by Bethany Mauch, Alcohol, Tobacco and Other Drug Prevention Specialist.



**2017-2018 Distribution Timeline:**

**August 28, 2017**

E-Mail sent to all students containing NDSCS Alcohol and Other Drug Policy by Bethany Mauch, Alcohol, Tobacco and Other Drug Prevention Specialist.

**September 28, 2018**

E-Mail sent to all employees/faculty containing NDSCS Alcohol and Other Drug Policy by Sandi Gilbertson, Executive Director of Human Resources.

**January 11, 2018**

E-Mail sent to all students containing NDSCS Alcohol and Other Drug Policy by Bethany Mauch, Alcohol, Tobacco and Other Drug Prevention Specialist.

**June 8, 2018**

E-Mail sent to all students containing NDSCS Alcohol and Other Drug Policy by Bethany Mauch, Alcohol, Tobacco and Other Drug Prevention Specialist.

**July 9, 2018**

E-Mail sent to all students containing NDSCS Alcohol and Other Drug Policy by Bethany Mauch, Alcohol, Tobacco and Other Drug Prevention Specialist.

**Appendix D: 2016 ATOD Survey Summary**



## 2016 NDSCS ALCOHOL, TOBACCO, AND OTHER DRUG SURVEY Summary

The 2016 Alcohol, Tobacco and Other Drug Survey (ATOD) was developed in to identify high-risk drinking predictors for North Dakota college students and used to develop evidence-based interventions specific to North Dakota and for each campus. The 2016 ATOD was administered in an electronic format with email survey invitations using the Qualtrics survey software.

All undergraduate students in the North Dakota University System were invited to participate in this study. A total of 34,780 students were invited to participate in the study through five email contacts sent October 17, 2016 through November 10, 2016. 8,967 students responded to the survey invitation for a response rate of 25.8%. 187 students declined to participate in the survey by selecting the “I decline to participate in this survey” option in the informed consent portion of the survey. This leaves a total of 8,780 students (25.2%) who answered one or more questions in the survey, although not all students answered every question so the number of responses to a given item will vary. Unless otherwise noted, all survey results were weighted to adjust for survey nonresponse bias, age (21 and over / under 21, and birth sex (male / female).

All undergraduate students at North Dakota State College of Science (NDSCS) were invited to participate in this study. A total of 2,146 students were contacted through email. Students received up to three email messages explaining the purpose of the survey and asking them to participate. A total of 444 students completed one or more items in the survey (20.7%) and 429 (20.0%) received a survey weight (15 students did not provide sufficient information to allow a survey weight to be calculated), although not all students answered every question so the number of responses to a given item will vary.

The key findings are summarized<sup>1</sup> below. The results were compared with data from previous NDCORE surveys and with the North Dakota composite data from all eleven NDUS institutions. Data was also compared with the most recent National CORE data set collected from 39,064 students nationwide in 2013.

### Demographics of Respondents<sup>2</sup>

- 429 respondents
- 51.3% of students are freshman, 48.7% are sophomore
- 91.4% are full-time students, 8.6% were part-time students
- 62.1% are male, 37.9% are female
- 63.6% of respondents were below 21 years old, 36.4% were 21 or older
- 59.9% live on-campus, 11.0% lived off-campus and rarely or never visited campus
- 60.4% reported they work full or part-time

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<sup>1</sup> Inquiries on the NDSCS data can be sent to the ATOD Specialist at [Bethany.Mauch@ndscs.edu](mailto:Bethany.Mauch@ndscs.edu). NDUS data set can be direct to Jeremy Penn at [Jeremy.penn@ndsu.edu](mailto:Jeremy.penn@ndsu.edu).

<sup>2</sup> See the additional report for details on how the weights were calculated

## Alcohol Use Overview

- For students who reported drinking (70.0%), the average number of drinks consumed per week reported was 7.74 (median was 4.00, students who reported more than 100 drinks per week were removed)
- The average peak blood alcohol content (BAC) for **males is 0.1497**; for **females, it is 0.0945**.
- 43.7% reported having **five or more drinks at a sitting** at least once over the **past two weeks**
- 71.3% have used alcohol within the **past 30 days** (61.5% under 21, 88.5% 21 and over).
- 76.6% have used alcohol at least once within the **last year** (67.8% under 21, 91.1% 21 and over).
  - 46.8% reported using alcohol at least once per week within the past year
- The most common places to use alcohol was where you live (53.9%), private parties (52%), at a bar or restaurant (33.2%), and in a residence hall (22.1%). 31.6% of students who were living in a co-ed residence hall and 23.2% of students who were living in a single sex residence hall reported using alcohol in their residence hall.

## Alcohol Use (Students Under 21 Years of Age)

- For students who reported drinking (59.0%), the average number of drinks consumed per week reported was **9.15** (median was 4.00, students who reported 100 or more drinks per week were removed)
- The average peak blood alcohol content (BAC) was **0.1568**.
- For **males under 21 it was 0.1764**, for **females under 21 it was 0.1165**.
- 39.6% reported having **five or more drinks at a sitting** at least once over the **past two weeks**.
- 61.5% reported using alcohol within the **past 30 days**.
- 67.8% reported using alcohol at least once within the **last year**.
- The most common sources for those under the age of 21 to obtain alcohol is from **friends over 21** (51.2%), **friends under 21** (11.6%), and **parents with their consent** (26.5%) [32.6% in 2014]

## Alcohol Use for Entire Student Population<sup>3</sup>

Question	NDSCS 2016	NDSCS 2014	NDSCS 2012	NDSCS 2010	NDSCS 2008	2016 ND Aggregate	National*
Average Number of Drinks per week	5.41	5.99	6.73	5.93	7.79	4.56	4.1
Alcohol Use within the last 30 days	71.3%	70.4%	76.5%	74.9	78.6	75.4%	68.6%
Alcohol use in the last year	76.6%	85.7%	86.2%	88.5	86.9	81.1%	81.3%
<b>Peak BAC</b>							
Male	.1497	.1105	.123	.130	.157	.1152	N/A
Female	.0945	.1163	.125	.138	.118	.1007	N/A

<sup>3</sup> All results for 2016 are weighted unless otherwise noted.

## Alcohol Use for Students Under 21

Question	NDSCS 2016	NDSCS 2014	NDSCS 2012	NDSCS 2010	NDSCS 2008	2016 ND Aggregate	National*
Average Number of Drinks per week	5.36	6.09	6.95	6.04	8.52	4.15	N/A
Alcohol Use within the last 30 days	61.5%	66.7%	74.1%	72.5%	76.8%	61.3%	N/A
Alcohol use in the last year	67.8%	84.1%	84.8%	84%	84.7%	69.5%	N/A
<b>Peak BAC</b>							
Male	.1764	.1183	.12	.149	.164	.1510	N/A
Female	.1165	.1190	.12	.143	.109	.1117	N/A

## Age of first use (Alcohol)

Have not used	Under 10	10-11	12-13	14-15	16-17	18-20	21-25	26+
11.5%	2%	2%	6%	25.9%	27.6%	21.6%	3.2%	0.3%

## Abstainer and High-Risk Alcohol Use

	NDSCS 2016	NDSCS 2014	NDSCS 2012	NDSCS 2010	NDSCS 2008	2016 ND Aggregate
<b>Abstainers</b>						
Weekly	N/A	36.9%	31.2%	33.4%	31.6%	N/A
30 day	28.7%	29.6%	23.5%	25.1%	21.4%	24.6%
Amount 6+drinks/week	38.2%	29.7%	30.3%	31.8%	34.7%	32.0%
Frequency 3+ times/week	N/A	24.1%	22.8%	26.3%	25.7%	N/A
Five or more drinks in a sitting in the past 2 weeks	43.7%	52.9%	56.2%	55.5%	58.4%	42.6%

## Tobacco Use

- 29.0% of students used tobacco within the **past 30 days**.
- 36.7% of students used tobacco at least once within the **last year**.
- 51.4% have **never used** tobacco.
  - 45.3% of males and 61.7% of females reported never using tobacco.
- Of those who reported having used tobacco, 25.5% first used tobacco between the age of 16-17, 21.2% between the age of 14-15, and 25.9% were between the age of 18-20.
- The most common places to use tobacco were in a car (26.5%), where they lived (26.3%), and at private parties (19.9%).
- Male students were more likely than females to report being regular tobacco users.
  - 13.8% of males and 6.2% of females used daily in the **past 30 days**.
  - 9.9% of males and 4.5% of females used daily in the **past year**.

## Vaping / Electronic Cigarette Use

- 12.6% of students vaped or used electronic cigarettes within the **past 30 days**.
- 17.8% of students vaped or used electronic cigarettes at least once within the **last year**.
- 70.1% **have never** vaped or used electronic cigarettes.
- **66.4% of males** and **76.4% of females** reported never vaping or using electronic cigarettes.
- Of those who reported vaping or using electronic cigarettes, 34.1% first used at age 16-17, 34.1% first used at age 18-20, and 8.9% first used at age 21-25.
- The most common place to vape or use electronic cigarettes were in a car (10.2%), where they lived (8.7%), and private parties (6.9%).
- Male students were more likely than females to report regular vaping or electronic cigarette use.
  - 17.3% of males and 4.7% of females reported vaping or using electronic cigarettes in the **last 30 days**, although only 0.5% of males and 0% of females reported **daily use** of vaping or electronic cigarettes.

## Use of tobacco (smoke, chew, snuff.)

Question	2016	2014	2012	2010	2008	2016 ND Aggregate	2014 ND Aggregate	National Data*
Tobacco use within the last 30 days	29.0%	35.2%	41%	42.2%	37%	20.0%	24.4%	20.4%
Tobacco use in the last year	36.7%	44.7%	49.7%	53.7%	45.9%	30.5%	35.6%	31.9%
Lifetime prevalence (ever tried)	48.6%	54.2%	57.2%	62%	58.7%	43.1%	44.8%	41.7%
Tobacco use 3x/week or more	NA <sup>4</sup>	20.6%	28.7%	28.6%	28%	NA <sup>5</sup>	14.2%	10%
Daily tobacco users	7.9%	16.3%	21.6%	21.8%	21.3%	4.8%	9.2%	N/A

## Use of Vaping/Electronic Cigarettes

Question	2016	2016 ND Aggregate
Vaping / Electronic Cigarette use within the last 30 days	12.6%	9.6%
Vaping / Electronic Cigarette use in the last year	17.8%	18.1%
Lifetime prevalence (ever tried) Vaping / Electronic Cigarette	29.9%	30.7%
Vaping / Electronic Cigarette use 2x/week or more	2.5%	3.4%
Daily Vaping / Electronic Cigarette users	0.3%	0.8%

<sup>4</sup> Response options changed in 2016. 18.4% of respondents reported use of tobacco two or more times per week in the last year.

<sup>5</sup> Response options changed in 2016. 12.3% of respondents reported use of tobacco two or more times per week in the last year.

## Percent abstaining from tobacco use.

	2016	2014	2012	2010	2008	2016 ND Aggregate	2014 ND Aggregate
Past year	63.3%	55.3%	50.3%	46.3%	54.1%	69.5%	64.4%
Past 30 days	71.0%	64.8%	59%	57.8%	63%	80.0%	75.6%
Never tried tobacco	51.4%	45.8%	42.8%	38%	41.3%	56.9%	55.2%

## Marijuana Use

- Marijuana was the most commonly reported illicit drug ever used by NDSCS Students (31.3% had ever used.)
- 12.6% of students used marijuana within the **past 30 days**.
- 19.5% of students used marijuana at least once within the **last year**.
- 6.9% first used marijuana between the age of 18-20; 12.6% between the age of 16-17; 68.7% have never used marijuana
- The most common places to use marijuana were at private parties (10.2%), in a car (11.4%), or in their own homes (8.4%).
- The most common sources used to obtain marijuana were friends at school 8.5%) or friends at home (7.3%).

Question	NDSCS 2016	NDSCS 2014	NDSCS 2012	NDSCS 2010	NDSCS 2008	2016 ND Aggregate	National Data*
Marijuana Use within the last 30 days	12.6%	16.1%	15.9%	16%	14.5%	13.1%	18.8%
Marijuana use in the last year	19.5%	28.9%	26.5%	26.7%	21%	23.0%	32.5%

## Other Drugs (not including marijuana)

- The most commonly reported drugs ever used were **non-medical use of prescription drugs** (8.5%), **amphetamines** (4.6%), and **other** (2.4%).
  - Non-medical use of prescription drugs was 7.5% in 2014.
- The most frequently reported drugs used within the past 30 days were **amphetamines** (1.7%), **non-medical use of prescription drugs** (4.0%) and **other** (1.6%).
  - Non-medical use of prescriptions drugs was 0.6% in 2014.
  - Amphetamines were 0.9% in 2014.
- The most frequently reported drugs used within the last year were **non-medical use of prescription drugs** (5.3%), **amphetamines** (2.0%), and **other** (1.5%).
  - Non-medical use of prescription drugs 3.7% in 2014
  - Amphetamines 1.7% in 2014

## Campus Policies

% of Students that	NDSCS 2016	NDSCS 2014	NDSCS 2012	NDSCS 2010	NDSCS 2008	2016 ND Aggregate	National Data*
are familiar with campus policies regarding alcohol and drugs	93.2%	95.9%	97.3%	97%	95.8%	91.6%	90.8%
reported having knowledge of alcohol and drug prevention program(s) on campus	62.4%	57.4%	48.7%	43.5%	42.7%	54.4%	52.2%
believe NDSCS is concerned about the prevention of alcohol and drug use	74.9%	76.9%	81.5%	79.4%	81.9%	77.6%	76.5%
are actively involved in efforts to prevent alcohol and drug use on campus	16.2%	10.2%	9.9%	9.9%	9.5%	11.7%	N/A

## Campus Climate

Percent of students that:	NDSCS 2016	NDSCS 2014	NDSCS 2012	NDSCS 2010	NDSCS 2008	2016 ND Aggregate	National Data*
believe alcohol is necessary for a good time	8.7%	12.8%	17.2%	13.6%	22.5%	5.9%	N/A
prefer that alcohol be available in social settings	N/A	64.6%	67.8%	73.8%	68.7%	N/A	69.5%
prefer that drugs be available in social settings	N/A	14.7%	13%	13.7%	11.4%	N/A	19.2%
believe their lives are unaffected by other students' alcohol use	63.3%	69.9%	64.9%	73.6%	69.5%	62.8%	N/A
believe that there are enough alcohol-free activities where they live	75.7% / 73.7% <sup>6</sup>	48.1%	39.5%	36.1%	32.9%	78.0% / 74.6% <sup>4</sup>	N/A

<sup>6</sup> "Alcohol-free activities where you live for people under 21 / for people 21 and over."



**High-Risk Consequences during the Last Year (due to drinking and/or drug use)**

	<b>NDSCS 2016</b>	<b>NDSCS 2014</b>	<b>NDSCS 2012</b>	<b>NDSCS 2010</b>	<b>NDSCS 2008</b>	<b>2016 ND Aggregate</b>	<b>National Data*</b>
<b>had at least one hangover</b>	<b>55.8%</b>	61%	65.5%	72%	66.8%	61.3%	58.3%
<b>became nauseated or vomited at least once</b>	<b>43.6%</b>	49.6%	50.1%	56.4%	59.9%	50.2%	49.4%
<b>reported doing something they later regretted</b>	<b>26.3%</b>	27.2%	34.3%	32%	44.7%	31.2%	32.3%
<b>had a memory loss at least once</b>	<b>26.5%</b>	26.7%	31%	32.6%	36.8%	29.4%	32%
<b>got into an argument or fight</b>	<b>20.9%</b>	25.8%	30.2%	34%	41.9%	22.0%	25.2%
<b>missed a class</b>	<b>18.0%</b>	19.9%	28.7%	31.2%	32.1%	20.4%	23.8%
<b>reported driving a car while under the influence</b>	<b>26.6%</b>	27.2%	36.3%	44.8%	44.4%	18.2%	16.5%
<b>were criticized by someone they know</b>	<b>21.9%</b>	25.8%	29%	26%	35.6%	21.9%	26.4%
<b>performed poorly on a test or project</b>	<b>19.3%</b>	20.8%	28.6%	30.4%	35.8%	17.2%	18.8%
<b>reported getting hurt or injured</b>	<b>11.5%</b>	13%	16.6%	17.1%	22.2%	11.0%	13.7%
<b>had been in trouble with police, residence hall, or campus authorities</b>	<b>10.8%</b>	14.5%	15.7%	20.6%	21%	9.0%	10.4%
<b>thought they might have a drinking or drug problem</b>	<b>9.9%</b>	9.5%	11.9%	9%	13.4%	11.9%	9%
<b>damaged property, pulled a fire alarm, etc.</b>	<b>3.6%</b>	4.9%	6.1%	8.1%	7.6%	3.5%	4.5%
<b>attempted to quit unsuccessfully</b>	<b>4.9%</b>	5.2%	6.1%	3.6%	7%	3.8%	4.1%
<b>reported taking advantage of someone sexually</b>	<b>2.4%</b>	4.6%	2.3%	1.2%	5.2%	1.4%	1.9%
<b>seriously thought about suicide</b>	<b>2.3%</b>	5.2%	5.5%	8.1%	7.9%	4.2%	4.4%
<b>were arrested for a DUI/DWI</b>	<b>0.8%</b>	2%	2.1%	3.3%	5.2%	1.2%	1%
<b>seriously attempted suicide</b>	<b>1.5%</b>	1.7%	2%	2.1%	4.6%	0.9%	1.2%

## Sexual Misconduct & Alcohol

- 10.6% of survey respondents reported that they had been **taken advantage of sexually** while under the influence of alcohol or other drugs. (13.6% in 2014.)
- 5.3% of male and 19.3% of female respondents reported being taken advantage of sexually while under the influence of alcohol or other drugs.

## College Policies & Alcohol

- 6.5% of respondents under age 21 who either currently use alcohol or plan on using alcohol before they are 21 believed stricter campus policies, state laws, or city ordinances would deter them from drinking alcohol. (21.4% believe that **stricter campus policies, state laws, or city ordinances** would deter them from using alcohol in 2014).
- Fines/Fees was the most commonly selected deterrent (30.0% of respondents under 21 who said stricter campus policies, state laws, or city ordinances would deter them from drinking) followed expulsion from college (27.4%)

## Parental Influence

- 75.6% believe that their **parents' expectations or rules** about alcohol is an effective way to limit their alcohol consumption.
- 73.5% believe that their **parents' expectations or rules** about tobacco is an effective way to limit their tobacco consumption.
- 81.8% believe that their **parents' expectations or rules** about other drugs is an effective way to limit their drug consumption
- 64.0% of students report that their parents talked to them about **their expectations** regarding their alcohol use.

## Faculty Influence on Alcohol Use

- 14.6% of students consider their instructors' expectations as a **very effective** way of limiting or controlling their alcohol use. (16.5% in 2014).
  - 39.0% indicate it is a **somewhat effective** way.
- 52.0% indicate that that they have **heard their instructors making light-hearted comments** about alcohol use.
- 7.7% indicate that they have **daily or often hear their instructors talk about the risks associated with alcohol use.**
- 26.4% indicate that they daily, often or occasionally have heard their **instructors talk about their expectations that they limit or control their alcohol use.**
- 35.3% indicate that they would **likely, somewhat likely, or very likely change their alcohol use behavior based on their instructor's expectations.** (26.7% in 2014.)

## References

\*Southern Illinois University Carbondale/CORE Institute. (2014). *CORE Drug and Alcohol Survey*, Retrieved February 25, 2015 from <http://www.core.siuc.edu>.

## **Please use the following citation to reference the information in this report:**

ND University System. (2017). *2016 North Dakota State College of Science Alcohol and Other Drug Survey Report*. Bismarck, ND: ND Higher Education Consortium for Substance Abuse Prevention.

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**Appendix E: 2018 Employer Survey**



## NDSCS Employer Survey (ATOD) Summary Spring 2018

### Background:

This survey aimed to understand the frequency with which employers of NDSCS graduates conduct criminal background checks on prospective employees, including scrutiny of alcohol-related arrests and citations. This survey was adapted from an instrument originally developed and administered at North Dakota State University (Beseler Thompson & Carlson, 2017).

Each February NDSCS hosts a cross-discipline career fair that attracts about 170 employers to NDSCS and each October NDSCS Allied Health programs hosts a career fair for about 40 employers. Employers attending one of these career events over the past three years were invited to participate in this survey (duplicates were removed).

### Data Collection and Participation:

Employers that have participated in the NDSCS Career Fairs over the past three years were invited to participate in this survey which launched on February 26, 2018. Reminders were sent on March 1, 6, 8 (survey closed on April 26, 2018).

Employers that have participated in NDSCS Allied Health Department Career Fairs over the past two years were also invited to participate in this survey on April 9, 2018 with reminders sent on April 12, 17, 20 (survey closed on April 26, 2018).

### Response Rate:

- 524 emails were sent to employers that had participated in the NDSCS Career Fair in past 3 years (3 employers opted out, 54 emails were deemed invalid)
- 85 emails were sent to employers that had participated in the NDSCS Allied Health Department Career Fair in the past 2 years (1 employer opting out, 3 emails were deemed invalid)
- A total of 114 individuals responded to the survey (96 fully completed, 18 partially completed) resulting in an overall **20.8% response rate**.

Employment Sectors represented<sup>1</sup>:

	%	Count
Agriculture, Food and Natural Resources	7.53%	7
Architecture and Construction	25.81%	24
Business, Finance, Management and Marketing	4.30%	4
Education and Training	1.08%	1
Health Science	16.13%	15
Hospitality and Tourism	2.15%	2
Human Services	3.23%	3
Information Technology	2.15%	2
Law, Public Safety, Corrections and Security	1.08%	1
Manufacturing	20.43%	19
Science, Technology, Engineering and Mathematics (STEM)	10.75%	10
Transportation	5.38%	5
Total	100%	93

<sup>1</sup> **Question:** Which [employment sector](#) best describes your organization? (If more than one apply, please choose the largest sector.)

**Summary:**

- 63.30% of employers require **alcohol and/or drug testing** for prospective employees for *all* positions; 13.76% require it for *some* positions. (n=109)
- 73.39% of employers conduct **criminal background checks** on *all* positions, while 11.01% conduct them on *some* positions. (n=109)
- 13.04% of employers review **collegiate conduct records** of prospective employees; 13.04% were unsure if collegiate conduct records were reviewed before hiring. (n=92)
- 45.16% of employers review **social networking sites (Facebook, Instagram, Twitter, etc.)** of prospective employees. 4.30% of employers were unsure if social networking sites were reviewed. (n=93)
  - Of those that reviewed social networking sites **97.56%** did **not** require prospective employees to provide access to their social networking sites. (n=41)

**Actions taken as a result of background checks:**

- 11.58% would not hire a person with a **DUI** on their record within a certain time frame (i.e. 5 years, 10 years, etc.), and 47.37% would consider it on a case-by-case basis. (n=95)
- 32.26% of employers have a policy prohibiting individuals convicted of **any felony** from being hired. (n=93)
- 5.38% of employers have a policy prohibiting individuals convicted of **any misdemeanor** from being hired. (n=93)

**Processes used by employers to conduct background checks:**

- The most common process used by employers to conduct background checks is an **outside vendor** (46%), followed by **applicant provided self-disclosure** (25.33%).

**For each of the following alcohol or drug-related infractions/misdemeanors that could appear on a prospective employee's background check (from any source), please check the most likely course of action that your agency/organization/corporation would take:**

Question	No consequence % (n)	Would not hire % (n)	Would require further explanation % (n)	Would not hire within a certain timeframe % (n)	Evaluated on a case by case basis % (n)	Total % (n)
Minor In Possession/Consumption (MIP/MIC)	31.58% (30)	2.11% (2)	40.00% (38)	2.11%(2)	24.21% (23)	100% (95)
Driving Under the Influence (DUI)	7.37% (7)	5.26% (5)	28.42% (27)	11.58% (11)	47.37% (45)	100% (95)
Minor Misrepresenting Age (i.e. fake ID)	20.21% (19)	5.32% (5)	39.36% (37)	5.32% (5)	29.79% (28)	100% (94)
Possession of Marijuana	4.21% (4)	20.00% (19)	21.05% (20)	9.47% (9)	45.26% (43)	100% (95)
Possession of Drug Paraphernalia	3.16% (3)	24.21% (23)	18.95% (18)	11.58% (11)	42.11% (40)	100% (95)

**Does your organization currently have a policy prohibiting tobacco/nicotine use on company grounds (buildings, etc.)?**

	<b>%</b>	<b>Count</b>
Yes	69.89%	65
No	29.03%	27
Unsure	1.08%	1
Total	100%	93

**Which of the following tobacco products are included in that policy?**

	<b>%</b>	<b>Count</b>
Tobacco cigarettes	41.67%	65
Smokeless tobacco products (chew, snuff)	25.00%	39
Electronic cigarettes or other vaping devices	32.69%	51
Other	0.64%	1
Total	100%	156

**Other:** there are designated smoking areas at all locations

**Does your organization currently have a policy prohibiting tobacco/nicotine use in company property (company vehicles, personal vehicles on company property, etc.)?**

	<b>%</b>	<b>Count</b>
Yes	84.95%	79
No	13.98%	13
Unsure	1.08%	1
Total	100%	93

**Which of the following tobacco products are included in that policy?**

	<b>%</b>	<b>Count</b>
Tobacco cigarettes	39.90%	77
Smokeless tobacco products (chew, snuff)	26.42%	51
Electronic cigarettes or other vaping devices	33.68%	65
Other	0.00%	0
Total	100%	193

**Appendix F: NDSCS College Aim Planning Tool**





**Appendix G: Edgar Part 86 Worksheet**

## North Dakota State College of Science

### ND University System Part 86 Compliance Checklist

Part 86, Drug-Free Schools and Campuses Regulations Compliance Checklist 2018

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1. Does the institution maintain a copy of its drug prevention program? Yes  No

- If yes, where is it located?

- o Office of the President – Haverty Hall, Room 151
- o Office of Student Health and Counseling Services: Alcohol and Other Drugs Prevention Program– Riley Hall, Room 107
- o Office of the Campus Judicial Officer – Riley Hall, Room 130
- o Online at [www.NDSCS.edu/AlcoholInfo](http://www.NDSCS.edu/AlcoholInfo)

2. Does the institution provide *annually to each employee and each student, who is taking one or more classes for any type of academic credit except for continuing education units, written materials that adequately describe and contain the following?*

a. Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as a part of its activities

Students: Yes  No  Staff and Faculty: Yes  No

b. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol

Students: Yes  No  Staff and Faculty: Yes  No

c. A description of applicable legal sanctions under local, state, or federal law

Students: Yes  No  Staff and Faculty: Yes  No

d. A description of applicable counseling, treatment, or rehabilitation or re-entry programs

Students: Yes  No  Staff and Faculty: Yes  No

e. A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions

Students: Yes  No  Staff and Faculty: Yes  No

**Any comments or clarifications on items 2 a-e:**

- 2a. Prohibited Conduct. NDSCS, in accordance with [North Dakota State Board of Higher Education Policy 918](#), prohibits the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and products, as well as any illicit drugs or drug paraphernalia on or off College property, in College buildings, any public College area, in College housing, College vehicles, or at any College affiliated event held on or off-campus, which are sponsored by students, employees and college organizations.
- 2b. Alcohol and other drug use represents a major health problem in the United States and poses a serious threat to the health and welfare of the NDSCS community. This threat occurs at NDSCS in the form of property damage, acts of vandalism, disciplinary problems, driving under the influence (DUI), automobile and other types of accidents, decreased career opportunities and academic performance, impaired social relationships, violence and decreased ability to cope with the stresses of life. More information on the health risks associated with [alcohol abuse](#) and other

[drug abuse](#) can be found at the National Institutes for Health website as well as the [NDSCS Alcohol, Tobacco and Other Drug Prevention website](#).

- 2c. NDSCS is committed to maintaining a healthy academic and social environment conducive to the academic and personal development of students, faculty, and staff. To help achieve such an environment, NDSCS complies with and supports the North Dakota State Board of Higher Education (SBHE) governing alcohol use on campus (Policy 918), the [Drug Free Workplace Act of 1988](#), [Public law 100-690](#) and the [Drug-Free Schools and Communities Act Amendments of 1989](#), and [Public Law 101-226](#) governing prevention programs and federal assistance to institutions of higher learning and amendments thereto. A summary of local, state and federal laws related to alcohol and other drugs can be found at the [Alcohol, Tobacco and Other Drug Prevention website](#).

