



North Dakota State College of Science
Drug-Free Schools and Campuses Regulations [EDGAR Part 86]
Biennial Review: 2020

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NDSCS Student Affairs Division
December 2020

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

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

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

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

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


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

North Dakota State College of Science
Name of College

800 6th Street North, Wahpeton, ND 58076
Address of College

Dr. John Richman
Typed Name of President

45-6002451
IRS Employer Identification Number


Signature of the President

701.671.2221
Telephone Number

11-23-2020
Date

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I. Introduction/Overview

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

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

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

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

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

II. Biennial Review Process

This Review covers the period of 2018-2020. Specifically, it is the fall 2018 semester through the summer of 2020. It was the goal of the NDSCS Alcohol, Tobacco, and Other Drug Prevention Team to produce a Biennial Review that would be used to confirm the progress made by NDSCS and to also provide awareness into how NDSCS’s ATOD programs could be enhanced.

A. Biennial Review Committee:

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

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

- d. NDSCS ATOD Prevention Team: The NDSCS ATOD Prevention Team was formed in 2008 to address the important issues of alcohol and other drug misuse. The group has consisted of College and community stakeholders and strives to involve the entire College community in alcohol and other drug prevention programs to assist with problems associated with ATOD misuse.

Alcohol, Tobacco, and Other Drugs Prevention Team Membership List 2018-2020

Bethany Mauch
Chair, NDSCS ATOD Prevention Team
NDSCS ATOD Prevention Specialist
NDSCS Student Health and Counseling
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413 3rd Ave N, Wahpeton, ND 58074
701.642.7744

Dawafi Daffallah
Student Senate Student Representative

Makai Bashir
Wildcats After Dark Student Coordinator
Campus Activities Board

A. Location(s) of the 2020 Biennial Review

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

Bethany Mauch, NDSCS ATOD Prevention Specialist
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Wahpeton, ND 58076
701.671.2124 | Bethany.Mauch@NDSCS.edu

III. Annual Policy Notification Process

- A. NDSCS complies with all state and federal laws regarding drug and alcohol policy distribution (North Dakota State Board of Education policy governing alcohol use on campus, the Drug-Free Workplace Act of 1988, Public Law 100-690 and the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226). NDSCS attempts to ensure every student, faculty member and staff person is informed about NDSCS' alcohol, tobacco and drug policies. An e-mail including the full text of the policy is sent out each semester to all official student email addresses through the college listservs with the full text of the policy. E-mail is an official means of communication for all NDSCS students, faculty and staff. In addition, the policy is included in the Annual Notice of Policies that is included in all staff and faculty annual training and all NDSCS policies are given to each new faculty and staff member. A sample of the NDSCS AOD Policy e-mails sent to students and employees can be found in Appendix A.
 - a. For the complete NDSCS Alcohol and Other Drug Policy, please see Appendix B. The NDSCS Alcohol and Other Drug Policy can also be viewed online at www.NDSCS.edu/AlcoholInfo.
 - b. For the complete NDSCS AOD Policy Distribution Rationale and Plan for Fiscal Years 2018-2019 and 2019-2020, please see Appendix C.
- B. Notification Process for Employees
 - a. New hires of NDSCS are directed during HR orientation how to locate the policy and indicate they have read the policy in its entirety.
 - b. All staff/faculty are provided with a College e-mail address which is the official means of communication for the campus. All staff/faculty are required to complete annual

training each fall semester and training at date of hire, in which the policy is explained in detail.

- c. The NDSCS Human Resources Office also sends out the NDSCS Alcohol and Other Drug Policy to staff and faculty members on an annual basis. The All-Employees listserv includes everyone currently employed by NDSCS (on regular or temporary basis), with the exception of student employees. Please see Appendix A for an example of employee AOD policy e-mail sent.

C. Notification Process for Students

- a. Each student receives an e-mail from the Alcohol, Tobacco, and Other Drugs Prevention Specialist each semester. This e-mail contains the full text of the NDSCS Alcohol and Drug Policy. This e-mail is sent out at the beginning of the fall semester, at the beginning of the spring semester, and at the beginning of each summer session. Please see Appendix A for an example of the student AOD policy e-mail sent.
 - i. The All-Student Listserv includes all students enrolled in academic courses, with the exception of dual-credit students.
- b. Students are also notified of the policy during freshman orientation via verbal disclosure during a general mandatory orientation session.
- c. Policy Distribution Timeline:
 - i. E-Mail sent to all NDSCS students containing NDSCS Alcohol and Other Drug Policy by Bethany Mauch, ATOD Prevention Specialist (see Appendix C).
 - 1. August 24, 2018; January 9, 2019; June 7, 2019; July 12, 2019
 - 2. October 28, 2019; January 20, 2020; June 5, 2020; July 7, 2020

