

2022

Annual Security Report & Fire Safety Report



ANNUAL SECURITY REPORT & FIRE SAFETY REPORT SEPTEMBER 29, 2022

THE CLERY ACT

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial, and geographic considerations, campus safety is a vital concern.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Clery Act affects virtually all public and private IHEs and is enforced by the U.S. Department of Education. Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program.

CLERY ACT COMPLIANCE

The Clery Act requires North Dakota State College of Science (NDSCS) to provide timely warnings of crimes that represent a threat to the safety of the College community and to make College security policies available to the public. The act also requires NDSCS to collect, classify and disseminate Clery related crime data to the College community and the Department of Education annually. To be in full compliance with the law, NDSCS must do the following:

- Publish and distribute an Annual Security Report to current and prospective students and employees by October 1 of each year. The report must provide crime statistics for the past three years, detail College and community policies about safety and security measures, describe College crime prevention programs, and list procedures to be followed in the investigation and prosecution of alleged sex offenses.
- Provide students and employees with timely warnings of crimes that represent a threat to their safety. The NDSCS Police Department must also keep and make available to the public a detailed crime log of all crimes reported to them in the past 60 days. Crime logs must be kept for seven years, and logs older than 60 days must be made available within two business days upon request.

- Keep the past three years of crime statistics detailing crimes that have occurred: on-College property; in College residential facilities; in public areas on or near College property; and in certain non-College buildings, such as remote classrooms. NDSCS must also report liquor and drug law violations and illegal weapons possession if they result in a disciplinary referral or arrest.
- Disclose missing student notification procedures that pertain to students residing in any College student housing facilities.
- Disclose fire safety information related to any College student housing facilities. This includes maintaining a fire log that is open to public inspection and publishing an Annual Fire Safety Report containing policy statements and fire statistics associated with each College student housing facility. These statistics must include the location, cause, injuries, deaths and property damage of each fire.
- Submit the collected crime and fire statistics to the Department of Education each fall.
- Inform prospective students and employees about the availability of the Annual Fire Safety Report.

NDSCS has a vested interest in the safety of its College community. Students, faculty and staff should take an active role in preventing and reporting incidents that jeopardize safety of the College community. This report contains information regarding crime prevention and reporting, College crime statistics, law enforcement authority, fire safety, disciplinary procedures and other important matters related to safety and security of the NDSCS College community.

The College community is urged to use this report as a guide for safe practices on or off College property. NDSCS students and employees receive an annual email describing the report and its website address. For more information, contact the NDSCS Police Department at 701.671.2233.

COLLEGE SAFETY

This report contains emergency management information and critical College safety information including policies, crime prevention, crime reporting, and resources to aid students and employees in becoming an aware, informed and alert College community.

College crime statistics included in this report are gathered from a variety of sources including College and local law enforcement agencies and College officials with significant responsibility for student and College activities.

College officials with significant responsibility for student and College activities include: advisors of registered student organizations, Athletic Director, head coaches and trainer, Executive Director for Student and Residential Life, Assistant Director(s) of Residential Life, Resident Directors, Assistant Director of Student Life, Vice President for Student Affairs and Strategy, Vice President for Instruction, College Nurse and Personal Counselor, Student Advocate, Executive Director of Human Resources, Title IX and Deputy Title IX Coordinators.

Statistics on the following Clery related crimes reported to the NDSCS Police Department are included in this report: 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 Women Act are sexual assault, domestic violence, dating violence and stalking.

NDSCS POLICE DEPARTMENT

The NDSCS Police Department is responsible for law and policy enforcement and security and emergency response to the College community. Additionally, the NDSCS Police Department is dedicated to building community partnerships and applying unique and innovative policing practices within the College environment.

The NDSCS Police Lieutenant supervises 2 full-time police officers and all part-time officers. All officers have full arrest powers and are licensed by the State of North Dakota. NDSCS police personnel perform the following duties: patrol, life safety operations, parking enforcement, building and security checks, traffic control, safety escorts, on-campus event security, crowd and vehicle control, and other safety and security related operations.

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. Local law

enforcement agencies regularly share information with NDSCS Police regarding incidents occurring in the area surrounding the College.

NDSCS Police forward reports regarding incidents/ crimes to the Department of Residential Life for possible administrative investigation and response related to the College Student Conduct process.

It is the primary objective of NDSCS Police to work collaboratively with College community members to work toward a safe College environment. Should you have questions, comments, or suggestions regarding the information contained within this report or any related public safety policies, procedures, or operations, please feel free to contact the NDSCS Police Lieutenant at 701.671.2507.

NDSCS Police Jurisdiction

The jurisdiction of the NDSCS Police Department encompasses College property that includes residential, academic and non-academic halls, buildings, and/or facilities; designated non-College properties and facilities; public property adjacent to or contiguous to College property; and owned, operated, leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities. The jurisdiction of the NDSCS Police Department is outlined on its Clery geography maps.

Fargo Location

The North Dakota State University Police Department and the Fargo Police Department collaborate to provide law enforcement support to the NDSCS Fargo location. Both departments have full arrest powers and are licensed by the State of North Dakota. They report violations of College regulations and enforce city and state laws.

ACCURATE AND TIMELY CRIME/EMERGENCY REPORTING

Prompt and accurate reporting of criminal offenses and emergencies aids in providing a timely response and timely warning notices to the College community, and aids in compiling accurate crime statistics. Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents in an accurate and timely manner to the NDSCS Police Department or local law enforcement.

This report encourages crimes occurring within the NDSCS Clery geography be reported to the NDSCS Police Department. The College's Clery geography includes: College property inclusive of residential facilities, designated non-College properties and facilities, public property adjacent to or contiguous to College property, and leased, rented or otherwise recognized and/or controlled buildings, spaces and facilities.

However, incidents and crimes may also be reported to the following based on location or by calling 911:

WAHPETON

NDSCS Police 701.671.2233
Wahpeton Police 701.642.7722
Breckenridge Police 218.643.5506
Richland County Sheriff 701.642.7711

NDSCS.edu/Concern

FARGO

Fargo Police 701.241.1310
NDSU Police 701.231.7759

NDSCS.edu/Concern

SEXUAL OR RELATIONSHIP VIOLENCE

Title IX Coordinator

701.671.2904
Sandi.Gilbertson@ndscs.edu
Haverty Hall 120C

Deputy Title IX Coordinator

701.671.2520
Melissa.J.Johnson.3@ndscs.edu
Riley Hall 130

STUDENT HEALTH AND WELLNESS DEPARTMENT (SHWD)

College Nurse 701.671.2286

Personal Counselor 701.671.2286

NDSCS.edu/Wellness

NOTE: Disclosure to the above named SHWD staff will not initiate an investigation against the student's wishes. However, reports without personally identifiable information may be shared with NDSCS Police for inclusion in the annual disclosure of crime statistics. Consideration will be given to the need for issuance of a timely warning and to ensure counting of crimes is not duplicated.

COLLEGE RESPONSE TO REPORTS

In response to a call, NDSCS Police will dispatch an officer, if needed, or request the complainant file a police report.

CAMPUS SECURITY AUTHORITIES

The Clery Act identifies certain institutional employees as Campus Security Authorities (CSAs). These individuals have a mandated duty to notify NDSCS Police of crimes they witness or that are reported to them. These individuals are notified of the extent of their responsibilities and how to report to NDSCS Police. NDSCS does not provide a confidential reporting option to CSAs.

The intent of including non-law enforcement or security personnel is to encourage reporting of crimes as some individuals are more likely to report crimes to other College-affiliated individuals, rather than police or security personnel.

NDSCS designated CSAs include:

- NDSCS Police, 701.671.2233
- Director of Safety, 701.671.2906
- Vice President for Student Affairs and Strategy or designee, 701.671.2627
- Vice President for Instruction or designee, 701.671.2416
- Executive Director for Student & Residential Life, 701.671.2520
- Executive Director for Human Resources, 701.671.2904
- Academic Counselors, 701.671.3000
- Residential Life (Assistant Directors, Resident Directors & Resident Assistants), 701.671.2224
- Assistant Director of Student Life, 701.671.2109
- Student Organization Advisors, 701.671.2405
- Campus Nurse, 701.671.2290
- Athletic Director, 701.671.2446
- Head & Assistant Coaches (Basketball, Volleyball, Football, Softball, Baseball), 701.671.2281
- Athletic Trainer, 701.671.2309
- Title IX Coordinator, 701.671.2904
- Deputy Title IX Coordinator, 701.671.2520
- Clery Report Personnel, 701.671.2233

NDSCS weighs a student's privacy concerns against the level of threat to an individual or the College community. Reports will remain private to the greatest extent possible. Information/reports may be shared with appropriate departments and agencies as needed to assist with investigative or safety needs.

VOLUNTARY CONFIDENTIAL REPORTING PROCEDURES

Students may make confidential reports to on or off-campus professional counselors or off-campus pastoral counselors. The College personal counselor, when acting in this capacity, is not considered a CSA and is not required to report identifying information related to crimes for inclusion in the annual disclosure of crime statistics. However, the College personal counselor(s) is encouraged to inform students of the procedures to report crimes on a voluntary basis.

Medical providers (College Nurse) are considered to be a CSA and are required to report crimes for inclusion in the annual disclosure of crime statistics.

NDSCS does not employ College pastoral counselors.

ANONYMOUS REPORTING

Anonymous reports may be submitted through the NDSCS.edu/Concern reporting form. The College's ability to investigate and address allegations of misconduct or crimes will be significantly limited.

DISCLOSURE OF REPORTED INCIDENTS

Statistics representing incidents/crimes reported to NDSCS Police that fall into one of the required reporting classifications will be included in the Annual Security and Fire Safety Report published by NDSCS Police.

CRIME OCCURRING OFF COLLEGE PROPERTY

Local law enforcement may notify NDSCS Police of criminal activity involving NDSCS students occurring off College property. Students may be subject to arrest by local law enforcement and the College Student Conduct Process.

DISCLOSURE OF DISCIPLINARY RESULTS FOR VIOLENT CRIME

NDSCS will, upon written request, disclose to the alleged victim of a crime of violence or non-forcible sex offense, the results of any disciplinary proceedings conducted by NDSCS against a student who is the alleged perpetrator of the offense or violation. If the alleged victim is deceased as a result of the crime or offense, NDSCS will provide the results of the disciplinary proceedings to the victim's next of kin.

SECURITY OF AND ACCESS TO COLLEGE FACILITIES

NDSCS Police officers conduct regular patrols of College property. Keys, including electronic access cards must be secured at all times. Assigned keys and access cards should remain in the care, custody and control of the assigned employee and not be given to other individuals.

ACADEMIC AND ADMINISTRATIVE FACILITIES

NDSCS is open to the public. The majority of academic and administrative facilities are open during normal business hours (typically Monday-Friday, from 7:45 a.m. to 4:45 p.m., except holidays) and are secured during evening hours, aside from special event hours. Access afterhours is provided via the access control system.