2d. Treatment Resources. NDSCS recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and there are assistance programs available to help individuals experiencing problems. When appropriate, NDSCS personnel will refer students and employees to agencies outside of NDSCS for treatment/rehabilitation. Such referrals shall be coordinated through [NDSCS Student Health and Counseling Services](#) (701-671-2286) and/or NDSCS Human Resources at (701-671-2903). For additional information, students and employees who are seeking such services for themselves or others should contact NDSCS Student Health and Counseling.

Organizations are required, Federal Regulation (2 CFR § 182.215), to not only publish a drug-free workplace statement, but also establish a drug-free awareness program for employees. Part of the drug-free awareness program is to inform employees regarding the dangers of drug abuse misuse in the workplace. Information on the health risks of alcohol abuse and drug abuse can be found at the U.S. National Library of Medicine and the National Institutes for Health. Additional information can be found at the Alcohol and Other Drug Prevention Programs website.

NDSCS Employee Assistance Program (EAP) is available to all employees of the College. The EAP is facilitated by the Village Business Institute and can be accessed by contacting NDSCS Human Resources at 701-671-2903 or through the Village Business Institute portal at: [www.villageepa.com](http://www.villageepa.com).

#### 2e. **Sanctions**

**Students.** Students found in violation of the NDSCS Alcohol and Other Drug Policy may be subject to one or more of the sanctions below, dependent upon severity of the offense and the existence or absence of prior violations:

- a. Consultation only;
- b. Requirement to attend educational sessions related to alcohol and/or other drugs, or counseling sessions;
- c. Restitution and/or fines;
- d. Verbal and/or written warning that continuation or repetition of prohibited conduct may be the cause for more severe disciplinary action;
- e. Probation. An indication that further violations may result in suspension.
- f. Dismissal from Student Leadership positions and/or organizations.
- g. Exclusion from college-owned housing;
- h. Trespass from all, or portions, of campus;
- i. Suspension. Temporary withdrawal or privileges of enrollment from NDSCS for a specified period of time.;

- j. Indefinite suspension. Withdrawal from NDSCS until specific actions are taken prior to consideration for re-entry; or
- k. Expulsion. Termination of student registration and status for an indefinite period of time. Permission of the president shall be required for readmission.
- l. Registration/Transcript/Graduation Hold
- m. May have Loss of privileges or other educational sanctions (including status as a registered student organization)

Note: Individual student behavioral actions and or student organization behavioral actions will be adjudicated as assigned by the Executive Director of Student and Residential Life or designee.

**Off-Campus Alcohol and Other Drug Use.** As members of the College community, all students are expected to behave responsibly when off-campus. Students violating civil or criminal law and/or the NDSCS Student Guide to Rights and Responsibilities may be subject to College conduct procedures. Students should be aware that unlawful use, possession, distribution, manufacture or distribution, manufacture or sale of a controlled substance cited by local law enforcement may be reported to the College. If reported, the College will take appropriate disciplinary action under this policy.

**Alcohol and other drug policy and sanctions for violations in a classroom, shop or lab.** When in the view of an instructor, a student comes to class chemically impaired, the instructor shall immediately refer the student to the Executive Director of Student and Residential Life or other appropriate College authority.

**3. Are the above materials distributed to students in one of the following ways?**

**a. Mailed to each student (separately or included in another mailing)**

Yes  No

- Each student receives an e-mail from Bethany Mauch, Alcohol, Tobacco and Other Drugs Prevention Specialist. This e-mail contains the full text of the NDSCS Drug and Alcohol Policy. This e-mail is sent out at the beginning of the fall semester, at the beginning of spring semester, and at the beginning of each summer session.

**b. Through campus post offices boxes**

Yes  No

**c. Class schedules which are mailed to each student**

Yes  No

**d. During freshman orientation**

Yes  No

**e. During new student orientation**

Yes  No

**f. In another manner**

Yes  No

- Students have the opportunity to view and receive a hard copy of the policy at the Student Center as well as the office of the campus judicial officer and at Student Health and Counseling Services. Students can also view the policy online on the [NDSCS Alcohol, Tobacco and Other Drugs Prevention website](#).

**Any comments or clarifications on items 3 a-f:**

- 3d. Via verbal disclosure during general orientation session.
- 3e. Via verbal disclosure during general orientation session.
- 3f. Students are also sent a text message each semester that includes a link to the NDSCS Alcohol and Other Drug Policy.

**4. Does the means of distribution provide reasonable assurance that each student receives the materials annually?**

Yes  No

- Once a student is admitted to NDSCS, they are provided with an official NDSCS e-mail account. E-mail is used for all official communication by NDSCS.

**5. Does the institution's distribution plan make provisions for providing these materials to students who enroll at some date after the initial distribution?**

Yes  No

- NDSCS's Alcohol and Drug Policy is distributed at the beginning of each semester to include summer sessions via e-mail.

**6. Are the above materials distributed to staff and faculty in one of the following ways?**

**a. Mailed**

Staff: Yes  No  Faculty: Yes  No

**b. Through campus post office boxes**

Staff: Yes  No  Faculty: Yes  No

**c. During new employee orientation**

Staff: Yes  No  Faculty: Yes  No

**d. In another manner**

- NDSCS Faculty and Staff are e-mailed a copy of the policy in its entirety on an annual basis.

**Any comments or clarifications on items 6 a-d:**

- 6c. New hires are directed during HR orientation how to locate the policy and indicate they have read.

**7. Does the means of distribution provide reasonable assurance that each staff and faculty member receives the materials annually?**

Staff: Yes  No  Faculty: Yes  No

- All staff/faculty are provided with a campus e-mail address which is the official means of communication for the campus. All staff/faculty are required to complete annual training and training at date of hire, in which the policy is explained in detail.

**8. Does the institution's distribution plan make provisions for providing these materials to staff and faculty who are hired after the initial distribution?**

Staff: Yes  No  Faculty: Yes  No

- Via Human Resources procedures and orientation.

**9. In what ways does the institution conduct biennial reviews of its drug prevention program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced?**

**a. Conduct student alcohol and drug use survey**

Yes  No

- The Core Alcohol and Drug Survey was developed to measure alcohol and other drug usage, as well as attitudes and perceptions among college students attending two and four year institutions, nationwide. This survey is administered every other year (1999, 2001, 2003, 2006, 2008, 2010, 2012 and 2014) in an attempt to measure drinking and drug use behaviors, as well as their perceptions of the norms surrounding alcohol use among students. NDSCS Administered a new survey in 2016 (ND ATOD Survey) that was made specifically for North Dakota University System Higher Education Institutions. NDSCS also completes a biennial review of alcohol and other drug policies and programs on even numbered years. Data from the CORE survey & ND ATOD Survey is integrated into the biennial review and used to direct programming efforts.

**b. Conduct opinion survey of its students, staff, and faculty**

Students: Yes  No  Staff and Faculty: Yes  No

- ND ATOD Survey (2016) for students and NDSCS Faculty and Staff Alcohol and Other Drugs Perceptions and Communication Survey (2014.)

**c. Evaluate comments obtained from a suggestion box**

Students: Yes  No  Staff and Faculty: Yes  No

- The [NDSCS Concerns Page](#) includes information regarding Alcohol and Other Drugs; students may voice concerns, comments, and/or offer information about student incidents and/or student well-being concerns.

**d. Conduct focus groups**

Students: Yes  No  Staff and Faculty: Yes  No

- Students and staff/faculty have representation on the NDSCS ATOD Prevention Team.

**e. Conduct intercept interviews**

Students: Yes  No  Staff and Faculty: Yes  No

**f. Assess effectiveness of documented mandatory drug treatment referrals for students and employees**

Students: Yes  No  Staff and Faculty: Yes  No

- Students who are referred for treatment are followed by counseling services as part of their aftercare.

-

**g. Assess effectiveness of documented cases of disciplinary sanctions imposed on students and employees**

Students: Yes  No  Staff and Faculty: Yes  No

- Incidents of recidivism are reviewed annually.

**10. Who is responsible for conducting the biennial reviews?**

Bethany Mauch,  
ATOD Prevention Specialist  
Chair of NDSCS ATOD Prevention Team

**11. If requested, has the institution made available, to the Secretary and the public, a copy of each requested item in the drug prevention program and the results of the biennial review?**

Yes  No

- A requested has not been received.

**12. Where is the biennial review documentation located?**

All documentation pertaining to the NDSCS Alcohol and Drug Policy is available for public review. Copies of the biennial review are available in the offices of the NDSCS President (Haverty 151), Campus Judicial Officer (Riley Hall 130), Student Health and Counseling Services Alcohol and Other Drug Prevention Program Office (Riley Hall 107) and on the NDSCS ATOD website ([ndscs.edu/alcoholinfo](http://ndscs.edu/alcoholinfo)).

**13. Comments or clarifications on any above items:**

**Appendix H: 2018 NDSCS Annual Security Report & Fire Safety Report**



# 2018 Annual Security Report & Fire Safety Report



# ANNUAL SECURITY REPORT & FIRE SAFETY REPORT SEPTEMBER 28, 2018

## SAFETY AND SECURITY INFORMATION

Safety is an important issue for the North Dakota State College of Science (NDSCS) community. Each member of the campus community - students, faculty, and staff - should take an active role in preventing and reporting incidents that jeopardize safety on and around campus. Please review this information carefully. NDSCS, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, has published this document to provide its students and employees with an overview of the institution's security resources, policies, and procedures. These policies and procedures are subject to change at any time.

A hard copy of this document may be obtained by contacting the NDSCS Police Department at 701-671-2233. NDSCS also reports the annual crime statistics contained in this report to the U.S. Department of Education.

## THE CAMPUS

NDSCS is a two-year, comprehensive, residential college with its main campus located in Wahpeton, N.D. A second location, NDSCS-Fargo, delivers workforce training and select academic programming in the Fargo, N.D. area. NDSCS offers degrees, certificates and diplomas in over 80 academic options in traditional career and technical studies as well as the liberal arts. The college also offers a variety of distance education and online courses. Approximately 98% of graduates are employed or pursuing additional college education.

## NDSCS POLICE DEPARTMENT

The NDSCS Police Department is dedicated to providing the highest quality police service to students, faculty, staff and visitors to our campus. With a primary mission of protecting lives and property, and the belief that people are our most valuable resource we are dedicated to building community partnerships and applying unique and innovative policing practices to the college environment.

NDSCS Police have full arrest powers and are licensed by the State of North Dakota. The department's enforcement authority is authorized by North Dakota Century Code 15-10-17.2 and the State Board of Higher Education (SBHE Policy 619). The NDSCS Police, in conjunction with the Wahpeton Police Department provide vehicle patrol 24 hours a day year-round. NDSCS Police report violations of campus regulations and enforce city and state laws. Initial criminal

reports, investigations and most cases are developed for prosecution. All criminal reports taken by the NDSCS Police are filed through the Wahpeton Police Department. The Wahpeton Police Department regularly shares information with the NDSCS Police, regarding incidents occurring in the area surrounding the campus. The NDSCS Police are armed and maintain radio contact with the Wahpeton Police department through the Richland County Communications Center.

A searchable database containing those statistics can be found at [www.ope.ed.gov/security](http://www.ope.ed.gov/security). Campus crime statistics included in this report are gathered from a variety of sources, including campus and local law enforcement agencies and campus officials with significant responsibility for student and campus activities.

This document contains general information about the campus, police and public safety resources, reporting crimes, coordination between law enforcement agencies, fire and medical emergencies, crime prevention, victim support services, the law and institutional policies, campus facilities, residence hall security, crime statistics, the NDSCS Sexual Misconduct and Title IX Compliance Policy, and the NDSCS Alcohol and Other Drug Policy. It also contains information about alcohol and other drug health risks, drug and alcohol laws and penalties, and campus alcohol and other drug education and counseling resources.

## A FULL COLLEGE ENVIRONMENT

For more than a century, NDSCS has maintained a unique blend of academic programs and campus life. Beyond the wide variety of career and technical education and liberal arts transfer programs, NDSCS has extensive facilities and organizations for a wide range of student activities. This blended atmosphere of instruction and extracurricular activities prepares the student for more than a specific field of study, providing lifelong learning and leadership experiences. Participation in student government, clubs, music, drama, intercollegiate and intramural athletics, professional and occupational organizations and campus social events can make NDSCS an exciting experience.

The NDSCS-Fargo/NDSU Police have full arrest power and are licensed by the State of North Dakota. They report violations of college regulations and enforce city and state laws. The NDSCS-Fargo/NDSU Police are armed and maintain radio contact with the local police department

## REPORTING CRIMES OR OTHER EMERGENCIES

If you are a victim of a crime or a witness to one, or if you need to report a fire, medical, or other emergency, on or off campus, DIAL 911.

Criminal activity that represents a threat to students, employees, or campus visitors should be reported to the NDSCS Police immediately so that the institution may issue a warning to the campus community.

In a non-emergency situation, you should report suspicious people or activities, traffic accidents, or potential violations of law to the police agency serving the location where the activity occurs:

### WAHPETON

NDSCS Police 701-671-2233

Wahpeton Police 701-642-7722

Breckenridge Police 218-643-5506

Richland County Sheriff 701-642-7711

### FARGO

NDSU Police 701-231-7759

Fargo Police 701-241-1310

## ON-CAMPUS REPORTING OF CRIMES

Crimes should be reported to the NDSCS Police by the victim, any witnesses, or officials who become aware of the crime. Crimes committed by NDSCS students may also be violations of college regulations governing student conduct and may be reported to The Department of Residential Life, at 701-671-2224.

To make it as convenient as possible for students, employees, and guests to report criminal incidents or other emergencies, NDSCS has an enhanced 911 system for all campus telephones. This system displays the caller's number and location to the police dispatcher.

The annual security report includes statistics on the following crimes that have been reported to the NDSCS Police: murder, non-negligent manslaughter, negligent manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, and hate crimes. The list of crimes that must be reported as hate crimes include the aforementioned offenses, as well as crimes of larceny-theft, simple assault, intimidation, destruction, damage, or vandalism of property, and any other crime involving bodily injury that was motivated by the offender's bias against race, gender, religion, sexual orientation, ethnicity/national origin or disability. The list of crimes that must be reported through the Violence Against Woman Act are domestic violence, dating violence and stalking.

The annual security report also includes statistics regarding those crimes that have been reported to campus officials with significant responsibility for student

and campus activities.

Those campus officials include but are not limited to: faculty advisors to registered student organizations, head coaches for Athletics, Director of Athletics, Executive Director of Student and Residential Life, Assistant Director of Residential Life, Student Government Advisor, Vice President for Administrative Affairs, Vice President for Student Affairs, Vice President for Academic Affairs, College Nurse, Director of Counseling Services, and Student Advocate.

## CONFIDENTIAL REPORTING

The college has a voluntary confidential reporting system available at [NDSCS.edu/Concern](https://www.ndscs.edu/Concern). However, crimes reported on a confidential basis are included in the annual report. Depending on the circumstances of the offense (the severity of the offense, the number of victims involved, etc.), NDSCS may be required to respond to an incident, even if confidentiality has been requested. Therefore, NDSCS employees cannot guarantee absolute confidentiality. Individuals desiring confidentiality should be encouraged to contact one of the following:

## NDSCS STUDENT HEALTH & COUNSELING SERVICES

[NDSCS.edu/Counseling](https://www.ndscs.edu/Counseling)

Riley Hall 113

Phone: 701-671-2286 | 701-671- 2319  
701-298-4500 (after hours)

**NOTE:** Disclosure to employees of NDSCS Health and Counseling Services will not initiate an investigation by the College against the student's wishes. These employees are required to report that an incident occurred without revealing any of the victim's personally identifying information. In some circumstances, NDSCS Student Health Service is required by state law report cases involving physical trauma to law enforcement.

## TITLE IX COORDINATOR

[NDSCS.edu/Title9](https://www.ndscs.edu/Title9)

NDSCS encourages all individuals to report any alleged or suspected violation of this policy to the Title IX Coordinator and/or Deputy Title IX Coordinator as available and to report potential criminal conduct to law enforcement.

The NDSCS Title IX Coordinator and Deputy Coordinators' contact information is as follows:

### Jane Vangness Frisch, Ph.D.

Title IX Coordinator

Old Main 340

701-671-2627

[Jane.Vangness@ndscs.edu](mailto:Jane.Vangness@ndscs.edu)

### **Melissa Johnson**

Deputy Title IX Coordinator  
Riley Hall 130  
701-671-2520  
Melissa.J.Johnson.3@ndscs.edu

### **Sandi Gilbertson, M.S.**

Deputy Title IX Coordinator  
Haverty Hall 136  
701-671-2904  
Sandi.Gilbertson@ndscs.edu

If a complainant wishes to remain completely anonymous, complainant may use the NDSCS concern form and not disclose any identifying information

**NDSCS.edu/Concern.**

## **COORDINATION WITH OTHER LAW ENFORCEMENT AGENCIES**

The NDSCS Police Department maintains a cooperative relationship with other local, county, and state police agencies. This cooperation includes multi-jurisdictional investigations of alleged crimes, special events coordination, and joint training programs. Mutual Aid agreements permit the respective parties' police officers to render to each other supplemental police protection in the event of an emergent need or a special police need of a magnitude beyond the capabilities of a single police department.

## **CRIME PREVENTION EDUCATION AND AWARENESS**

The NDSCS Police pursue crime reduction by conducting sexual assault and personal safety seminars aimed at risk avoidance and crime prevention. These seminars may be requested by groups at any time by contacting the NDSCS Police.

## **SEXUAL ASSAULT EDUCATIONAL PROGRAMS**

NDSCS provides immediate crisis intervention and advocacy services to women and men who have been impacted by rape or sexual assault as well as proactive sexual assault prevention education programming for the NDSCS community. Services available include: a 24-hour hotline; medical advocacy and counseling. The NDSCS Personal Counselor also offers follow-up counseling services to NDSCS students.

The prevention education programming offered consists of sexual violence awareness presentations and multi-session workshops to the NDSCS community.

The NDSCS Police Department does not formally monitor or record criminal activity by students at off-campus locations. They are notified of a situation in which a member of the campus community is the victim of an off-campus crime that represents a threat to NDSCS students, employees, or visitors, the NDSCS Police issue a timely warning detailing the incident and providing tips to avoid similar incidents. In cases of misconduct and criminal acts, complainants are urged to contact the local police or other community agencies to help resolve disputes.

## **THE LAW AND COLLEGE POLICIES**

To provide for the safety of members of the campus community and the protection of NDSCS property, North Dakota State College of Science has set minimum standards of conduct. Detailed information may be found in the **Guide to Student Rights and Responsibilities** and other college policies. These standards of conduct do not replace, or relieve persons from complying with, the requirements of civil or criminal laws.

Unlawful behavior may result in criminal prosecution as well as college disciplinary action.

## **IMMEDIATE CONSIDERATIONS IF YOU HAVE BEEN ASSAULTED OR HARASSED**

### **Relationship/Domestic Violence:**

- Seek medical attention if needed.
- Report the assault or misconduct to NDSCS Campus Police or at NDSCS.edu/Concern.
- Perform safety planning with an advocate, if possible, before leaving an abusive relationship or serving legal documents.
- Consider obtaining a Personal Protection Order if you are being stalked or abused.
- Consider that if someone is abusive to you, he or she might be monitoring your cell phone, emails, odometer, financial statements, etc.
- Document abusive behavior in a journal, with dates, times, and other details.
- Seek support from an advocate, counselor, friend or other supportive, safe person.

## Sexual Assault:

- Consider getting immediate medical care for your health needs (such as possible injuries, pregnancy, sexually transmitted infections (STIs), or HIV) and evidence collection.
- Do not shower, douche, urinate, brush your teeth, or change/discard your clothes until evidence can be collected by a hospital SANE program and/or the police. Try to preserve evidence even if you are unsure at the time whether to pursue pressing charges. Store any evidence you have in a paper bag.
- Contact the police. Even if you do not know if you want to follow through with a court case, the police can still document the information and collect evidence. The NDSCS Police encourage all victims to file a report. College personnel may assist you, at your request, to notify the authorities.
- Report the assault at [NDSCS.edu/Concern](https://www.ndscs.edu/Concern).
- Once a police report is filed, let the police collect all of the evidence (clothing, sheets, condoms, etc).
- For suspected alcohol and other drug induced assaults, get tested as soon as possible because the presence of drugs in blood or urine is short lived, sometimes as short as 12 hours. If needed, save urine in a clean container and refrigerate until it can be tested.
- Seek support from a sexual assault advocate/ counselor, close friend, family members, or another supportive, safe person.

## SEXUAL MISCONDUCT AND TITLE IX COMPLIANCE POLICY

NDSCS in compliance with state and federal regulations will not tolerate sexual harassment or sexual misconduct by anyone; including supervisors, faculty, customers, employees, visitors or other students. NDSCS Policy – Sexual Misconduct and Title IX Compliance Policy and reporting options, viewable at [NDSCS.edu/Title9](https://www.ndscs.edu/Title9).

## CAMPUS SAFETY ESCORT SERVICE

NDSCS Police will provide escort services to and from vehicles, residence halls or work-study positions on campus to a student's or employee's residence hall or vehicle, upon request. This service is FREE to students and employees whenever they may need it. Call Campus Police for assistance.

## SAFE ZONE

All students, faculty and staff deserve to learn in an environment that's supportive and friendly, regardless of their sexual orientation or gender identity/expression.

Safe Zone is a program designed to:

- Educate people about sexual orientation and gender identity/expression issues.
- Create a visible network of Allies to provide support to the NDSCS lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ) community.
- Provide accurate information about sexual orientation and gender identity/expression issues and resources within the community.

Safe Zone Allies are not personal counselors, but they offer a safe place for LGBTQ individuals to be themselves. An ally listens. An ally respects confidentiality. An ally offers support, personally and through outside resources and referrals. An ally understands!

Anyone displaying the Safe Zone symbol has committed to being an understanding, supportive and trustworthy Ally for LGBTQ members of our College community. This person can also be counted upon to provide accurate information about sexual orientation and gender identity issues.

The Safe Zone program also educates people about sexual orientation and gender identity/expression issues.

**Level 1 Training:** Becoming an Ally provides basic information about sexual orientation and how to become an ally for someone who identifies as lesbian, gay, bisexual, transgender or queer. For more information on Safe Zone visit [NDSCS.edu/SafeZone](https://www.ndscs.edu/SafeZone).

## NDSCS DRUG AND ALCOHOL POLICY

NDSCS's compliance with provisions of the Drug-Free Schools and Communities Act Amendments of 1989 applying to students is achieved through a comprehensive alcohol and other drug prevention program, which includes policy enforcement, educational programs, and related services.

Regardless of a person's age, the manufacture, sale, transfer, purchase, transportation, possession, use or consumption of alcohol (in any form), and/or possession or display of empty alcohol beverage containers anywhere on NDSCS owned or controlled property and/or sponsored or supervised events is prohibited.

### ALCOHOL, TOBACCO AND OTHER DRUG (ATOD) PREVENTION TEAM

NDSCS ATOD Prevention Team is committed to reducing the harm associated with alcohol and drug use, and cultivating an environment in which moderate use is perceived and practiced as the norm. Prevention efforts reflect a philosophy that students are capable of making wise decisions about their own alcohol and drug use and the role of ATOD is to provide the education, support and advocacy necessary to help students do just that.

The NDSCS ATOD Prevention Team continually works to promote a better understanding of alcohol use by the NDSCS student population in order to challenge myths and misconceptions.

The ATOD specialist on staff is also available as a consultant to parents, concerned friends, mentors and staff/faculty who may have concerns about a student's use. The ATOD specialist will also provide brief consultation and referral services to students who are concerned about their own use of alcohol and drugs.

Finally, the ATOD specialist works with community groups, student groups, city officials and campus decision-makers to advise on policies related to health and safety issues associated with alcohol, tobacco and other drug use.

### NDSCS COUNSELING SERVICES 701-671-2286

NDSCS Counseling Services provides the following services:

- Consultation and intervention services
- Assessment and referral services
- Individual counseling services

### ALCOHOL AND OTHER DRUG RESOURCES FOR FACULTY AND STAFF

#### NDSCS EMPLOYEE ASSISTANCE PROGRAM

The Village 1-800-627-8220

The Employee Assistance Program provides education, assessment and referral for persons concerned about alcohol or substance dependency for themselves or family members.

### HEALTH RISKS AND MEDICAL CONSEQUENCES OF ALCOHOL AND DRUG ABUSE

For the user, alcohol and illegal drugs present significant health risks and medical consequences:

- Addiction to alcohol or other drugs is a progressive disease, which, if untreated, can be fatal.
- Alcohol abuse can result in liver damage and disease, gastrointestinal problems, and brain damage.

Users of other types of drugs face these serious problems:

- Marijuana can be psychologically addicting, and causes two problems of significance to academic performance – short-term memory problems and a motivational syndrome (laziness/lethargy).
- Long-term use of stimulants (uppers, including speed, crack, methyl, crystal, etc.) may cause permanent damage to the brain, heart, lungs, and other organs.
- The use of cocaine and amphetamines can result in heart attacks; people who lack an enzyme called pseudocholinesterase in their bodies can die from a single minute dose of cocaine.
- Inhalants (poppers, rush, laughing gas, sniffing of glue or paint thinner, etc.) may cause mental confusion, mood swings, delusions, or hallucinations.
- The use of hallucinogens, especially PCP (angel dust), can result in an irreversible drug-induced psychotic state and/or delusions of omnipotence, which can trigger life-threatening behavior.
- Depressants (downers, ludes, reds, 714s, barbs) greatly increase the risk of accidents and automobile crashes because they affect vision, judgment, coordination, and other physical skills.
- Intravenous drug users (users of heroin and other opiates) risk infection with communicable and potentially fatal diseases from sharing needles.

In addition to physiological harm, use can result in social and psychological harm.

### FEDERAL AND STATE PENALTIES FOR DRUG SALE AND POSSESSION

The federal government decides if and how a drug should be controlled. Psychoactive (mind-altering) chemicals are categorized according to Schedule I to V. This schedule designates if the drug can be prescribed by a physician and under what conditions. Factors considered in this categorization include a drug's known and potential medical value, its potential for physical or psychological dependence, and risk, if any, to public health. Penalties for the illegal sale or distribution of a drug are established using the designation of Schedule I to V.

**Schedule I** drugs have a high potential for abuse with no medical uses. Production of these drugs is controlled. Examples include GHB (gamma-hydroxybutyrate), heroin, methaqualone, all hallucinogens (except phencyclidine [PCP]), marijuana, and hashish. Tetrahydrocannabinol (THC), depending on its form, can also be a Schedule II drug.

**Schedule II** drugs have high potential for abuse, but have some medical uses. Production of these drugs is controlled. Examples include opium, morphine, codeine, other narcotics, barbiturates, cocaine, amphetamines, and phencyclidine (PCP).

Federal and State of North Dakota penalties for selling Schedule I and II drugs vary with the quantity of the drug. Additionally, if death, rape, or serious injury is associated with the sale and/or if it is a second offense, penalties are more severe. When establishing penalties for sale, marijuana and hashish are separated from this designation according to the schedule. The penalties for sale of marijuana and hashish, however, are similar to those set for Schedule I and II drugs.

The federal penalty for first offense sale of small amounts of Schedule I and II drugs is imprisonment for not less than 5 years and not more than 40 years; if death or serious injury results, the penalty changes to imprisonment for not less than 20 years or more than life, a fine of not more than \$2 million for an individual, or both. Federal penalties on first offense for individuals who illegally manufacture, deliver, or knowingly possess GHB (gamma-hydroxybutyrate) include imprisonment for up to 20 years. If death or serious bodily injury results from the usage of GHB, penalties include imprisonment for no less than 20 years, and no greater than life, including additional fines of up to \$1,000,000 for an individual and \$5,000,000 if the defendant is other than an individual, or both.

**Schedule III, IV, and V** drugs include those most citizens would categorize as “prescription drugs”. Schedule III drugs have some potential for abuse, but less than those on Schedules I and II. The potential for abuse of Schedule IV drugs is less than those on Schedule III, and the potential for abuse of those on Schedule V is less than those on Schedule IV. All Schedule III to V drugs have medical uses and their production is not controlled. Examples of these drugs include some narcotics, chloral hydrate (IV), barbiturates (III & IV), benzodiazepines (IV), glutethimide (III), other depressants (III & IV), amphetamines (III), and other stimulants (III & IV).

The federal penalty for first offense sale of a Schedule III drug is imprisonment for not more than five years, a fine of not more than \$250,000 for an individual, or both. The federal penalty for first offense sale of Schedule IV drugs is imprisonment for not more than three years, a fine of not more than \$250,000 for an individual, or both. The federal penalty for first offense sale of Schedule V drugs is imprisonment for not more than one year, a fine of not more than \$100,000 for an individual, or both.