IV. Alcohol and Other Drug Assessment Efforts

A. Student Alcohol, Tobacco and Other Drug Use Surveys

- a. In 2018, the ND Student Wellness and Perceptions Survey (SWAPS) was developed. This survey was a continuation of the 2016 Alcohol and Other Drug Survey that was developed to measure alcohol and other drug usage, as well as attitudes and perceptions among college students attending two- and four-year institutions in the North Dakota University System. This survey was enhanced to include overall student wellness questions pertaining to AOD use, nicotine/tobacco, sleep, and mental health. The CORE survey, which is a similar survey that was developed in partnership with the Core Institute (Southern Illinois University, Carbondale, IL), that had been administered to NDSCS students in 2008, 2010, 2012, and 2014 in an attempt to measure drinking and drug use behaviors, as well as their perceptions of the norms surrounding alcohol use among students. Results of the 2018 North Dakota Alcohol and Other Drug Survey are available on the [NDSCS Alcohol and Other Drug Abuse Prevention website](https://ndscs.edu/alcoholinfo/) (ndscs.edu/alcoholinfo.) Results of the 2020 ND Student Wellness and Perceptions Survey (ND SWAPS) will be available in the spring of 2021. Please see appendix D for the 2018 NDSCS Student Wellness and Perceptions Survey Summary.
 - i. In 2015, a task force was formed from members of the ND Higher Education Consortium for Substance Abuse Prevention (NDHECSAP) to explore the possibility of improving the survey administration strategy for 2016. As a result, the task force created a revised survey titled the North Dakota Alcohol, Tobacco, and Other Drugs Survey (ND ATOD Survey). This survey was

specifically altered to be administered to all 11 college campuses and universities in the NDUS electronically. To preserve the reliability of the longitudinal data, the survey continues to include items from the nationally administered Core Survey through an agreement with the Core Institute.

- b. In the spring of 2018, NDSCS administered the 2018 NDSCS Employer Survey (ATOD). This survey was developed to measure and understand the frequency of which employers of NDSCS graduates conduct criminal background checks on prospective employees, including scrutiny of alcohol-related arrests and citations. This survey was adapted from an instrument originally developed and administered at North Dakota State University (Beseler Thompson & Carlson, 2017). Please see Appendix E for the 2018 NDSCS Employer Survey Summary.

B. NDSCS Strategic Plan

- a. In 2016 and 2019, the NDSCS Alcohol, Tobacco and Other Drug Prevention Team assembled to assess our current strategies and to identify new, research-based strategies to reduce drinking and its consequences. The tool used during the planning process was the National Institute on Alcohol Abuse and Alcoholism (NIAAA) College Intervention Matrix (AIM). The outcomes will be assessed based on data from the 2018-2020 ND Student Wellness and Perception Surveys.
- b. The following items were identified as part of the 2016-2019 plan (please see also Appendix F.)
 - i. Work with community stakeholders to enforce compliance checks in the City of Wahpeton, ND.
 - ii. Research the possibility of a Social Host Property Law in Richland County, ND.
 - iii. Enhance current NDSCS parent-based alcohol communication.
 - iv. Implement a personalized feedback intervention (PFI) tool for tobacco/nicotine violators.
 - v. Research the possibility of increases the state-wide alcohol tax.
- c. The following items were identified as part of the 2019-2022 NDSCS ATOD Prevention Team Strategic Plan (please see Appendix F):
 - i. Enhance current parent based AOD communication/education.
 - ii. Increase awareness of ATOD initiatives/education at NDSCS.
 - iii. Increase collaborations with community stakeholders.
 - iv. Continue to assess ATOD student use and perceptions with SWAPS (Fall 2020).
 - v. Policy development & enhance awareness related to ENDS products.