Residential Living Facilities

Access to living facilities is restricted to NDSCS students and authorized staff. Facilities are secured by access control systems and lock and key systems 24 hours a day/7 days a week. Authorized professional and student staff also enforce College policies and security measures within living facilities to achieve safe, inclusive, educational, and vibrant living environments.

Break Housing

During the academic year, College housing officially closes for semester break (between Fall and Spring semesters). Thanksgiving and spring break timeframes are not included in the academic year License for Residential

Halls and Contract for Dining Services; students are allowed to stay on campus, but must apply to do so.

Residence halls typically close at 6 p.m. on the last day of classes or exams and reopen at 10 a.m. on the day before the first regularly scheduled class. Students are notified via a variety of formats (email, text message, and postings). Students are reminded to make travel arrangements accordingly; all students must vacate the residence halls during semester break. For students who cannot return home or leave campus over break, break housing contracts may be provided. Should a student need break housing accommodations during any portion of any break, they must complete and submit an application to the Department of Residential Life for approval. The due date for the request form will be announced approximately one month prior to the beginning of each break.

When the residence halls close for breaks, students are expected to take out trash and perishable food, unplug items in the room, turn out the lights, and shut and lock the windows. All doors must be closed and locked. A list of complete closing procedures will be distributed about two weeks prior to each break closing. Residents may leave personal items in their room during all breaks, except for summer. However, due to the "unoccupied" status of the campus during breaks, it is suggested that students take valuable items with them to ensure their safety. Staff members from the Residential Life Department and/or Facilities Management may conduct inspections during breaks. Any infractions will be noted and the student will be notified and/or charged accordingly.

Any student requesting access to their residence hall or room during College break periods when the College is officially closed shall present themselves to the Department of Residential Life or to NDSCS Police and request permission for access. The Department of Residential Life will authorize a student access to their respective room for legitimate reasons only. The Department of Residential Life authorizes full discretion in determining a student's legitimacy to enter the closed residence hall based on the information given. For example, access should be limited to medical needs and necessities and similar related urgent requests. Once the legitimacy of the request is established, access requests will be managed as follows: the student's identity, resident status, and room assignment will be verified. After this verification, Residential Life will escort the student to their room, allow drop-off or retrieval of the item(s) in question, and then escort the student from the building.

Residential Facility Guests

College residential facilities are provided for the exclusive use of NDSCS students as assigned by the Department of Residential Life. Visitors may be allowed to use residential facilities under the following guidelines:

- Visitors in the building must be an invited guest of a resident and must be escorted by the resident host at all times.

- Residents are responsible for the behavior of their guests at all times and liable for loss or damage to property (anywhere in the building) caused by their guest(s).
- No guests are permitted during break periods.
- Guests' stay is not allowed to exceed 72 hours.

MAINTENANCE OF COLLEGE FACILITIES

NDSCS facilities and landscaping are maintained to minimize hazardous conditions. Sidewalks and building entrances are illuminated to provide lighted routes from parking areas to buildings and from building to building.

The Director of Safety in conjunction with NDSCS Police and a representative from the Student Senate physically walk College property annually to evaluate lighting. NDSCS Police regularly patrols College property and reports any unsafe physical conditions to Facilities Management for correction.

College community members are encouraged to promptly report any security concern, including concerns about locking mechanisms, lighting, or landscaping to NDSCS Police.

CRIME PREVENTION AND SAFETY

- Report suspicious activity to NDSCS Police immediately.
- Always lock your room and car doors.
- Do not prop exterior or interior doors.
- Never leave valuables unattended.
- Carry only small amounts of cash.
- Lock up bikes and motorcycles.
- Inventory your personal property and insure it with personal insurance coverage. Record the description and serial number of possessions.
- Stay sober. Many crimes against persons occur when one or both parties are under the influence of alcohol and/or other drugs.

Campus Safety Escort

NDSCS Police will provide free safety escort services on the Wahpeton campus upon request.

COLLEGE STUDENT CONDUCT PROCEDURES

Students involved in incidents/crimes on or off-College property may be subject to arrest and the College Student Conduct Process through the Department of Residential Life.

STUDENT ORGANIZATIONS OFF COLLEGE PROPERTY

NDSCS does not operate any off-campus student organizations. All recognized student organizations are located at the Wahpeton campus/Fargo location. Crimes committed by members of a student organization should be reported to NDSCS Police at 701.671.2233 or to local authorities at 911.

SAFETY EDUCATION

NDSCS is committed to providing a safe and secure environment in conjunction with individuals exercising reasonable personal safety and security practices. Educational programs and procedures are utilized at NDSCS to support individuals in this effort. These programs encourage students and employees to be responsible for their own safety and the safety of others. Topics included in College safety education programs include: sexual misconduct and relationship violence; sexual harassment, alcohol, tobacco and other drugs; crime prevention, and sexual orientation and gender identity/expression.

NDSCS POLICE TRAINING

The NDSCS Police Lieutenant is primarily responsible for ensuring initial and continuing training for all officers. Training subjects include criminal law, civil law, federal law, the Clery Act and Campus Security Authorities, Title IX, sexual assault and gender violence response and investigation, trauma informed investigation, public relations, race relations, interpersonal communications, crisis intervention, critical incident response and incident command system, emergency operations, first responder medical training, and all facets of protection of persons and property.

Training is provided annually through SafeColleges, applicable seminars and conferences, and joint training with other law enforcement agencies.

RESIDENTIAL LIFE STAFF TRAINING

Annual security and life safety training is provided by NDSCS Police, the Interim Director of Residential Life, the Executive Director of Student and Residential Life, Resident Directors, Facilities Management staff, and Student Health and Wellness Department staff. Training includes introduction to staff, overview of College and community resources, instruction on fire safety hazards and building evacuation, the emergency notification system, mental and physical health, alcohol, tobacco and other drugs; the Clery Act and Campus Security Authorities, Title IX and Sexual Misconduct policies and responsibilities, and requesting assistance from College and local law enforcement.

WEAPONS/FIREARMS/EXPLOSIVES POLICY

All firearms must be registered with NDSCS Police immediately upon arrival to NDSCS. Possession, display or storage of weapons in College owned buildings is prohibited. Unauthorized and/or illegal possession, display or use of firearms, live or spent ammunition, 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, gel guns, pellet guns, rifles, shotguns, stun guns or similar devices designed to deliver an electric shock,

daggers, martial arts implements, knives (blade greater than four inches in length), sabers, swords, and bows and arrows, and dangerous fuels and chemicals.

- Explosives include, but are not limited to, bombs, explosives, fireworks, live ammunition, 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.
- 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.

Dependent on the nature of the violation, sanctions may range from a fine of up to \$250, termination of College housing contract, and/or suspension from the institution.

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

MISSING STUDENTS

A missing student is defined as a person currently enrolled at NDSCS, who resides in College housing, and whose whereabouts have been unaccounted for by law enforcement for more than 24 hours.

Designating a Contact Person

Upon execution of a housing contract, all students living in College housing have the opportunity to identify a contact person to be notified if the student is determined to be missing by the NDSCS Police Department. This contact may be the same or different than the emergency contact information provided in the student's Campus Connection account. In the event a student is eligible to, but has not previously identified a missing person contact, NDSCS will notify the individual identified in the student's Campus Connection account as the emergency contact.

The Assistant Director of Compliance and Business Operations in Residential Life maintains emergency contact information for all students residing in College housing. This information is accessible by other Student Affairs administration and staff in the event a student is reported missing. Missing student contact information is registered confidentially, and is accessible only to authorized campus officials and law enforcement. It may not be disclosed outside of a missing student investigation.

Housing applications and contracts require annual renewal or upon any break in enrollment. A formal opportunity to update missing contact information occurs at annual reapplication. Students may also contact the Department of Residential Life to update outside of contract renewal.

Missing Student Notification Procedures

1. Anyone with information regarding a resident student they believe to be missing must immediately notify NDSCS Police or the Executive Director for Student and Residential Life or designee by calling 701.671.2224 or physically reporting to the Department of Residential Life, Riley Hall, Room 130.
2. The Executive Director for Student and Residential Life or designee will gather essential information about the student reported missing: description, clothes last worn, schedule of classes and other known plans/activities, suggestions of where the student might be, who the student might be with, student's physical and mental well-being, recent photograph, contact information, etc.
3. If the student is not found in a reasonable amount of time (as determined by the Executive Director for Student and Residential Life) or it is immediately apparent the student is a missing person (as in the case of a witnessed abduction), the Executive Director for Student and Residential Life will contact the NDSCS Police Department. NDSCS Police Department officers will take charge of further investigation or location efforts.
4. No less than 24 hours after determining a resident student is missing, the Executive Director for Student and Residential Life will notify the student's designated contact that the student is believed to be missing.

Additional Conditions for Minors

If the student is under the age of 18, and is not an emancipated adult, NDSCS is required to notify a custodial parent or guardian, in addition to any contact person specifically designated by the student. NDSCS Police or the Executive Director for Student and Residential Life will notify the parent or guardian no more than 24 hours after the student is determined to be missing by the NDSCS Police Department or other law enforcement agency.

EMERGENCY MEDICAL RESPONSE PROCEDURES

Students, faculty, staff, and guests should report any emergency medical situations to the Richland County Communications Center immediately by dialing 911. First responders are trained to provide medical assessment and emergency care.

EMERGENCY RESPONSE PROCEDURES

NDSCS incident response resources include NDSCS Police and other employees designated in the Emergency Response Plan who are tasked to help mitigate College impacts. Depending on the nature and magnitude of the incident, other local, state, and federal agencies may be called upon for assistance.

When a disaster or serious threat to the College community occurs, NDSCS Police and the College will coordinate with

other first responders, which may include the Wahpeton Police Department, Breckenridge Police Department, Richland County Sheriff's Office, the Wahpeton Volunteer Fire Department, Southern Valley Response Team, ND Highway Patrol, Bureau of Criminal Investigation, and other emergency response agencies.

CRIME PREVENTION, FIRE SAFETY, AND SAFETY AWARENESS PROGRAMMING

Crime prevention and safety awareness programs encourage students and employees to be aware of their responsibility for their own safety and the safety of others. NDSCS Police cooperates with other College officials and departments (Residential Life, Student Health and Wellness Department, the Executive Director for Student and Residential Life, and the Title IX Coordinator) on presenting crime prevention and safety awareness programs to the College community on an ongoing basis, including during fall move-in and orientation.

Program topics include, but are not limited to: personal safety, sexual assault awareness and prevention, diversity and equity topics, sexual orientation and gender identity/expression, alcohol and other drugs, fire safety, emergency response and evacuation procedures, theft prevention and active shooter response.

Crime Prevention Programming

Education on crime prevention is conducted by NDSCS Police in collaboration with various College departments. Programming is delivered in-person, via email, videos, and various social media platforms.