## SUSPENSION OF ELIGIBILITY FOR FINANCIAL AID FOR DRUG-RELATED OFFENSES

Federal law provides that a student who has been convicted of an offense under any federal or state law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance during the period beginning on the date of such conviction and ending after the interval specified in the following table.

### IF CONVICTED OF AN OFFENSE INVOLVING:

<b>Possession of a Controlled Substance</b>	<b>Ineligibility Period</b>
First offense .....	1 year
Second offense .....	2 years
Third offense.....	Indefinite
<b>Sale of a Controlled Substance</b>	<b>Ineligibility Period</b>
First Offense .....	2 years
Second Offense.....	Indefinite

A student whose eligibility has been suspended based on a conviction for possession or sale of a controlled substance may resume eligibility before the end of the ineligibility period if:

- a. the student satisfactorily completes a drug rehabilitation program that
  - I. complies with the criteria prescribed in the federal regulations; and
  - II. includes two unannounced drug tests;
- b. the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with the criteria prescribed in the federal regulations; or
- c. the conviction is reversed, set aside, or otherwise rendered nugatory.

## WAHPETON AND FARGO CITY ORDINANCES

Students live in both the Wahpeton and Fargo communities. For information on the City of Wahpeton ordinances, visit [www.wahpeton.com](http://www.wahpeton.com). For information on the City of Fargo ordinances, visit [www.fargond.gov](http://www.fargond.gov).

Students may be held accountable by the municipality or county in which they reside.

## CAMPUS SECURITY

### FACILITIES

NDSCS facilities are well maintained and their security is given regular attention. Many cultural and athletic events are held in NDSCS facilities which are open to the public. Other facilities, such as the bookstore, library and convenience store, are also open to the public. Access to academic and administrative facilities on campus is generally limited to students, employees, and visitors who are present to conduct NDSCS business.

Administrative offices are generally open from 7:45 a.m. until 4:45 p.m., Monday through Friday, and academic buildings generally are open from 7:00 a.m. until 11:00 p.m. Academic buildings are scheduled to be open on weekends only as needed. Building access hours are posted on each facility. Access to individual classrooms, laboratories, and programs is limited to those enrolled. Access to residence halls is limited to residents and their invited guests, as explained on signs posted on the doors and elsewhere in the living areas.

Landscaping and outside lighting on campus is designed for pedestrian safety and security. Sidewalks are designed to provide well-traveled, lighted routes from parking areas

## CAMPUS EMERGENCY OPERATIONS PLAN (EOP)

NDSCS is dedicated to providing a safe and secure environment for students, faculty, staff, visitors and guests. The NDSCS Police maintain comprehensive information about the general emergency management process on its website at NDSCS.edu/Police.

NDSCS has established the Emergency Operations Plan (EOP), which describes NDSCS's emergency management organization, policies and response guidelines. The EOP is based on the guidance provided by the National Incident Management System. The plan sets forth a systematic approach for managing emergencies that threaten the health and safety of the campus community or disrupt its programs or activities.

The NDSCS Police Department Supervisor or his designee (acting through the Vice President for Student Affairs as delegated by the President) serves as the Operations Section Chief and is responsible for directing the emergency management operations. The EOP identifies other departments, units, and individuals responsible for providing emergency response and critical support services, and describes their respective roles and responsibilities.

The EOP describes the process the NDSCS Police use to confirm that there is a significant emergency. The NDSCS Police assess the danger and potential threat the event may pose to the safety of the campus community, and

to buildings and from building to building. Landscape personnel trim shrubs from sidewalks, walkways, and building entrances to enhance lighting and visibility.

Campus walkways are inspected regularly to ensure adequate lighting and replacement of burned-out lights.

### RESIDENCE HALL SECURITY

Residence hall entry doors are always secured by locking mechanisms. Access is granted through a keyless access system permitting access only to the residents of that hall. Residents entering during visitation hours must carry a valid hall ID card. Guests that do not live in the hall but are members of the NDSCS community must carry a picture ID and must be accompanied by a resident of the building at all times. Non-NDSCS affiliated guests must carry a picture ID and must also be accompanied by a resident of the building at all times. The residents agree to comply with these procedures and not to admit unauthorized people into the halls.

determines the appropriate course of action in light of the specific circumstances. In the event of an emergency without delay and taking into account the safety of the campus community, determines whom to notify, determines the content of the notification, and initiates the notification system, unless it is determined that the notification will compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

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

As outlined on the NDSCS Police website, NDSCS has a variety of ways of disseminating emergency information to the larger community, including the following:

- Public Media
  - Local radio and television stations are notified of any disasters or emergencies occurring on the campus. KBMW, the public broadcasting station in Wahpeton, serves as the primary contact for the Emergency Broadcast Network.
  - The College Relations and Marketing Department coordinates connections with all major media outlets to provide emergency notifications.



- Mass Calling and Notification
  - AssuranceNM system allows authorized personnel to send a recorded voice message, e-mail, and text message simultaneously from a remote site. The messages contain important information about the emergency and are recorded upon the NDSCS Police learning of the event. To receive the messages, individuals enter their phone number and e-mail address via the CampusConnection, which is a portal in PeopleSoft. When the system is activated, one or more of the following alerts are sent depending on the contact information the recipient has provided.
    - Voice Call – Individuals who have provided their phone numbers are called and a prerecorded voice message is played.
    - E-mail – An e-mail about a disaster or emergency is sent to all individuals who have provided e-mail addresses.
    - SMS Text Message – Individuals who have provided cell phone numbers are sent a text message about the alert.
- Warning Sirens
  - Warning sirens are strategically placed around the City of Wahpeton to sound in the event of a tornado warning. The sirens are tested on the first Wednesday of every month at noon.
  - CodeRed
    - Allows Richland County Communications to telephone all or targeted areas of the County in case of an emergency situation that requires immediate action, such as an evacuation, hazardous spill, community notification for flood preparation, missing child alerts, etc. Register your phone numbers at <https://public.coderedweb.com/cne/en-US/FE96BBBCA04F3>
- Building Evacuation Alarms
  - Every campus building has an evacuation alarm. Newer systems are also equipped with a voice PA system by which instructions may be given.
- Police Vehicle Public Address
  - NDSCS Police patrol cars are equipped with public address systems that can be used to give emergency action instructions.
- NDSCS Website
  - The College Relations and Marketing Department can activate a website with pertinent information and instructions in the event of a disaster or emergency.
- Email Transmission
  - A mass e-mail may be sent to the campus community with pertinent disaster information or instructions.

Once an emergency or dangerous situation has been cleared, an Immediate Notification to all segments of the campus involved in the notification will be sent by Campus Police as appropriate.

## TIMELY WARNING POLICY STATEMENT

The NDSCS Police Department Supervisor, or designee, is responsible for determining whether criminal activity reported to the NDSCS Police or other campus security authorities represents a threat to students, employees, or visitors. When it is determined that there may be a threat to the health or safety of students, employees, or visitors, Campus Police will provide a timely warning to the appropriate individuals and groups in a manner that is likely to aid in the prevention of similar crimes. Timely warnings are only issued in the event that a Clery reportable crime occurs on or near NDSCS property. The particular method of communication by which the timely warning is provided varies depending on the specific circumstances of the crime and the potential threat to safety. Timely warnings may be issued by mass e-mail sent to students, faculty and staff informing of the crime. An announcement of the crime may be posted on the NDSCS Police Department website at [NDSCS.edu/Police](http://NDSCS.edu/Police).

NDSCS may also make formal press releases to various media outlets in the surrounding area. Depending on the incident, particularly in situations that pose an immediate threat to the community, NDSCS Police will coordinate with the Executive Director of the College Relations and Marketing Department to post a notice on the NDSCS website at [NDSCS.edu](http://NDSCS.edu).

## EMERGENCY RESPONSE

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

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, NDSCS will immediately notify the campus community to communicate vital information as quickly and efficiently as possible in order to provide the greatest safety for our students, faculty, staff, and visitors.

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

## EMERGENCY PROCEDURES

Isolation of the incident scene must begin when the emergency is discovered. If possible, the person discovering the incident should attempt to secure the scene and control access, but no one should place himself or herself in physical danger to perform these functions.

In all cases, if safety permits, a minimum assignment to all campus employees including those involved in the emergency plan is to:

- Recognize and report an emergency calling 911 and Campus Police at 701-671-2233.
- Report the nature of the emergency.
- Report your exact location.
- Report the severity of the emergency.
- Render first aid if you are so trained.
- If there are adequate personnel send a staff member or bystander to entrance of the building or to a location allowing them to direct the emergency responders (campus police, ambulance).
- Warn other employees and students in harms way.
- Help with evacuation.
- Take appropriate security and safety measures.
- Close doors and windows.
- Establish barriers after evacuation
- Help maintain crowd control

## SHELTER-IN-PLACE PROCEDURES

Shelter-in-place is designed to keep you safe while indoors if dangerous environmental conditions exist, such as extreme weather or a hazardous materials release.

If a shelter-in-place is ordered:

- If outside, seek shelter in the nearest building, preferably in an interior room with few windows.
- Allow access to others seeking shelter. Remember: A Shelter-In-Place order means there are dangerous environmental conditions but NOT any known threat of violent behavior. Allowing others into the building will not jeopardize your safety.
- Close all exterior doors, windows and any other openings to the outside.
- Avoid overcrowding by selecting several rooms if necessary.
- Monitor the Emergency Notification System and email for further instructions.
- Report any emergency or unusual condition to Campus Police at 701-671-2233.
- Do not leave the building until receiving the “all clear” from a police officer or the Emergency Notification System.

## FIRE SAFETY

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

### STEPS TO FOLLOW IF YOU SEE A FIRE:

- Activate the fire alarm system by pulling a fire alarm station on your way out of the building.
- If time permits, stabilize lab procedures, turn off stoves and ovens, and unplug or disable any device that could make a dangerous situation even worse.
- Leave the building via the nearest and safest exit. Warn others as you leave.
- Do not use elevators.
- Feel doors before opening; if door is hot do not open it.
- Close doors and windows as you leave if safe to do so.
- Report the fire to 911 once outside.
- If trapped, keep the doors closed and place clothes or towels under the door to keep the smoke out. Signal for help by hanging an object out of the window.
- Remain at least 100 feet from outside of the building and await further instructions. Keep roadways open and beware of approaching emergency vehicles. Notify emergency responders of anyone trapped, especially anyone with a physical disability who cannot evacuate.
- Do not go back in the building for any reason until an authorized university official deems it safe to re-enter.

# MISSING STUDENT NOTIFICATION POLICY

## POLICY STATEMENT

NDSCS recognizes the importance of safety for our on-campus living community. Students residing in campus housing will be informed annually that each student has the option to identify an individual who will be contacted by law enforcement or authorized College personnel within 24 hours after it has been determined the student is missing.

The College is required to notify the custodial parent or guardian of any resident who has not turned 18 who is determined missing by NDSCS Police within 24 hours.

## REASON FOR POLICY

In accordance with Section 485 of the Higher Education Act (HEA), every institution of higher education that provides on-campus housing must provide a missing student notification policy for those students residing in on-campus housing.

This policy applies to NDSCS enrolled students who reside in on-campus housing, including on-campus apartment units owned by the College.

## MISSING PERSON CONTACT INFORMATION DESIGNATION

The individual identified by a student can be a parent or guardian but that is not required. The person identified, called a confidential contact, will be the primary contact for NDSCS or law enforcement officials.

Should the student not formally declare a separate confidential contact, the emergency contact on record will be notified.

At any point during a student's enrollment, he or she may choose to register or change their confidential contact by notifying the Department of Residential Life. Each student who voluntarily chooses to file a separate confidential contact is solely responsible for the continued accuracy of the information.

Confidential contact information will be maintained in Department of Residential Life records. This information is confidential but may be released to NDSCS Police and College staff as necessary to carry out the purposes of this policy.

## PROCEDURE FOR INFORMING STUDENTS

Students will receive an email notification of the policy and the process for submitting a confidential contact within two weeks of the start of each term. The student will submit necessary confidential contact information by logging into Self Service via the CampusConnection.

## OFFICIAL NOTIFICATION PROCEDURES FOR MISSING PERSONS

1. Any individual on campus who has information that a residential student may be a missing person must notify NDSCS Police by calling 671-2233 or in person by going to the NDSCS Police Department, Hektner Student Center.
2. NDSCS Police will gather all essential information about the residential student from the reporting person and from the student's acquaintances (i.e., description, clothes last worn, where the student might be, who the student might be with, vehicle description, cell phone records, class schedule, information about the student's physical and mental well-being, recent photographs, etc.).
3. Appropriate campus staff will be notified to aid in the search for the student.
4. If the above actions are unsuccessful in locating the student, or it is immediately apparent the student is a missing person (i.e. witnessed abduction), NDSCS Police will contact the appropriate city, county or state law enforcement agency to report the student as missing. That agency will then take charge of the investigation.

No later than 24 hours after determining that a residential student is missing, a member of the NDSCS Police Department or designee will notify the registered missing persons contact for students 18 years of age and older, or the parent or guardian for students under the age of 18. Contact is contingent upon the correct contact information being made available by the student.

## CLERY CRIME DEFINITIONS

There are numerous terms used by NDSCS in our policy and procedures.

**12.1-17-08 CONSENT:** is defined in North Dakota as:

1. When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury by all persons injured or threatened by the conduct is a defense if:
  - a. Neither the injury inflicted nor the injury threatened is such as to jeopardize life or seriously impair health;
  - b. The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
  - c. The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury, having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.
2. Assent does not constitute consent, within the meaning of this section, if:
  - a. It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
  - b. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
  - c. It is induced by force, duress or deception.

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

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

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

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

**12.1-20-01 STATUTORY RAPE** is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

The state of North Dakota defines the statutory age of consent as:

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

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

**12.1-20-03 GROSS SEXUAL IMPOSITION:**

1. A person who engages in a sexual act with another, or who causes another to engage in a sexual act, is guilty of an offense if:
  - a. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury or kidnapping, to be inflicted on any human being;
  - b. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means with intent to prevent resistance;
  - c. That person knows or has reasonable cause to believe that the victim is unaware that a sexual act is being committed upon him or her;
  - d. The victim is less than 15 years old; or
  - e. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct.
2. A person who engages in sexual contact with another, or who causes another to engage in sexual contact, is guilty of an offense if:
  - a. The victim is less than 15 years old;
  - b. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury or

- kidnapping, to be inflicted on any human being; or
- c. That person knows or has reasonable cause to believe that the victim is unaware that sexual contact is being committed on the victim.

### **12.1-20-03.1 CONTINUOUS SEXUAL ABUSE OF A CHILD:**

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

### **12.1-20-04 SEXUAL IMPOSITION.**

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

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

### **12.1-20-07 SEXUAL ASSAULT.**

1. A person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:
  - a. That person knows or has reasonable cause to believe that the contact is offensive to the other person;
  - b. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person's conduct;
  - c. That person or someone with that person's

knowledge has substantially impaired the victim's power to appraise or control the victim's conduct, by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means for the purpose of preventing resistance;

- d. The other person is in official custody or detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over that other person;
- e. The other person is a minor, 15 years of age or older, and the actor is the other person's parent, guardian or is otherwise responsible for general supervision of the other person's welfare; or
- f. The other person is a minor, 15 years of age or older, and the actor is an adult.

### **12.1-20-11 INCEST.**

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

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

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

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

**DOMESTIC VIOLENCE:** The term "domestic violence" means:

1. Felony or misdemeanor crimes of violence committed:
  - a. By a current or former spouse or intimate partner of the victim;
  - b. By a person with whom the victim shares a child in common;
  - c. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - e. By any other person against an adult or youth victim

who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

The State of North Dakota Defines Domestic Violence in North Dakota Century Code 14-07.1-01 as physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members. The code defines family or household member as a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court.

**DATING VIOLENCE:** The term "dating violence" means violence committed by a person

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

For the purposes of this definition:

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

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

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

**STALKING:** The term "stalking" means:

1. engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - a. fear for the person's safety or the safety of others; or
  - b. Suffer substantial emotional distress.
2. For the purposes of this definition:
  - a. Course of conduct means two or more acts,

including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens or communicates to or about, a person, or interferes with a person's property.

- b. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- c. Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

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

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

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

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

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

**MURDER AND NON-NEGLIGENT MANSLAUGHTER:** The willful (non-negligent) killing of one human being by another.

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

**MOTOR VEHICLE THEFT:** The theft of a motor vehicle.

**ROBBERY:** The taking or attempting to take anything of value under confrontational circumstances from the

control, custody or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

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

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

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

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

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

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

## FIRE AND MEDICAL EMERGENCIES

If you need to report a fire, medical, or other emergency, on or off campus, DIAL 911 (Richland County/Wahpeton Dispatch).

All buildings on campus have fire alarm systems and accessible fire extinguishers; many have smoke detection and automatic sprinkler systems. In addition, fire drills are conducted on a regular basis.

NDSCS annually tests fire alarms in all building on campus at least twice a year. This is organized and scheduled with the Department of Residential Life and the NDSCS Safety Coordinator.

NDSCS residence halls are tobacco free and any appliance with an exposed heating element is prohibited.

Fire evacuation routes are posted near the entrances and exits of all NDSCS residence halls. Students should locate and identify the routes identified for their locations.

Fire Extinguishers are maintained in every NDSCS building. NDSCS provides employees annual fire extinguisher training and if the employee is comfortable utilizing an extinguisher they are permitted to do so in suppression of a fire.

A fire log is maintained at the NDSCS Police Department complimentary to the NDSCS Daily Crime Log.

### FIRE SAFETY

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

#### STEPS TO FOLLOW IF YOU SEE A FIRE:

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

#### STEPS TO FOLLOW IF YOU ARE CAUGHT IN A FIRE:

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

*The Higher Education Opportunity Act requires campuses which maintain residential facilities to report to fire safety issues as of October 1, 2010.*

**For non-emergency fire inquiries**, you should contact the fire department serving your area.

**For medical emergencies**, clinics and local hospitals provide professional help to the NDSCS community, guests and visitors.



## STUDENT HOUSING FIRE SAFETY SYSTEMS

Residential Life Facility	Fire Alarm Monitoring Done on Site	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans	Number of Evacuation Drills Each Calendar Year
Walton Hall	x		x	x	x	2
Schulz Hall	x		x	x	x	2
Forkner Hall	x	x	x	x	x	2
Robertson Hall	x		x	x	x	2
Nordgaard Hall	x	x	x	x	x	2
Riley Hall	x	x	x	x	x	2
College Townhomes			x	x	x	0
SE College Apartments	x		x	x	x	2
NW College Apartments	x		x	x	x	2

## CHART I - FIRE SUMMARY

Campus Residential	Year	Fires	Injury	Death	Financial Loss
Walton Hall	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Schulz Hall	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Forkner Hall	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Robertson Hall	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Nordgaard Hall	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Riley Hall	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
College Townhomes	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
SE College Apartments	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
NW College Apartments	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

## CRIME INFORMATION AND STATISTICS

The NDSCS Police prepare a daily “blotter” indicating “calls for service” which is available to members of the media and public at the Hektner Student Center, NDSCS, 800 6th St. N., Wahpeton, ND 58076. This log identifies the type and time of each criminal incident reported to the NDSCS Police.

Criminal statistics are reported to the ND Bureau of Criminal Investigation for transmittal to the Federal Bureau of Investigation. The information is published in the annual publications <https://attorneygeneral.nd.gov/sites/ag/files/documents/2017-CrimeReport.pdf>

Information concerning the ND Public Sex Offender Registry can be located at [www.sexoffender.nd.gov](http://www.sexoffender.nd.gov) or through NDSCS Police.

### CHARTS OF STATISTICS

This section includes five charts. Chart II and Chart III show the number of crimes reported to have occurred at NDSCS and certain areas near NDSCS for the calendar years 2015, 2016 and 2017. Chart II contains statistics for all Clery reportable crimes excluding hate crimes. Chart III contains statistics only for hate crime offenses. The statistics include all reported crimes, not just those crimes determined to have actually occurred. Chart IV contains statistics on violence against women offenses for 2015, 2016 and 2017.

Chart V shows the number of arrests for liquor, drug, and illegal weapons law violations for 2015, 2016 and 2017. Crime statistics related to property within the City of Wahpeton are included in Charts II, III, IV and V of this report.

Chart VI shows the number of students and employees referred for campus disciplinary action for conduct that would constitute a liquor law violation, a drug law violation, or a weapons law violation, as well as a violation of

college regulations. Not all individuals referred for campus disciplinary action were found to have committed the rules violation with which they were charged. These statistics do not include students and employees who were also arrested for such violations; that information is included in Chart V.

Each chart provides information about the location where the alleged crime, arrest, or incident resulting in disciplinary action occurred. For purposes of all five charts below, the following definitions apply:

- “Total on Campus” refers to all statistics compiled for the NDSCS campus.
- “Campus Residential Facilities” refers to all on-campus NDSCS housing. This is a subset of “Total on Campus.”
- “Non-campus Building or Property” includes (1) any building or property owned or controlled by a student organization that is officially recognized by NDSCS; or (2) any building or property owned or controlled by NDSCS that is used in direct support of or in relation to NDSCS’s educational purposes, is frequently used by students, and is not within the reasonably contiguous geographic area of the main campus in Wahpeton or the NDSCS-Fargo location.
- “Public Property” includes all public property (i.e., property owned or operated by a governmental entity other than NDSCS), including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.
- “Hate Crimes” are crimes that manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived Race (RA), Religion (RE), Sexual Orientation (SO), Gender (G), Ethnicity (E)/ National Origin (NO), or Disability (D).

## CHART II - CRIMINAL OFFENSES

Crimes Reported	Year	Total on Campus	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Murder & Non-negligent Manslaughter	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Negligent Manslaughter	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Rape	2017	2	2	0	0
	2016	0	0	0	0
	2015	3	2	0	0
Fondling	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Incest	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Statutory Rape	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Robbery	2017	0	0	0	0
	2016	1	0	0	1
	2015	0	0	0	0
Aggravated Assault	2017	2	1	0	1
	2016	0	0	0	1
	2015	3	3	0	0
Burglary	2017	2	2	0	0
	2016	4	3	0	0
	2015	15	15	0	0
Motor Vehicle Theft	2017	1	0	0	0
	2016	0	0	0	4
	2015	0	0	0	0
Arson	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

The charts of crime statistics include statistics gathered from the NDSCS Police, campus officials with significant responsibility for student and campus activities, and local law enforcement agencies.

The category of “non-campus building or property” includes crime statistics for off campus buildings or property owned or controlled by associated student groups.

### CHART III - HATE CRIME OFFENSES

Crimes Reported	Year	Total on Campus	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Murder & Non-negligent Manslaughter	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Rape	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Fondling	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Incest	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Statutory Rape	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Robbery	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Aggravated Assault	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Burglary	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Motor Vehicle Theft	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Arson	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Larceny-theft	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Simple Assault	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Intimidation	2017	0	0	0	0
	2016	1	1	0	0
	2015	0	0	0	0
Destruction, Damage, or Vandalism of Property	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

### CHART IV - VIOLENCE AGAINST WOMEN OFFENSES

Crimes Reported	Year	Total on Campus	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Domestic Violence	2017	5	5	0	0
	2016	0	0	0	6
	2015	3	3	0	0
Dating Violence	2017	0	0	0	0
	2016	1	1	0	0
	2015	0	0	0	0
Stalking	2017	0	0	0	0
	2016	4	1	0	0
	2015	14	6	0	6

### CHART V - LIQUOR, DRUG, WEAPONS LAW ARRESTS

	Year	Total on Campus	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Liquor Law*	2017	26	15	0	1
	2016	30	14	0	0
	2015	6	3	0	0
Drug Law*	2017	2	0	0	0
	2016	4	3	0	2
	2015	9	7	0	2
Illegal Weapons Possession	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

### CHART VI - LIQUOR, DRUG, WEAPONS LAW DISCIPLINARY REFFERALS

	Year	Total on Campus	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Liquor Law*	2017	130	128	0	20
	2016	113	96	0	3
	2015	123	117	0	3
Drug Law*	2017	36	35	0	5
	2016	14	13	0	10
	2015	13	12	0	0
Illegal Weapons Possession	2017	3	3	0	0
	2016	1	1	0	0
	2015	0	0	0	0

### CHART VII - UNFOUNDED CRIMES

Year	Total Unfounded Crimes
2017	2
2016	3
2015	10

\*All Drug Law Violations arrests or non arrests are referred for disciplinary actions, therefore, they are not counted in both categories of arrest and referral. All alcohol arrests are also referred and therefore not counted in both categories.

Additional information about the first four charts may be obtained from the NDSCS Police.

If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is "unfounded". Only sworn or commissioned law enforcement personnel may unfound a crime.



THE SCIENCE OF SUCCESS.

North Dakota State College of Science

**Appendix I: NDSCS Student Rights & Responsibilities: A Code of Conduct 2018-2019**

NORTH DAKOTA STATE COLLEGE OF SCIENCE

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# STUDENT RIGHTS & RESPONSIBILITIES A CODE OF CONDUCT

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2018-2019



[NDSCS.edu/Student-Rights](http://NDSCS.edu/Student-Rights)



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# NDSCS Student Guide to Rights and Responsibilities: A Code of Conduct

## I. Introduction

North Dakota State College of Science (the “College”) promotes the exchange of knowledge in an environment that encourages reasoned discourse, intellectual honesty, and the respect for the rights of all individuals. In support of this goal, the primary purpose of the following Student Code of Conduct (“Code of Conduct” or “Code”) is to educate and guide students to understand their rights and responsibilities in regard to appropriate behavior and respect for others in the College community.

Contents of this code may be subject to change prior to reprinting of this document. If changes are made, documents relating to the changes will be available from the Executive Director for Student and Residential Life and/or communicated to students through official College electronic media. These changes will be included in future code revisions. An attempt has been made to reference local, state or federal laws that complement College policies.

Conduct described in this code is illustrative rather than exhaustive. In the event there arises some ambiguity, inconsistency, or need for clarification of these statements, the definition, interpretation or clarification will be determined at the discretion of the Executive Director for Student and Residential Life, from whom any student, staff or faculty member may request written clarification. Final authority for interpretation of this code lies with the vice president for student affairs.

### Respect for the NDSCS Community

All NDSCS stakeholders have a responsibility to respect the NDSCS community. It is vital for all individuals to conduct themselves in a manner that does not negatively affect the educational mission of the College or the welfare of themselves or others. This includes promoting an environment conducive to learning and nurturing a sense of shared and mutual community responsibility. Community responsibility also involves awareness of how personal decisions affect others.

### Respect for the Protection and Rights of Others

A community respecting the protection of rights of others is necessary to provide a positive and enriching educational environment. Conduct that inhibits the educational process is of concern, whether it occurs on or off College premises.

*The North Dakota State College of Science is accredited by The Higher Learning Commission, 230 S. LaSalle St., Suite 7-500, Chicago, IL 60604; 800-621-7440.*

## **Respect for Individuals in the Conduct Resolution Process**

All NDSCS students have identified rights within the Student Code of Conduct and as afforded by due process. The College will work with students in an educational and fair manner to assist them in reflecting upon and growing from their personal experiences.

### **1.1 General Concern and Non-Academic Grievance Procedures**

Students may report concerns, issues and complaints through the forms located at NDSCS.edu/Concern. The forms are designed to address students' complaints in a timely manner by appropriate College personnel, and to help students learn effective conflict resolution skills.

Students may also arrange a meeting with the NDSCS Student Advocate, located in Old Main, 701-671-2541 or NDSCS.StudentAdvocate@ndscs.edu for advice and direction in resolving a complaint, concern, or grievance as described below. Concerns regarding student conduct covered in this code will be resolved according to procedures described in this document.

### **1.2 Student Academic Grievance Procedures**

A complaint or grievance exists when an enrolled student is dissatisfied with a decision or an aspect of his or her academic college experience over which the student has no control and on which remedial action is desired.

#### **Resolving Student Academic Complaints or Grievances**

Initially, the student 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 department chair, director or academic dean with administrative responsibility for the department or individual involved. These individuals 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 administrator will inform the complainant of the formal grievance process.

#### **Filing a Formal Academic Grievance**

**Step 1.** Students wishing to file a formal academic grievance shall do so to the department chair, director, or academic dean with responsibility for the department or individual involved by submitting the grievance in writing. The grievance shall be submitted within five working days of the departmental decision

or determination by the administrator that informal resolution is not possible.