C. Presentations and Articles

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

- c. Kava, K., & Mauch, B. (January 2019). *That's a Wrap! Enhancing AOD Prevention and Education Messages through Creative Video Marketing*. Presentation at the NASPA Strategies Annual Conference: Washington, DC.
- d. Mauch, B. & Sherven, A. (October 2020). *That's a Wrap! Enhancing AOD Prevention and Education Messages through Creative Video Marketing*. Webinar for the Washington State College Coalition for Substance Abuse Prevention.
- e. Mauch, B. (October 2019). *View from the Field: Developing Relevant Drug Abuse Prevention Messages for Students*. Article written for www.campusdrugprevention.gov. <https://www.campusdrugprevention.gov/views-from-the-field/developing-relevant-drug-abuse-prevention-messages-students>

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

A. Alcohol and Other Drug Abuse Prevention Statement

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

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

B. Inventory of Policies

a. NDSCS Alcohol and Other Drug Policy

- i. The ATOD Prevention Team consistently examines the Alcohol, Tobacco and Other Drug Policy on an annual basis and suggests revisions in a timely manner. The NDSCS ATOD policy is prominently posted on the [NDSCS ATOD website](#). The NDSCS ATOD policy is also included in the [Guide to Student Rights and Responsibilities](#) that is available on the [NDSCS website](#).
- ii. Copy of the Policy Distributed to Students and Employees:
 - 1. See Edgar Part 86 worksheet: Appendix G.
 - 2. See Appendix B for the NDSCS Student & Employee Alcohol and Other Drug Policy.
 - 3. See Appendix H for the NDSCS 2019 Annual Security Report and Fire Safety Report.

b. NDSCS Parental Notification Policy

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

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

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

d. NDSCS Tobacco-Free Environment Policy

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

e. NDSCS Wildcats Student-Athlete Code of Conduct

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

f. NDSCS Sexual Misconduct Title IX Compliance Policy

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

Title IX Policy in its entirety and in relation to alcohol or other drugs,
please see Appendix K.

C. Methods used for general enforcement

a. NDSCS Campus Police

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

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

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

c. NDSCS Resident Directors

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

d. NDSCS Resident Assistants

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

D. NDSCS Drug and Alcohol related incidents

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

| CHART V - 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* | 2018 | 11 | 11 | 0 | 7 |
| | 2017 | 26 | 15 | 0 | 1 |
| | 2016 | 30 | 14 | 0 | 0 |
| Drug Law* | 2018 | 2 | 2 | 0 | 0 |
| | 2017 | 2 | 0 | 0 | 0 |
| | 2016 | 4 | 3 | 0 | 2 |
| Illegal Weapons Possession | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |

| CHART VI - 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* | 2018 | 205 | 197 | 0 | 0 |
| | 2017 | 130 | 128 | 0 | 0 |
| | 2016 | 113 | 96 | 0 | 3 |
| Drug Law* | 2018 | 15 | 15 | 0 | 0 |
| | 2017 | 36 | 35 | 0 | 5 |
| | 2016 | 14 | 13 | 0 | 10 |
| Illegal Weapons Possession | 2018 | 6 | 6 | 0 | 0 |
| | 2017 | 3 | 3 | 0 | 0 |
| | 2016 | 1 | 1 | 0 | 0 |

VI. AOD Comprehensive Program Inventory & Related Process

A. Community Activities/Initiatives

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

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

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

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

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

- i. Resume Building; Diversity Awareness; Safe Zone; Gender Matters; Mental Health Awareness for College Students; Alcohol 101; Tobacco 101; Marijuana 101; Sexual Assault & Violence; Consent & Sex; and Working Alcohol and Drug Free.
 1. 2018-19: total of 51 presentations were provided
 2. 2019-2020: total of 24 presentations were provided
 3. Fall 2020: 9 presentations were provided
- f. The Rethink That Drink Campaign was launched in the spring of 2016. The campaign focuses on reducing the harmful consequences and myths commonly associated with students making high-risk drinking decisions. The campaign aims to educate students on the reality behind high-risk drinking behaviors and alternatives to keep students' out of harm's way. Elements of the campaign include a website (www.ndscs/rethinkthatdrink) with educational material, t-shirt giveaways, dining room table tents, banners across high traffic areas on campus, social media posts, campus-wide emails, a promotional video, and a variety of other promotional efforts.
- g. Mental Health First Aid Training has been made available to the College Community at least one time each year since the fall of 2014. This training is a nationally recognized, interactive, educational program that introduces participants to risk factors and warning signs of mental health problems, raises awareness of the impact of mental health concerns, teaches how to respond to common mental health situations, and discusses current treatments.
- h. Resident Assistant (RA) Training is provided each fall for both new and returning RAs. Training sessions include ATOD information as well as the use of normative information with both injunctive and descriptive norms to correct student's misperception of their peers' alcohol use and to be able to identify themselves as a resource for those individuals seeking information and guidance on issues related to alcohol, tobacco/nicotine, and other drug use. RA's also attend a one-hour mental health and suicide prevention training with the NDSCS College Counselor.
- i. Screening Days are used throughout the year which bring attention to the critical needs of those with alcohol and other substance use disorders, mental health concerns, and eating disorders. The College Counselor is on-site to make appointments with students following the specific screening. The screening day activities also serve as an awareness piece for students and employees.
- j. NDSCS employs a full time Personal Counselor. Responsibilities include mental health treatment, education and outreach to the student body. Referrals and coordination of services are conducted when ATOD and medication management services are required. Outpatient and in-patient referrals are made to a local provider on an as needed basis. NDSCS is also contracting with a local clinic to deliver medication assessment and prescription services on campus. Mental Health services are available to students at both Wahpeton and Fargo. NDSCS Fargo students have