Alcohol, Tobacco and Other Drug (ATOD) Prevention Programs

The NDSCS Student Health and Wellness Department is committed to reducing the harm associated with alcohol and drug use. The staff continually works to promote a better understanding of substance use by the NDSCS student population in order to challenge myths and misconceptions. The Wellness Coordinator is also available as a consultant to parents, concerned friends, mentors and staff/faculty who may have concerns about a student's use. The Wellness Coordinator will also provide brief consultation, education, and referral services to students who are concerned about their own substance use. Finally, the Wellness Coordinator works with community groups, student groups, city officials and College decision-makers to advise on policies related to health and safety issues associated with alcohol, tobacco/nicotine and other drugs.

Sexual Misconduct Educational Programs

NDSCS provides immediate crisis intervention and advocacy services to individuals who have been impacted by any form of sexual misconduct or relationship violence, as well as proactive sexual assault prevention education programming for the NDSCS community. Services

available include: a 24-hour hotline; advocacy and counseling. NDSCS Counseling Services offers follow-up counseling services to NDSCS students.

Sexual Misconduct Risk Reduction Tips

The following are some strategies to reduce one's risk of sexual assault or harassment:

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have money to secure transportation.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable situation, here are some things that you can try:
 - Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.

- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors/windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Safe Zone

Safe Zone is a program designed to:

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

Level 1 training provides basic information about sexual orientation and how to become an ally for someone who identifies as lesbian, gay, bisexual, transgender or queer. Level 2 training further explores gender identity and supporting the transgender community. For more information on Safe Zone visit NDSCS.edu/SafeZone.

Bystander/Upstander Intervention

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders become upstanders and actively engage in the prevention of violence without causing further harm. NDSCS provides Upstander training to students and employees.

We may not always know what to do even if we want to help. Below is a list of some ways to be an upstander:

- If you or someone else is in immediate danger, dial 911.
- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.



COMMUNICATION ABOUT COLLEGE CRIME

TIMELY WARNING NOTICES

NDSCS may issue a timely warning notice upon receipt of a report of a crime/incident that represents a serious or continuing threat to the safety of the College community. Timely warning notices are issued in response to reports that have occurred on or off College property or on public property adjacent to NDSCS property. Such warnings provide an opportunity for individuals to take reasonable safety precautions. Crimes that occur outside the College's Clery geography, or other non-Clery specific crimes, will be evaluated on a case-by-case basis. Information related to these crimes may be distributed to the College community as a Public Safety Bulletin, as outlined and described below.

Initiating Timely Warning Notices

Timely warning notices are generally written and distributed to the College community by the Vice President for Student Affairs and Strategy or designee, in consultation with the Director of Safety, NDSCS Police and College Relations and Marketing. The NDSCS Police Lieutenant has the authority to issue a timely warning notice without such consultation if time is not available. Timely warning notices will be disseminated when there appears to be a threat to the safety and security of the College community related to the following crimes:

- Aggravated assault,
- Arson,
- Burglary,
- Negligent manslaughter,
- Motor vehicle theft,
- Murder/non-negligent manslaughter,
- Robbery,
- Sexual offenses,
- Domestic violence, dating violence, and stalking,
- Violations of liquor law, drug law, or weapons possession law,
- Any other crime in which the victim was chosen on the basis of race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin, and
- Other crime classifications, as deemed necessary.

Decisions concerning whether to issue a timely warning notice will be made by the NDSCS Police Lieutenant in consultation with the Vice President for Student Affairs and Strategy, or designee, as needed on a case by-case basis using the following criteria:

- Nature of the crime,
- Timeliness of the report,
- Continuing danger to the College community, and
- Possible risk of compromising law enforcement efforts.

NDSCS will, without delay, take into account the safety of the College community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of

responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

If the threat is sudden and serious, a warning will be issued immediately and will be continually updated until the threat is contained or neutralized. If a threat is less immediate, the warning will be fully developed and distributed after that point in time.

Crimes that could constitute a continuing threat include, but are not limited to:

- Serial crimes that target certain College populations such as sex crimes or race-based crimes in which the perpetrator has not been apprehended, and
- Ongoing criminal activity in which there is no apparent connection between perpetrator and victim.

Crimes that would not constitute a continuing threat include, but are not limited to:

- Crimes in which the perpetrator has been apprehended, thereby eliminating the threat, and
- Crimes in which an identified perpetrator targets a specific individual(s) to the exclusion of others, such as domestic violence.

Warning Content

The warning contains sufficient information about the nature of the threat to allow members of the College community to take protective action:

- A succinct statement of the incident,
- Possible connection to previous incidents if applicable,
- Date, time, and location of the warning,
- Description and drawing of the suspect, if available,
- Risk reduction and safety tips, and
- Other relevant and important information

In some cases, NDSCS Police may need to keep some facts confidential to avoid compromising an ongoing investigation.

Notification Methods

The following methods may be used to notify the College community:

- Emergency Notification System
- Phone
- Text message
- Email
- Official NDSCS website
- Local media
- NDSCS social media
- Targeted communication – posters, letters, group meetings, etc. posted in College buildings, in lobby/entrance areas of key buildings for a time period determined by the NDSCS Police Lieutenant or designee.

College officials not subject to timely reporting requirements are those with counseling responsibilities who were providing confidential assistance to a crime victim, such as professional/certified counselors.

PUBLIC SAFETY BULLETIN

A public safety bulletin may be issued for general crime prevention purposes to inform the College community of crimes and/or incidents that are not generally time sensitive or considered to be an ongoing threat, but important to be aware of, and/or to inform the College of incidents occurring on, around, or even off campus that do not meet the requirements or specifications for distribution of a timely warning alert, as outlined above.

A public safety bulletin may be sent via email to all students and employees. Public safety bulletins are written and distributed to the College community by College Relations and Marketing in collaboration with the NDSCS Police Lieutenant or designee, and are reviewed and approved by the Vice President for Student Affairs and Strategy or designee.

Updates, when deemed necessary, may be distributed via email, may be posted on the College website, may be included in electronic campus digests, may be shared with local newspapers, and may be distributed by the NDSCS Police Lieutenant or a designee, as deemed necessary and appropriate.

CRIME INFORMATION AND STATISTICS

Daily Crime and Fire Log

NDSCS Police makes the Daily Crime and Fire Log for the most recent 60-day period open to public inspection at the NDSCS Police Department located on the Wahpeton campus, 800 6th Street North, Wahpeton, ND 58076, Hektner Student Center, Room 154. Any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request.

The information in the Daily Crime and Fire Log typically includes the incident number, crime classification, date reported, date occurred, general location, and disposition of each reported crime. All confirmed fires occurring within any College residential facilities will also be included in the Daily Crime and Fire Log. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires which may impact the College community.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the college's Clery geography and updated information regarding previously reported crimes are entered into the Daily Crime and Fire Log within two business days of when it is reported to NDSCS Police. It is important to note that the NDSCS Police have no jurisdiction outside of the NDSCS identified Clery

geography. Anytime NDSCS Police assists local law enforcement or NDSCS Police presence is otherwise requested by law enforcement outside of the College's Clery geography jurisdiction, an incident report will be generated for the assist.

Preparation of Annual Statistics & Clery Compliance

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The NDSCS Police Lieutenant or designee is primarily responsible for preparing the Annual Security and Fire Safety Report. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the College community obtained from the following sources: NDSCS Police, the Division of Student Affairs, which includes Title IX Coordinator and Deputy Coordinators, Residential Life, Student Conduct, Student Life, and Student Health and Wellness Department; the Wahpeton, Breckenridge, and Fargo Police Departments, the Richland County Sheriff's Office, and individuals who have been designated as CSAs.

The NDSCS Police Lieutenant or designee annually requests statistical information from the appropriate law enforcement agencies for non-College operations. These sites are classified as non-College property and vary year-to-year based on NDSCS's program and outreach activities. The NDSCS Police Lieutenant or designee contacts appropriate law enforcement units requesting crime data for the specified locations. Relevant crime data from those law enforcement agencies that responded to the request are included in NDSCS's annual crime statistics and categorized accordingly. NDSCS may be unable to determine if these statistics adhere to categories utilized by Clery reporting. Further, statistics received may describe an area that is more expansive than the space controlled by NDSCS when and where instruction is offered. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. Final report preparation is coordinated by the NDSCS Police Lieutenant in collaboration with the Executive Director for Student and Residential Life, Human Resources, and the Title IX Coordinator.

A written request for statistical information is made at least on an annual basis to all Campus Security Authorities or CSAs (as defined by federal law). CSAs are also informed in writing and through training to report crimes to NDSCS Police in a timely manner so those crimes can be evaluated for timely warning alert purposes.

Statistical information is not requested from, nor is it provided by, NDSCS Counseling Services. Counselors are not required by law to provide statistics for this compliance document. Counselors, as defined by the Federal law, who act in such capacities, have been advised that, while they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to NDSCS

Police for inclusion in the annual statistics. Anonymous reports of Clery Act crimes received by a CSA and reported to NDSCS Police are included in the College's annual crime statistics.

All statistics are gathered, compiled, and reported to the College community via this report, entitled the "Annual Security and Fire Safety Report," which is published by the NDSCS Police Lieutenant or designee. The NDSCS Police Lieutenant submits the annual crime statistics published in this report to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through their website.

The NDSCS Police Lieutenant or designee sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. The email includes a brief summary of the contents of this report, the web address where the Annual Security and Fire Safety Report can be found online, and notification that a physical copy may be obtained by making a request to NDSCS Police by calling 701.671.2233 or in person at the NDSCS Police Department located at 800 6th Street North, Wahpeton, ND 58076, Hektner Student Center, Room 154.

Specific Information about Classifying Crime Statistics

The statistics in this report are published in accordance with the standards and guidelines used by the relevant federal law (the Clery Act). For Clery Act reporting purposes, the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: murder/non-negligent manslaughter, manslaughter by negligence, sex offenses, and aggravated assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: robbery, burglary, larceny, vandalism, and arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of motor vehicle theft, each vehicle stolen is counted as a statistic. In cases involving liquor law, drug law, and illegal weapons violations, the statistics indicate the number of people arrested or referred to the Student Conduct process for possible disciplinary action for violations of those specific laws.

Hate crimes are reported in narrative form and are separated by category of prejudice. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense, which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate

crime. The Campus SaVE Act was signed into law on March 7, 2013 as part of the reauthorization of the Violence Against Women Act (VAWA); it covers students and staff of institutions of higher education and amends the Jeanne Clery Act to include new reporting requirements for domestic violence, dating violence, and stalking and additional policy statements and training requirements.

Clery Act Geography Definitions

On-Campus defined as: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

Non-Campus Building or Property defined as: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e., privately owned fraternity); or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property defined as: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within College property or immediately adjacent to and accessible from College property. The NDSCS crime statistics do not include crimes that occur in privately-owned homes or businesses within or adjacent to College property boundaries.