**Step 2.** The department chair, director, or academic 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 within 10 working days of receipt of the grievance and communicated to the complainant in writing. If there is no appeal, the decision of the department chair, director or academic dean is final.

#### **Filing an Appeal of an Academic Grievance Decision**

If the complainant is not satisfied with the resolution or decision, a written appeal may be submitted to the vice president for academic affairs office (via email or delivered to Haverty Hall 123) within five working days of the decision. The appeal must be based on one or more of the following factors:

- the established procedures were not properly followed; or
- an adequate opportunity to present evidence was not allowed; or
- additional information exists that was not available or considered at the time of the decision; or
- the evidence was not substantial enough to justify the decision.

The vice president for academic affairs shall assemble a Student Academic Grievance Committee within 10 working days of receipt of the written appeal. The Student Academic 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 affairs or his/her designee. A member with a conflict of interest may be removed or may voluntarily withdraw from the committee if the situation warrants such action.

The vice president for academic affairs or his/her designee shall inform the complainant and Student Academic 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 department chair, director or academic 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 for academic affairs or their representative shall, if possible, orally communicate the committee's decision to the student followed by a written decision within two working days. The decision of the Student Academic Grievance Committee is final.

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

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.

If a student chooses to appeal an academic grievance decision, he/she is allowed to register and attend classes pending a resolution of the appeal. The student is responsible for any charges (tuition, fees, housing, dining services, tools, etc.) incurred during the review process. The student must adhere to the NDSCS Student Guide to Rights and Responsibilities: A Code of Conduct. Students engaging in dangerous, unlawful, or ongoing disruptive behavior may be denied from attending classes.

### **1.3 Equal Opportunity and Non-Discrimination Grievance Procedures**

NDSCS is fully committed to equal opportunities in educational programs/activities and employment decisions for all individuals. Concerns may be filed at NDSCS.edu/Concern or students may contact the NDSCS Student Advocate at 701-671-2541 or NDSCS.StudentAdvocate@ndscs.edu. For more information visit NDSCS.edu/Diversity.

## **II. Community Expectations**

### **2.1 General Student Responsibilities**

All students are expected to observe the College standards published in this code and those outlined in any other College policies, procedures, contracts or license contracts published elsewhere (College catalog and website, formal College notices and communications). In addition, students are expected to observe all community, state, federal and international laws (when touring and/or studying abroad).

### **2.2 Individuals Covered Under This Code**

For the purpose of this document, "student" is defined as any individual who has been admitted to the College or who was previously enrolled in the College. Students no longer enrolled in the College may be held accountable under this code for violations committed after they were admitted and before they left the College. Student clubs/organizations are held to the same conduct standards that apply to individual students.

### **2.3 Official College Communication**

North Dakota State College of Science (NDSCS) will use the student's email address as provided by the College. This address is considered the official form of communication for all purposes. It is the student's

responsibility to maintain the accuracy of all personal data. It is required that students continue to monitor the College provided email account at all times.

### **2.4 Prohibited Conduct Not on College Property**

The College may discipline a student for acts of prohibited conduct committed outside of College property. When NDSCS becomes aware of alleged code violations through law enforcement or other third party reports, the College may pursue charges under this code against all NDSCS students identified in such reports.

### **2.5 Tri-College University Policies**

NDSCS students who are charged with a violation of institutional policy at Concordia College of Moorhead, Minnesota State University Moorhead, North Dakota State University and Minnesota State Community and Technical College will be referred to NDSCS and may be subject to action under this code.

### **2.6 Multiple Accountabilities**

Because of the varying roles/relationships/responsibilities students may have within and outside the College, a student may be held accountable for prohibited conduct under other College, local, state or federal policies/laws/jurisdictions, including relevant jurisdictions when touring and/or studying abroad. Examples of other areas of accountability may include:

- Student leaders within student organizations
- Personnel actions with student employees
- Academic actions under academic programs' standards
- Criminal charges or civil suits

Actions under this code are educational (administrative) as are other actions taken under NDSCS policies. Because the College's procedures are educational and not criminal in nature, such separate proceedings do not constitute double/triple jeopardy. The College may proceed under this code before, during or after the other NDSCS administrative processes or legal proceedings, and does not typically wait for a court finding. Findings under this code may differ from judgments in criminal courts.

### **2.7 Financial Responsibility**

All students must pay in full any debts to NDSCS. For further information regarding paying your bill or collection procedures, please contact the Business Affairs Office at 701-671-2216 or NDSCS.BusinessAffairsOffice@ndscs.edu.

NDSCS bears no responsibility for financial obligations of individual students or student organizations. Any debts incurred, either on or off

campus, by students or student groups will be the responsibility of the individual or organization and its leadership. In the event an organization dissolves and is no longer in existence, individuals holding leadership positions at the time the debt was incurred will maintain responsibility for settling outstanding debts.

NDSCS will normally take no action on behalf of creditors in the case of debts incurred by students, student organizations or other groups. NDSCS representatives will not use the power of the state to act as a collection agency for private debts of students.

## **2.8 Attempts**

Individuals who attempt to commit acts prohibited by the Code of Conduct may be charged, found responsible and sanctioned to the same extent as if they had committed the prohibited acts.

## **2.9 Bias-Motivated Violations**

Any code violation that is determined to have been motivated by hate based on age, color, gender identity/expression, genetic information, marital status, national or ethnic origin, mental or physical disability, public assistance status, race, religion, sex, sexual orientation, familial or parental status, or status as a U.S. veteran/service member may result in enhanced sanctions above those typically assigned for the same violations when not motivated by hate.

## **2.10 Repeated Code Violations**

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

## **2.11 Designees**

Administrators identified in this document may designate one or more individuals to act on their behalf.

# **III. Prohibited Conduct**

## **3.1 Violations of Law**

The College reserves the right to address any conduct occurring on or off campus that may be construed as potential or alleged violations of local, state or federal laws.

## **3.2 Complicity in Prohibited Acts**

Complicity is association with and/or participation in an act prohibited by this code. To avoid being complicit to code violations, students are expected to do one or more of the following:

- Personally intervene in order to stop the violation, except in cases of violence

- Bring the violation to the awareness of a staff member; or
- Leave the scene of the violation, if not responsible for the space in which the violation is occurring.

Complicit students may be sanctioned to the same extent as if they had committed the prohibited act. Students are accountable for their guests' conduct and may be sanctioned under this provision as if they had committed the violations themselves.

## **3.3 Alcohol on NDSCS Property**

NDSCS is committed to maintaining a healthy academic and social environment conducive to the academic and personal development of students, faculty, and staff.

Regardless of a person's age, the manufacture, sale, transfer, purchase, transportation, possession, use or consumption of alcohol (in any form), and/or possession or display of empty alcohol beverage containers anywhere on NDSCS owned or controlled property and/or sponsored or supervised events is prohibited. For more information and to view the full NDSCS Alcohol and Other Drug Policy, visit [NDSCS.edu/alcoholinfo](http://NDSCS.edu/alcoholinfo).

## **3.4 Alcohol Off Campus**

Students may face campus charges for alcohol related incidents occurring off campus. Such incidents include, but are not limited to: minor in possession/ consumption/under the influence of alcohol, driving under the influence of alcohol, public consumption of alcohol, and providing alcohol to a minor.

## **3.5 Drugs Other Than Alcohol**

Possession, consumption, being under the influence, or transport of illegal drugs or any other controlled substances is prohibited except pursuant to a physician's, dentist's or other authorized medical personnel's prescriptions. The manufacture, exchange, distribution, purchase or sale of illegal drugs or controlled substance is prohibited. The possession of drug paraphernalia for illegal drug use is prohibited as well.

Possession or consumption of medical marijuana, regardless of prescription, anywhere on NDSCS owned or controlled property and or at sponsored or supervised events is also prohibited.

## **3.6 Conduct While Under the Influence of Alcohol or Other Drugs**

Being under the influence of alcohol or other drugs is a violation of this code when the person:

- a) Endangers, or may endanger, the safety of others, property or themselves; or
- b) Causes a disturbance.

### 3.7 Medical Amnesty

All students are expected to protect the well-being of fellow students and others wherever events occur. If a person needs emergency medical attention, particularly resulting from the use of alcohol or other drugs, students are expected to call an ambulance or other appropriate emergency response personnel (police, fire, etc.) to gain that assistance. Students who fail to respond appropriately may be subject to serious College sanctions and may potentially be subject to additional civil and/or criminal liability.

Students who appropriately report and assist the individual(s) needing medical assistance will not be subject to the Code of Conduct process for charges related to alcohol or drug use. However, all students [including the student(s) needing assistance and the reporter(s)] may be required to have an educational meeting with College personnel. This protection may not apply, if other conduct violations occurred within the same incident.

### 3.8 Tobacco

The use of tobacco is prohibited on campus property at all times. This prohibition includes indoors, outdoors, inside College vehicles and/or personal vehicles while on campus property. This policy applies to employees, students and visitors.

Tobacco products include any product that contains tobacco, is derived from tobacco or contains nicotine or other similar substances, intended for human consumption, or is likely to be consumed, whether smoked, heated, inhaled, chewed, absorbed, dissolved, or ingested by any other means. The term "tobacco product" includes e-cigarettes and other electronic smoking devices, pipes and rolling papers, but does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold for solely for the approved purpose.

For more information and to view the full NDSCS Tobacco-Free Environment Policy, visit [NDSCS.edu/Tobacco](http://NDSCS.edu/Tobacco).

### 3.9 Animals

With the exception of animals authorized by NDSCS Accessibility Services or those defined as service animals under the Americans with Disability Act (ADA), privately-owned animals are prohibited inside campus buildings, with the exception of fish (in a tank 10 gallons or less). Animals in outdoor areas must be on a leash, must be under the 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 property and at NDSCS

outdoor sponsored or supervised events.

### 3.10 Use of NDSCS's Name or Trademarks

Use of NDSCS's name without proper authorization is prohibited.

### 3.11 Computer-Related Conduct

Please see NDUS policy 1901.2, Computing Facilities [NDUS.edu/makers/procedures/sbhe/default.asp?PID=126&SID=11](http://NDUS.edu/makers/procedures/sbhe/default.asp?PID=126&SID=11). If additional questions remain, contact the Information Technology Services Help Desk in the Student Center or online at [NDSCS.ServiceDesk@ndscs.edu](mailto:NDSCS.ServiceDesk@ndscs.edu).

The following is a non-exhaustive list of unacceptable uses of the NDSCS electronic communications resources:

- Unauthorized use, sharing, lending or borrowing of an account;
- Using computer services or facilities for purposes other than those for which the account was issued;
- Copying, altering, or destroying the files or output of another individual without the express permission of that individual;
- Altering system software or hardware configuration, or disrupting or interfering with the delivery or administration of computer resources;
- Misrepresenting oneself as another individual or entity in electronic communications;
- Using the College's network system to download copyright protected media including, but not limited to, books, music, movies, television programs, games and software without proof of purchase or permission;
- Exceeding university bandwidth limits;
- Sharing or distributing copyright-protected media without legal authorization;
- Abusing or misusing the computer facilities so as to cause damage, program disturbances or harassment to other individuals;
- Using the College's network system to enter obscene material into College-owned computers or send obscene material through the Internet or any other electronic system; and/or
- Any other violation of College or NDSCS policies governing electronic communications, as referenced above.

### 3.12 Deception/Falsification/ Misrepresentation

Withholding or providing false information is prohibited. This includes but is not limited to:

- Falsely representing an entity and/or committing or using the resources of an entity without

proper authorization;

- Knowingly, intentionally or recklessly making false accusations of prohibited conduct against another individual;
- Providing false information or falsified evidence with the intent of harming another person;
- Seeking admission to the College under false pretenses and/or
- Attempting to intimidate witnesses and/or altering or destroying evidence necessary to conflict resolution.

### **3.13 Financial Aid Misuse**

Misuse of financial aid through fraud or abuse is prohibited.

### **3.14 Disruption of College Business**

Disruption or obstruction of College business, facilities, and grounds, such that the function or service is materially or substantially disrupted or obstructed, is prohibited. College business includes (but is not limited to): teaching, administration, public service functions, meetings of College committees or boards, or any other authorized College activity or organization on or off College premises.

### **3.15 Failure to Comply**

Failure to comply with the instructions or directions of all College and/or emergency personnel in the performance of their duties is prohibited. Such acts may include, but are not limited to, recklessly obstructing or delaying any College proceedings, providing misleading or false information during an investigation, resisting or fleeing a police officer, failing to comply with assigned College conduct sanctions, or engaging in verbal and/or physical abuse directed toward any College personnel.

### **3.16 Identification**

Students are expected to carry College identification at all times. Refusal to produce a College identification card upon request by any College personnel in the performance of their duties is prohibited. Guests are expected to carry valid identification.

### **3.17 Bribery**

Offering, giving, receiving or soliciting anything of value to influence the official decision or action of College personnel, or a person in a position of trust or influence, is prohibited.

Bribing others to fulfill or otherwise attempt to evade academic responsibilities, such as homework, papers, and exams, is prohibited.

### **3.18 Arson**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house

public building, motor vehicle, or personal property of another is prohibited.

### **3.19 Burglary**

The unlawful entry into a room, building or another structure with the intent to commit a felony or theft is prohibited. This includes, but is not limited to, unlawful entry with intent to commit a larceny or felony, housebreaking and safecracking. Attempts to commit the aforementioned also would constitute a violation of this policy.

### **3.20 Robbery**

The taking of, or attempting to take, anything of value under confrontational circumstances from the control, custody or care of an individual or individuals by force or threat of force or violence or by putting the victim in fear is prohibited.

### **3.21 Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle is prohibited. This includes, but is not limited to, individuals having unlawful access even though the vehicle is later abandoned, such as joyriding.

### **3.22 Theft of Property**

Theft or removal of property belonging to the College or another individual is prohibited.

### **3.23 Theft of Services**

Using College services to which one is not entitled is prohibited. This includes, but is not limited to, using campus laundry services intended only for campus residents, using parking services not purchased, using dining plans not purchased, and unauthorized use of College printing services.

### **3.24 Possession of Stolen Property**

Possession of goods that one knows or that any reasonable person would realize were stolen; also, to receive, retain, conceal, or dispose of property knowing that it was stolen.

### **3.25 Vandalism**

The willful destruction or defacement of property belonging to the College or another individual is prohibited. This includes, but is not limited to, writing on or tearing down bulletin boards, spray painting or unauthorized chalking of buildings or sidewalks, and intentionally breaking or damaging property.

### **3.26 Trespassing**

Entering and/or remaining in or on property to which a person does not have a legitimate right or purpose to enter or remain is prohibited. Such property may include but is not limited to vehicles, apartments, houses, fenced yards, and/or other buildings or portions of buildings, such as roofs. Properties need not be specifically posted with No Trespass signs.

### **3.27 Unauthorized Sales or Solicitations**

Unauthorized sales or solicitations in residence halls, College apartments, or in any other campus buildings are prohibited at any time. Authorization may be sought through Student Life.

### **3.28 Unauthorized Entry/Use of Facilities**

Unauthorized entry onto the property of the College or into a College facility or any portion thereof that has been reserved, restricted in use or placed off limits; unauthorized presence in any College facility after closing hours; and unauthorized possession or use of a key/access card to any college facility are prohibited. Unauthorized activities shall include, but are not limited to, entry, use or occupancy to which students are not permitted by virtue of enrollment, employment, class schedule, and/or gender in facilities restricted by gender. College areas that are restricted include, but are not limited to, all building roofs, steam tunnels, elevator shafts, equipment and mechanical storage rooms and construction sites.

Duplication, manufacture, possession or loaning of any key/access card or unlocking device for use on College facilities, locks or other property on College premises without proper authorization are prohibited.

Entrance doors for on-campus housing facilities are locked 24-hours a day. Guests must meet their resident-host at the entrance door to gain entry into the building. A resident must escort non-residents at all times.

### **3.29 Intimidation**

Conduct in any form that involves an expressed or implied threat or that has the purpose of reasonably foreseeable effect of interfering with an individual's personal safety, safety of property, academic efforts, employment or participation in College sponsored activities, and causes the person to have a reasonable apprehension that such harm is about to occur, is prohibited.

### **3.30 Physical Assault**

Physical assault of another person is prohibited and includes, but is not limited to:

- Use of physical force, intoxicants or other substances to restrict the freedom of action or movement of another person, and/or endangers the health or safety of another person;
- Unwanted physical touching by one person upon another, with or without use/threatening display of a weapon, and regardless if obvious or aggravated bodily injury is sustained.

### **3.31 Instigation/Provocation**

The face-to-face use of personally abusive epithets that, when addressed to any person, are inherently

likely to provoke immediate violent reaction whether or not the reaction occurs.

### **3.32 Disorderly Conduct**

Disorderly conduct is behavior that intentionally or recklessly creates a risk of public inconvenience, annoyance or alarm without proper authority. These behaviors are prohibited and include, but are not limited to, fighting, engaging in violent behavior, making unreasonable noise, obstructing vehicular or pedestrian traffic, disturbing a lawful assembly, and streaking.

Students may also be charged with Disorderly Conduct for participating in or hosting noisy or loud gatherings or other public disturbances on or off campus. Loud parties/disturbances consist of two or more individuals whose conduct leads to noise complaints.

### **3.33 Discrimination, Harassment and Retaliation**

NDSCS is fully committed to equal opportunity in educational programs/activities and employment decisions for all individuals (employees, students, third parties). Any discriminatory (different or inequitable treatment) or harassing action(s), a form of discrimination; unwelcome oral, written, graphic, or physical conduct, based on one or more of the protected classes (see 2.1.1) of an individual (or group), that is sufficiently severe, persistent, or pervasive so as to unreasonably interfere with their education, employment, or other participation in educational programs or activities or that creates a working, learning, or educational program or activity environment that a reasonable person would find hostile, intimidating, or abusive. Harassment may include, but is not limited to, threats, physical contact or violence, offensive jokes, insults or put-downs, slurs or name calling, vandalism/graffiti, or offensive objects or pictures. Petty slights, annoyances, and isolated incidents (unless very serious) typically do not rise to the level of harassment.

Students may report concerns, issues and complaints through the form located at [NDSCS.edu/Concern](http://NDSCS.edu/Concern) or by contacting the NDSCS Student Advocate at 701-671-2541 or [NDSCS.StudentAdvocate@ndscs.edu](mailto:NDSCS.StudentAdvocate@ndscs.edu)

### **3.34 Sexual Harassment**

See NDSCS Policy – Sexual Misconduct and Title IX Compliance Policy and reporting options, viewable at [NDSCS.edu/Title9](http://NDSCS.edu/Title9).

### **3.35 Other Acts of Harassment**

Any action or any series of actions that interfere with individuals' academic efforts, employment, personal safety or participation in College sponsored co-curricular activities is prohibited.

### 3.36 Stalking

Stalking is prohibited. Stalking is a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

### 3.37 Lewd or Obscene Conduct

Lewd or obscene behavior that flagrantly violates community standards with respect to sexuality is prohibited. Lewd behavior includes, but is not limited to, sexual acts in public places and exposing genitalia.

### 3.38 Sexual Misconduct and Title IX Compliance Policy

NDSCS strives to create a campus community free from interpersonal violence including sexual assault and misconduct.

NDSCS commits its resources to the following threefold process: 1) to provide crisis intervention for victims, 2) to provide a disciplinary response for alleged offenders, and 3) to educate and promote discussion on interpersonal abuse, sexual misconduct and violence.

- a) Sexual misconduct, in any form, is prohibited.
- b) Non-contact sexual misconduct, in any form, is prohibited.
- c) The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others in sexual misconduct situations.

To review the full policy regarding sexual assault/sexual misconduct and sexual harassment, visit [NDSCS.edu/Title9](http://NDSCS.edu/Title9). Students may report concerns, issues and complaints through the form located at [NDSCS.edu/Concern](http://NDSCS.edu/Concern).

### 3.39 Endangerment of Safety of Individuals

- Initiating or circulating a report or warning concerning an impending bombing, a fire, or other emergency or catastrophe knowing that the report is false, or knowingly transmitting such a false report to an official or an official agency, is prohibited.
- Willful failure to comply with orders issued by any emergency personnel during any real or perceived emergency condition is prohibited. Examples include, but are not limited to, tornado, fire, fire drill, bomb threat or situations requiring shelter in place.
- Tampering with any fire protection sign or device or any other emergency equipment, including, but not limited to, fire extinguishers, fire hoses,

smoke/heat detectors, sprinkler systems and other alarm systems, for reasons other than an actual or perceived emergency, is prohibited.

- Tampering with elevator controls, elevator shaft access, and/or other elevator equipment by acts including, but not limited to, jumping, elevator surfing, falsely sounding alarms and stopping between floors, is prohibited.
- Willful failure to follow safety standards is prohibited.
- Creating a risk of bodily harm or falsely creating the impression of risk of bodily harm to others is prohibited.
- Knowingly focusing, pointing or shining a laser pointer at an aircraft or at a person is prohibited. A laser pointer is any device that creates a visible light used for aiming, targeting or pointing out features.

### 3.40 Weapons/Firearms/Explosives

Possession, display or storage of weapons on College owned buildings is prohibited. **All firearms must be registered with Campus Police immediately upon arrival to NDSCS.** Unauthorized and/or illegal possession, display or use of firearms, explosives or other weapons is prohibited.

- Firearms and weapons include, but are not limited to, airsoft guns, BB guns, dart guns, handguns, paint ball guns, pellet guns, rifles, shotguns, stun guns or similar device designed to deliver an electric shock, daggers, knives (blade greater than four inches in length), sabers, swords, and bows and arrows.
- Explosives include, but are not limited to, bombs, explosives, fireworks and other incendiary devices. Incendiary devices are defined as any flammable substance enclosed in a readily breakable container that can be equipped with an igniter of any type.
- Other weapons include, but are not limited to, martial arts implements, dangerous fuels and chemicals. Any object may be considered a weapon when used to inflict or threaten infliction of bodily injury or property damage.
- Throwing or casting any object into, upon, or against any building, structure, motor vehicle or at any person is prohibited.

This policy shall not prohibit individuals or student organizations from possessing, storing or using weapons at approved locations for the purpose of meeting requirements of educational programs and/or approved activities being conducted by a student group recognized by the College.

NDSCS Campus Police provides storage for students



to store sporting arms, such as those used for hunting and other shooting sports. An officer must be present for check-in/check-out.

### **3.47 Sporting Activity Restrictions**

Riding skateboards, hover boards, or scooters and using in-line skates, roller skates, and bicycles is prohibited inside all College facilities. Use of water guns, water balloons and throwing of flying discs, balls or other objects also are prohibited indoors, except when authorized. Use of projectile launchers is prohibited on campus without documented permission by an appropriate College official. Launchers may include those intended for water balloons, potatoes, pumpkins and other items.

## **IV. Student Clubs and Organizations/Activities**

### **4.1 Responsibilities of Student Clubs, Organizations and Affiliated College Groups**

A student club, organization or group affiliated with the College shall be deemed responsible for acts of prohibited conduct committed by individuals when such acts:

- a) Are mandated, sponsored, approved, or encouraged by the group or organization, whether explicitly or implicitly; or
- b) Take place in the context of a tradition, custom or past practice of the group or organization; or
- c) Are reasonably foreseeable as a result of an activity carried on by the student organization or affiliated College group.

### **4.2 Student Clubs, Organizations and Affiliated College Group Compliance with College Policy**

Student clubs, organizations and affiliated College groups must be in compliance with College policies, procedures and regulations. Prohibited conduct includes, but is not limited to, misappropriation of funds, misuse of property, improper registration or misrepresentation of an organization or group, or abuse of student election regulations.

### **4.3 Conduct Resolution and Enforcement Procedures**

For information concerning the code resolution procedure(s) to be utilized, refer to Part V. Procedures and Part VI. Procedures for Potential Suspension or Expulsion Cases.

When a student organization or an affiliated College group is charged with prohibited conduct, the presiding officer or individuals affiliated with the group shall be required to participate as representatives of the group in proceedings conducted under this code.

In some cases, organizational officers or members also may be charged with individual violations related to the original incident involving the organization, in separate proceedings.

## **V. Procedures**

### **Definitions**

- a) "Advisor" means either an attorney or non-attorney advocate who advises a student or student organization during conduct proceedings.
- b) "Appeals officer" means the individual appointed by an institution to consider appeals.
- c) "Fully participate" includes the opportunity to make opening and closing statements, to examine and cross-examine witnesses, and to provide the student or student organization with support, guidance, and advice.
- d) "Hearing officer" means the neutral individual designated by the College to conduct the disciplinary proceedings.
- e) "Registration/graduation hold" indicates that the student's academic records will not be released until the allegations (including sanctions if applicable) are resolved.

A detailed description of the procedures used by NDSCS to resolve student disciplinary issues is provided below. Cases related to Title IX compliance may require some modification of the resolution process, as approved by the NDSCS Title IX coordinator.

All references to working days shall be defined as Monday through Friday (holidays and other closings excluded).

- a) Receipt of an incident report,
- b) Creation of a conduct file,
- c) Implementation of interim actions, if necessary,
- d) Investigation of incident, if necessary,
- e) Issue notice of alleged violations,
- f) Hearing, if requested by student
- g) Notification of findings, including sanctions, and terms and conditions, as assigned,
- h) Appeal (if student chooses),
- i) Notification of appeal decision (if applicable).

### **5.1 Reporting and Investigating Complaints**

When provided information by law enforcement agencies, the College reserves the right to initiate action under this code when alleged violations of the code are believed to have occurred. Investigations are conducted to determine whether a student is responsible for alleged violations of the Code of Conduct. The goals and purpose of an investigation

are:

- a) To provide for the education of students;
- b) To promote the health, safety and well-being of university community members;
- c) To provide for fair inquiries concerning alleged violations of university policies;
- d) To determine whether or not any individual student has violated a university policy;
- e) To allow for consideration of extenuating or mitigating factors when a violation has been found to exist;
- f) To determine a resolution that will be appropriate; and
- g) To help the student make a constructive response toward self-discipline.

## 5.2 Reporting Alleged Violations

Alleged violations should be reported as soon as possible following the discovery of alleged prohibited conduct and may be initiated by law enforcement, a member of the NDSCS community, or a third party.

Alleged violations can be reported through [NDSCS.edu/Concern](http://NDSCS.edu/Concern).

## 5.3 Investigations

Investigation means to gather the facts, details and circumstances associated with a complaint. The investigation may include interviewing witnesses, review of documents or other steps that will assist the hearing officer to determine whether charges are warranted. Dismissal of the complaint, an alternative resolution (e.g. developmental conversation with a trained employee), or charges may result following an investigation.

The College may independently investigate an allegation of student misconduct, and may also initiate an investigation at the request of any member of the NDSCS community or affected party. Student and Residential Life conduct officers and other designated College personnel are authorized to investigate alleged violations of the Code of Conduct.

Any person believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter. Failure to comply with a request to make and keep an appointment relevant to an investigation may result in disciplinary charges and/or a conduct hold being placed on a student's registration and records.

## 5.4 Interim Measures

In the interest of safety and security, interim actions may be implemented by the Executive Director for Student and Residential Life prior to a completed investigation or conduct hearing. Specific actions will

be based on the circumstances of the allegations and may include, but are not limited to, no contact orders, housing/workplace changes, loss of privileges, or temporary suspension.

## 5.5 Searches and Seizures

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

- a) Monthly health and safety inspections of all residential spaces;
- b) The student consents to a search;
- c) College representatives fear an imminent danger to health, safety, life or property;
- d) College representatives fear imminent destruction of evidence relevant to a suspected violation of College policies.

The College requires that College representatives notify the Executive Director for Student and Residential Life and/or designee of searches. The College will not intervene between students and searches authorized under law by any law enforcement agencies.

The right to inspect residence hall rooms and College apartments without notice is reserved by the College for purposes of maintenance, cleaning, fire, personal safety and administering provisions of the license contract. The College will provide reasonable notice, when possible. Such entry by the university shall not be regarded as a search, but is separately agreed to and authorized by the student through provisions in the residence life license contract. Items that pose an imminent danger to health, safety, life, or property may be taken into temporary custody of residential life staff, campus police, or other emergency personnel.

## 5.6 Notice of Charges

Within a reasonable number of working days (generally 10) of receipt of the complaint, a written notice will be sent via College email (recognized as an official means of communication) to the accused student outlining the following (when known):

- Nature of the alleged code violation;
- Date, time and place of the alleged code violation;
- Maximum sanction applicable if found in violation of the Code of Conduct;
- Opportunity to request a hearing on the matter.
- Notice that a decision may be made in the students' absence based on the information currently available. The Code of Conduct is available at [NDSCS.edu/Student-Rights](http://NDSCS.edu/Student-Rights).