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

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

C. Programs for Special Populations

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

D. Group Based Programs/Interventions

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

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

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

E. Environmental/Socio-Ecological Based Programs

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

- iv. NDSCS Student Success Center
 - 1. Sunday-Thursday 7:45 a.m. – 10 p.m.
 - 2. Friday 7:45 a.m. – 5 p.m.
- d. Non-Alcoholic beverages at events
 - i. NDSCS maintains a dry campus, including at all NDSCS events and NDSCS sponsored, off-campus events. NDSCS in accordance with North Dakota State Board of Higher Education Policy 918 (www.ndus.edu/policies), prohibits the possession, sale, dispensation, display, in possession of alcohol containers, empty or full, use or consumption of alcoholic beverages and/or drugs upon land or in buildings owned by the Board or its institutions. The exceptions to this policy are (1) if the NDSCS president gives written permission prior to an event or (2) a physician prescribes medication for specific individual use.
 - ii. Off-campus alcohol and other drug violations: Students may be subject to on campus sanctions for off campus alcohol/drug related behavior. The campus receives reports regarding students from law enforcement and other agencies in the form of summons to court, reports of loud parties, minor in possession/minor consuming/under the influence, driving under the influence of alcohol/drugs or other similar alcohol and drug violations.
- e. Focus on class attendance and academic responsibility
 - i. Focus on class attendance and academic responsibility is emphasized in the NDSCS Policies and Procedures Catalog which states that attendance in classes is expected of each student. This focus is also evident in the specialized learning environments of the Technologies and Services Division. This attendance policy states that any student absent more than 10 percent of the course's total contact hours will have an additional letter grade deducted from his or her current course grade; or any student absent more than 14 percent of a course's total contact hours will have an additional letter grade deducted from his or her current course grade; or any student absent more than 18 percent of a course's total contact hours will be dropped from the course if that rate is reached before the last day to drop classes. If the 18 percent absence rate is reached after the drop date, the student will receive an "F."
- f. Substance-Free Residence Options
 - i. NDSCS maintains a dry campus, including its residence halls. NDSCS in accordance with North Dakota State Board of Higher Education Policy 918, prohibits the possession, sale, dispensation, display, in possession of alcohol containers, empty or full, use or consumption of alcoholic beverages and/or drugs upon land or in buildings owned by the Board or its institutions.
- g. Student Success Center's Study & Tutor Area provides tutors to facilitate student academic skill development and provide tutoring in a group setting. Tutors guide students in understanding and developing metacognitive skills and self-regulatory behaviors (such as time management) to improve their academic achievement. Tutors also act as referral agents, and demonstrate a genuine concern for the academic, social and emotional needs of students. Staff members are also involved in outreach programs, including a partnership with the NDSCS Athletic Department.