On-campus Student Housing Facility defined as: Any student housing facility that is owned or controlled by the College, or is located on property that is owned or controlled by the College, and is within the reasonably contiguous geographic area that makes up College property is considered an on-campus student housing facility. This category is considered a subset of the On-Campus category.

UNFOUNDED CRIMES

If a crime is reported as occurring on College property, in College owned/controlled residential facilities, in or on non-College buildings or property, or on public property, and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Only sworn or commissioned law enforcement personnel may unfound a crime.

CRIMINAL OFFENSES (NDSCS WAHPETON)

Crime Reported	Year	On Campus Property	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Murder & Non-negligent Manslaughter	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Negligent Manslaughter	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Rape	2021	2	2	0	0
	2020	0	0	0	0
	2019	2	2	0	0
Fondling	2021	1	1	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Incest	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Robbery	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Burglary	2021	4	4	0	0
	2020	3	2	0	0
	2019	2	2	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2020	1	0	0	0
	2019	0	0	0	0
Arson	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0

HATE CRIME OFFENSES (NDSCS WAHPETON)

Crime Reported	Year	On Campus Property	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Murder & Non-negligent Manslaughter	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Rape	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Fondling	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Incest	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Robbery	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Burglary	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Arson	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Larceny-theft	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Simple Assault	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Intimidation	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Destruction, Damage, or Vandalism of Property	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0

VIOLENCE AGAINST WOMEN OFFENSES (NDSCS WAHPETON)

Crime Reported	Year	On Campus Property	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Domestic Violence	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Dating Violence	2021	0	0	0	0
	2020	1	0	0	0
	2019	1	0	0	0
Stalking	2021	0	0	0	0
	2020	1	0	0	0
	2019	0	0	0	0

LIQUOR, DRUG, WEAPONS LAW ARRESTS (NDSCS WAHPETON)

Crime Reported	Year	On Campus Property	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Liquor Law*	2021	0	0	0	0
	2020	8	4	0	0
	2019	2	1	0	3
Drug Law*	2021	0	0	0	0
	2020	1	0	0	4
	2019	10	5	0	0
Illegal Weapons Possession	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0

LIQUOR, DRUG, WEAPONS LAW DISCIPLINARY REFFERALS (NDSCS WAHPETON)

Crime Reported	Year	On Campus Property	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Liquor Law*	2021	93	90	0	0
	2020	140	140	0	0
	2019	136	129	0	0
Drug Law*	2021	1	1	0	0
	2020	9	8	0	13
	2019	14	7	0	0
Illegal Weapons Possession	2021	0	0	0	0
	2020	1	1	0	0
	2019	8	7	0	0

UNFOUNDED CRIMES (NDSCS WAHPETON)

Year	Total Unfounded Crimes
2021	1
2020	2
2019	1

*All drug law violations arrests or non arrests are referred to the Student Conduct Process, 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.

CRIMINAL OFFENSES (NDSCS-FARGO)

Crime Reported	Year	On Campus Property	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Murder & Non-negligent Manslaughter	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Negligent Manslaughter	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Rape	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Fondling	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Incest	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Robbery	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Burglary	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Arson	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0

HATE CRIME OFFENSES (NDSCS-FARGO)

Crime Reported	Year	On Campus Property	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Murder & Non-negligent Manslaughter	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Rape	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Fondling	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Incest	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Robbery	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Burglary	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Arson	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Larceny-theft	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Simple Assault	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Intimidation	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Destruction, Damage, or Vandalism of Property	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0

VIOLENCE AGAINST WOMEN OFFENSES (NDSCS-FARGO)

Crime Reported	Year	On Campus Property	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Domestic Violence	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Dating Violence	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Stalking	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0

LIQUOR, DRUG, WEAPONS LAW ARRESTS (NDSCS-FARGO)

Crime Reported	Year	On Campus Property	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Liquor Law*	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Drug Law*	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Illegal Weapons Possession	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0

LIQUOR, DRUG, WEAPONS LAW DISCIPLINARY REFFERALS (NDSCS-FARGO)

Crime Reported	Year	On Campus Property	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Liquor Law*	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Drug Law*	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Illegal Weapons Possession	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0

UNFOUNDED CRIMES (NDSCS-FARGO)

Year	Total Unfounded Crimes
2021	0
2020	0
2019	0

*All drug law violations arrests or non arrests are referred to the Student Conduct Process, 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.

EMERGENCY RESPONSE AND NOTIFICATION

Emergency Response Plan (ERP)

NDSCS is dedicated to providing a safe and secure environment. General information about NDSCS Emergency Protocols is available [online](#).

NDSCS has an established Emergency Response Plan (ERP), which describes NDSCS's emergency management organization, policies and response guidelines. The ERP is based on 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 College community or disrupt its programs or activities.

The NDSCS Police Lieutenant or their designee serves as the Operations Section Chief and is responsible for directing the emergency management operations. The ERP identifies other departments, units, and individuals responsible for providing emergency response and critical support services, and describes their respective roles and responsibilities.

The Emergency Operations and Communication Center (EOCC) is the location of the emergency operations center at which the coordination of information and resources to support College incident management activities takes place. It is a centrally located facility with staff trained to notify and deploy College resources to an emergency or dangerous situation. It is also responsible for pushing information to and pulling information from the incident site to local responders. Furthermore, if a large-scale situation exceeds, or is likely to exceed, available College capabilities and resources, the EOCC will contact other emergency response and support services for additional resources.

Confirming a Significant Emergency or Dangerous Situation

The NDSCS Police Department is responsible for confirming emergency situations. The ERP describes the process the NDSCS Police Department uses to confirm that there is a significant emergency. NDSCS Police assess the danger and potential threat the event may pose to the safety of the College community, and determine the appropriate course of action in light of the specific circumstances. In the event of an emergency the NDSCS Directory of Safety, in collaboration with NDSCS Police and authorized official(s), 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 NDSCS property may impact the community surrounding the area, NDSCS officials will work with local law enforcement and media to notify the larger community when deemed appropriate.

Authorized Officials

During an emergency that threatens life, safety, or security, it will be necessary for notification to be provided to the NDSCS community with speed and accuracy. Conditions may not allow time for responders or other officials to seek approval to send notification messages. For this reason, NDSCS has designated specific College officials to serve as authorized officials who are empowered to authorize the issuance of emergency notifications. Each authorized official is expected to act within their realm of responsibility as defined by department mission and authorize emergency notification when experience and prudence indicate that emergency conditions warrant such actions be taken.

The following individuals are the authorized officials at NDSCS (in the order listed below). Such authority is delegated to the highest-ranking official on the list with whom the EOCC is able to contact in a timely manner:

1. NDSCS President;
2. Vice President for Student Affairs and Strategy;
3. Vice President for Instruction;
4. Executive Director of Student and Residential Life.

Notification Methods

NDSCS utilizes a variety of methods to inform the College and/or larger community of emergency or dangerous situations, including:

- Phone
- Text
- Email
- Official NDSCS website
- Local media
- NDSCS social media
- Targeted communication in specific locales or to certain groups

NDSCS utilizes a college-wide emergency notification system. This system is used when there is a severe or imminent threat to the public safety and health of the College community. Students and employees are required to enter/verify contact information (phone, text, email) into People Soft each semester. This information is used by the emergency notification system to disseminate emergency alerts. The College emergency notification system is scheduled for monthly testing to ensure proper functionality.

Individuals outside the College community are notified of emergency and dangerous situations through the use of local media (i.e., radio and television), NDSCS's website, and NDSCS social media platforms. The Department of College Relations and Marketing receives information to update these sources from the EOCC and provides College updates to the media. Additionally, NDSCS Police is able to collaborate with the Richland County Communications Center to telephone all or targeted areas of the County utilizing the County emergency notifications system.

Once an emergency or dangerous situation has been cleared, an immediate notification to all areas of the College involved in the notification will be sent by the NDSCS Safety Officer or designee as appropriate.

Evacuation Procedures

It is recommended that all employees and students review and become familiar with the emergency evacuation procedures annually. It is recommended that departments pre-determine designated assembly points, direct occupants to those locations and prevent re-entry to the facility (prevention of re-entry to anyone except emergency personnel ensures the protection of life and property).

Evacuation plans in residence halls are tested each semester in the form of a fire drill. The College typically conducts or participates in an emergency response exercise (table top or live event) annually and reviews the College emergency operations system. These exercises are designed to assess and evaluate the emergency plans and capabilities of the College.

In the event of an emergency or dangerous situation, the EOCC will direct students, faculty, staff, and guests to evacuate a building, several buildings, a portion of the campus, or the entire campus. The College community will be asked to follow building and campus evacuation protocols and to obey directions from NDSCS and emergency responders.

Evacuation Protocol

- Building evacuations will occur when an alarm sounds continuously and/or upon notification by emergency personnel or by NDSCS Police.
- If necessary or if directed to do so by a designated emergency official, activate the building alarm. Call 911 or NDSCS Police at 701.671.2233.
- Do not use elevators during an emergency evacuation. Emergency response personnel may use an elevator for evacuation after review of the circumstances.
- Check doors for heat before opening. Do not open door if it is hot.
- Exit the building quickly and proceed in an orderly manner to the designated emergency assembly point as predetermined by each department. Be alert and pay attention to what is happening around you. If the first designated area of evacuation is inaccessible, proceed to a designated secondary location as predetermined by each department.
- Avoid assembly locations where emergency personnel will respond, such as roadways, parking lots, near fire hydrants or obstructing fire department connections.
- Remain at the designated assembly point until someone takes roll call and further instructions are provided by emergency personnel or NDSCS Police. Do not leave the area.
- Do not re-enter an evacuated building until instructed to do so by an emergency response official.

- Assist individuals with disabilities:
 - Be aware of persons in the building who may need assistance. Be prepared to render assistance if necessary or as the situation warrants. If unable to directly assist a person with disabilities, ask the individual to wait at the nearest exit for assistance from official emergency personnel.
 - Individuals with disabilities are responsible for knowing how they need to be helped during an evacuation. They are asked to convey this information to their instructors within the first week of each semester or to work with their supervisors within the first week of employment.

Shelter-In-Place Procedures

Certain emergency situations (i.e., hazardous materials release) and some weather emergencies, may require the College community and the general public to shelter-in-place while listening for further instructions.

The following are guidelines to be followed:

Monitor local radio, television stations or College/County emergency notification systems for detailed information and instructions. Follow the instructions carefully.

- Stay inside.
- Do not go outside to investigate.
- Close and lock all exterior doors and windows. Close vents, fireplace dampers, and as many interior doors as possible
- Turn air conditioners and ventilation systems to 100 percent recirculation so that no outside air is drawn into the building. If this is not possible, ventilation systems should be turned off (including heating and air conditioning).
- If in a vehicle:
 - Close all windows and shut all manual vents.
 - Turn off ventilation system.