The College will provide the student oral or written

notification of the hearing at least three working days prior to the hearing date. Students may choose to consent to a shorter notice period, if they chose.

### **5.7 Prehearing Conference**

During the prehearing conference, the hearing officer will discuss the:

- a) Student's rights and responsibilities and
- b) Nature of the complaint and how the Code of Student Conduct may have been violated.

The student may request to proceed with an immediate hearing, except in cases which may result in suspension or expulsion (see Section VI). The hearing officer may refuse to hear the case and refer it to another hearing officer.

### **5.8 Conduct Hearings for Non-Suspension/Expulsion Cases**

The Code of Conduct resolution process is facilitated through an administrative hearing. An administrative hearing involves the accused student, hearing officer and any other individuals necessary to determine whether or not there has been a violation of College policies. The hearing officer is the NDSCS representative assigned to process an alleged violation of College policies. At this hearing, the student has a right to make a written and/or oral statement describing the event(s) that led to the charges.

In all cases involving an allegation of sexual misconduct, the accused student and the alleged victim shall have equal procedural rights as detailed in the NDSCS Sexual Misconduct and Title IX Compliance Policy available at NDSCS.edu/Title9.

The hearing officer will provide written notice of the findings to the student stating whether or not the Code of Conduct was violated. The written notice will include sanctions and terms and/or conditions for continued enrollment or re-enrollment, if any. The notice will generally be provided within 10 working days following the hearing. The Executive Director for Student and Residential Life may grant time extensions, if necessary.

### **5.9 Student Advisory Options**

The student has the right to have a person present who may act in an advisory capacity. Hearing advisors may not serve as witnesses. Hearing advisors who do not comply with hearing procedures or the directives of the hearing officer may be cautioned by the hearing officer and if they persist, may be asked to leave.

If a student chooses to have an attorney present as his or her hearing advisor, NDSCS may request legal representation be present as well. In cases that do

not involve potential for suspension or expulsion, the role of an attorney shall be to advise his or her client, not to participate in the hearing. Attorneys who do not respect this provision may be cautioned by the hearing officer and if they persist, may be asked to leave.

### **5.10 Default Proceedings and Unresolved Charges**

When a student fails to appear for a scheduled hearing without advance notice, or leaves the College with unresolved charges, the hearing officer may make a decision in the student's absence, provided the student was issued adequate written notice of the date, time and place of the scheduled hearing via the NDSCS email system.

In lieu of making such a decision, the hearing officer may reserve the option to place a registration/ graduation hold on the student's records and archive the case until such time the student re-registers or the hearing officer chooses to hold a hearing on the pending matter.

### **5.11 Conflicts of Interest**

Any hearing officer who has a conflicting interest in the particular case may not participate. Each party has the right to challenge the appointment of a hearing officer. Challenges must be submitted in writing to the Executive Director for Student and Residential Life at least two working days prior to the hearing. If a party fails to raise a perceived conflict by objecting to that person two working days in advance, any objection is deemed to be waived. An individual may not be disqualified solely on the basis of his or her position in the College community.

### **5.12 Burden of Proof**

The burden of proof will rest upon the hearing officer.

### **5.13 Standard of Proof**

The standard of proof will be "more likely than not." A student is found to have violated this code when the student:

- a) Admits to the violation or
- b) Information available at the time of the hearing supports a finding of responsibility.

### **5.14 Witnesses/Witness Statements**

The accused student and the hearing officer will be given reasonable opportunity to present witnesses and/or witness statements and will be allowed to address questions to any witnesses participating in the hearing. An absolute right of direct cross-examination is not granted under this code. All questions will be addressed through the hearing officer, who will determine if the questions are relevant and reasonable, and if necessary, will

exclude questions that are redundant or irrelevant in determining responsibility. Witnesses will be given reasonable latitude to respond fully to questions and will only remain for the duration of their own testimonies. All written statements that are to be considered are to be provided at least two working days prior to the hearing. Written statements must be signed and dated, with the name of the witness printed below to ensure legibility or sent electronically directly by the witness.

Character witnesses are not permitted. If the accused student is found responsible for violating this code, character statements may be considered during sanctioning. The accused student may submit up to three character reference letters to the hearing officer, at least two working days prior to the hearing. Each character reference letter must be dated and signed, with the name of the individual signing printed below to ensure legibility or sent electronically from the author of the written statement.

### **5.15 Evidence**

The accused student and the hearing officer will be given reasonable opportunity to present any written or oral information that is relevant in determining responsibility. All pertinent information that is to be considered is to be provided to the hearing officer at least two working days prior to the hearing. Deviations to the time restriction may be granted as long as all parties have sufficient time to prepare.

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

### **5.16 Closed Hearings**

All hearings are generally closed except to those individuals who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the accused student and the hearing officer. The hearing officer may permit a limited number of NDSCS personnel to be present as observers for the purpose of training or observation. Other exceptions may also be made as deemed necessary by the Executive Director for Student and Residential Life or designee.

### **5.17 Appeals**

Students sanctioned for violations of any part of this Code of Conduct or relevant College policies are limited to one appeal and that decision is final (see Section VIII, Appeal Procedures).

## **VI. Hearing Procedures for Potential Suspension or Expulsion Cases**

### **6.1 Introduction**

With all parties present, the hearing officer will call the hearing to order and will ask all parties participating to introduce themselves and identify their role in the proceedings.

When a case has potential to result in suspension or expulsion, the hearing may be audio or video recorded and retained as part of the student's file. Notice will be provided to the student no less than three working days before the hearing. Access to the recording will be made available for the purpose of preparing an appeal. Requests for access should be directed to the Executive Director for Student and Residential life.

The hearing officer will describe the general outline of the hearing. If a student is represented by an advisor, that individual has the ability to fully participate in the hearing as indicated in section 5.9. In cases that could result in suspension or expulsion, advisors may fully participate, which means they may make opening and closing statements, examine and cross-examine (through the hearing officer) witnesses present during the hearing, and provide the student with support, guidance and advice throughout the process.

The hearing officer will dismiss witnesses until they are called to speak.

### **6.2 Complaint and Response**

A representative(s) for the College will introduce the case.

The accused student (and/or advisor) will be permitted to respond to the charges and present information that is relevant in determining whether the student violated one or more sections of the code.

### **6.3 Presentation of Witnesses**

A representative(s) for the College and the accused student will be allowed to present witnesses who may be asked questions by the hearing officer, accused student (and/or advisor). All questions will be directed to the hearing officer who will determine relevancy to the proceeding, request clarification if necessary, ask if the respondent understands the question and request a response.

### **6.4 Final Questions**

A representative(s) for the College and accused student (and/or advisor) will be permitted to ask questions of each other.

## 6.5 Closing Statements

A representative for the college and the accused student (and/or advisor) will have an opportunity for a closing statement.

## 6.6 Deliberation and Decision

The hearing officer will provide written notice of findings to the student stating whether or not the Code of Conduct was violated. The written notice will include sanctions and terms and conditions for continued enrollment or re-enrollment, if any. The notice will generally be provided within 10 days following the hearing.

## VII. Sanctions and Conditions

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

If a student is found not responsible for the alleged code violation(s), no action will be taken against the accused student; however, having been through the Code process, the student is considered knowledgeable regarding the Code's provisions and expectations, and that knowledge may be taken into consideration in the event of future Code actions. Written decisions are generally rendered within 10 working days from the date of the hearing.

In cases in which the student is found responsible for violating one or more policies, a sanction may be imposed. Sanctions may not include suspension or expulsion unless the student receives prior written notice that the case was serious enough to warrant suspension or expulsion. The appropriate sanction(s) will be assigned based on the severity of the incident and/or past conduct history; possible sanctions include any of the following (some cases may result in multiple sanctions from this list).

- a) Verbal warning/developmental conduct conversation;
- b) Campus service;
- c) Restitution and/or fines;
- d) Written warning;
- e) Conduct agreement;
- f) Conduct probation;
- g) Supervised conduct probation;
- h) Termination of license contract for College housing;
- i) Trespass from all, or portions, of campus;
- j) Conduct suspension; and/or
- k) Expulsion

With each sanction, terms and conditions and/or restorative actions may be assigned. In addition, notification may be given to other College representatives as necessary. Terms and conditions include, but are not limited to:

- a) Alcohol or other drug programming, evaluation and/or testing;
- b) Written assignments;
- c) Participation in a specific activity or project;
- d) Restricted access;
- e) Loss of privileges;
- f) No contact orders;
- g) Restitution, and/or
- h) Confiscation of property.

In assigning a sanction and/or terms and conditions for inappropriate student conduct, the hearing officer 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;
- d) Impact on the victim(s), the educational community, and its members;
- e) Previous incidents of prohibited conduct committed by the accused student, and
- f) The ability and/or willingness of the student to accept responsibility.

## 7.1 Sanctions

### Written Warning

A warning is a written notification that subsequent code violations will normally result in more severe sanctions.

### Conduct Probation

Conduct probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with College policies; local, state and federal laws; and any other terms or conditions that have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Further prohibited conduct may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion.

### Supervised Conduct Probation

Supervised conduct probation generally requires meetings with a member of the Division of Academic and Student Affairs at regularly established intervals to monitor progress in behavioral, academic, social, vocational and other areas of the student's life

necessary to strive for overall success at NDSCS. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth. Further prohibited conduct may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion.

### **Conduct Suspension**

Conduct suspension is a written notification of the termination of status as an enrolled student for a specified period of time not to exceed two academic years. In cases of crimes of violence, hate crimes, and/or Title IX related violations, the Executive Director for Student and Residential Life may specify a longer period of suspension.

- a) A student may not re-enroll during the period of conduct suspension.
- b) The student's eligibility for any refund of tuition/fees will be subject to the College's normal withdrawal policy.
- c) A withdrawal or drop of remaining credits will be effective date of suspension.
- d) A student who has been suspended must vacate residence life facilities within the time frame established in the written notice of the conduct suspension. Termination of a license contract due to conduct will result in the loss of room rent for the remainder of the semester.
- e) In addition to being ineligible for enrollment, a student is also ineligible for student employment with NDSCS.
- f) There may be other restrictions placed on the suspended student including, but not limited to, restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. The student also may be required to obtain prior written permission from the Executive Director for Student and Residential Life before being on any portion of the NDSCS campus during the period of suspension. Approval is generally granted only to permit a student to conduct business related to the College.
- g) Conduct suspension is a matter of permanent record. A permanent record indicates that student conduct files may be retained indefinitely at the discretion of the Executive Director for Student and Residential Life, but not less than seven (7) years.

### **Expulsion**

Expulsion is a written notification that the student is permanently ineligible to return to the College.

A withdrawal or drop of remaining credits will be effective date of suspension.

The student must leave College residences and cease all use of College owned or controlled buildings, properties and services as designated in the expulsion notice. The expulsion notice will also include any other specific restrictions and a time frame during which these restrictions apply. These may include restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities.

Written requests for exceptions to restrictions may be directed to the Executive Director for Student and Residential Life.

## **7.2 Conditions**

### **Alcohol and Other Drug Programming, Evaluation, and/or Testing**

A student may be required to participate in alcohol and/or other drug programming as a result of participating in any incident involving the use or abuse of alcohol and/or other drugs. The College reserves the right to require alcohol/drug testing and/or evaluation as a condition of enrollment or continued enrollment when:

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

### **Written Assignments**

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

### **Participation in a Specific Activity or Project**

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

### **Restricted Access**

Students may have access to College facilities and grounds restricted for a specified period of time. Restricted access may include but is not limited to entry into College facilities or athletic fields, access to specific College offices, and visiting and/or living in any College housing facility. Students found in violation of restricted access directives may be issued a trespass citation by Campus Police and may be subject to further conduct action.

### **Loss of Privileges**

A student may be denied various privileges associated with being a student at NDSCS. Such privileges may include, but are not limited to, one or more of the following:

- a) Participating in or attending events sponsored by the College or by students;
- b) Holding office in recognized student clubs or organizations;
- c) Receiving or being a guest in residential life facilities;
- d) Access to parts of or all College property, including eligibility to reside in College facilities;
- e) Receiving financial aid;
- f) Being employed by the College;
- g) Representing the College, including travel on behalf of the College; and
- h) Using IT services.

### **No Contact Order**

Students may be prohibited from direct or indirect physical and/or verbal contact with another individual or group. Reasonable restrictions to protect the safety and welfare of others may also be imposed. These include, but are not limited to, any and all forms of communication, access to College owned or controlled locations, and specified minimum distances.

### **Restitution**

A student may be required to repair, pay the cost for repair or pay for cost of replacement of any College or state property damaged or lost by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of the hearing officer, taking into consideration the fair market value or cost to repair the damaged item(s). In the case of personal injury, the responsible party may be required to cover the cost of medical care for others harmed as a result of the student's actions.

When available and appropriate, secondary markets may be utilized. The decision maker shall consider information and/or evidence provided by both parties to achieve a fair and just result. Failure to make timely arrangements for restitution may result in the cancellation of the student's registration, prevention of the student's re-registration, or more severe sanctions including, but not limited to, conduct suspension or expulsion.

### **Confiscation**

In addition to items seized as evidence, goods used or possessed in violation of College policies and/or local, state or federal laws, may be confiscated and not be returned to the student. This includes, but not limited to, falsified information or identification.

## **VIII. Appeal Procedures**

Students sanctioned for violations of this code may appeal the finding made by the hearing officer. Cases resulting in suspension or expulsion are appealed to the Vice President for Student Affairs. All other appeals are heard by an appeal officer which is typically the Executive Director for Student and Residential Life, or an administrator of residential life, depending upon who served as the hearing officer. If the initial case was heard by the Executive Director for Student and Residential Life, the appeal will be heard by the Vice President of Student Affairs.

### **8.1 Deadline for Appeals**

An appeal of any conduct process decision must be made in writing within five working days following the date the sanction notice is sent to the student via the NDSCS email account. When necessary to utilize the U.S. mail, students will be afforded 10 working days from the date of letter to submit an appeal. If hand-delivered, a notation of that date will be made in the student's conduct file. In extraordinary circumstances, the Executive Director for Student and Residential life may grant time extensions. The College reserves the right, however, to reduce the time allowed for a student appeal in cases that may have the potential to result in harm to individuals and/or property. The reduced time for appeal will be specified in the decision letter along with the rationale for allowing reduced time for an appeal. The appeal must be written by the student and shall contain the student's name, date of the decision or action, and reason(s) for the appeal.

### **8.2 Appeal Letters**

Appeals must specify in detail one or more of the following basis of appeal:

- a) New or contradictory evidence exists that was not available at the time of the original decision, and/or
- b) Student's due process rights were violated. The rights believed to be violated must be specified.

### **8.3 Emergency Provisions**

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

### **8.4 Review**

The appeal officer or the will review the written letter of appeal from the student and materials from the original hearing. In reviewing the appropriateness

of sanctions, the student's entire conduct file may be considered. After reviewing these materials, the appeal officer may decide to do one of the following:

- a) Issue a decision based solely on the written materials;
- b) Issue a decision based on a review of written materials and discussion with the involved principals;
- c) Recall one or more witnesses;
- d) Return the case to the hearing officer conducting the original hearing for presentation of new evidence and reconsideration of the decision and/or sanctions.

### **8.5 Decision/Sanction**

When the accused student makes the appeal, the appeal officer or may uphold or lessen the original decision/sanction, but not increase the sanctions/ action imposed by the hearing officer. The decision on the appeal will generally be made within 10 working days of receipt of the appeal, but may take longer during College recesses or in the event of complex cases.

### **8.6 Appeals by Accuser**

An appeal by the accuser may only be allowed when it is alleged that the accuser was the subject of a Title IX violation, including sexual assaults, as defined in this code. In some cases, an accuser's appeal could result in a different decision and/or stronger sanctions that originally imposed.

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

Any student who is suspended or expelled has the right to request a reconsideration of the case based on new or contradictory evidence that was not available at the time of the original decision, and/or evidence that the student was not afforded due process as outlined in this Code. A request for reconsideration of the case should be submitted to the Executive Director for Student and Residential Life.

### **8.8 Appeal of Cases Resulting in Suspension or Expulsion**

Upon request, the student may appeal the finding of the hearing officer to the Vice President of Student Affairs.

The Vice President shall review the record made by the hearing officer and make a decision based upon that record. However, the vice president may, in his or her sole discretion, receive additional testimony or other evidence and make that additional evidence a part of the record. The student shall be informed of the vice president's action in person or over the

phone and in writing.

## **IX. Special Circumstances and Conditions**

### **9.1 Registration/Graduation Hold**

- a) If a student (new, current or returning) fails to respond to a request to meet to discuss an alleged violation of this code, or fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this code, a hold may be placed on the student's eligibility to register.
- b) Students may not be permitted to graduate or officially withdraw from NDSCS while disciplinary action is pending. If the student withdraws before NDSCS becomes aware of the potential violation of this code, the student's academic records may be placed on registration/graduation hold and the allegations must be resolved prior to removal of the registration/graduation hold.

### **9.2 Temporary Suspension**

A student may be temporarily suspended, by the Executive Director for Student and Residential Life, pending a hearing when the student's actions or threats of action indicated a serious threat to the welfare and/or safety of individuals or property. No hearing will be required before a temporary suspension is imposed; however, one will be convened within five working days following the suspension. Under unique circumstances, alterations to this timeline will be made at the discretion of the Executive Director for Student and Residential Life. If the suspension is upheld following the hearing, the suspension remains subject to the rules outlined in Conduct Suspension (Section 7.1) and remains a matter of permanent record.

### **9.3 Conditions Under Which Temporary Suspension May Be Imposed:**

- a) To ensure the health, safety or well-being of members of the College community;
- b) To preserve College property;
- c) To ensure the suspended student's own physical and emotional safety and well-being, or
- d) To ensure against the disruption of, or interference with, the normal operations of the College.

### **9.4 Administrative Withdrawal for Mental Health Reasons**

A student may be subject to administrative withdrawal if it is determined that the student:

- a) Poses a significant danger of causing imminent harm to the student or others, or
- b) Directly and substantially impedes the lawful



activities of other members of the campus community.

Administrative withdrawal does not take the place of disciplinary action associated with a student's behavior that is in violation of the Student Code of Conduct.

Consideration will be given first to use of normal conduct processes of counseling, voluntary withdrawal, use of state commitment laws (NDCC 25.03.1), or use of other alternatives whenever appropriate.

### **Conduct Violations**

A student accused of violating this code may not be subject to the conduct process if the student:

- a) Lacks the capacity to respond to pending conduct charges, or
- b) Lacks the capacity to know the nature or wrongfulness of the conduct at the time of the offense.

If it is determined the student does not meet the criteria mentioned above, the case will be returned to the conduct process.

Students subject to conduct charges who wish to introduce relevant evidence of any incapacity must inform the Executive Director for Student and Residential Life in writing at least two working days prior to any conduct hearing. The Executive Director for Student and Residential Life may elect to appoint a designee to act in administering this policy. If the Executive Director for Student and

Residential Life determines that the evidence may have merit, the case will then be resolved in accordance with the criteria outlined below:

#### **Evaluation Referral**

The Executive Director for Student and Residential Life may refer a student for an evaluation by an independent, licensed psychiatrist or psychologist chosen by the institution if the Executive Director for Student and Residential Life reasonably believes the student may meet the criteria in Section 9.4, or if a student subject to conduct charges wants to introduce relevant evidence of any mental disorder. A student referred for evaluation will be informed in writing by NDSCS email and the evaluation must be scheduled no later than five days from the date of the referral letter. The evaluation will be at the student's expense. If a student fails to complete an independent evaluation, he or she may be subject to the conduct process or an immediate interim withdrawal.

### **Interim Withdrawal**

As stated above, an interim withdrawal may be implemented if a student fails to complete an evaluation with a licensed psychologist or psychiatrist. Also, an interim withdrawal may be undertaken immediately if the Executive Director for Student and Residential Life determines a student's conduct poses an imminent danger.

A student subject to interim withdrawal shall be given written notice and may be assisted throughout this process by an individual of his or her choice. The student, whether or not an evaluation has been completed, shall be given the opportunity to appear personally before the Executive Director for Student and Residential Life within 72 hours of the effective date of the interim withdrawal to review:

- a) Reliability of the information concerning the student's conduct, and
- b) Whether the student's conduct poses an imminent danger.

During an interim withdrawal, the Executive Director for Student and Residential Life may place restrictions including, but not limited to, class attendance and use of campus services and facilities.

### **Involuntary Withdrawal**

A student under consideration for involuntary withdrawal will be accorded an informal conference with the Executive Director for Student and Residential Life or designee. The informal conference will be held within seven working days after an evaluation by a licensed psychologist or psychiatrist has been completed. Prior to the informal conference, the Executive Director for Student and Residential Life and the student will have an opportunity to review, independently, the psychological or psychiatric evaluation.

- a) The Executive Director for Student and Residential Life conducts informal conference proceedings. An individual of his or her choice may assist the student in the informal conference. The student will remain withdrawn on an interim basis pending completion of the informal conference.
- b) A written decision shall be rendered by the Executive Director for Student and Residential Life containing a statement of reasons for any determination leading to involuntary withdrawal. The student also should be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement. The student may appeal the

decision to the vice president for student affairs.

## 9.5 Negotiated Withdrawal

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

## 9.6 Interim Actions

In the interest of safety and security, interim actions may be implemented, by the Executive Director for Student and Residential Life, prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include, but not limited to no contact orders, housing/workplace changes, loss of privileges, or temporary emergency suspension.

## 9.7 Crimes of Violence

The term "crime of violence" means:

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

Examples include, but are not limited to, arson, auto theft, assault, aggravated assault, burglary, kidnapping/abduction, manslaughter, murder, resisting arrest through the use or threat of physical force, robbery, vandalism and sexual offenses.

In cases of crimes of violence, the Executive Director for Student and Residential Life may increase, but not decrease, timelines stated in the code and may determine by whom the case is heard.

## 9.8 Notification of Hearing Outcomes for Crimes of Violence

Individuals who are victims of crimes of violence have a right to be notified of the outcome of complaint resolution processes, upon written request to the Executive Director for Student and Residential Life. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

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

## 9.9 Incarcerated Students

In cases involving incarceration, a hearing will be held when the student is available for a hearing.

## X. Conduct Records

### 10.1 Disclosure

All conduct records are confidential and may not be disclosed in whole or in part except as provided under law, including but not limited to, the Family Education Rights and Privacy Act (FERPA), the USA Patriot Act and lawful court orders.

The conduct record shall be separate from the student's academic record, but shall be considered a part of the student's educational record. All conduct records shall be retained in the office of the Executive Director for Student and Residential Life or other offices as authorized by the Executive Director.

As provided under FERPA, information concerning code violations for alcohol and/or drugs may be shared with parents in accordance with the Parental Notification Policy.

### 10.2 Retention and Destruction

#### Sanctions Less than Suspension or Expulsion

In cases in which students are found in violation and receive a sanction less than suspension or expulsion, with or without additional terms and conditions, all records related to that student's cumulative conduct history will be retained for seven years from the date of the student's last conduct violation. Student conduct records may be retained indefinitely at the discretion of the Executive Director for Student and Residential Life.

#### Suspension or Expulsion

In cases in which students are found in violation and receive a sanction of suspension or expulsion, conduct records will be retained on a permanent basis.

**FINAL NOTE:** Occasionally there may be a need to update certain details such as changes to staff titles, office locations, etc. that are mentioned in this document. Updates will be made to the online version of this document on an ongoing basis.

*John Richman, President  
Effective August 2017*

What's  
**concerning**  
*you?*



REPORT. COMMENT. FIND

[NDSCS.EDU/CONCERN](https://ndscs.edu/concern)

**NDSCS**<sup>TM</sup>

**Appendix J: NDSCS Tobacco-Free Environment Policy**



## POLICY AND PROCEDURE MANUAL North Dakota State College of Science

### NDSCS Tobacco-Free Environment Policy

**Source:** NDSCS President

**Applies to:** All Employees, Students and Visitors

Purpose: North Dakota State College of Science (NDSCS) is committed to creating a safe, clean, and healthy educational environment for all students, employees, and visitors. NDSCS is a tobacco-free College in order to promote the health, wellness, and safety of all constituents. The purpose of this policy is to reduce the harmful effects of secondhand smoke; provide an environment that encourages persons to be tobacco-free; and establish a culture of respect and wellness. In working to achieve this intent, NDSCS commits to:

- a) Reduce the high incidences of tobacco use at NDSCS;
- b) Protect the health and safety of all students, employees, and the general public;
- c) Establish a standard of healthy, tobacco-free behavior.

#### Policy

- 1) NDSCS prohibits the use of tobacco products on College property including off-campus, College-sponsored events/activities. This prohibition includes indoors, outdoors, College vehicles, and/or personal vehicles while on College property. This policy applies to all employees, students, and visitors. This policy will be reflected in all agreements/contracts for use of NDSCS grounds or property by individuals and/or companies.
- 2) Definitions: For the purpose of this policy, the following definitions apply:
  - a. “College Property” includes all property, both indoor and outdoor, that is owned, operated, leased, occupied or controlled by NDSCS including, but not limited to, all buildings, green spaces, athletic fields, parking lots, campus walkways, state fleet vehicles and personal vehicles while on College property.
  - b. “Off-Campus, College-Sponsored Events” means any event sponsored by NDSCS that does not take place on College property.
  - c. “Employee” means any person employed by NDSCS in a full- or part-time capacity, or any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by NDSCS, or any person working on College property on a volunteer basis. The term includes, but is not limited to, faculty, administrators, personnel, contractors, consultants, and vendors.
  - d. “Student” means a person enrolled in any credit or non-credit academic course or program offered by NDSCS.
  - e. “Tobacco Product” includes any product that contains tobacco, is derived from tobacco or contains nicotine or other similar substances, intended for human consumption, or is likely to be consumed, whether smoked, heated, inhaled,

chewed, absorbed, dissolved, or ingested by any other means. The term “Tobacco Product” includes E-cigarettes and other electronic smoking devices, pipes and rolling papers, but does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.

- f. “E-cigarette” means any electronic oral device, such as one composed of a heating element, battery or electronic circuit, or both, which provides a vapor of nicotine or any other substance, and the use or inhalation of which simulates smoking. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, and e-pipe or under any other product name, or descriptor. “E-cigarette” also includes any component part of such a product whether or not sold separately. “E-cigarette” does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.
  - g. “Tobacco Use” means the use of any Tobacco Product in any form. Tobacco Use includes, but is not limited to, smoking, heating, inhaling, chewing, absorbing, dissolving or ingesting any Tobacco Product.
  - h. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe or hookah, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette.
  - i. “Visitor” means any person on College property or participating in a College-sponsored event who is not a student or employee.
- 3) Advertising and Sponsorship: NDSCS prohibits tobacco advertising or sponsorship on College property, at off-campus, College-sponsored events, and in all publications controlled by NDSCS. NDSCS will not accept any form of contribution including, but not limited to, financial support, gifts or in-kind support from the tobacco industry for the sponsorship or promotion of any event or activity affiliated in any manner with NDSCS or located on College property.
- 4) Sales: the sale or distribution of tobacco products on College property or at off-campus, College-sponsored events is prohibited.
- 5) Exemptions:
- a. The use of tobacco products in institutional research efforts regarding tobacco or nicotine.
  - b. Exceptions must be approved in advance by the NDSCS President or designee. This includes ceremonial and spiritual use requests.
- 6) Communicating the policy to students, staff & public: This policy will be provided at least annually to NDSCS employees and students. The College shall post signs indicating that the property is tobacco-free in all locations and in the manner identified in NDCC 23-12-10.4.1.
- 7) Compliance and Enforcement: NDSCS employees, students, and visitors are responsible for complying with this policy. Individuals who violate this policy may be subject to student or employee disciplinary action and provided cessation information.