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

F. Alcohol Availability

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

- d. Alcohol servers are provided with alcohol server training
 - i. The Richland County Sheriff's Department provided Responsible Beverage Server Trainings throughout the county from May 2015 to May 2016 through a SPF-SIG grant to Richland County Health Department. The program was led by local law enforcement agents who discussed state and local laws pertaining to minors, the sale or delivery of alcohol to minors, obviously intoxicated persons, and dram shop laws. Participants also learned about detecting or deterring underage purchase or consumption of alcohol, proper carding procedures including detection or false or altered ID's, proper procedures in dealing with an underage drinking or underage person attempting to purchase, the psychological effects of alcohol, and the detection of intoxication and intervention with intoxicated persons. Eleven classes were provided with a total of 193 individuals in attendance to receive the training. This program continued with local funds into Fall 2018. Due to the Covid-19 pandemic, RBST was postponed in the spring of 2020.
- e. Days or hours of alcohol sales is limited
 - i. During the 2005 legislative session SB 2067 was passed, which amended sections 5-01-08 and 5-02-06 of the North Dakota Century Code. This bill defines when a person legally turns 21 years of age, "... a person is not twenty-one years of age until eight a.m. on that person's twenty-first birthday." This legislation was aimed to eliminate so-called "power hours," in which newly legal drinkers often attempted to consume large amounts of alcohol between midnight and when the bar is closed.
 - ii. The City of Wahpeton has established an ordinance for serving to an intoxicated person. [Municipal Code 26-281\(e\)](#) outlines the law concerning delivering alcoholic beverages to a habitual drunkard or intoxicated person.
- f. Establishment of Dram Shop Laws
 - i. North Dakota Century Code (NDCC 05-01-06.1) establishes that every spouse, child, parent, guardian, employer, or other person who is injured by any obviously intoxicated person has a claim for relief for fault against any person who knowingly disposes, sells, or gives away alcoholic beverages to:
 - 1. A person under twenty-one years of age
 - 2. An incompetent, or
 - 3. An obviously intoxicated person
 - 4. And if death ensues, the survivors of the deceased are entitled to damages.
 - ii. Enforcement of and penalties for violation of this law are dependent on the philosophy of individual city governments and the circumstances surrounding each occurrence.

G. Alcohol Marketing and Promotion

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

- iii. Alcohol advertising is prohibited at NDSCS Athletic and Fine Art Events.

VII. AOD Comprehensive Program Goals and Objectives for Biennium Period

- a. In the 2018 Biennial Review report, the following recommendations were made for the current review:
 - 1. Partnering with Richland County Health Tobacco Prevention for increased outreach to students regarding informative norms, education, and additional programming regarding vaping and e-cigarette use.
 - 2. Development of additional community partnerships: opportunities exist to continue building partnerships with local community representatives and legislators.
 - 3. New strategic plan in 2019 that can provide a clear direction for the future of ATOD Prevention efforts at NDSCS.
 - 4. Expand current prevention efforts to target specific high-risk populations.
- b. Achievement:
 - i. In regard to collaborations with community stakeholders, the NDSCS ATOD Prevention Team has developed a great professional relationship with both Richland County Health Department Community Prevention as well as Cass County Public Health to offer a collaboration of resources to both NDSCS-Wahpeton and NDSCS-Fargo locations. Not only do we share and refer resources but present together at NDSCS and in the community to provide evidence-based education.
 - ii. The NDSCS ATOD Prevention Team has developed a comprehensive strategic plan that ensures the prevention efforts are most effectively, timely, and uses resources the best way possible. The 2019-2022 plan is constantly changing and the ATOD Prevention Team looks forward to continuing to meet the goals and objectives of this plan.
 - iii. The NDSCS ATOD Prevention Specialist continues to be an active member in the ND Higher Education Consortium for Substance Abuse Prevention and attends professional development opportunities regularly to ensure innovative, evidence-based strategies are consistently used. As a Team, we will continue to work with other institutions to promote and support evidence-based prevention strategies to high-risk populations and in our College community.

VIII. NDSCS ATOD Prevention Program Strengths and Weaknesses

- a. Based on the review of the past two years by the ATOD Prevention Team, several areas were noted as strengths and other areas were noted for needing improvement:
 - i. **Strengths of NDSCS Alcohol and Other Drug Abuse Prevention Programs.** The NDSCS Alcohol, Tobacco, and Other Drugs Prevention Program is a comprehensive, innovative, and evidence-based program driven by a College community who work together to offer evidence-based program elements:
 - 1. Commitment to evidence-based prevention efforts: data is gathered consistently every two years and used to direct decision-making and programming efforts related to prevention at NDSCS.