Drills and Exercises

The College will test emergency response and evacuation procedures at least annually. Additional building evacuation and sheltering drills are encouraged for College buildings and external locations. If building occupants wish to have a drill, the NDSCS Safety Officer will coordinate the drill and document it. NDSCS Police may assist in departmental planning, implementation and evaluation of any drills that personnel wish to undertake in their building. Certain types of drills (e.g., lockdown, shelter-in-place, unannounced drills other than fire drills, etc.) require advanced planning and technical assistance, and should only be developed with assistance from, and in consultation with the NDSCS Safety Officer.

Promoting Emergency Procedures

NDSCS promotes its emergency procedures through training sessions, drills, and NDSCS Police web content. Students living on-campus receive training upon move in and participate in drills held throughout the academic year.

ALCOHOL AND DRUGS

ALCOHOL/DRUG POLICY

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

Alcohol, tobacco, 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. More information on the health risks associated with alcohol, tobacco, and other drug misuse can be found at the National Institutes of Health website, the Center for Disease Control, as well as the NDSCS Alcohol, Tobacco and Other Drug Prevention website.

Policy Distribution

This policy is distributed to all students and employees each semester 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).

Policy Statement

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 also strictly prohibited. This includes the use of marijuana, including recreational and medicinal uses, regardless of state law. This policy applies to all employees, students, and visitors.

The [NDSCS Student Rights and Responsibilities: A Code of Conduct](#) specifies the policy, prohibitions and penalties for alcohol and drug violations.

View the [2020 Biennial Review](#), developed in accordance with the Drug Free Schools and Communities Act (DFSCA) of 1989.

ALCOHOL, TOBACCO AND OTHER DRUGS (ATOD) EDUCATION AND OUTREACH

The NDSCS Wellness Coordinator directs all prevention education and programming at the College. Additional information regarding alcohol and drugs, standards of conduct, applicable disciplinary sanctions, health risks, counseling and treatment, processes, goals, objectives, outreach and education can be found at [NDSCS.edu/Alcoholinfo](#).



PREVENTING AND RESPONDING TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

NDSCS will not tolerate domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct. Offenders may be subject to appropriate College adjudication processes, disciplinary action, and/or criminal proceedings. NDSCS utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault, and stalking. These procedures are carried out by officials who receive specific annual training.

Sexual violence is a form of sexual harassment and services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking.

In these situations, NDSCS is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues. The College's process does not preclude adjudication under state law.

NDSCS prohibits retaliation by its officers, employees, students, or agents against a person who exercises their rights or responsibilities under any provision, federal or state law, including Title IX and the Violence Against Women Reauthorization Act (VAWA), or this policy.

Title IX-related proceedings will be conducted by officials who do not have a conflict of interest or bias for or against the reporting or responding party. When a student or employee reports to NDSCS that a Title IX or sexual misconduct-related incident has occurred, NDSCS will provide written explanation of the student or employee's rights and options including the procedures one can follow, available NDSCS and community resources and services, and how to request protective and interim measures. NDSCS and community resources include: counseling, health, mental health, victim advocacy, legal assistance, visa & immigration assistance, student financial aid, and other victim-related services. NDSCS also provides written information about how it protects reporting parties', responding parties' and other necessary parties' confidentiality.

NDSCS also provides written explanations of institutional disciplinary action procedures. NDSCS provides written notification to students and employees about options for and assistance with requesting protective measures. NDSCS provides reasonably available protective measures regardless of whether the reporting party reports to local law enforcement. NDSCS provides written notification to students and employees about existing NDSCS and community resources such as: counseling, physical health, mental health, victim advocacy, legal assistance, visa & immigration assistance, student financial aid, and other victim-related services.

TITLE IX AND SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES AND PROTOCOLS

The NDSCS Title IX Compliance Policy is required by federal law and its implementation is guided by the U.S. Department of Education, Office of Civil Rights. The NDSCS Sexual Misconduct Policy was adopted to provide investigation and disciplinary procedures to be followed in response to allegations of sexual misconduct not covered by the NDSCS Title IX Compliance Policy.

TITLE IX COMPLIANCE POLICY

Purpose: This policy is to fulfill all aspects of Title IX of the Education Amendments of 1972 and aligns with the [North Dakota University System Policy 520](#).

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. This policy applies to formal complaints of sexual harassment occurring in NDSCS Educational Programs or Activities within the United States ("Title IX Complaints"). All other complaints of Sexual Harassment shall be resolved by the NDSCS Sexual Misconduct policy, or other applicable policy.

2. Definitions

For the purposes of NDSCS Title IX Compliance Policy, the listed terms shall have the following definitions pertaining to the 2020 Title IX regulations and NDUS Policy 520:

- a. **Actual Knowledge.** Notice of sexual harassment or allegations of sexual harassment to NDSCS's Title IX Coordinator or employee with the ability to implement corrective measures; including but not limited to supervisors, Vice Presidents, Department Chairs.
- b. **Complainant.** An individual who is alleged to be the victim of conduct which could, after investigation, constitute sexual harassment.
- c. **Dating Violence.** Violence committed by the Respondent:
 - i. Who is or has been in a romantic or intimate relationship with the Complainant; and;
 - ii. Where the existence of such a relationship shall be determined by considering the length of the relationship, the type of relationship, and the frequency of interactions between the Complainant and Respondent.

- d. **Deliberate Indifference.** When NDSCS's response to sexual harassment is clearly unreasonable considering the information known to NDSCS at the time.
- e. **Domestic Violence.** Violence committed by the Respondent, who is:
- i. a current or former spouse or intimate partner of the Complainant;
 - ii. a person with whom the Complainant shares a child in common;
 - iii. cohabiting with or has cohabited with the victim as a spouse or intimate partner;
 - iv. similarly situated to a spouse of the Complainant; or
 - v. any person against whose acts the Complainant is protected by N.D.C.C. ch. 14-07.1.
- f. **Educational program or activity.** Includes locations, events, or circumstances over which NDSCS exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, as well as in any building owned or controlled by a student organization that is officially recognized by NDSCS.
- g. **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- h. **Formal Complaint.** A document filed by a Complainant (which either contains the Complainant's signature or indicates that the Complainant is the one filing the complaint) or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that NDSCS investigate.
- i. **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- j. **Rape.** Penetration, no matter how slight, of the vagina or anus of the complainant with any body part or object by the Respondent, or oral penetration of the Complainant by a sex organ of the Respondent, without the consent of the Complainant.
- k. **Respondent.** An individual who has been reported to be responsible for the conduct that could constitute sexual harassment.
- l. **Sexual Assault.** Either rape, fondling, incest, statutory rape, or any of the sexual offenses listed in N.D.C.C. ch. 12.1-20 or by the FBI's Uniform Crime Reporting system.
- m. **Sexual Harassment.** Conduct, on the basis of sex, constituting one (or more) of the following:
- i. An employee of NDSCS conditioning the provision of an aid, benefit, or service of NDSCS on an individual's participation in unwelcome sexual conduct;
 - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to NDSCS's educational program or activity; or
 - iii. Sexual assault, dating violence, domestic violence, or stalking, as defined in this section.
- n. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.
- o. **Statutory Rape.** Sexual intercourse with a person who is under the statutory age of consent.
- p. **Supportive Measures.** Non-disciplinary, non-punitive individualized services offered as appropriate (as reasonably available) and without fee or charge to the Complainant or Respondent.

3. Pre-Grievance Process

- **Timing.** This grievance process shall be carried out using reasonably prompt time frames, including time frames for filing and resolving appeals, and for informal resolution processes if offered. Notwithstanding, temporary delays or extensions of the time frames must be offered for good cause, with written notice to the parties setting forth the cause for the action.
 - *Good cause.* May include considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations for language or disability.
- **Actual Knowledge of Sexual Harassment.** With or without the filing of a formal complaint, once NDSCS has actual knowledge of sexual harassment within its educational program or activity in the United States, NDSCS must respond promptly and without deliberate indifference pursuant to these Procedures and any applicable NDSCS policies.
 - Once NDSCS has actual knowledge of sexual harassment, the Title IX Coordinator must contact the Complainant and:
 - Discuss the availability of supportive measures;
 - Consider the Complainant's wishes regarding supportive measures;
 - Inform the Complainant that supportive measures are available with or without the filing of a formal complaint; and
 - Explain the process of filing a formal complaint.
 - No disciplinary sanctions or other actions which are not supportive measures may be imposed against any Party prior to the conclusion of the grievance process. Exceptions are Emergency Removal and Administrative Leave.

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

- Supportive Measures may include but are not limited to:
 - Counseling;
 - Extensions of deadlines or other course-related adjustments;
 - Modifications of work or class schedules;
 - Campus escort services;
 - Mutual restrictions on contact between the Parties;
 - Changes in work or housing locations;
 - Leaves of absence; and
 - Increased security or monitoring of certain areas of campus.
- NDSCS must maintain confidentiality with respect to supportive measures unless disclosure is required to implement the supportive measures.
- The Title IX Coordinator shall coordinate the effective implementation of supportive measures.
- Supportive measures may not restrict any Party's rights under the United States Constitution.

- **Emergency Removal.** NDSCS may remove a Party from the educational program or activity on an emergency basis, provided that NDSCS determines, based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

- NDSCS will provide the Respondent with notice and an opportunity to challenge the Emergency Removal decision immediately following the removal. In challenging the Emergency Removal decision, the Respondent shall have the burden to show why removal should not be implemented or be modified. While this challenge process may produce facts and evidence relevant to the grievance process, this challenge process need not follow all of the requirements of the grievance process. As such, this meeting is not a hearing on the merits of the allegation(s) but rather is an administrative process intended to determine solely whether the emergency removal is justified.

- **Administrative Leave.** NDSCS may place a non-student employee on administrative leave during the pendency of a grievance process.

4. Grievance Process

● Formal Complaint and Notice of Allegations

- Once a formal complaint is received by NDSCS, NDSCS must provide the following written notice to the known Parties:
 - Notice of the grievance process;
 - Notice of the allegations of sexual harassment, including:
 - ◆ Sufficient details known at the time and with enough time to prepare a response, including, but not limited to, the names of the Parties, the conduct allegedly constituting sexual harassment, as defined by Title IX, and the date and location of the alleged conduct.
 - A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
 - A statement that the Parties may have an Advisor of their choice, who may be an attorney, and may inspect and review evidence. The statement should also indicate that if the Party does not have an Advisor of choice, NDSCS will appoint a trained, impartial Advisor to assist with cross-examination for the live hearing.
 - Notice of any provisions in NDSCS's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
 - If during the grievance process, additional allegations are added to the investigation which were not included in the initial notice, NDSCS must provide notice of the additional allegations to the Parties.

● Advisors.

- Parties to a grievance proceeding must be afforded the opportunity to select the Advisor of their choice to assist them during the proceeding, including during the live hearing.
- If a Party does not choose an Advisor, NDSCS shall provide the Party with an Advisor free of charge. At minimum, NDSCS shall provide an Advisor to conduct the Party's cross-examination at the hearing. However, nothing in this policy or the Title IX regulations should be read to prohibit NDSCS from providing an Advisor for the full duration of the grievance process, provided that the Parties are treated equally as to timing if NDSCS appoints Advisors for all Parties.
- NDSCS is not required to provide attorneys to Parties to act as Advisors, but appointed Advisors should be provided with access to appropriate training to ensure an understanding of the grievance process, though the same training provided to Title IX

Coordinators, decision-makers, and Investigators is not required.