- a. NDSCS Police and Residential Life staff will enforce the Tobacco Free Policy.
  - b. Employees who become aware of tobacco use by another employee or student on College property or at off-campus, College-sponsored events can report the details of the incident to the NDSCS concerns page at [ndscs.edu/concern](http://ndscs.edu/concern).
  - c. Repeated student violations will be reported to the Executive Director of Student and Residential Life.
  - d. Employee violations will be reported to the employee's supervisor. Repeated violations will result in disciplinary action.
  - e. Visitors who persist in noncompliance will be asked to leave College property.
- 8) Seeking Assistance/Cessation Information: Confidential access to resources, services and cessation medication is available through
- a. NDSCS Student Health and Counseling Services
    - i. Riley Hall, 113 (701.671.2286)
    - ii. [www.ndscs.edu/counseling](http://www.ndscs.edu/counseling)
  - b. Richland County Public Health
    - i. 413 3<sup>rd</sup> Ave N, Wahpeton (701.642.7735)
    - ii. <http://www.richlandcountyhealth.org/serviceprogram09.html>
  - c. North Dakota Quitline
    - i. [www.ndhealth.gov/ndquits](http://www.ndhealth.gov/ndquits)
    - ii. 1.800.842.4681
- 9) Prevention and Education: The health hazards of tobacco use have been well established in research. Use of tobacco products is the leading cause of preventable death and disability in North Dakota. NDSCS is committed to promoting healthier educational, work, and living environments, and recognizes the serious health risks associated with the use of tobacco products, both to users and non-users alike, and believes that the use of tobacco products are detrimental to the health and safety of students, employees and campus visitors. For further information on pertinent College educational opportunities, contact Bethany Mauch, NDSCS Alcohol, Tobacco, and Other Drugs Prevention Specialist at (701) 671-2124. Or call the Human Resources Office at 701-671-2903, or email Human Resources at [ndscshr@ndscs.edu](mailto:ndscshr@ndscs.edu).
- 10) For more information on tobacco prevention and educational programs, please contact:
- Bethany Mauch, ATOD Prevention Specialist  
 NDSCS Riley Hall, Room 107  
 (701) 671-2124  
[www.ndscs.edu/tobacco](http://www.ndscs.edu/tobacco)

Approved by:

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President's Signature

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Date

**Appendix K: NDSCS Student-Athlete Code of Conduct**



**NDSCS WILDCATS**  
**STUDENT-ATHLETE**  
**HANDBOOK /**  
**CODE OF CONDUCT**

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## Message from the Director of Athletics - Stu Engen

The North Dakota State College of Science Student-Athlete Handbook / Code of Conduct has been prepared for the student-athlete to become better acquainted with procedures and general regulations that have been established by NDSCS, the Mon-Dak Conference, the Minnesota College Athletic Conference (Football), Region 13, and the National Junior College Athletic Association. Many of these regulations apply to you, the student-athlete. Membership on an athletic team at NDSCS is considered a privilege. In order to maintain that membership, student-athletes are expected to demonstrate good sportsmanship, honesty, integrity, and respect for others. Remember to always ask questions concerning any regulations/policies because it may impact your eligibility and / or your status within the department of athletics. Please note that this handbook / code of conduct is in addition to the student code of conduct of the College. Contact the Director of Athletics Stu Engen with any questions you may have.

Use this handbook and other resources that you have been provided, as reference tools for important information while you are a NDSCS student-athlete. This handbook includes only general guidelines. Make sure you are aware what your coach expects from you and your rights and responsibilities as a NDSCS student. Student-athletes will be responsible for abiding by all athletic department policies, whether provided by individual teams, specific department offices, or the department as a whole. Please note that this handbook is a guide only and does not include every applicable rule/regulation/policy. In addition, changes to departmental policies and procedures are updated on the online version located at [www.ndscs.edu/athletics](http://www.ndscs.edu/athletics).

Each of our athletic teams set high goals for competitive achievement as well as academic success, and the objectives for each team are consistent throughout the department. We want our students in class, we want our students to graduate, we want our students to represent themselves, their program and our College in a positive manner at all times, and we want to provide an experience that will contribute to your successes throughout life.

We will strive to provide you with coaches that are concerned with your personal development, your academic development, and your athletic development. We will provide facilities, equipment and resources that will help ensure our programs can be successful at their highest levels. NDSCS student success also provides academic advising and other resources that will help ensure the time commitments of intercollegiate athletics do not overshadow your primary purpose here at NDSCS, receiving a great education and earning a degree.

Enjoy this special time in your life, and take advantage of all this great College has to offer. We wish you the best of luck in the classroom and throughout your playing season.

*Go Cats!!*

A handwritten signature in black ink, appearing to read 'Stu Engen', written in a cursive style.

**Stu Engen**

## Insurance of Student Athletes

All North Dakota State College of Science student-athletes must be covered by some type of individual health insurance before participating in any practice, game and/or competition. If a student-athlete is not covered under a parent(s) / guardian(s) health insurance policy, health insurance is available at a cost to the student-athlete through NDSCS.

## Housing Policy

All student-athletes are required to live on campus in the residence halls. Exceptions are made for student-athletes who are married. It is very important that you understand that being dismissed from NDSCS housing will affect your eligibility to participate in intercollegiate athletics at NDSCS.

## Department of Intercollegiate Athletics Mission Statement

The Department of Intercollegiate Athletics at North Dakota State College of Science is dedicated and committed to the highest level of competition with peer and sister institutions, institutions in the Mon-Dak Conference, the Minnesota College Athletic Conference and on a national basis in terms of athletic excellence and academic achievement of student-athletes.

We will offer compelling experiences for the student-athlete and for our campus community and will provide a diverse environment steeped in integrity, values and vitality. We are committed to equitable opportunities for all students. Our program offerings, our recruitment of both students and staff, and our career enhancement opportunities for staff will reflect this commitment to equity and diversity. Further, we are totally committed to the NJCAA principles of sportsmanship and ethical conduct and nothing short of complete and total adherence to the principles and guidelines prescribed by the NJCAA in these critical areas will be tolerated or accepted.

Teaching is our core, positive growth and development of student-athletes and coaches is our goal and the highest level of performance in the classroom, in social settings and on the field of play is our target outcome.

## Athletic Affiliation

### Conference Affiliations

- Mon-Dak Athletic Conference
- Minnesota College Athletic Conference (Football)

### Regional Affiliation

- NJCAA Region 13

### National Affiliation

- National Junior College Athletic Association

## Departmental Philosophy

Athletics are an integral part of the physical education and education programs of the Institution. As a result, the goals and objectives of the education programs are the goals and objectives of the athletic programs. Education is defined as the adjustment the student makes to experiences, which result in behavior change. Athletic education is defined in the same way by simply identifying the experiences as those from the athletic realm. It is well established that people learn through experiences, and the athletic experience is a vital part of education of the student athlete.

Winning and losing are key elements in the total athletic program. Society has a tendency to evaluate the effectiveness of a program solely on this basis. Whereas the importance of winning is recognized by the Athletic Department, it will not be unreasonably considered in the evaluation of programs and staff members. The Athletic Department is more concerned with "how much did the athletic experience do for the athlete," rather than, "how well did the athlete do in the sport."

The Department recognizes the importance of support provided by alumni and booster groups. These relationships will be fostered and developed maximally. However, control of the program will be maintained by the Athletic Department. Advice, counsel and support will be solicited and accepted; however, strict adherence to the educational values of the athletic experience will be maintained.

## Athletic Philosophy

In the broadest sense, the philosophy of the North Dakota State College of Science Athletic Department is to strive at all times to represent the highest ideals in life. Because of the high visibility, the North Dakota State College of Science Athletic Department has the unique opportunity to be a positive influence on the lives of everyone associated with our program: students, faculty, staff, alumni, community and friends.

The top priority always will be the student-athletes of the athletic program. Proper direction and motivation will help them grow spiritually, socially, academically, and athletically. The ultimate goal is to provide each student-athlete with the tools necessary to be successful in life.

The physical well-being of the student-athletes is of our utmost concern. The Athletic Department must never jeopardize their health or well-being for short-term gains. In addition, the Athletic Department needs to be aware of a strong obligation to the college and to the alumni and friends who support the program.

The Athletic Department must maintain a positive, open environment within which employees of the Athletic Department can grow and develop in their careers and individual lives.

The Athletic Department encourages each student's participation in athletic programs on all levels, whether they be intercollegiate, club, or intramural. Athletic competition and physical exercise should be an important part of college life.

Success is one of the rewards for the organization. Discipline and hard work are necessary for the building of a competitive athletic program. We have an obligation to ourselves and to our student-athletes to strive to reach our potential.

At all times, the Athletic Department will observe the letter and spirit of the rules and regulations of the NJCAA, Region XIII, Mon-Dak and the MCAC. Furthermore, the Athletic Department will have an obligation to report any college that violates these same rules and regulations.

The North Dakota State College of Science Athletic Department is a service organization for several constituent groups: our student-athletes, the student body, faculty and staff, alumni and friends, the sports media, and the

general community. Our basic obligations to these groups are twofold: (1) to develop and maintain a competitive athletic program that can be a source of pride and (2) to allow members of these groups the opportunity to become involved in the program, whether as participants, contributors, or spectators. Furthermore, we will ensure that our sports programs function in conjunction with all principles of fair play and amateur athletic competition as defined by the NJCAA.

As stated in our philosophy, our primary purpose is to direct each student-athlete toward growing as a total person, earning a meaningful degree, and developing as an athlete. We should provide each student-athlete with the chance to be involved in all areas of student life while in college and the tools to be successful in his or her career after graduation.

In addition, the Athletic Department should strive to allow every member of the student body the opportunity to be a part of the athletic program. Some students can be involved actively as athletes, trainers, managers, student assistants, and assistant coaches.

For the majority of the students who participate as spectators, we have an obligation to field competitive teams that represent the quality and purpose of the College. Our program can and should be the single most important generator of positive school spirit on campus. We must be receptive to students' suggestions and inquiries and must always treat students with courtesy.

The faculty and staff are the heart of the College and can be a valuable resource for the athletic program. As we perform our duties in an open, competent, and professional manner, we will be viewed with respect by the other academic departments on campus and seen as an integral part of the college. A sound, competitive athletic program will be a source of pride for faculty and staff members. We must always be certain the faculty understands our commitment to academics and is aware of our activities and plans. Regular meetings are an excellent means to accomplish this goal.

Alumni and friends are the financial backbone of the athletic program, and we must be sensitive to their needs. We must have a service attitude, which means that every alumni, friend, or visitor should always be treated with complete courtesy and respect. The Athletic Department must make purchasing tickets as convenient as possible and always a pleasant experience. Many alumni and friends want to become involved actively in marketing or fund raising, and we should allow them, under our direction, to assist our department in these areas.

In dealing with the sports media, the Athletic Department will have an obligation to help them to be successful in their jobs. The Athletic Department must be honest, open, and supportive at all times and never attempt to conceal unfavorable news. Each member of the media should feel welcome to the athletic program. The Athletic Department can and should be a source of pride for the community. A quality, competitive athletic program can be a positive focal point for the community. The Athletic Department must be willing to donate time and resources to civic and charitable efforts and every employee of the Athletic Department is encouraged to become involved in community activities. Whenever the Athletic Department can help the community, the department helps themselves and the athletic program.



## Athletic Goals and Objectives

Sport is an important aspect of our culture and a fertile field for learning experiences. Whether or not the potential of sport is realized at North Dakota State College of Science depends upon the quality of the experience. (The goal of intercollegiate athletics is to realize the full potential of the athletic experience as a contributing factor to the enrichment of the life of the participant.) Although the sole justification of the program is the individual, we recognize the spin-off values to the college community and the area served by the college.

With this in mind, the specific objectives of the Athletic Department have been developed. When considering the objectives, the reader is asked to keep in mind that they were developed consistent with the needs, resources and circumstances unique to North Dakota State College of Science.

1. To maintain a spirit of play so that educational values are fully realized.  
The primary objective of athletics is to provide the athlete an exceptional educational experience. The department must guard this objective zealously. The pressure to make winning foremost is continual and comes from many sources. This does not diminish the desire for excellent individual and team performance. Athletics must be fun and educationally productive, and at all times this objective must be foremost. The welfare of the athletes is always the primary consideration.
2. To provide programs which encourage excellence in individual and team performance.  
The Athletic Department wishes to provide a quality experience for the athlete and the opportunity for a quality performance. This includes providing excellent equipment, good facilities, challenging schedules, an excellent environment in which to work, and well-prepared and motivated leadership. It is imperative that the opportunity for coaches and athletes to compete at the level of our competition be provided.
3. To increase public understanding, appreciation, and knowledge of sport and the place of sport in the educational setting.  
The Athletic Department must recognize its opportunity and responsibility to aid the public in understanding the real value of sport and its proper place in the educational setting. The public, as a whole, does not understand athletics, and especially the differences between big-time and small college athletics. The Athletic Department must work to counterbalance the misunderstanding. Large scholarships, abuse of athletes, transcript tampering, point shaving, recruiting irregularities and other questionable practices are not common to small college athletics. The small college athlete goes to college for an education, participates while in school, and is richer for their participation.
4. To present a positive image of the college.  
An objective of the Athletic Department is to present a positive image of the college, through a complete devotion to quality. The Department recognizes that athletics is often the visual scoreboard, but also by appearance and behavior, on and off the field. Teams and coaches must realize that they represent their sport, their team, and their college by their actions both on and off the field.
5. To contribute to the quality of campus life.  
A quality athletic program has positive effect on campus life. Athletics offer the opportunity for wholesome entertainment at a reasonable cost. Athletics provide an opportunity for the band to perform before substantial numbers of people. Finally, athletic facilities and equipment are made available for student use when not being used by competitive teams. The Athletic Department should make a major contribution to the quality of student life at North Dakota State College of Science.

## Student Athlete Code of Conduct

### Introduction

All student-athletes are members of the NDSCS student body. You are a student first, and your participation in intercollegiate athletics derives from your status as a student. Accordingly, all college policies governing student conduct apply to you.

Participation in the NDSCS intercollegiate athletic program is a privilege. You represent not only yourself, but also your teammates, others in the athletic department, the college, our community, our state, our conference and our alumni throughout the world. Given the significance of this privilege, additional responsibilities are sometimes placed upon you beyond those placed on other students at the college.

This student-athlete code of conduct is designed to inform you, the student-athlete, of the behavior expected of you, and to the potential consequences that your behavior may have on your status as a student-athlete, and applies in addition to the student conduct code of the college.

The Athletic Department may take action under this code of conduct regarding your participation in the college's intercollegiate athletics program, and also regarding the awarding, renewal, and modification of a scholarship that you may now have or may receive in the future. This Code of Conduct is intended to complement, not replace, the NDSCS student conduct code, or conduct rules that your sport team has adopted, including consequences for violating College policy or sport team rules. Always remember that a coach or the director of athletics has the right to impose additional rules and sanctions above and beyond those outlined in this policy.

### Policies on Misconduct

If you are arrested, charged with a crime, or have been reprimanded for any other type of behavior on or off campus you are required to notify your head coach within 24 hours. Your head coach will inform the director of athletics. The director of athletics shall serve as the representative of the department in determining the appropriate application of this policy. There are two levels of misconduct that may affect your ability to fully participate in the NDSCS intercollegiate athletic program: Level I, Level II. Charges such as minor driving offenses, etc. are not subject to the applications, definitions and sanctions of Level I and Level II misconduct.

### Level I Misconduct

If the NDSCS Athletic Department has information which leads it to conclude that a student-athlete has been arrested or charged with a violation of local, state or federal law involving violence (sexual assault, battery, etc.), theft (any degree), drugs (possession, distribution or intent to distribute, etc.) or a major alcohol offense (OWI, providing alcohol to a minor, etc.) or illegal gambling or any felony charge, the student-athlete shall be immediately suspended from intercollegiate athletic participation, which may include practice. The suspension remains in effect until either 1) the charges are resolved by the legal system; or 2) College or departmental disciplinary measures have been issued in accordance with this policy and/or the department lifts or modifies the suspension or the term of the suspension is served.

By suspending the student-athlete, the department is not pre-judging guilt or innocence, rather the suspension protects the integrity of our department and its 5 sport programs, including all of our student-athletes, when there is an arrest or criminal charge.

## Sanctions for Level I Misconduct

### *First Offense*

The Athletic Director and/or Head Coach reserve the right to dismiss the student-athlete from the team. The student-athlete will be suspended (at least 10% of the season) from competition and may be suspended from practice. This suspension may be up to one calendar year.

The student-athlete may be required to a) Attend an assessment session with appropriate counseling provider to assess if additional intervention is needed. The student-athlete is responsible for related expenses including expenses for education, counseling, evaluation, or treatment, if any expense is entailed; b) Perform community service as directed.

### *Second Offense*

The student-athlete will be dismissed from the team.

## Level II Misconduct

The Director of Athletics reserves the right to declare any infraction as Level II. Inappropriate conduct or disorderly conduct in the resident halls could be determined to be a level two offense. A student-athlete arrested or charged with other infractions (non-Level I) violations such as public intoxication, disorderly conduct, minor in possession, etc. all are level II violations and are subject to the following sanctions.

## Sanctions for Level II Misconduct

### *First Offense*

The student-athlete is required to meet with the head coach, and/or the director of athletics to review the infraction. The student-athlete may be required to a) Perform community service as directed; b) If so directed by the sport administrator, attend an assessment session with appropriate counseling provider to assess if additional intervention is needed. The student-athlete is responsible for related expenses including expenses for education, counseling, evaluation, or treatment, if any expense is entailed.

### *Second Offense*

The student-athlete is required to meet with the Director of Athletics to review the infraction. The student-athlete may be required to:

1. Attend an assessment session with appropriate counseling provider to assess if additional intervention is needed
2. Perform community service as directed
3. Could be suspended at least 10% of all regularly scheduled competitions beginning with the next event at the discretion of the director of athletics.

### *Third Offense*

Any third level II offense shall be considered a level I violation and result in appropriate level I sanctions.

*Level II Misconduct violations shall not carry over to the student-athletes second year of attendance.*

## Athletic Eligibility

### Full Time Enrollment

All student-athletes must be enrolled in a minimum 12 credit hours per semester, in order to be eligible for competition. In many cases, these 12 hours need to be independent of second 8-week credit hours. Any student-athlete who drops below full-time enrollment (12 credit hours), for any reason, will immediately be declared ineligible for competition.

### Initial Eligibility

In general terms all domestic first year student-athletes are eligible for practice and competition if they have graduated from high school, and are enrolled in 12 credit hours independent of the second 8 weeks. In some sports (depending on the game schedule) the second 8 week credits can be counted towards the 12 credit hours.

### Continuing Eligibility

Subsequent to your second semester, there are a number of important benchmarks you must reach in order to retain your academic eligibility. These requirements are set forth by the NJCAA and your academic eligibility is determined by the Registrar's Office and the Director of Athletics. Many factors can determine subsequent athletic eligibility. Examples: Are you a transfer student? How many semesters have you been in college? Are you considered a participant or non-participant (red-shirt, or participated in a sport other than you are seeking eligibility. You also need to maintain a certain grade point average depending on factors such as number of semesters in college and participation status. Please see Director of Athletics Stu Engen if you have questions about your eligibility.

### Redshirt

The term "redshirt" refers to the circumstance surrounding no competition. The student-athlete may be practicing with the team; however, the coaching staff has determined that the student-athlete will not compete against outside competition. Simply speaking, the student-athlete is held out of all competitive events during the academic year. The student-athlete has not used a season of eligibility, but one of five NCAA calendar years has elapsed.

### Medical Hardship

A student-athlete may be granted an additional year of competition by the NJCAA national office for reasons of "hardship," which is defined as incapacity resulting from injury or illness which occurs under the following conditions:

1. Occurs in one of the two seasons of NJCAA intercollegiate competition.
2. Occurs when the student-athlete has not participated in more than 20 percent of the sports regular season contests.
3. The injury must occur in the first half of the season and result in the incapacity to compete for the remainder of the season.

Note: Medical hardships are not easy. Medical conditions must be extremely well documented and must be endorsed by a medical doctor stating that this particular student-athlete was or will not be unable to continue completion because of a medical condition or a season ending injury. In football, the regular season is 8 contests. That means that an injury must occur in the first game of participation to be eligible to apply for a hardship.

## Social Media Policy

### Social Networking Sites

Members of the athletic department staff have the authority to view Facebook, My Space, or any other public online journal, and review profiles and other information for appropriate content related to being a student-athlete. Photos, “groups” or other content (including “wall-postings”), which violate or appear to violate the conditions of this code of conduct or other laws may be considered a violation of this code of conduct. This includes, but is not limited to, derogatory statements, depictions of underage drinking or alcohol use, and any reference to illicit drugs or other inappropriate behavior not reasonably related to a legitimate academic activity.

### Definition / Goal for Social Media

Social media are tools that provide powerful communication opportunities to build relationships and support. That support can be built and crushed quickly. The small nuggets of information you post can dramatically change the community’s perception of you. They are a great way to interact with fans, alumni, recruits, parents and the community, but they can be equally as damaging. It’s important that you use the tools appropriately.

Examples include but are not limited to: Facebook, Google Plus, Twitter, Podcasts, Vodcasts, Text Messaging, Email Blasts, MySpace, Flickr, YouTube, Blogs, Social Bookmarking, Instagram, Snap- chat, Vine, LinkedIn.

### Athletic Department Policies

Student-athletes with a Twitter account might be asked by athletics to follow the private account and allow that account to follow them in return. This allows administrators to communicate with student-athletes and identify tweets that put student-athletes in danger of being held from NJCAA participation.

1. Do not post anything that is confidential, sensitive or private.
2. Schools can’t publicly release information from a student’s education record without consent. FERPA. Exceptions apply in cases involving other education institutions and law enforcement. In general, do not release injury information or other bits of news that allows other teams to gain an advantage through social media outlets.
3. Follow all applicable laws, NJCAA rules, the colleges and athletic department’s policies and guidelines. For example, it is impermissible for current student-athletes to promote or endorse any product in any forum.
4. Do not comment on athlete injuries, rosters, playbooks, officiating or any other team information that should be kept confidential.
5. Follow all social media site rules.
6. Respect copyright and other persons’ property rights and privacy rights.
7. NDSCS logos are off limits as a part of social media profiles. The department is concerned about the logo being altered and losing its branding recognition, so students are asked to not incorporate them in their avatars or profile pictures.

## Best Practices

1. Think twice before posting. If you wouldn't want your boss, parents or future employer to see your post, don't post it. Consider how it will make you appear to the public. Posting that you are bored in class lends itself to believe you are not diligent and working hard on your studies. Complaining about referees or making fun of other players makes you appear as if you are making excuses while being disrespectful and unsportsmanlike.
2. Avoid complaining of all kinds. You should never air grievances on social media.

## Department's Actions

Inappropriate use of social media is subject to remedial actions, up to and including the loss of scholarship and participating privileges and dismissal from the team. Conduct may violate the NDSCS Student Conduct Code. Individual teams and head coaches may implement additional guidelines regarding the use of social media by their student-athletes. For example, a head coach may prohibit the use of social media technologies immediately prior to, during and following competition. Student-athletes are responsible for knowing and abiding by any such additional guidelines implemented by their respective teams. Violations of team guidelines regarding social media may subject student-athletes to additional, progressive remedial actions as determined by the code of conduct, their respective head coach and the director of athletics. .

*Note: Appeals can be made to the Director of Athletics.*

## Alcohol & Drug Policies

### **Alcohol on NDSCS Property**

Regardless of a person's age, the manufacture, sale, transfer, purchase, transportation, possession, use or consumption of alcohol in any form, and/or possession or display of empty alcohol beverage containers anywhere on NDSCS owned or controlled property and/or sponsored or supervised events is prohibited.

### **Alcohol off Campus**

Students may face campus charges for alcohol related incidents occurring off campus. Such incidents include, but are not limited to: minor in possession/consumption/under the influence of alcohol, driving under the influence of alcohol, and public consumption of alcohol.

### **Tobacco Products**

In accordance with NJCAA legislation, the use of tobacco products is prohibited by student-athletes and all game personnel (e.g., coaches, athletic trainers, managers and game officials) in all sports during practices and competition. Additionally, NDSCS does not condone the use of tobacco in any form, including smoking and smokeless (i.e. "dipping", "chewing", etc.). Research has shown that the use of tobacco can lead to lung cancer, oral cancer, leukoplakia, emphysema, heart disease, heart attacks, etc.

### **Drugs Other than Alcohol**

Possession, consumption, being under the influence, or transport of illegal drugs or any other controlled substances is prohibited except pursuant to a physician's, dentist's or other authorized medical personnel's prescription. The manufacture, exchange, distribution, purchase or sale of illegal drugs or controlled substance is prohibited. The possession of drug paraphernalia for illegal drug use is prohibited as well.

### **Drug Testing**

The athletic department or individual sport programs may conduct individual or random drug tests of student-athletes throughout the year. Among the substances tested for are marijuana, cocaine, and amphetamines, including ecstasy and methamphetamines. Additionally, the athletic department may test for performance enhancing drugs on a random basis.

### **Reasonable Suspicion Drug Testing:**

In addition to random testing, the NDSCS Intercollegiate Athletics Department reserves the right to screen a student-athlete anytime there is reasonable suspicion that he/she may be engaged in the use of banned substances. The term "reasonable suspicion" means that information has been given to a member of the coaching staff, Sports Medicine Department, and/or athletics administrator, regarding a student-athlete's possible use of banned substances. Other events or conduct may rise to the level of reasonable suspicion, including but not limited to: (a) a student-athlete's possession or use of a prohibited substance; (b) a student-athlete's arrest or conviction related to the possession of, use or trafficking of banned substances; or (c) abnormal conduct interpretable as being caused by the use of banned substances.

## Self-Referral

1. Any student-athlete may refer himself/herself for evaluation or counseling by contacting a member of the coaching staff, NDSCS Sports Medicine Department, and/or an NDSCS administrator.
2. This self-referral will be held strictly confidential and no team and/or administrative sanctions will be imposed upon the student-athlete who has made a personal decision to seek professional assistance.

A student-athlete may not initiate self-referral after he/she has been informed of their participation in an impending drug test.



## Hazing & Pre-Initiation Activities

All forms of hazing on the part of any individual, group or organization are subject to disciplinary action. No initiation or other activity shall be undertaken which endangers the health or safety of an individual, or demands an individual to engage in conduct of an unbecoming or humiliating nature, or in any way detracts from an individual's academic pursuits. For purposes of this policy and NDSCS disciplinary action, hazing is prohibited and is defined as any act which intentionally, unintentionally or recklessly endangers the physical, mental or emotional health or safety of a student and/or results in ridicule, for the purpose of admission into, affiliation with or as a condition for continued membership in any group. This applies to any group, organization or team connected with the college, regardless of the individual's willingness to participate in any forced or required activity. Failure to report hazing activity may be considered a violation of the code of conduct.

## Sexual Misconduct Policy

See NDSCS Policy – Sexual Misconduct and Title IX Compliance Policy and reporting options, viewable at [www.ndscs.edu/title9](http://www.ndscs.edu/title9).

## Termination of Scholarship Benefits

The Director of Athletics may pursue revocation or modification of athletically-related financial aid, such as a scholarship, as a consequence of any and all Level I misconduct or repeated Level II misconduct. Any action to revoke or modify athletically-related financial aid will be in accordance with NJCAA procedures.

## Suspension Guidelines:

When suspended from competition, a student-athlete may be allowed use of facilities for academic services, athletic training and strength and conditioning. The student athlete may be suspended from practice activities.

## Appeals

A student-athlete may appeal sanctions issued as a result of violation of this policy. This appeal shall be made in writing to the Director of Athletics. The Athletic Director will arrange an appeal committee to review the appeal. The committee will consist of two head coaches independent of the student-athletes sport and a member of student success.

## Acknowledgment

Acknowledgment of the terms and conditions of this code of conduct is mandatory prior to athletic participation at North Dakota State College of Science.

## Athletic Responsibilities

The Athletic Department of the North Dakota State College of Science operates programs which require the trust and support of both the student-athlete and the public. As such, it has a number of responsibilities:

### **Student-Athletes**

The Athletic Department established programs with the primary goal of fostering intercollegiate athletics by providing the best possible framework within which our student-athletes can compete. The department has a dual responsibility to its student-athletes. First, it has to see that each receives the best possible education. Secondly, it has the responsibility to provide the best possible athletic program and environment so that each student-athlete has the opportunity to compete to the fullest extent of his or her abilities.

### **Public**

The Athletic Department has as one of its primary objectives that of providing its public with highly competitive athletic teams. In so doing, it is the Athletic Department's goal to provide a quality program which deserves public confidence.

### **Mon-Dak Conference, MCAC, Region XIII, and NJCAA**

The Athletic Department is committed to the principles, and objectives of the college, the Mon-Dak Conference, MFC, Region XIII, and the NJCAA. All activities of the department will be governed by the rules and regulations of these organizations.