2. Prevention efforts are well supported at NDSCS: evaluation data since 2014 suggests that AOD prevention activities are well-established and well-supported by administrators at NDSCS.
3. Engagement of members on the ATOD Prevention Team: members are actively involved in the work of the team and a vast majority of strategies and programs have been accomplished and/or institutionalized.
4. The ATOD Prevention Team also has broad representation of faculty, staff, and students, which allows for multidimensional leadership regarding ATOD issues across the College Community.
5. Continued relationship and networking with the ND Higher Education Consortium for Substances Abuse Prevention (NDHECSAP), Wahpeton Prevention Coalition (Project YES), and the Wilkin County Youth and Community Prevention Coalition (We Care Coalition).
6. Effective collaborative relationships have been established with many campus stakeholders and this has led to implementation and continuation of many critical, evidence, evidence-based efforts, such as Residence Life Staff AOD Training, educational workshops for student-athletes, and the Don't Cancel Class Program.
7. Low cannabis use rates: cannabis use rates continue to be lower than national averages, despite the national trends toward increasing cannabis use rates (ND Student Wellness and Perceptions Survey, 2018.)
8. Low opioid use rates: opioid use and death rates are low at NDSCS compared to other regions of the U.S. (ND Student Wellness and Perceptions Survey, 2018.)
9. Late-night programming available weekly throughout the academic year and extended hours are available in high-traffic buildings on campus (Library, Activities Center, and Student Center.)
10. Consistent enforcement on and off-campus regarding alcohol, tobacco, and other drugs.
11. NDSCS AOD Policy is in compliance with the Drug Free Schools and Campuses Act.
12. NDSCS Police Department provides 24/7 coverage with the assistance of Wahpeton Police Department.
13. Strong connection with mental health and sexual assault prevention programming due to the leadership of the Vice President of Student Affairs.
14. Institutionalized efforts and resources: several prevention efforts have been institutionalized, including the late-night event funding provided by the

ATOD Prevention Team to the Campus Activities Board: Wildcats After Dark program each academic year, implementation of ATOD presentations in the Don't Cancel Class Program, educational sessions with high-risk populations such as freshman and athletes, consistent screening for AOD misuse concerns, and extensive educational outreach to the College Community.

15. ATOD prevention programs include a broad spectrum of prevention strategies at the individual and environmental levels.
16. Full-time licensed professional clinical counselor and student health services are available to students free of charge.
17. Mental health and alcohol use screening tools are available at the NDSCS website.
18. Strong policy enforcement, both on and off-campus, regarding alcohol, other drugs, and violence of any kind; the Code of Student Conduct effectively addresses on and off-campus violations.
19. Student leadership positions that emphasize responsible decision making and allow students the opportunity to advocate for change (Wildcats After Dark Event Coordinator, Student Senate, CAB, Wildcat Ambassadors, Wildcat Welcome Team).
20. All first-year students are required to live in the residence halls, complete the eCheckup To Go for Alcohol as a freshman, and attend the FYE health and wellness seminar during the fall and spring semesters.
21. NDSCS is the only tobacco-free campus in the NDUS and the eCheckup To Go for Tobacco is utilized as an educational sanction for student tobacco policy violations.
22. Residence Life staff conducts alcohol education programming events throughout each semester.

ii. **Weaknesses of NDSCS Alcohol and Other Drug Misuse Prevention Programs.**

While North Dakota State College of Science Alcohol, Tobacco, and Other Drug Prevention Program has a number of strengths, we continue to face challenges in the following areas:

1. Low student, faculty, and staff direct engagement in alcohol prevention efforts and programming.
2. Alcohol use remains constant although negative consequences related to AOD use rates have declined. Alcohol use in the last year percentages are consistently above national averages (ND Student Wellness and Perceptions Survey, 2018.)

3. State and local culture of heavy drinking; youth problems are reflective of issues present in all age groups.
 4. Lack of positive media messages regarding low-risk use of alcohol.
 5. NDSCS has higher tobacco use rates compared to other NDUS campuses.
 6. Challenge to maintain consistent policy/law enforcement and to make policy changes due to Wahpeton's location on the North Dakota/Minnesota boarder.
 7. North Dakota medical cannabis legalization in 2016; increasing the acceptance of recreational cannabis state-wide, decreasing the perceived harm of cannabis use.
 8. South Dakota recreational cannabis legalization beginning July 1, 2021 which could potentially increase the accessibility to NDSCS students.
 9. Lack of available evidence-based prevention strategies related to cannabis use as well as lack of research regarding cannabis concentrates.
 10. Increasing trends of vaping and e-cigarettes at NDSCS and nationally and the perceived risk associated with these products.
- iii. Recommendations for NDSCS Alcohol and Other Drug Prevention Program. North Dakota State College of Science has made improvements during the past two years in its prevention efforts. However, we have also identified several challenges to be addressed during 2020-2022. The following program recommendations have been identified, and progress on these recommendations will be reported within the 2022 Biennial Review:
1. Recommendation 1:
 - a. The NDSCS ATOD Prevention Team will continue to work toward ensuring consistent enforcement of ATOD policies on-campus and in the College community.
 2. Recommendation 2:
 - a. The NDSCS ATOD Prevention Team will ensure the messages provided to prospective students and families and the community regarding its comprehensive alcohol and other drug prevention program in order to ensure that messages that are disseminated reflect best practices in the prevention field.
 3. Recommendation 3:
 - a. The ATOD Prevention Team will continue to expand and enhance its evidence-based education to address cannabis and use of electronic nicotine delivery systems and track trend data regarding non-medical use of prescription drugs and use of other illicit substances.
 4. Recommendation 4:
 - a. North Dakota State College of Science will continue its work in securing internal and external resources to enhance the momentum of our comprehensive ATOD programs, particularly those that are