- NDSCS is not required to attempt to create equality of Advisors between the Parties, particularly where one Party selects an outside Advisor, but will endeavor to seek parity of Advisors where NDSCS provides Advisors to all Parties.

- **Investigation.**

- NDSCS is required to investigate every filed formal complaint unless the complaint is subject to dismissal.
- At all times, the burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on NDSCS, and NDSCS may not seek to shift that burden to the Parties.
 - Notwithstanding, NDSCS may not restrict the Parties' ability to discuss the allegations or to gather or present relevant evidence.
- At all times, the institution shall observe a presumption that respondent is not responsible for the alleged conduct until and unless there is a determination of responsibility at the conclusion of the grievance process.
- NDSCS may not access, consider, disclose, or otherwise use a Party's medical records made or maintained in connection with the provision of treatment to the Party, unless voluntary, written consent to do so is provided by the Party (or the Party's parent, if the Party is not eligible to provide consent).
- NDSCS may not require, allow, rely upon, or otherwise use evidence that constitutes, or questions that seek disclosure of, information protected under a legally recognized privilege, unless that privilege is waived.
- NDSCS must provide to the Parties written notice of the date, time, location, participation, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare.
- The Parties will be allowed up to two people, one person that is able to fully participate, in the hearing process. NDSCS will provide an advocate for each party in the event they do not have one.
- All Parties must have an equal opportunity to inspect and review any evidence obtained as part of the investigation related to the allegations raised in a formal complaint, including any evidence upon which NDSCS does not intend to rely in reaching a determination of responsibility and any inculpatory or exculpatory evidence, from whatever source.
- At least 10 calendar days prior to the preparation of the Preliminary Investigative Report, NDSCS must provide each Party and the Party's Advisor the evidence obtained in the investigation in an electronic format or hard copy. The Parties may submit a written response to the evidence, which the Investigator

shall consider prior to completion of the Preliminary Investigative Report.

- At the conclusion of the investigation, the Investigator must create a Preliminary Investigative Report that summarizes the relevant evidence in an adequate, impartial, and reliable manner. At least 10 calendar days prior to the hearing, the Investigator must send a copy of the Preliminary Investigative Report to each Party and the Party's Advisor, if any, for review and written response.

- **Dismissal of the Complaint under Title IX.**

- **Mandatory Dismissal**

- NDSCS must dismiss the Formal Complaint if, at any time during the investigation or hearing:
 - ◆ The alleged conduct would not constitute sexual harassment or sexual violence as defined in these procedures;
 - ◆ The alleged conduct did not occur in an Educational Program or Activity; or
 - ◆ The conduct alleged did not occur against a person in the United States.
- If the formal complaint is subject to mandatory dismissal, NDSCS may act under another policy, including but not limited to NDSCS Sexual Misconduct Policy, without that action constituting retaliation under this Policy.

- **Permissive Dismissal.**

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

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

- **Consolidation of Formal Complaints.** NDSCS may consolidate formal complaints against more than one Respondent, by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment or sexual violence arise out of the same facts or circumstances.

• Live Hearing.

- The grievance process must provide for a live hearing after the completion of the Preliminary Investigative Report. All evidence obtained by the Investigator as part of the investigative process must be made available to the Parties and the decision-maker at the live hearing.
- The live hearing will be presided over by the decision-maker, who will be free of all conflicts of interest, and who may not be the Investigator or the Title IX Coordinator.
 - Notwithstanding the foregoing, if the need arises, NDSCS reserves the right to contract or utilize the services of a properly trained third party to perform the role decision-maker. The need for such a third-party shall be in the sole discretion of NDSCS.
- At the request of either Party, the hearing must be conducted with the Parties located in separate rooms with technology enabling the decision-maker and Parties to simultaneously see and hear the Party or witness answering questions. Hearings may be conducted with all Parties physically present in the same geographic location, or, any Parties, witnesses, and other participants may appear at the live hearing virtually, so long as the participants are able to simultaneously see and hear each other.
- At the live hearing, the decision-maker must permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those regarding credibility. This cross-examination must be conducted directly (the questions may not be asked by the decision-maker), orally, and in real time by the Party's Advisor and never by a Party personally.
 - Prior to a Party or witness answering a question, the decision-maker must rule on the relevance of the question and explain any decision to exclude a question as not relevant.
 - Decision-makers may request, but may not require, that questions by the Parties be submitted in advance, to permit the decision-maker to rule on the relevance of questions.
 - NDSCS may otherwise limit the extent to which the Party's Advisor may participate in the hearing.
- *Rape Shield*. Questions and evidence about the Complainant's sexual predisposition or sexual history are not relevant, unless such questions are offered to prove that someone other than the Respondent committed the alleged conduct, or regard specific incidents of the prior sexual behavior with respect to the Respondent, and are offered to prove consent.
- *Cross-Examination*. If deemed reliable and relevant by the decision-maker, and not otherwise subject to exclusion under the Policy, the decision-maker may consider the statements of persons who were

not present at the hearing, or persons who were present at the hearing but refused to answer a cross-examination question. This includes, but is not limited to, opinion and statements in the police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, and social media posting. The decision-maker shall determine the appropriate weight to afford the statements under the circumstances and will do so in a fair and equitable manner. Decision-makers may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence or refusal to answer cross-examination or other questions.

- *Hearing Decorum*. Decision-makers may enforce rules to ensure hearing decorum, such as requiring respectful treatment, specifying any objection process, governing timing of hearing and length of breaks, etc.
- NDSCS must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

• Determination Regarding Responsibility.

- In all cases, the applicable standard of proof for determining responsibility for an alleged violation is "preponderance of the evidence" meaning, in order for Respondent(s) to be held responsible it must be determined that it is more likely than not that the Respondent(s) violated these procedures.
- After the conclusion of the live hearing, the decision-maker must issue a written determination regarding responsibility, which must include:
 - Identification of the allegations potentially constituting sexual harassment under these procedures;
 - Description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather evidence, and hearings held;
 - Findings of fact supporting the determination;
 - Conclusions regarding the application of any other institution's policy;
 - A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies will be provided to the Complainant; and;
 - The procedures, timelines, and permissible bases for the Complainant and Respondent to appeal.
- The written determination must be provided to the Parties simultaneously. The determination regarding

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

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

5. Disciplinary Sanctions.

Disciplinary sanctions imposed after the conclusion of the grievance process shall be assessed pursuant to *NDSCS Student Rights and Responsibilities: A Code of Conduct*, and/or NDUS Human Resources and North Dakota State Board of Higher Education Policies or any similar documents or procedures which set possible disciplinary sanctions for violations of Title IX and shall be proportional to the determination of responsibility.

6. Remedies.

Remedies offered after the conclusion of the grievance process on a finding of responsibility must be designed to restore or preserve equal access to the educational program or activity. Remedies may be disciplinary or punitive and may create a burden for the Respondent.

7. Appeals.

- a. Regardless of the finding (responsible, not responsible, dismissal) all Parties have the right to file an appeal. The following may form the basis for an appeal:
 - i. Procedural irregularity that affected the outcome of the grievance process;
 - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter; or
 - iii. The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent, that affected the outcome of the grievance process.
 - iv. Other basis set forth in the campus-level processes, but which must be offered equally to all Parties (for example, an appeal based on the severity of the sanctions).
- b. Upon filing of an appeal, NDSCS must:
 - i. Notify the non-appealing Party in writing when an appeal is filed and implement appeal procedures equally for all Parties.
 - ii. Ensure that the appeal's decision-maker is not: the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the Investigator, or the Title IX Coordinator.
 - iii. Give all Parties a reasonable, equal opportunity

to submit a written statement in support of, or challenging, the outcome;

- iv. Issue a written decision describing the result of the appeal and the rationale for the result; and
 - v. Provide the written decision simultaneously to all Parties.
- c. If a disciplinary sanction of suspension or expulsion for students or termination for employees is imposed by the decision-maker, NDSCS shall provide a method of reviewing an appeal from a determination regarding responsibility or dismissal for a period of at least one year following the original decision. For sanctions other than suspension, expulsion, or termination, an appeal must be submitted within 5 business days of receipt of the sanctions.

8. Training.

- All persons involved in the grievance process, including, but not necessarily limited to, Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on the following areas:
 - The definition of sexual harassment;
 - The scope of the educational program or activity;
 - How to conduct an investigation and understanding of the grievance process, including hearings, appeals, and informal resolution processes, as applicable;
 - How to serve impartially, including by avoiding prejudgment of the facts at issue; conflicts of interest, and bias.
 - Additionally, decision-makers must receive training on the following areas:
 - Any technology to be used at a live hearing; and
 - Issues of relevance or questions and evidence, including when questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
 - Investigators must also be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
 - All materials used to train the foregoing individuals must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
 - All training materials used to train the foregoing individuals must be made available to the public by posting on NDSCS's website.

9. Recordkeeping.

- NDSCS shall retain, for a period of seven years, records of:
 - Each sexual harassment investigation, including any determination regarding responsibility; any audio or audiovisual recording or transcript; any disciplinary

sanctions imposed on the Respondent, and any remedies provided to the Complainant;

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

10. Confidentiality.

Notwithstanding Chapter 44-04 of the North Dakota Century Code, the identity of any individual who has made a report or complaint of sex discrimination or sexual harassment, any Complainant, any Respondent, and any witness, including the conduct of any investigation, hearing or judicial proceeding arising thereunder, shall be confidential.

11. Retaliation.

- NDSCS or any other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.
- Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.
- The exercise of rights protected under the First Amendment does not constitute retaliation.
- Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, although a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.
- Complaints alleging retaliation may be filed pursuant to the grievance procedures for sex discrimination under Title IX.

12. Shared Services.

NDSCS may work collaboratively with other institutions, the NDUS Office, legal counsel, and other resources and seek uniformity in processes and procedures. NDSCS may enter into agreements with other institutions or entities to arrange for the availability of investigators, advisors.

SEXUAL MISCONDUCT POLICY

The NDSCS Sexual Misconduct Policy provides action for allegations of sexual misconduct not covered by the NDSCS Title IX Compliance Policy.

Purpose: This policy provides action for behavior that 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. 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 not covered by NDSCS Title IX Compliance Policy.

1. Introduction

NDSCS strives to create a College 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 termination, suspension, or expulsion 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 not covered by NDSCS Title IX Compliance Policy 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.

NDSCS encourages all individuals to report any alleged or suspected violation of this policy through the NDSCS concern page (NDSCS.edu/Concern) as available and to report potential criminal conduct to law enforcement.

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

Sandi Gilbertson, M.A.