### **Coaching Staffs**

Coaches also have responsibilities in a number of areas. They have the responsibility to provide the public with a quality program. They have the responsibility to represent the Athletic Department, the North Dakota State College of Science, and the state in a manner that will enhance the athletic program and promote confidence in the program. They have a responsibility to all student-athletes to take a sincere interest in both academic and athletic activities and to ensure that each individual is treated with fairness and provided with the optimal opportunity to excel.

They have the responsibility to operate all programs and activities within the rules and regulations of the college, the NJCAA, the Region XIII, the Mon-Dak, and the MCAC. They have the responsibility to be knowledgeable and adhere to North Dakota State College of Science policy concerning the abuse of alcohol or use of illegal drugs. There are serious consequences for the unlawful possession or distribution of illicit drugs and alcohol. North Dakota Century Code Section 19-03.1 makes clear these activities are felonies.

## Academics

The student-athlete's major purpose at the college is to pursue an education and a degree. The student-athlete has the responsibility of attending class on a regular basis, of completing all classroom assignments, and of conducting oneself in all academic matters in ways that are consistent with acceptable classroom performance. The student-athlete is required to meet all college academic requirements as well as the eligibility rules of the college, the NJCAA, the Region XIII, the Mon-Dak, and the MCAC.

The Athletic Department has a sincere interest in the general welfare and academic achievement of every student-athlete. Because of this the college has designated an individual to assist student-athletes in their academic pursuits (advisor). It is the responsibility of the student-athlete to give full cooperation to college, departmental, and athletic personnel in all matters of an academic nature.

### General Guidelines for the Student Athlete

1. Maintain good academic standing.
2. Exhibit the highest standards of sportsmanship on and off the court and field of play.
3. Understand the overall philosophy of the institution and its athletics program.
4. Abide by all applicable NJCAA, Conference and Institutional rules and regulations.
5. Be a role model for others in the institution and community to follow and emulate.
6. Avoid any involvement with illicit street drugs or narcotics.
7. Alcohol possession or consumption on campus is prohibited.
8. Be cognizant of and avoid all contacts with individuals representing gambling interests. The student athlete should not wager on sports.
9. Have no dealings with an agent or an agent's representative.
10. Be enthusiastic and punctual for all practices, contests and other team functions.
11. Be responsible for all equipment and supplies issued.
12. Maintain a positive rapport with our fans and supporters.
13. Project a positive image of self, teammates and program to representatives of the media at all times.
14. Remember, it is a privilege with considerable responsibility to represent the institution through its athletics program.

### Study Skills

Your success at NDSCS depends upon how rapidly you develop academic learning skills and proper classroom behavior. One of the greatest challenges you face will be the development of habits to permit you to achieve your potential in your course work. Work at your academic skills with the same discipline measures you apply in developing your athletic skills.

### Tutoring

If you are doing poorly in a particular class or anticipate having problems, or if you simply want to achieve a higher grade, make us aware of your need for extra help. Please don't wait until you are so far behind that no amount of help will get you out of the hole.

## **Dropping a Class**

During your NDSCS career circumstances may dictate you dropping a class. Before you drop a class it is extremely important that you visit with your head coach or the director of athletics to determine the effect of a drop on your eligibility and academic standing.

## **Time Management**

Budgeting your time tells you what you need to do and when to do it. A time schedule allows you to complete assignments in their proper order. With the heavy athletic demands you have, it is important to utilize your entire day efficiently. A good time schedule permits you to work on each of your subjects for reasonable periods of time. It also avoids the need for cramming, while allowing ample time to relax and enjoy student life.

## **Class Attendance**

All players must attend classes daily. Attendance will be periodically monitored. Failure to attend any classes will result as a disciplinary matter.

## **Missed Class Policy**

The Department of Intercollegiate Athletics at NDSCS is committed to providing each student athlete with a positive academic experience. Academic achievement is the result of hard work and effort; therefore, the NDSCS Department of Athletics expects all student athletes to attend classes, to exhibit appropriate behavior both in and out of class, and to complete all assignments.

The NDSCS Department of Athletics has created the following attendance policy as one way of assisting our student athletes and their academic success. Each head coach may endorse a more restrictive policy for his/her sports program.

Attendance at EVERY class and laboratory session is expected for all courses in which you are enrolled. Studies have shown that there is a direct correlation between classroom attendance and academic success. If you are having problems with a class, your professor is much more likely to be willing to work with you if you have demonstrated an interest in the course by attending the class. For student athletes this issue is even more critical because of the days that might be missed due to competition. It is YOUR responsibility to attend class every day, be on time and actively participate in the class.

Student athletes bear the responsibility of informing their professors of upcoming class absences due to competition. Your coaches should also send out a campus email when the team will be traveling for competition. Student athletes should refer to their course syllabus carefully on assignment completion for any given class. Student athletes are responsible for understanding and meeting the instructor's expectations. Student athletes also are responsible for communicating with faculty prior to missing scheduled assignments and for making arrangements with faculty to complete all missed assignments.

It is against NJCAA rules for student athletes to miss class to attend practice or other athletics department events unrelated to official competition.

Your coaching staff may use the following methods to monitor class attendance and tardiness to classes:

1. Direct grade check requests
2. Telephone calls to and from professors
3. Electronic communication with professors
4. Personal meetings with professors
5. Random class attendance checks

## Academic Do's and Don'ts

### *Do's*

- Plan your academic schedule in advance.
- Attend every class meeting.
- Set your priorities – academics, athletics, spiritual life, social life, etc.
- Know when your exams are scheduled.

### *Don'ts*

- Don't be Afraid to Ask for Help!!

## Make a Good Impression

1. Be in your seat when the class begins.
2. Bring any books you are discussing.
3. Don't wear a hat or any ratty clothing to class.
4. Have your notebook open with a pencil or pen in your hand.
5. Do not talk except to participate in class discussion.

## What Teachers Expect

1. Instructors expect you to come to every class, even if attendance is never taken. If you miss a class (away games, etc.), make an effort to ask the instructor what you missed. You should also pick up the notes from a classmate.
2. Instructors expect you to have read all assignments before they are discussed in class. Reading all the assignments will permit you to participate in discussions with knowledgeable contributions.
3. Instructors expect all papers and assignments to be turned in on time.
4. Instructors expect you to explain in person any athletically related absences and to make up any missed work.
5. Listening is the most important factor in class time. Sit up front so you are forced to pay more attention. The best booster of listening power is the act of taking notes.

## Top Ten Study Strategies

1. Make Studying a Habit  
Everyone knows how hard it is to break a habit. The key to being an effective student is to establish good study habits early on. One good habit is to study specific times every day. A quick review of a lecture right after you get out of class is a great way to start the learning process. This studying is more focused if you study in a place where you are not easily distracted. That study place should probably be somewhere besides your dorm room or apartment. Where do you go to study when you need to get results?
2. How much time? Who Cares?

So you think you spend a lot of your time in class? Well, consider that the recommended amount of study time is two times the number of hours you are in class. That means that for a 15-hour credit load you should put in 30 hours of study time per week. That may not be necessary every week, but if you do not study consistently for each class, it will be very difficult to keep up with all the material. But just when we suggest a measurable guideline for how much time you should spend studying, I'm going to tell you nobody cares! What matters is how well you do on the assignments and tests. So judge your study time not on the quantity, but rather on the quality. Your instructor will measure you largely on the quality of your testing effort.

3. **Set Goals**  
This is just another way of saying where's your "To Do" list? Whether daily, weekly or for the semester, how can you schedule your study time if you don't know what you have to accomplish? College demands long-term planning for midterms, finals and projects.
4. **Get Involved with your Learning**  
Have you seen these statistics? You remember 20% of what you hear, 75% of what you see, and 90% of what you do. Use your senses to learn: See it (reading), hear it (recite out loud, or get an explanation from an instructor or tutor), and touch it (writing down key points in your own words).
5. **Prepare Yourself to go to Class**  
Just getting to class is not enough! Look over your previous day's class notes, preview the chapters that correspond to the lecture, and come with questions you want answered. This curiosity will go a long way in keeping your focus on the lecture. Create interest in a topic by asking yourself: What do I already know? What do I want to know? What do I have to know?
6. **Get the Picture**  
Have you ever tried to set a puzzle without knowing what the finished picture looks like? That is what you're doing when you don't prepare yourself to study a text chapter. Get that bird's eye view of a chapter by looking at the title, an introduction, bold headings, all visual aids, a conclusion, and chapter questions, to list a few. You will learn the main points and the details—dates, names and terms—more easily, if you can see how the material relates.
7. **Review, Review, Review**  
Early and often are the keys to learning. Review for short periods of time, but do it frequently. With the hardest material make flashcards, create your own acronym, or come up with a catchy rhyme or jingle. Continually sift out the learned material so you can concentrate on the hardest "stuff".
8. **Study in a Group**  
Group study can get results. Find two other students who have done their homework and are ready to review. By taking turns in a question and answer session, you get to show off your knowledge and hear other perspectives on the topic. All that reinforcement is the best review. You will soon know how well prepared you are for the actual exam.

9. **How to Cram, if you Must!**  
A rule of thumb for your available study time is to spend 25% learning new material, and 75% drilling yourself. If you only try to learn new material and spend no time on review, you will not remember much of anything. Your brain is a computer that stores lots of bits of information. But like a computer, that information is worthless if you don't know how to analyze and use that data.
10. **Relax!**  
During the test, relax and let your knowledge show. Practice slow breathing and relaxation techniques so your brain can do its thing.

### Other Studying Tips:

1. **Establish a review schedule** – Schedule a week to review for each of your exams. Divide your schedule so that every aspect of course work is covered. Allow the final day for an overall review.
2. **Outline the course** – Make a brief and general course outline from your notes and books. Fill in the details as you review. The outline will confine your time to the major issues in the course.
3. **Pay attention** – The amount of attention you give a subject is as important as the amount of time you spend. The more alert you are while studying, the more you'll learn.
4. **Be "Exam-wise"** – Know the kind of exam to be given. If it is an essay exam, organize and compose your answers. Be alert and take careful notes when exams are being discussed in class. Most instructors talk about exams and try to prepare students for them. Make certain you get this information into your notes. Talk to students who have already taken the course.
5. **Study past quizzes** – The questions asked on quizzes are often repeated on final exams.
6. **Review class questions** – Jot down all important questions posed by your instructor. Instructors are likely to ask these questions on a final.
7. **Last night review** – On the last night before the test, review all major points, principles and generalizations made by the instructor. Cover your study outlines carefully, making sure you can describe or define each major point.
8. **Have confidence in your ability** – If you have followed the above review procedure, you will be well prepared.

### Taking the Exam:

1. **Read all directions** – There are always students who lose credit because they do not read the directions carefully, or pay attention to the instructions.
2. **Arrange the value of the questions** – Figure out which questions or parts of the test are worth more. Number each question according to the value received and work in the order from most to least. This will ensure that the most valuable parts of the tests will be completed.
3. **First scan** – Begin with easy questions. Read all the questions and answer those you know immediately. This ensures you will not run out of time having left easy questions unanswered. Answering the easy questions will relieve some of your test anxiety, and give you confidence. Mark only those answers that occur to you immediately, if you have to consider it, skip to the next question.

4. Second scan – Answer questions of moderate difficulty. On the second time through the test you will answer those questions you can answer after brief consideration. Skip the answers you definitely do not know. Place a mark on the side of difficult questions you can't answer.
5. Third scan – Answer difficult questions. In this last segment of time, you will answer all remaining marked questions.
6. True/false exam strategies – True/false tests are a good place to practice conformity. Watch for traps, but don't search for hidden meanings. Most true/false statements are straight forward and based on key words or phrases encountered in the textbook or lecture.
7. Read every word – statements that contain words such as “all”, “only”, “always”, “because”, are generally false.
8. In true/false tests your first hunch is usually correct. If you are unsure it is best to choose the longest or most complex answer.
9. Use all available time. Check your answers carefully. Re-read directions to make certain you followed them correctly.

### Essay Exams:

The major advantage to the essay exam is that the instructor may give you a choice of topics to discuss and you can pick the one you know best. A second advantage is that you can influence your grade positively by good organization and presentation of your answers.

#### *Studying for Essay Exams*

1. Prepare an outline – Study your notes until you have complete information to answer and prepare an outline for each question. After the outline is prepared, try to memorize only the major points, not details. Practice writing your outline from memory.
2. Prepare opening statements – A strong, well organized opening will impress your instructor and show that you have studied carefully. A good opening statement is really a summary statement of the major points you intend to discuss in your answer.

#### *Taking the Essay Test*

1. Outline all answers first – Since you have already prepared outlines, it will be easy to write the rough outline. If the question does not follow our prepared outline, you often quickly combine two or more of your outlines.
2. Write the answers – You will simply follow the topics on your outline. Begin with your prepared opening statement. If you forget a point, leave space for it and return later. Sloppy papers will distract a grader, so try to make your paper as neat as time will allow.
3. Review – Have you followed all the directions? Have you answered each question completely? During this time you should correct spelling and punctuation. As with objective exams you should use all the allotted time to fill in any last minute remembered points.



## Writing Papers:

The objective of writing papers is to express in an organized way ideas you have learned. Organizing your thoughts is the key to writing a good paper.

### *Planning*

1. Define your subject. Think carefully about the broad topic or subject you are to write about. Read and study all materials necessary to give you an understanding of the topic. Write down a brief description of your subject. This should be a statement defining the subject and what you plan to say about it. This will establish the limits of your paper.
2. Think about your topic until you are able to state clearly in one or two sentences the main ideas you want to write about. Many students fail at this point because they write aimlessly before they have figured out the major ideas they want to present.

### *Writing*

1. Imagine you are writing your paper to someone who has no concept of what you are writing about. Each detail or new concept needs to be explained.
2. Limit the subject – Know the length of your paper before you begin to write. The presentation of each topic must be limited to the space allowed. A problem often encountered in student papers is that they are too general. Decide on two or three points you want to make and know approximately what you intend to say. An outline similar to an essay test outline will give structure to your paper and thoughts.
3. Support your ideas - All major ideas must be supported. Major positions must be substantiated with facts. It generally does not matter if your instructor agrees with your argument, as long as it can be substantiated with facts.
4. Identify facts and opinions in your paper – Students often fail to identify the differences between fact and opinion. This often leaves the reader confused. Present your facts clearly. The opinions that you state should be based on the facts you have presented.
5. Structure your paper – The organization or pattern of the paper should be clear to the reader. Unstructured writing is difficult to follow logically. Each paragraph is a thorough discussion of a main idea. When you are finished with that paragraph, move to the next major idea for development. The theme must flow.
6. Justify conclusions – Support your general conclusions with the evidence you have presented. The conclusion should be painfully clear. That which is obvious to you may not be obvious to the reader.

### *Editing*

1. Your rough draft should be read and corrected after it is written. Time is needed to polish and correct errors you make.
2. Read your paper for its general effect – Read the paper aloud and listen to the sound of your arguments. Grammatical errors often sound wrong. Listen for the impact of your paper. Does the paper say what you originally intended to say?
3. Review sentence structure – Try to watch for incomplete thoughts and sentences. Each sentence should express a complete thought as briefly as possible.
4. Check punctuation – By reading your paper aloud, you can hear the natural pauses in the sentence. These pauses are where commas or periods belong.

5. Check pronouns – All pronouns like he, she, it, they, and him should be clear to the reader. Who is her? What does it refer to? Pronouns replace nouns. It must be clear which noun the pronoun is replacing.
6. Improve nouns and verbs – There is a tendency to use some nouns and verbs over and over again, making your paper dull. Try to replace these words with more specific or expressive substitutes. Your thesaurus is an excellent place to find them.
7. Add Adjectives – Sentences can often be improved by adding colorful adjectives. Again, your thesaurus is an excellent source to find them.
8. Use appropriate language – Be aware of the audience that will read your paper. For example, an opinion paper will require different language from a formal research paper.
9. Have other students read your paper – Another student reading your paper will often be able to find weak points you might have missed. Listen carefully to their questions about your paper and elaborate on the areas they present to you.

## Student-Athlete Agreement & Understanding

I understand and agree that I am required to know, understand and follow the standards contained in the North Dakota State College of Science Department of Athletics Student-Athlete Code of Conduct. In addition, I understand and agree that I am responsible for knowing, understanding, and following the rules, policies, and procedures contained in the complete NDSCS Student Handbook.

**Printed Name:** \_\_\_\_\_

**Signature of Student-Athlete:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Sport:** \_\_\_\_\_

**Appendix L: NDSCS Sexual Misconduct Title IX Compliance Policy**



## **Sexual Misconduct and Title IX Compliance Policy**

**Source:** NDSCS President

**Applies to:** All Employee and Students

**Purpose:** In accordance with Title IX, NDSCS does not tolerate sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking, and intimate partner violence in NDSCS's educational program and activities. Also prohibited under Title IX is any rule violated on the basis of the recipient of the behavior's sex and or gender, which is severe enough to cause discriminatory effect.

### **1. Introduction**

This policy is required by federal law and implementation of this policy is guided by the U.S. Department of Education, Office of Civil Rights. NDSCS strives to create a campus community free from interpersonal abuse including sexual misconduct. In working to achieve this intent, NDSCS commits to:

- Responding to complaints or reports of prohibited conduct in a reasonably prompt timeframe;
- Taking action to stop sexual misconduct and prevent recurrences;
- Taking action to remediate any adverse effects of such conduct on campus by providing advocacy, support and appropriate referral services for recipients of the behavior; and
- Educating individuals and promoting discussions on sex or gender discrimination, sexual misconduct, and violence.

All forms of prohibited conduct under this policy are regarded as serious College offenses, and violations will result in discipline, including the possibility of separation from the College. State and federal laws also address conduct that may meet the College's definitions of prohibited conduct, and criminal prosecution may take place independently of any disciplinary action instituted by the College.

NDSCS has an obligation to conduct a prompt and impartial investigation of all complaints or reports of sexual misconduct through fair and equitable procedures. Once made aware, the College must conduct an investigation regardless of how the information was brought to the College's attention or the extent to which the complainant wishes to participate or be involved. All individuals have access to confidential resources that they may use for support and guidance. In light of these commitments and in the best interest of the college, NDSCS has adopted this policy, which includes investigation and disciplinary procedures that will be followed in response to allegations of sexual misconduct, such as sexual harassment and sexual assault, intimate partner violence, stalking, and related retaliation.

NDSCS encourages all individuals to report any alleged or suspected violation of this policy to the Title IX Coordinator and/or Deputy Title IX Coordinator as available and to report potential criminal conduct to law enforcement.

The NDSCS Title IX Coordinator and Deputy Coordinators' contact information is as follows:

Jane Vangsness Frisch, Ph.D.

Title IX Coordinator

Old Main, 340

(701) 671-2627

[Jane.Vangsness@ndscs.edu](mailto:Jane.Vangsness@ndscs.edu)

Melissa Johnson

Deputy Title IX Coordinator

Riley Hall, 130

(701) 671-2520

[Melissa.J.Johnson.3@ndscs.edu](mailto:Melissa.J.Johnson.3@ndscs.edu)

Sandi Gilbertson, M.S.

Deputy Title IX Coordinator

Haverty Hall, 136

(701) 671-2904

[Sandi.Gilbertson@ndscs.edu](mailto:Sandi.Gilbertson@ndscs.edu)

**a: Coverage/Jurisdiction**

This policy governs the conduct of: NDSCS students; faculty; staff; and third parties (i.e., non-members of the College community, such as vendors, alumni, visitors, or local residents).

This policy applies to conduct that occurs on NDSCS property (i.e., on campus) and to conduct that occurs off College property when the conduct is associated with a NDSCS sponsored program or activity, such as travel, research, or internship programs or when such conduct may have a continuing adverse impact or could create a hostile environment. Coverage/jurisdiction will depend on the facts of each incident.

**b: Support Available to Parties (and witnesses)**

The Title IX Coordinator will be informed of all complaints or reports of violations of this policy and oversee the College's centralized response to ensure compliance with Title IX and the 2013 Amendments to the Violence Against Women Act (VAWA). The Title IX Coordinator's activities include (but are not limited to):

- Communicating with all members of the College community regarding Title IX and VAWA, and providing information about how individuals may access their rights;
- Reviewing applicable College policies to ensure institutional compliance with Title IX and VAWA;
- Monitoring the College's administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements;
- Conducting training regarding Title IX, VAWA, and prohibited conduct defined in this policy; and

- Responding to any complaint or report regarding conduct that violates this policy. In this capacity, the Title IX Coordinator oversees the investigation and resolution of the alleged misconduct, directs the provision of any remedial measures, and monitors the administration of any related appeal.

The Title IX Coordinator may delegate responsibilities under this policy to designated administrators, who are appropriately trained.

## **2. Prohibited Conduct**

In determining whether alleged conduct violates this policy, the College will consider the totality of the information and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred.

Individuals of any gender can commit any of the prohibited conduct defined in this policy. The prohibited conduct can occur between individuals of the same gender or different genders, between strangers or acquaintances, as well as people involved in intimate or sexual relationships. Prohibited conduct under this policy includes but is not limited to the following.

### **a: Sexual Misconduct**

Sexual Misconduct is any non-consensual behavior of a sexual nature that is committed by force, intimidation, or is otherwise unwelcome that is sufficiently severe, persistent, or pervasive so as to limit a student's ability to participate in or benefit from a NDSCS program or activity.

Depending on the circumstances, a single incident of sexual misconduct may be sufficient to limit a student's ability to participate in or benefit from an NDSCS program or activity.

All forms of sexual misconduct are serious offenses and will result in NDSCS disciplinary consequences. Sexual misconduct involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another person's state of incapacitation, will be deemed especially egregious and may result in expulsion or termination of employment. The consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation regarding sexual misconduct.

### **b: Sexual Assault**

Sexual Assault is any sexual act between two or more people to which one person does not or cannot consent. This includes sexual acts or contacts with others that can involve:

- Compelling a person to submit to sexual acts or contact by force, threat of force, or intimidation;
- Use of intoxicants to substantially impair the person's power to give consent see section 3b for more information;
- or
- A victim under the age of consent. (Note: the age of consent may vary depending on the ages of the individuals involved in the act and where the act occurs.)

### **c: Sexual Acts:**

Sexual acts include, but are not limited to the following actions:

- Sexual intercourse;

- Sodomy (oral and/or anal);
- Sexual penetration with any object;
- Sexual touching of a person's intimate parts (genitalia, groin, breasts, buttocks, mouth or other bodily orifice or the clothing covering them); or
- Compelling a person to touch his or her own or another person's intimate parts.

#### **d: Sexual Harassment**

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; or
- Such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment.

#### **e: Sexual Exploitation**

Sexual Exploitation means taking sexual advantage of another person without consent. Examples include but are not limited to:

- Causing the incapacitation of another in order to take sexual advantage of the person;
- Distributing or publishing sexual information;
- Engaging in indecent exposure;
- Engaging in voyeurism (the viewing of another for sexual gratification);
- Invasion of sexual privacy;
- Knowingly exposing another to a STD/STI or HIV;
- Prostituting another person; or
- Recording, photographing, or relaying sexual sounds or images.

#### **f: Stalking**

Stalking is a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct that would cause a reasonable person to feel fear for his or her safety or the safety of others; or suffer substantial emotional distress.

#### **g: Retaliation**

Retaliation is any adverse action taken against a person because of their participation in a protected activity, alleging sexual misconduct, supporting a complainant or for assisting in providing information relevant to a claim of sexual misconduct. Retaliation can take many forms, including abuse or violence, threats, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working, academic or College-controlled living environment of an individual; or if they hinder or prevent the individual from effectively carrying out their College responsibilities. Any individual or group of individuals can engage in retaliation and will be held accountable under this policy. Reports of retaliation shall be communicated to the Title IX Coordinator.

#### **h: Dating/Domestic/Relationship Violence**

Dating/Domestic/Relationship violence is physical, sexual, emotional abuse from another person who is a spouse/former spouse, person who you have dated, or are presently dating, person with



whom you have had sexual relations with, person who is, or person with a familial relationship to you (e.g. parent, grandparent, cousin)

### **i: Coercion**

Coercion is unreasonable pressure to engage in sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.

When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

### **j: Intimidation**

Intimidation is implied threats or acts intended to compel or deter the action of another person.

### **k: Complicity**

Any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person. Any individual found responsible for complicity in prohibited conduct will be subject to the disciplinary procedures and sanctions outlined in this policy.

## **3. Policy Terminology**

The following definitions clarify key terminology as used throughout the policy.

### **a: Intimate Relationship**

An intimate relationship is a relationship between persons of any gender that provides romantic physical intimacy or emotional dependence.

Intimate relationships may include (but are not limited to) marriages, civil unions, dating relationships, "hook-up" relationships, relationships in which partners are characterized as "girlfriends" or "boyfriends," and relationships between persons with a child in common.

### **b: Consent**

In reviewing possible violations of sexual misconduct, NDSCS considers consent as:

- Words or actions showing a clear, knowing and voluntary agreement to engage in a specific sexual activity during a sexual encounter; or
- An affirmative, unambiguous, and voluntary decision given by clear actions or words;

Consent may **not** be inferred from:

- Silence, passivity, or lack of active resistance alone;
- A current or previous dating or sexual relationship;
- Consent to one form of sexual contact does not imply consent to other forms of sexual contact;
- When the person suffers from a mental state that renders him or her incapable of understanding the nature of the contact. This includes, but is not limited to, situation when an individual is intoxicated, "high", scared, physically or psychologically pressured or forced, mentally or physically impaired, beaten, isolated, or confined.

### **c: Incapacitation**

In the context of this policy, incapacitation is a state in which someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand

the "who, what, when, where, why, or how" of their sexual interaction). An individual who is incapacitated is unable to consent to a sexual activity. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where a person knows or should have reasonably known that the individual is incapacitated constitutes sexual misconduct.

**d: Complainant**

The term complainant refers to the individual(s) who has been the subject of prohibited conduct, regardless of whether that individual makes a complaint or seeks disciplinary action.

**e: Respondent**

The term respondent refers to the individual(s) who has been accused of prohibited conduct.

**f: Confidentiality and Privacy**

Issues of privacy and confidentiality play important roles in this policy, and may affect individuals differently. Privacy and confidentiality are related but distinct terms that are defined below.

**g: Interim Measures:**

When warranted by the circumstances surrounding a complaint or report of a violation of this policy, the College will provide reasonable and appropriate interim measures designed to preserve the complainant's educational experience, the safety of all parties and the College community, maintain the integrity of the investigative process, and deter retaliation. The College may provide interim measures regardless of whether the complainant seeks formal disciplinary action. Potential interim measures include, but are not limited to:

- Providing an escort to the complainant so that they may move safely on campus;
- Issuing a no contact order to the parties, prohibiting any contact between the parties;
- Moving the complainant and/or respondent to different on-campus housing;
- Altering the class schedule of the parties so that they do not attend the same classes;
- Providing counseling services; and providing academic support services.

**h: Investigative Team**

When possible, the Title IX Coordinator will appoint a two-person investigative team. The College reserves the right to appoint the investigative team of their choice, which may consist of trained individuals employed by the College, or outside investigators appointed by the College. Every effort will be made to provide an investigative team free of any conflict of interest.

**i: Advisor:**

Advisor means either an attorney or non-attorney advocate who advises a student or employee during the investigative process.

**j: Preponderance of the Evidence:** In connection with this policy, "preponderance of the evidence" means the evidence is sufficient to establish the proposition is "more likely true than not."

## 4. Confidentiality

### a: Confidentiality and Confidential Resources

The term "confidentiality" refers to the circumstances under which information will or will not be disclosed to others.

The complainant may request confidentiality at the time they disclose the sexual misconduct. However, confidentiality cannot be guaranteed. The Title IX Coordinator or Deputy Title IX Coordinator will evaluate the request and determine the extent to which confidentiality may be maintained. NDSCS will make every attempt to safeguard the privacy of the complainant; however NDSCS cannot ensure confidentiality in all cases. NDSCS must weigh the request for confidentiality against its obligation to protect the safety and security of the entire College. . As is the case with anonymous reports, the College's ability to conduct a meaningful investigation of the incident and pursue disciplinary action against alleged perpetrators may be limited when confidentiality has been requested.

Before a student reveals information that he or she may wish to keep confidential, any responsible employee at NDSCS is required to make every effort to ensure that the student understands:

- The employee's obligation to report the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator or a Deputy Title IX Coordinator;
- The student's option to request that the school maintain his or her confidentiality, which the school will consider; and
- The student's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health center, and pastoral counselors).