evidence based and have demonstrated effectiveness in reducing alcohol and other drug use and related risks.

Conclusion

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

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

From: [NDSCS Prevention](#)
To: NDSCS-ALL-EMPLOYEES@LISTSERV.NODAK.EDU; ndscs-all-students@listserv.nodak.edu
Subject: NDSCS Alcohol, Tobacco, and Other Drug Policy
Date: Tuesday, September 1, 2020 8:31:20 AM

NDSCS students and colleagues -

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

NDSCS prohibits the possession, sale, dispensation, display, in possession of alcoholic containers, empty or full, use or consumption of alcoholic beverages and/or drugs upon land or in buildings owned by the Board or its institutions. NDSCS prohibits the use and possession of all e-cigarette devices and components in College-owned residential buildings.

The full text of NDSCS Student Alcohol, Tobacco, and Other Drug Policy and information on the health risks of alcohol and other drugs is available on the [NDSCS Alcohol, Tobacco, and Other Drugs Prevention website](#). For your reference, the policy is also available in its entirety at the end of this message.

For questions or concerns regarding the policies listed above or questions regarding alcohol and drug misuse and vaping, please contact the NDSCS Prevention Office at 701-671-2124 or via e-mail at NDSCS.Prevention@NDSCS.edu.

NDSCS Alcohol, Tobacco, and Other Drug Policy

Source: NDSCS President

Applies to: All NDSCS Students, Employees, and Visitors

Statement of Purpose

NDSCS is committed to maintaining a healthy academic and social environment conducive to the academic and personal development of students and employees. To help achieve such an environment, NDSCS complies with and supports the North Dakota State Board of Higher Education (SBHE) governing alcohol use on campus (Policy 918), the [Drug Free Workplace Act of 1988](#), [Public law 100-690](#) and the [Drug-Free Schools and Communities Act Amendments](#)

of 1989, and [Public Law 101-226](#) governing prevention programs and federal assistance to institutions of higher learning and amendments thereto. NDSCS is also a tobacco-free College in order to promote the health, wellness, and safety of all constituents. A summary of local, state and federal laws related to alcohol, tobacco, and other drugs can be found at the [Alcohol, Tobacco and Other Drug Prevention website](#).

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. This threat occurs at NDSCS in the form of property damage, acts of vandalism, disciplinary problems, driving under the influence (DUI), automobile and other types of accidents, decreased career opportunities and academic performance, impaired social relationships, violence and decreased ability to cope with the stresses of life. More information on the health risks associated with [alcohol](#), [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](#).

Definitions

For the purpose of this policy, the following definitions apply:

- "College Property" includes all property, both indoor and outdoor, that is owned, operated, leased, occupied or controlled by NDSCS including, but not limited to, all buildings, green spaces, athletic fields, parking lots, campus walkways, state fleet vehicles, and personal vehicles while on College property.
- "Off-Campus College-Sponsored Events" means any event sponsored by NDSCS that does not take place on College property.
- "Off-Campus" refers to alcohol or other drug related use and activity that occurs off College property.
- "Employee" means any person employed by NDSCS in a full- or part-time capacity, or any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by NDSCS, or any person working on College property on a volunteer basis. The term includes, but is not limited to, student employees, faculty, administrators, personnel, contractors, consultants, and vendors.
- "Student" means a person enrolled in any credit or non-credit academic course or program offered by NDSCS.
- "Alcohol" includes any product, including spirits, wine, beer or others containing one-half of one percent or more of alcohol by volume and every consumable liquid or solid containing alcohol, or any products defined as "alcoholic beverages" in the [North Dakota Century Code](#) (hereafter referred to as "alcohol").
- "Visitor" means any person on College property or participating in a College-sponsored event who is not a student or employee.
- "Private space" is defined as a student's room and/or employee residence in a College-owned residential facility.