*Executive Director of Human Resources/
Title IX Coordinator*
Haverty Hall 120C
701.671.2904
Sandi.Gilbertson@ndscs.edu

Melissa Johnson, M.S.

*Executive Director of Student and Residential Life/
Deputy Title IX Coordinator*
Riley Hall 130
701.671.2520
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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 this policy and applicable laws. The Title IX Coordinator's activities include (but are not limited to):

- Communicating with all members of the College community regarding this policy and prohibited behavior, and providing information about how individuals may access their rights;
- Reviewing applicable College policies to ensure institutional compliance with this policy;
- Monitoring the College's administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements;
- Conducting training regarding 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. Specifically, formal Complaints of Sexual Harassment occurring in NDSCS Educational Programs or Activities within the United States ("Title IX Complaints") shall be resolved by the Title IX Grievance Procedures outlined in NDSCS Title IX Compliance Policy and SBHE Policy 520. All other complaints of Sexual Harassment shall be resolved by this Policy, or other applicable policy.

Individuals of any gender/sex 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; 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, Deputy Coordinator(s) or through the NDSCS concern page (NDSCS.edu/Concern).

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, student 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 and Wellness Department

701.671.2286 or 701.671.2319
701.298.4500 (after hours)

Riley Hall, Room 113
800 6th St. N., Wahpeton, ND 58076
NDSCS.edu/Counseling

NOTE: Disclosure to employees of NDSCS Student Health and Wellness Department 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 and Wellness Department is required by state law report cases involving physical trauma to law enforcement.

Three Rivers Crisis Center

701.642.2115 (available 24 hours)
509 Dakota Ave., Suite B, Wahpeton, ND 58075

Someplace Safe

218.643.3109
300 5th St. S., Breckenridge, MN 56520

Rape and Abuse Crisis Center of Fargo-Moorhead

701.293.7273 (available 24 hours)
317 8th St. N., Fargo, ND 58102
www.raccfm.com

If criminal activity is involved, students are encouraged to contact NDSCS Police or local law enforcement:

NDSCS Police

Hektner Student Center 154, NDSCS - Wahpeton, ND
701.671.2233 (in case of emergency, dial 911)

Wahpeton Police Department

920 3rd Ave. N., Wahpeton, ND 58075
701.642.7722 (in case of emergency, dial 911)

Fargo Police Department

105 25th St. N., Fargo, ND 58102
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 College 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 non-emergency situations, all employees who are not confidential resources must promptly report suspected violations to the Title IX Coordinator or Deputy Coordinator

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.

A. Options for Complainants and Other Reporting Parties

Anyone who seeks to make a complaint or report may:

- File an online concern at 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 Complaint or Report with the Title IX Coordinator

At any time individuals are encouraged to report any alleged violation of this policy. Reports and/or concerns can be made at 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 at www.ndscs.edu/Concern

NDSCS.edu/Concern and not disclose any identifying information.

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.

D. 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 provide support for the complainant and taking steps to end the prohibited behavior, prevent its recurrence, and address its effects.

E. 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 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 Policy, the Sexual Misconduct Inquiry Team may recommend to the Title IX Coordinator that the complaint be referred to another office, service and/or department for review.
 - Sexual Misconduct Inquiry Team will provide a recommendation report to the Title IX Coordinator.
- If the Sexual Misconduct Inquiry Team determines that the complaint, if substantiated, would constitute a violation of the NDSCS Sexual Misconduct Policy, the Sexual Misconduct 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 an Investigation team.
 - This investigation team, if at all possible, will be the same individuals that comprised the Sexual Misconduct 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 a reasonable timeframe. The College will seek to complete any appeal within 30 calendar days after receipt of the appeal.

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's investigations will be independent of and separate from law enforcement investigations of criminal activity.

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.

D. Cooperation with Investigation and Disciplinary Procedures

NDSCS expects all members of the College community to cooperate fully with the inquiry, 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 inquiry or 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 is responsible for ensuring the implementation of interim measures and coordinating the College's response with the appropriate offices. 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 Sexual Misconduct Investigative Team will conduct the sexual misconduct 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 Policy for more information.

Upon completion of the investigation, the Sexual Misconduct 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, complainant(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) for review.

C. Hearing Procedure for Potential Student Suspension and Expulsion Cases

Refer to *NDSCS Student Rights and Responsibilities: A 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 *NDSCS Student Rights and Responsibilities: A 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/Concerns

NDSCS will document all concerns and/or 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 NDSCS educational opportunities, contact Sandi Gilbertson, NDSCS Title IX Coordinator, at 701.671.2904 via e-mail at Sandi.Gilbertson@ndscs.edu or the NDSCS Student Advocate via e-mail NDSCS.StudentAdvocate@ndscs.edu.

Sex Offender Registration

All registered sex offenders are required to self-report their status upon employment or enrollment to NDSCS Police. Some limitations and restrictions may apply to employment and/or enrollment. NDSCS Police provides access to North Dakota, Minnesota and South Dakota sex offender information through links posted on its website.

Convicted sex offenders must register with the local law enforcement agency in the jurisdiction where the offender resides. Out-of-state sex offenders are required to register with the local North Dakota law enforcement agency if they work or attend school in North Dakota. Each time the offender moves or changes jobs, the offender must notify the local law enforcement agency.

If an individual is designated as a registered sex offender after employment or enrollment, the self-reporting must occur within three working days of the designation. Failure to self-report may result in disciplinary action up to and including termination of employment or suspension.

Employment and Enrollment of Sex Offenders

Registered sex offenders are not barred from employment or enrollment at NDSCS. Limitations and restrictions on employment and enrollment must be reasonable, job related (for employees), and directly related to areas of potential risk

Employment

Registered sex offenders are prohibited from working in or being on the premises, without proper authority, of any area of the College that is designated to provide service/care to minors. Locations and/or events may be added at the discretion of College administration. Registered sex offenders are also prohibited from working in residence halls and apartments. Furthermore, registered sex offenders are prohibited from being within the living areas of College residence halls, apartments, or any other living facilities owned or operated by NDSCS. Supervisors of registered sex offenders should not assign the employee to an area from which they are prohibited if other employees are available to complete the assignment. If the assignment of the sex offender is essential, their immediate supervisor must escort them for the entire time that they are working in the prohibited location.

Enrollment

Registered sex offenders are prohibited from living in College residence halls. Additionally, registered sex offenders are prohibited from being within the living areas of College residence halls, apartments or any other living facilities owned or operated by NDSCS. Other locations and/or events may be added at the discretion of College Administration.

Public Access to Sex Offender Information

The North Dakota Sex Offender website identifying all registered sex offenders in the state of North Dakota is available via Internet pursuant to North Dakota Century Code (NDCC) Section 12.1-32-15. The North Dakota Office of Attorney General is responsible for maintaining the online North Dakota Sex Offender Registry.

The Adam Walsh Child Protection and Safety Act of 2006 (AWCPSA) is a federal law that provides for the tracking of convicted sex offenders. The AWCPSA requires state law enforcement agencies (in North Dakota, it is the North Dakota Bureau of Criminal Investigations) to provide NDSCS with a list of registered sex offenders who have indicated that they are either enrolled or employed with NDSCS. This information is provided in compliance with the AWCPSA and the North Dakota Offender Registration requirements established by NDCC, section 12.1-32-15.

ANNUAL FIRE SAFETY REPORT

GENERAL RESIDENTIAL FACILITY FIRE SAFETY

NDSCS's on-campus residential halls are completely covered by integrated automatic sprinkler and hard-wired addressable fire alarm systems, which are monitored twenty-four hours a day, seven days a week by central monitoring. In addition, these facilities have the following life safety systems: portable fire extinguishers, emergency lighting, emergency exit signs and doors, and fire stairways. The following on-campus residential housing facilities, Northwest and Southeast College Complexes and College Townhomes are covered by fire alarm systems. In addition, these facilities have the following life safety systems: portable fire extinguishers, and emergency exit signs. Each building is inspected by trained building inspectors on a regular basis to ensure that these systems are in working condition, and includes a yearly fire alarm and sprinkler systems test and inspection.

If a fire occurs in a NDSCS Residential Life housing facility, individuals should immediately call 911. If an individual finds evidence of a fire that has been extinguished, they should immediately notify NDSCS Police at 701.671.2233 to document the incident, involve local law enforcement, if necessary and assure the fire is included in the annual fire safety report.

The facility fire alarms alert individuals of potential hazards. Individuals are required to evacuate buildings immediately upon hearing a fire alarm. Use the nearest stairwell and/or exit to leave the building immediately. Do not use the elevator. Individuals should familiarize themselves with the exits in each building.

NDSCS Police can work with other College offices to sanction individuals who fail to evacuate a building promptly – but a more important reason for evacuating is for safety. When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building.

Microwaves that are 800 watts or less, refrigerators that are four cubic feet or less in capacity, stereos, hair appliances, TV sets, coffee makers with automatic shut-off and electric blankets are permitted by the license for residence halls. For safety reasons, all cooking devices, including but not limited to, hot plates, bread makers, items with exposed heating elements, electric frying pans, air fryers, toaster ovens, toasters, sandwich makers and electric grills are not allowed in residence halls. Also prohibited are halogen lamps (floor or desk), vehicle batteries, vehicle battery chargers, extension cords, space heaters, open fires, candles, incense, wax warmers and potpourri pots. The use of tobacco and e-cigarettes/vaping devices is prohibited on College property and in all College buildings. The possession and use of e-cigarettes/vaping devices is prohibited within NDSCS residential living facilities.

NDSCS Police publishes this Fire Safety Report as part of its Annual Security and Fire Safety Report. This report contains information with respect to the fire safety practices and standards for NDSCS. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. The compliance document is available for review 24 hours a day on the NDSCS Police website, and a physical copy may be obtained by making a request to NDSCS Police 701.671.2233 or by visiting NDSCS Police in person at: 800 6th Street North, Hektner Student Center, Wahpeton, ND 58076.

FIRE SAFETY PROCEDURES

Preparing for emergencies well in advance is one of the most effective ways to deal with potential disasters. In the case of a fire, individuals should follow safety guidelines below:

- Activate the nearest fire alarm.
- Alert the fire department by calling 911 from a safe phone. Give your name, address, location and the extent of the fire.
- Calmly alert people in the building and evacuate the building by following exit signs. Do not use elevators. Non-ambulatory individuals needing assistance with evacuation should wait for professional assistance at designated areas in the building (see Evacuation Protocol section).
- Remain outside the building at a safe distance.
- Meet police or fire personnel upon arrival to direct them to the fire.
- Remain at the designated assembly point until someone takes roll call and further instructions are provided by emergency personnel 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. Do not open if the door is hot.
- Open any windows.
- Seal cracks around doors 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 residents' arrival. Staff also review evacuation and emergency procedures with residents. Residence hall students participate in one fire drill during both the fall and spring semesters.