Depending on the circumstances of the offense (the severity of the offense, the number of victims involved, etc.), NDSCS may be required to respond to an incident, even if confidentiality has been requested. Therefore, NDSCS employees cannot guarantee absolute confidentiality. Individuals desiring confidentiality should be encouraged to contact one of the following:

### NDSCS Student Health & Counseling Services

Phone Number: 701-671-2286/2319, 701-298-4500 (after hours)

Address: Riley Hall, Room 113, - 800 6th St. N., Wahpeton, ND 58076

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

NOTE: Disclosure to employees of NDSCS Health & Counseling Services will not initiate an investigation by the College against the student's wishes. These employees are required to report that an incident occurred without revealing any of the victim's personally identifying information. In some circumstances, NDSCS Student Health Service is required by state law report cases involving physical trauma to law enforcement.

**Three Rivers Crisis Center**

Phone Number: 701-642-2115

The crisis line is available 24 hours a day.

Address: 509 Dakota Ave, Wahpeton, ND 58075

**Someplace Safe**

Phone Number: 218-643-3109

Address: 115 5th St. N. #4, Breckenridge, MN 56520

**Fargo Moorhead Rape & Abuse Crisis Center**

Phone Number: 701-293-7273 (available 24 hours)

[www.raccfm.com](http://www.raccfm.com)

If criminal activity is involved, students are encouraged to contact NDSCS Campus Police or local law enforcement:

**NDSCS Police**

Student Center, 154

701-671-2233 (in case of emergency, dial 911)

**Wahpeton Police Department**

413 3rd Avenue North

701-642-7722 (in case of emergency, dial 911)

**Fargo Police Department**

222 4th Street N., Fargo

701-235-4493 (in case of emergency, dial 911)

NDSCS Reporting obligations under the Clery Act: The Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (20 USC & 1092(0) requires colleges and universities across the United States to disclose information about crime on and around their campuses. NDSCS is required to disclose statistics regarding certain types of crime, including sexual assault that occur on and around campus, as well as locations off campus at which NDSCS sponsored activities take place. The Clery Act also requires NDSCS to issue timely warning notices about crimes that pose a serious or on-going threat to the campus community.

**b: Confidentiality Rights of Complainants and Respondents**

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, complainants and respondents are not restricted from discussing and sharing information with others who may support or assist them in presenting their case.

Medical and counseling records are privileged and confidential documents that parties will not be required to disclose.

### **c: Privacy**

The term "privacy" refers to the discretion that will be exercised by the College in the course of any investigation or disciplinary processes under this policy.

The College has an obligation to make reasonable efforts to investigate and address complaints or reports of violations of this policy. In all such proceedings, the College will take into consideration the privacy of the parties to the extent possible.

In cases involving students, the Title IX Coordinator may notify NDSCS Residential and Student Life staff and other College employees of the existence of the complaint for the purpose of overseeing compliance with this policy and addressing any concerns related to educational and residential life. While not bound by confidentiality, these individuals must be discreet and must respect the privacy of those involved in the process.

Any additional disclosure of information related to the complaint or report may be made if consistent with the Family Educational Rights and Privacy Act (FERPA), or the Title IX requirements.

## **5. Reporting**

NDSCS defines all (with the exception of confidential resources) employees as “responsible employees”, and as such, are mandatory reporters.

In emergency situations, if there is a suspected crime in progress, or imminent or serious threats to safety of anyone, employees must immediately contact NDSCS Police or local law enforcement. In non-emergency situations, all employees who are not confidential resources must promptly report suspected violations to the Title IX Coordinator or Deputy Coordinator.

### **a: Options for Complainants and Other Reporting Parties**

Anyone who seeks to make a complaint or report may:

- File an online report at [www.NDSCS.edu/concern](http://www.NDSCS.edu/concern);
- File a complaint or report with the Title IX Coordinator;
- Request interim measures from the Title IX Coordinator;
- Contact Police for assistance in filing a criminal complaint and preserving physical evidence; and/or
- Contact local law enforcement to file a criminal complaint.
- Contact any NDSCS Employee

An individual may pursue some or all of these steps at the same time. When initiating any of the above, an individual does not need to know whether they wish to request any particular course of action, nor how to label what happened. Before or during this decision-making process, complainants and other reporting persons have the option to consult a confidential resource.

### **b: Filing a Formal Complaint or Report with the Title IX Coordinator**

At any time individuals are encouraged to report any alleged violation of this policy.

Reports can be made at [www.NDSCS.edu/concern](http://www.NDSCS.edu/concern) or by contacting any NDSCS employee.

### **c: Anonymous Reporting**

If a complainant self-identifies but asks to remain anonymous during the investigation, the Title IX Coordinator will consider how to proceed, taking into account the complainant's wishes, the College's commitment to provide a non-discriminatory environment, and the respondent's right to have specific notice of the allegations if the College were to take action that affects the respondent. In such circumstances, the Title IX Coordinator may arrange for limited information-finding by the investigator to better understand the context of the complaint.

If a complainant wishes to remain completely anonymous, complainant may use the NDSCS concern form and not disclose any identifying information [www.ndscs.edu/concern](http://www.ndscs.edu/concern).

The College's ability to investigate and resolve anonymous complaints will be limited if the information contained in the anonymous complaint cannot be verified by independent information.

### **e: Timeliness of Report**

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the College's ability to respond promptly and effectively. Complaints and reports may be made at any time without regard to how much time has passed since the incident(s) in question.

If the respondent is no longer a student or employee at the time of the complaint or report, the College may not be able to take disciplinary action against the respondent, but it will still seek to meet its Title IX obligations by providing support for the complainant and taking steps to end the prohibited behavior, prevent its recurrence, and address its effects.

### **f: Amnesty**

In order to encourage reports of conduct that is prohibited under this policy, students who experience sexual misconduct while under the influence of alcohol or other drugs, will not be subject to the Student Conduct process for the alcohol or other drug offense.

## **6. Process**

NDSCS is committed to providing a prompt and impartial investigation of all alleged violations of this policy. During the investigative process, both parties (complainant(s) and respondent(s)) have equivalent rights, including the opportunity to present information, to be accompanied by an adviser of their choice, and to appeal the finding. The College will concurrently provide the parties with written notification of the outcome of the process and any appeal.

### **a: Responsibility to Investigate**

In order to protect the safety of the College community, the Title IX Coordinator may investigate allegations of violations of this policy even absent the filing of a formal complaint or report, or if a complaint or report has been withdrawn. The Title IX Coordinator may need to proceed with an investigation even if a complainant(s) specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the complainant's articulated concerns, the best interests of the College community, fairness to all individuals involved, and the College's obligations under Title IX.

### **b: Initial Assessment of Complaints**

The inquiry/investigative process is initiated when the Title IX and/or a Deputy Title IX Coordinator receives a complaint or report of a violation of this policy. Interim measures, to provide for the safety and security of the College community, may be enacted. The Title IX Coordinator will conduct an initial review and may take any of the following actions:

- If the Title IX Coordinator determines that the complaint is outside the scope of this policy, the Title IX Coordinator may refer the complaint to another office/resources for review.
- If the Title IX Coordinator determines that the complaint or report would, if substantiated, constitute a violation of the NDSCS Sexual Misconduct and Title IX Compliance Policy will assign an Inquiry Team.

### **c: Inquiry Team**

The assigned Title IX Inquiry Team will conduct an inquiry to determine if the reported incident rises to the level of a potential Title IX violation. The Title IX Inquiry Team may take any of the following actions:

- If the Title IX Inquiry Team determines that the complaint is outside the scope of the NDSCS Sexual Misconduct and Title IX Compliance Policy, the Title IX Inquiry Team may recommend to the Title IX Coordinator that the complaint be referred to another office, service and/or department for review.
  - Title IX Inquiry Team will provide a recommendation report to the Title IX Coordinator.
- If the Title IX Inquiry Team determines that the complaint, if substantiated, would constitute a violation of the NDSCS Sexual Misconduct and Title IX Compliance Policy, the Title IX Inquiry Team will report findings to the Title IX Coordinator.
  - The Title IX Coordinator will make a determination if the complaint moves to the investigation process and assigns a Title IX Investigation team.
    - This investigation team, if at all possible, will be the same individuals that comprised the Inquiry Team.

### **c: Timing of Investigations and any Related Disciplinary Proceedings**

The Title IX Coordinator will seek to complete the investigation and any resulting disciplinary process within 60 calendar days after receipt of the complaint or report. The College will seek to complete any appeal within 15 calendar days after receipt of the appeal.

There may be circumstances that require the extension of investigation for good cause, including extension beyond 60 calendar days. The investigation may be extended to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, or accommodate delays by the parties; or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The College will notify the parties in writing of any extensions of the timeframes for good cause, and the reason for the extension. The College's investigations will be independent of and separate from law enforcement investigations of criminal activity.

The College may temporarily suspend the information-finding aspect of a Title IX investigation, in order to cooperate with a law enforcement investigation. The College will not wait for the conclusion of a criminal proceeding to conduct its own investigation and, if needed, will take immediate steps to provide interim measures for the complainant.

Investigations will proceed according to the 60 calendar timeframe. The Title IX Coordinator will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the Investigative Team.

**d: Cooperation with Investigation and Disciplinary Procedures**

NDSCS expects all members of the College community to cooperate fully with the investigation and disciplinary procedures. The College recognizes that an individual may be reluctant to participate in the process; nevertheless, any student or employee who refuses to cooperate in an investigation will not prohibit the investigation from moving forward and the applicable follow-up/sanctions from being applied (as necessary).

It is understood that there may be circumstances in which a complainant wishes to limit their participation. The complainant retains this right and acknowledges that limiting their participation may impact the effectiveness of the investigation.

If any party chooses not to participate in an investigation for any reason, the College process will continue, findings will be reached with respect to the alleged conduct, and the College will issue any penalties, as appropriate. The College will not, however, draw any adverse inference from parties' silence.

**e: Circumstances Relating to Misconduct Affecting Health or Safety**

In circumstances seriously affecting the health or well-being of any person, or where physical safety is seriously threatened, or where the ability of the College to carry out its essential operations is seriously threatened or impaired, an authorized representative may summarily suspend, dismiss, or exclude any person from the College. In all such cases, actions taken will be reviewed promptly, by the appropriate College authority.

**f: Interim Measures:**

The Title IX Coordinator or Deputy Coordinator is responsible for ensuring the implementation of interim measures and coordinating the College's response with the appropriate offices on campus. Interim measures will continue even if NDSCS postpones investigation to comply with law enforcement requests. Violation of the interim measures may result in appropriate disciplinary actions.



## **7. Investigation, Disciplinary, and Appeal Procedures**

### **a: Investigation and Adjudication**

The inquiry team will send notification to the complainant(s) and respondent(s) that a Title IX investigation has commenced. This initial notice of investigation will provide necessary information regarding the process, an outline of alleged prohibited conduct, and the parties' ability to have an advisor. Interim measures, to provide for the safety and security of the College community, may be enacted or removed.

When possible, a two-person Title IX Investigative Team will conduct the Title IX investigation.

- Gather facts and evidence related to the investigation.
- Investigators will interview witnesses and interested parties.
  - The Investigative Team will interview all parties separately if possible.
  - An adviser may participate in the interview process.

The Title IX Coordinator will seek to complete the investigation process within 60 calendar days from the start of the investigation. The investigation may be extended to ensure the completeness and integrity of the process. See NDSCS Sexual Misconduct and Title IX Compliance Policy (Section 6c) for more information

Upon completion of the investigation, the Title IX Investigative Team will provide a draft of the investigative report to Title IX Coordinator which will include facts, evidence, and a comprehensive overview of interviews. The Title IX Coordinator will ensure clarity and thoroughness of the investigative report.

Both parties will receive a draft of the Investigative Report from the NDSCS Title IX Coordinator or Deputy Coordinator.

- The complainant(s) and respondent(s) will be provided the opportunity to ask questions of other parties, through written communication that must be submitted within 5 working days to the investigative team.
- The investigate team will ensure the appropriateness/relevance of the questions, each party would have the opportunity to review and respond (in writing) to those questions.
- The investigative team will review the questions and responses.
- The responses and questions will be provided to all parties; all parties will be provided an opportunity for final response within 5 working days.

The Investigative Team will provide the Title IX Coordinator, complainants(s) and respondent(s) the Final Investigative Report, which could include any evidence, interviews, other artifacts, and responses/questions from all parties

The Title IX Coordinator will provide the Final Investigative Report and any supporting information to the Executive Director of Student and Residential Life and/or the Executive Director of Human Resources and/or trained designee for appropriate follow-up, adjudication,

and/or hearing(s). These processes are stepped out in the NDSCS Student Guide to Rights and Responsibilities: A code of conduct and NDUS Human Resource Policy Manual

**b: NDSCS Contact with Parties During Investigation**

Throughout the investigation process, both parties will receive regular updates regarding the case. The Final Investigative Report will be provided to complainant(s) and respondents(s).

**c: Hearing Procedure for Potential Student Suspension and Expulsion Cases**

Refer to Student Guide to Rights and Responsibilities: A Student Code of Conduct Section VI

**d: Sanctions**

The case will be forwarded to the Executive Director of Human Resources and/or the Executive Director of Student and Residential Life for appropriate follow-up, adjudication, and/or hearing(s)

If a party is found responsible for violating College policy the Executive Director of Human Resources and/or the Executive Director of Student and Residential Life will assign appropriate sanctions and retain records in accordance with protocols for all other disciplinary cases. In all cases, the case file will also be archived by the Title IX Coordinator.

Possible sanctions can be found in the Student Guide to Rights and Responsibilities: A Student Code of Conduct and/or in the NDUS Human Resource Policy Manual.

**e: Student Enrollment and Residence Status**

The effective date of the sanction(s) is the date of the Report. However, the sanction(s) may be temporarily stayed, pending the appeal filing, deadline or resolution of any filed appeal. Pending an appeal, the respondent may be permitted to remain in College housing, attend classes, and make use of some or all College facilities, except for circumstances where interim measures prohibit this ability, or the ability of the College to carry out its essential functions. Certain restrictions may be imposed in order to provide an educational environment free from discrimination under Title IX.

Pending the outcome of an investigation and/or appeal, process an administrative hold may be placed on respondent(s) and/or complainant(s) college transcript.

**f: Disciplinary Procedures Where One Party is a Member of the College Community and the Other Party is a Non-Member of the College Community**

When a non-member of the College community is involved as a complainant(s) or a respondent(s), the College will use disciplinary procedures that are generally consistent with the disciplinary procedures as outlined in this policy.

Modifications may be made to allow for privacy requirements. In no case will a member of the College community (i.e., current student, faculty or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the College community.

## 8. Documenting Complaints

NDSCS will document all complaints received, regardless of outcome. A report will be compiled for each complaint rising to the level of an investigation. When applicable, the report will include the following information;

- Description of the incident
- Record of how and when the incident was brought to attention
- Documentation of investigation process, including interview notes
- Documentation of all information reviewed by adjudicator
- Documentation of all updates given to involved parties
- Documentation of all contact with law enforcement
- Documentation of interim measures and services provided
- Any other relevant information to the case.

\*Documentation of sanctions and basis for the sanction will be recorded with the Title IX Coordinator and appropriate offices.

## 9. Prevention and Education

NDSCS considers both physical surroundings and educational programming in addressing prevention of sexual misconduct. The College continually reviews and modifies the physical surroundings to foster security and safety, including but not limited to such factors as lighting and locking procedures. NDSCS offers curricular and co-curricular educational experiences concerning bystander intervention, primary prevention efforts, personal safety, sexual assault and misconduct, domestic/dating/relationship violence, gender identification and sexual misconduct. For further information on pertinent campus educational opportunities, contact Jane Vangsness Frisch, NDSCS Title IX Coordinator, at (701) 671-2627 via e-mail at [Jane.Vangsness@ndscs.edu](mailto:Jane.Vangsness@ndscs.edu) or the NDSCS Student Advocate, at (701) 671-2541 via e-mail [NDSCS.StudentAdvocate@ndscs.edu](mailto:NDSCS.StudentAdvocate@ndscs.edu).

### Where to obtain additional information:

Any questions regarding Title IX may be referred to:

Jane Vangsness Frisch, Ph.D.  
Title IX Coordinator  
Old Main, 340  
(701) 671-2627  
[Jane.Vangsness@ndscs.edu](mailto:Jane.Vangsness@ndscs.edu)

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of  
Education Bldg.  
400 Maryland Avenue, SW Washington,  
ND 20202-1100  
Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Approved by:

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**John Richman, Ph.D.**

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**Date**

**Appendix M: NDSCS ATOD Membership List**



## **NDSCS ATOD Prevention Team**

### **Membership List 2018-2019**

1. Bethany Mauch, Chair ATOD Prevention Specialist, Student Health and Counseling
2. Dr. Jane Vangsness Frisch, Vice President for Student Affairs, Administrative Liaison
3. Vince Plummer, Counselor, Student Health and Counseling
4. Melanie Herding, Campus Nurse, Student Health and Counseling
5. Whitney Link Officer, NDSCS Police Department
6. Matt Diischer, Assistant Director of Leadership and Community Dev., Residential Life
7. Ariel Johnson, Richland County Prevention Coordinator
8. Mindy Tayer, Director of Academic and Career Counseling, Student Success
9. Kerri Kava, Assistant Director, Student Life
10. Tami Metzen, Academic Support Specialist, Student Success
11. Mike Redding, Associate Professor/Program Coord., Case IH, Diesel Technology
12. Dawafi Daffallah, Student Representative, Student Senate
13. Tanner Klein, Student Representative: Wildcats After Dark Coordinator, Campus Activities Board

**Appendix N: NDSCS Family Matters Brochure**

NDSCS, just like other colleges and universities, actively works to educate students regarding high-risk choices that could impact student success. NDSCS recognizes the important role parents, other family members and influential friends play in student decisions – from what new Netflix series to watch to what is the best academic program for them. The use of alcohol is not different. That is why NDSCS wants to partner with you to help students make informed decisions regarding alcohol and other drug use.

We know that decisions about alcohol and other drugs are something that every student will face.

In this publication, you will find some suggestions for how to start the conversation and some facts that may help guide your discussion with your students regarding alcohol and other drugs. We appreciate your involvement and your support on this important issue.



## ARE YOU CONCERNED ABOUT YOUR STUDENT?

- Various behaviors could indicate that your student may have developed a serious drinking or drug problem.
- Indications that help may be needed:
  - Drop in grades
  - Switching friends
  - Defiance of rules and regulations
  - Mood changes
  - Trouble in school
  - Lack of motivation
  - Reduced self-esteem or self-confidence
  - Quitting or getting fired from a job
  - Never available or reluctant to talk with you
  - Unwilling to talk about activities with friends
  - Incidents resulting from high BAC
- When in doubt or if you have a concern, please feel free to contact our NDSCS Alcohol, Tobacco and Other Drugs Prevention Programs or Counseling Services at 701-671-2286. Refer your student to NDSCS Counseling Services for free and confidential help. Feel free to consult Counseling Services if you need help with making a referral. More information is available at [NDSCS.edu/Counseling](http://NDSCS.edu/Counseling). To make an appointment, call 701-671-2286.
- If you think your student might have a drinking or drug problem, here are some suggestions for ways you can help:
  - Do not turn your back on the problem
  - Be calm when discussing the problem with your student
  - Let your student know you are concerned and willing to help
  - Do not make excuses or cover up for your student

Do not take over your student's responsibilities, but provide them with the means to take responsibility for their actions.

### ADDITIONAL RESOURCES

#### NDSCS Alcohol, Tobacco and Other Drug Prevention Team

For more information about alcohol and drug abuse prevention, visit our website at [www.NDSCS.edu/alcoholinfo](http://www.NDSCS.edu/alcoholinfo).

#### Parents LEAD

For more information about talking to your college-age student about alcohol, visit Parents LEAD at [www.parentslead.org](http://www.parentslead.org). Click on College/Young Adult on the home page for more helpful information.

**PARENTS LEAD**

# FAMILY MATTERS: Talking to Your Student About Alcohol Use



**NDSCS**

**NDSCS ATOD PREVENTION TEAM**

# WHY DOES NDSCS CARE ABOUT STUDENT DRINKING?

## Underage drinking may impact student success.

- Research continues to illustrate that alcohol negatively impacts student success in college. Specifically....
  - Lower graduation rates, missed classes, career implications.<sup>1</sup>
- About 1 in 4 college students report academic consequences from drinking, including missing class, falling behind in class, doing poorly on exams or papers and receiving lower grades overall.<sup>2</sup>

## Underage drinking poses a range of risks and negative consequences.

- **Interferes with brain development.** Research shows that young people's brains keep developing well into their twenties. Alcohol can alter this development, negatively impacting brain structure and function. This may cause cognitive or learning problems and/or make the brain more prone to alcohol dependence. This is especially a risk when people start drinking heavily at a young age.<sup>1</sup>
- **Impairs judgment.** Drinking can lead to poor decisions about engaging in risky behavior, including drinking and driving, sexual activity (such as unprotected sex) and aggressive or violent behavior.<sup>1</sup>

- **Increases the risk of physical and sexual assault.** Underage youth who drink are more likely to carry out or be the victim of a physical or sexual assault after drinking than others their age who do not drink.<sup>1</sup>
- **Alcohol dependence.** Research shows that people who start drinking before the age of 15 are 4 times more likely to meet the criteria for alcohol dependence at some point in their lives.<sup>1</sup>

The prevalent view is that college students are old enough to leave home and be on their own. We have heard parents say, "It's just alcohol. They are grown adults!" or "They will do what they want anyway and don't care what we say." Such statements grossly underestimate the influence parents can have in providing information that can shape the behavior of their children at this point in their lives.

In fact, **75.6 percent** of NDSCS students take their **parent's rules and expectations** about alcohol use seriously, and **81.8 percent** take rules and expectations about other drugs seriously.<sup>3</sup>

## BEFORE THE CONVERSATION

- When the time and setting feels right, suggest to your student that you would like to talk with him or her about the topic. (Alone, in the car, face-to-face, etc.)
- Don't force the issue; the willingness to back off shows that you will be respectful when you do have the conversation.
- Structure the time of discussion so that neither of you will be distracted by other activities.
- Don't be surprised if your student initially responds negatively. Give them time and bring the issue up again when they are ready to talk about it.

## THE CONVERSATION

- **Feelings to convey during your conversation.**
  - Caring about your student.
  - Wanting to understand and help your student.
  - Respecting your student's privacy and their desire to be independent.
- **Be open-minded and ask about their experiences.**
  - Recognize appropriate times to have these conversations. (e.g. Face-to-face is better than over the phone.)
  - Use "I" statements such as:
    - ◆ "I am concerned about the impact alcohol could have on your development—especially your brain."
    - ◆ "I worry that you will get hurt or into trouble."
    - ◆ "I want you to be successful."

- **Speak honestly about your own experiences and opinions.**
  - Be careful—don't glamorize past use of alcohol or other drugs.
  - As you begin to open up, so will your student.
  - Avoid exaggerations and blanket statements (e.g. everyone drinks).
- **Try to ask more questions versus doing all the talking – it will help on getting them to open up.**
- **Don't assume that everything needs to be talked about in a single discussion.**
- **Try to avoid becoming angry or frustrated.**
  - These reactions can shut down communication and impair your ability to help your student effectively solve problems or deal with difficult situations.
  - If you have concerns, remember to disapprove the behavior not the person.
- **Be specific about the behavior you want your student to change or to follow.**
  - Specific phrases that could be used:
    - ◆ "I expect you to wait until you are 21 years old to drink."
    - ◆ "Drinking impacts your brain development. As long as you are in college it is our expectation that you do not drink alcohol or use drugs."
    - ◆ "It might feel as if all students are drinking, but research at NDSCS shows that the majority of students don't drink in high risk ways."

## INFLUENCING BEYOND THE CONVERSATION

- Model appropriate behavior with your own alcohol use.
  - Research indicates late adolescents who have seen one or both parents drunk are more than twice as likely to get drunk in a typical month.<sup>4</sup>
- Be consistent; uphold your expectations that you have set for your student. Research shows that parent's expectations matter. **64 percent** of NDSCS students report that their parents talked to them about their expectations regarding their alcohol use.<sup>3</sup>
- **Model/Minimize risk:** Although any amount of drinking alcohol carries at least a moderate risk, some ways to minimize risk and model appropriate use of alcohol include:
  - Never driving after drinking;
  - Spacing drinks to no more than one standard drink per hour;
  - Never mix alcohol with Rx and over-the-counter medications;
  - Not exceeding a BAC (blood alcohol content or concentration) of .05.
- Continue to check in with your student regarding their use – this will need to be an ongoing conversation topic.
- Indicate your willingness to answer your student's questions or offer to help them find assistance/resources, if needed.
- Offer to help your student find alternatives and stay informed of College events, such as:
  - NDSCS.edu/Events
  - Text Reminders for Student Events
  - NDSCS App
  - Wildcat Athletic Schedule
  - Community Resources

<sup>1</sup> National Institute on Alcohol Abuse and Alcoholism (NIAAA). Underage Drinking. January 2016. Available at: <http://pubs.niaaa.nih.gov/publications/UnderageDrinking/UnderageFact.htm>

<sup>2</sup> Wechsler, H.; Dowdall, G.W.; Maenner, G.; et al. Changes in binge drinking and related problems among American college students between 1993 and 1997: Results of the Harvard School of Public Health College Alcohol Study. *Journal of American College Health* 47(2):57–68, 1998. PMID: 9782661 <http://www.tandfonline.com/doi/pdf/10.1080/07448489809595621>

<sup>3</sup> ND University System. (2017). 2016 North Dakota State College of Science Alcohol and Other Drug Survey Report. Bismarck, N.D.: ND Higher Education Consortium for Substance Abuse Prevention.

<sup>5</sup> The National Center on Addiction and Substance Abuse (CASA) at Columbia University. (2009). *National Survey of American Attitudes on Substance Abuse XIV: Teens and Parents*. New York: The National Center on Addiction and Substance Abuse (CASA) at Columbia University. Available at: <http://www.centeronaddiction.org/addiction-research/reports/national-survey-american-attitudes-substance-abuse-teens-parents-2009>.



**Appendix 0: NDSCS Memorandum of Understanding: Student Life & ATOD Prevention Team**



## Memorandum of Understanding

Campus Activities Board (CAB) and the Alcohol, Tobacco, and Other Drugs (ATOD) Prevention Team

### Purpose

Campus Activities Board (CAB) and Alcohol, Tobacco and Other Drugs (ATOD) have partnered to provide alcohol-free late night events on high-risk nights to deter alcohol misuse. Research indicates that students who spend more time engaged in alcohol free activities report less alcohol use (Weitzman and Kawachi, 2000). This collaboration has been successful in the past and in an effort to continue this collaboration, this MOU was developed to foster continued partnership. Late-night alcohol free programming, when part of a more comprehensive AOD prevention program, is promising in reducing high-risk drinking and student alcohol related events (DeJong and Langford, 2002).

This Memorandum of Understanding (MOU) between CAB and ATOD sets forth the event guidelines and contribution of funds to support late night events.

### Student Involvement

The Wildcats After Dark Events (WADE) Coordinator (see attached position description), together with CAB members, choose, plan and implement events of interest to students, that also follow the Late Night Event Guidelines.

The WADE Coordinator will serve on the ATOD Prevention Team and report on events, attendance, and provide periodic budget updates.

### Funding

ATOD will provide \$10,000 annually to CAB to support this initiative.

### Duration

This MOU may be reconsidered and edited at any time provided that all parties are in agreement. At a minimum, the memo will be renewed annually prior to May 1.

### Contact Information

Bethany Mauch, 701-671-2124  
ATOD Specialist

Kerri Kava, 701-671-2109  
Assistant Director for Student Life

1. Wildcats After Dark Event Guidelines

- a. Event must take place on high-risk evenings
  - i. Conduct violation data will be reviewed annually to identify high-risk nights.
- b. Event must begin at or after 9 p.m. and last at least two hours
- c. Event must be an alcohol and other drug free event (which includes no AOD messaging, no AOD incentives, no tobacco messaging, no drinking games, and should not promote high-risk behaviors) i.e. drink specials, can coozies, etc.
- d. The Wildcats After Dark Events Coordinator will lead the planning and implementation of events.
- e. Event advertising materials must include the NDSCS Wildcats After Dark Logo.
- f. Number of events and attendance will be tracked and data will be provided to ATOD Prevention Team.
- g. Event will be free of charge and open to all current NDSCS students.
- h. Event will be promoted no less than five working days in advance of event date.

2. Funding

- a. Event must meet guidelines and be approved by Assistant Director of Student Life prior to any expenses being incurred.
- b. Funding may not be used to provide cash or pre-paid debit cards.
  - i. For auditing purposes, prize recipients will need to provide their name, student ID number and signature.