Fire Safety Education and Training Programs

NDSCS promotes fire safety on an ongoing basis through various safety education and training programs. Fire evacuation and muster points are reviewed with employees during fall In-service. Residence hall and apartment staff receive orientation to the operations and locations of the fire alarm system, as well as a review of their roles during a fire or fire drill. Resident assistants receive general fire safety training during fall training. Students receive a general orientation to the fire systems present in the building during the first week of

Plans for Future Improvements in Fire Safety

NDSCS strives to improve and expand on our in-service training sessions for all Residential Life student staff, College security staff, and other housing staff. The College continues to assess and upgrade fire safety equipment as an ongoing process, to ensure that all equipment meets National Fire Safety standards. Future improvements will be made as needed as part of the ongoing assessment and budget process.

STUDENT HOUSING FIRE SAFETY SYSTEMS (NDSCS WAHPETON)						
Residential Facilities	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 638 8th Ave. N.	X		X	X	X	2
Schulz Hall 658 8th Ave. N.	X		X	X	X	2
Forkner Hall 811 6th St. Oval	X	X	X	X	X	2
Riley Hall 813 6th St. Oval	X	X	X	X	X	2
Robertson Hall 1301 4th St. N.	X		X	X	X	2
Nordgaard Hall 1318 5th St. N.	X	X	X	X	X	2
College Townhomes West Units 1500-1506 Center Dr.			X	X	X	0
College Townhomes East Units 1501-1505 East Dr.			X	X	X	0
SE College Complex 1438 Center Dr.	X		X	X	X	2
NW College Complex 1509 Center Dr.	X		X	X	X	2

FIRE STATISTICS FOR NDSCS WAHPETON RESIDENTIAL FACILITIES for January 1 - December 31, 2021

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Walton Hall 638 8th Ave. N.	0	-	-	-	-	-
Schulz Hall 658 8th Ave. N.	0	-	-	-	-	-
Forkner Hall 811 6th St. Oval	0	-	-	-	-	-
Riley Hall 813 6th St. Oval	0	-	-	-	-	-
Robertson Hall 1301 4th St. N.	0	-	-	-	-	-
Nordgaard Hall 1318 5th St. N.	0	-	-	-	-	-
College Townhomes West Units 1500-1506 Center Dr.	0	-	-	-	-	-
College Townhomes East Units 1501-1505 East Dr.	0	-	-	-	-	-
SE College Complex 1438 Center Dr.	1	1	Cooking	0	0	\$549
NW College Complex 1509 Center Dr.	0	-	-	-	-	-

APPENDIX I: CLERY-DESIGNATED CRIME DEFINITIONS

NDSCS is required to report crime statistics as defined by the Clery Act for the following crimes if the crimes are reported and occur in geographic locations as defined above.

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

Burglary – The unlawful entry of a structure to commit a felony or a theft.

Dating Violence

The Federal definition (from VAWA) of Dating Violence: the term “dating violence” means violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of such a relationship shall be determined based on the reporting party’s statement with consideration of:
 - the length of the relationship;
 - the type of relationship;
 - the frequency of interaction between the persons involved in the relationship
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- Dating violence does not include acts covered under the definition of domestic violence

There is no local jurisdiction definition of dating violence.

Domestic Violence

The Federal definition (from VAWA) of Domestic Violence: a felony or misdemeanor crime of violence committed:

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated

- with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

North Dakota Century Code 12.1-17-01.2 Domestic Violence

1. For purposes of this section "family or household member" means family or household member as defined in section 14 - 07.1 -01.
2. A person is guilty of an offense if that person willfully causes:
 - a. Bodily injury to the actor's family or household member;
 - b. Substantial bodily injury to the actor's family or household member; or
 - c. Serious bodily injury to the actor's family or household member.
3. The offense is:
 - a. A class B misdemeanor for the first offense under subdivision a of subsection 2 and a class A misdemeanor for a second or subsequent offense under this section or sections 12.1 - 17 - 01, 12.1 - 17 - 01.1, or 12.1 - 17 - 02 involving the commission of domestic violence, as defined in section 14 - 07.1 - 01. For purposes of this subdivision, a prior conviction includes a conviction of any assault offense in which a finding of domestic violence was made under a law or ordinance of another state which is equivalent to this section.
 - b. A class A misdemeanor for an offense under subdivision b of subsection 2 and a class C felony for an offense under subdivision c of subsection 2.
 - c. A class B felony for an offense under subdivision b or c of subsection 2 if the victim is under twelve years of age.
4. A person charged with an offense under this section must be prosecuted in district court.

Drug Abuse violations – Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

Liquor Law Violations – Violations of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the

aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Motor Vehicle Theft – The theft or attempted theft of a vehicle.

Murder/Non-Negligent Manslaughter – The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter – The killing of another person through gross negligence.

Robbery – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sexual Offenses – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- *Rape*: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
- *Fondling*: The touching of the private parts of another person for the purpose 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*: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape*: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

There is no local jurisdiction definition of sexual assault, however **North Dakota Century Code 12.1-20 Sex Offenses** outlines definitions for Sex Offenses.

Stalking

The Federal definition (from VAWA) of **Domestic Violence**: a felony or misdemeanor crime of violence committed:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or to suffer substantial emotional distress

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily,

require medical or other professional treatment or counseling.

North Dakota Century Code 12.1-17-07.1 Stalking

1. As used in this section:
 - a. "Course of conduct" means a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity.
 - b. "Immediate family" means 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.
 - c. "Stalk" means:
 - 1) To engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person and which 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; or
 - 2) The unauthorized tracking of the person's movements or location through the use of a global positioning system or other electronic means that would cause a reasonable person to be frightened, intimidated, or harassed and which serves no legitimate purpose.
2. A person may not intentionally stalk another person.
3. In any prosecution under this section, it is not a defense that the actor was not given actual notice that the person did not want the actor to contact or follow the person; nor is it a defense that the actor did not intend to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is prima facie evidence that the actor intends to stalk that person.
4. In any prosecution under this section, it is a defense that a private investigator licensed under chapter 43-30 or a peace officer licensed under chapter 12-63 was acting within the scope of employment.
5. If a person claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.
6. A person who violates this section is guilty of a class C felony if:
 - a. The person previously has been convicted of violating section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07, or a similar offense from another court in North Dakota, a court of record in the United States, or a tribal court, involving the victim of the stalking;

- b. The stalking violates a court order issued under chapter 14-07.1 protecting the victim of the stalking, if the person had notice of the court order; or
- c. The person previously has been convicted of violating this section. b. If subdivision a does not apply, a person who violates this section is guilty of a class A misdemeanor.

Unfounded Crime Reports – According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority "if the investigation shows that no offense occurred nor was attempted." These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as "unfounded" cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

Weapons Violations – The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Hate Crimes – Any of the above offenses, and any other crime involving bodily injury, reported to local police agencies or Campus Security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories. Additionally, on August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes. These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include: race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability.

Hate Crime Definitions:

To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

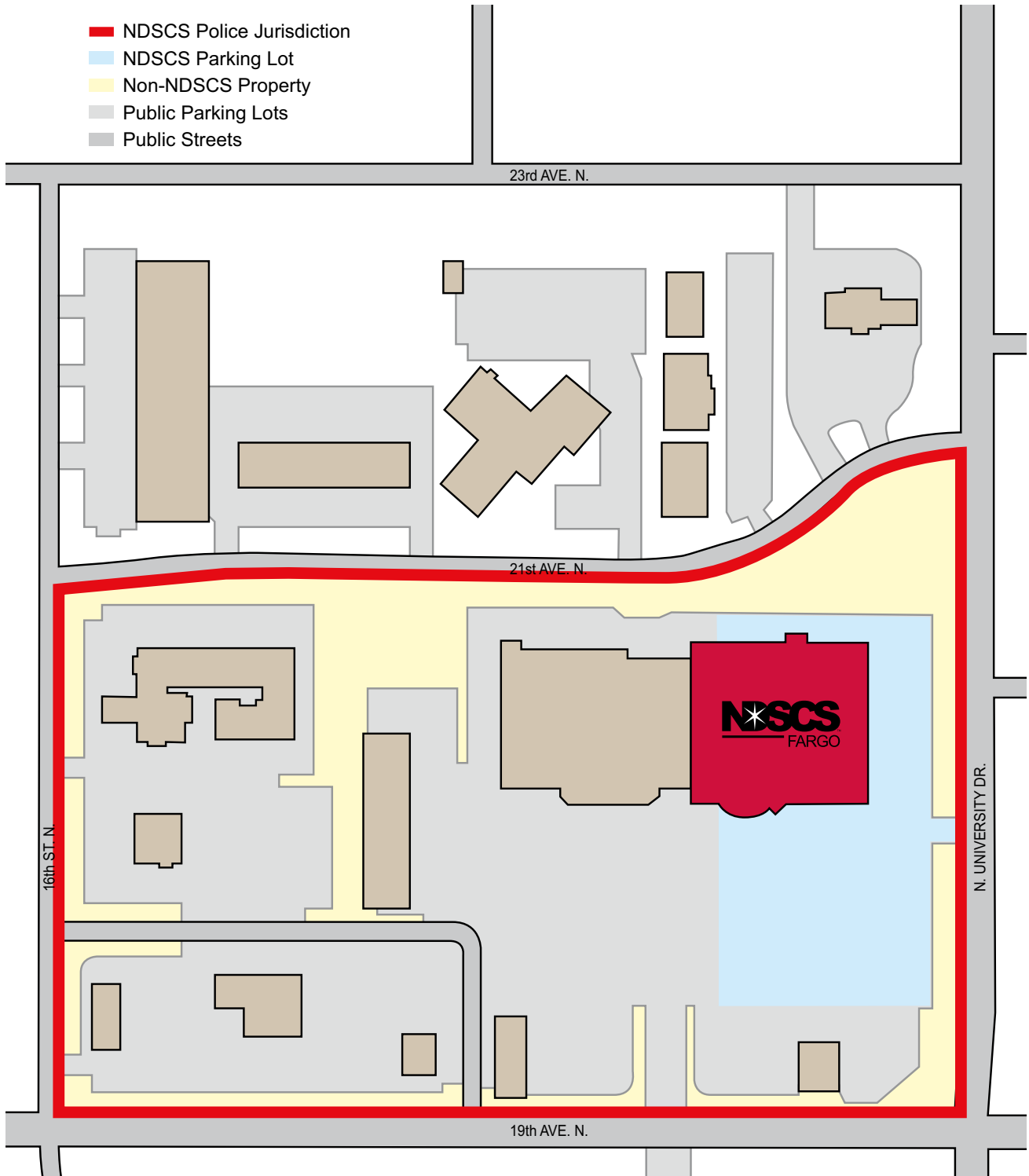
Bias – A preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin.

Bias Crime – A criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as Hate Crime.

Note: Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

NDSCS-FARGO

- NDSCS Police Jurisdiction
- NDSCS Parking Lot
- Non-NDSCS Property
- Public Parking Lots
- Public Streets





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