- "Other drugs" includes all illegal (state or federal level) drugs as well as the misuse of legal drugs, such as prescription medications.
- "Paraphernalia" includes, but is not limited to, all items used for the purpose of preparing, injecting, ingesting, inhaling or otherwise using other drugs, as well as paraphernalia that facilitates the rapid consumption of alcohol.
- "Social Media" means any web-based system or service used to communicate and share information between people through interactions with video, audio, text, or multimedia.
- "Tobacco Product" includes any product that contains tobacco, is derived from tobacco or contains nicotine or other similar substances, intended for human consumption, or is likely to be consumed, whether smoked, heated, inhaled, chewed, absorbed, dissolved, or ingested by any other means. The term "Tobacco Product" includes E-cigarettes and other electronic smoking devices, pipes and rolling papers, but does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.
- **"E-cigarette" means any electronic vaping device, such as one composed of a heating element, battery or electronic circuit, or both, which provides an aerosol of nicotine or any other substance, and the use or inhalation of which simulates smoking.** The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, vape device, vape product, or under any other product name, or descriptor. **"E-cigarette" also includes any component part of such a product whether or not sold separately.** "E-cigarette" does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.
- "Tobacco Use" means the use of any Tobacco Product in any form. Tobacco Use includes, but is not limited to, smoking, heating, inhaling, chewing, absorbing, dissolving or ingesting any Tobacco Product.
- "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe or hookah, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette.

1. **Prohibited Conduct**

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

NDSCS prohibits the use of all tobacco products on College property including off-campus, College-sponsored events/activities. This prohibition includes indoors, outdoors, College vehicles, and/or personal vehicles while on College property. NDSCS prohibits the use and possession of all e-cigarette devices in College-owned residential buildings. This policy applies to all employees, students, and visitors. This policy will be reflected in all agreements/contracts for use of NDSCS grounds or property by individuals and/or companies.

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

2. Exceptions

Exceptions to this policy include, but are not limited to:

- c. If the NDSCS President gives written permission to have alcohol on campus prior to a specific event.
- d. The use of tobacco products in institutional research efforts regarding tobacco or nicotine.

Exceptions must be approved in advance by the NDSCS President or designee. This includes ceremonial and spiritual use requests. For specifics on exceptions, see [SBHE Policy 918: Alcoholic Beverages](#).

3. Sexual Assault Amnesty

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

4. College-sponsored and Student Organization events

Student organizations found in violation of city or state laws and college policy involving the use or possession of alcohol, tobacco, and other drugs are also subject to disciplinary action. In general, disciplinary penalties for student organizations are the same as those listed for individual students. However, it is possible that an offending student organization may be denied recognition or affiliation with the College as part of the disciplinary action. Employee advisors are expected to conduct themselves in accordance with all College policies when involved in any capacity (on and off-campus) with student organizations, field trips, and other related academic activities. For assistance when planning off-campus events or for questions related to responsibilities and/or expectations, students can consult with the Assistant Director of Student Life and employees can consult with the Executive Director of Human Resources.

- a. Students and employees and their respective college organizations may not use organizational or public funds for the purchase of alcohol, tobacco, and other drugs.
- b. Sale of alcohol, tobacco and other drugs by students and student organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sales such as charging admission to parties, selling cups, selling drink tickets, etc.
- e. Off-College property activity conducted by students and employees, and their respective College organizations shall not encourage excessive and/or rapid consumption of alcohol. For further information about low-risk alcohol consumption, see the [NDSCS Alcohol and Other Drug Prevention website](#).
- f. College-sponsored events/activities that are held at locations off-College property, and at which alcohol is legally sold and may be present, are required to adhere to this policy.
- g. Alcohol, tobacco, and other drugs shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective college organizations, on or off College property.

5. Financial Aid Eligibility

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

6. Advertising and Sponsorship

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

- a. Public displays of advertising or promotion of the use of alcoholic beverages or tobacco products in college buildings or any other public college are including

College owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, large balloon blow-ups, etc.

7. Sales

The sale or distribution of alcohol, tobacco, and other drug products on College property or at off-campus, College-sponsored events is prohibited.

8. Distribution

The NDSCS Alcohol, Tobacco and Other Drug Policy will be distributed to students at the beginning of each semester. NDSCS employees will receive the policy in the annual notification of policies through the Human Resources Office. The policy is also available at the [NDSCS Alcohol, Tobacco and Other Drugs Prevention website](#). Copies of the NDSCS Alcohol, Tobacco and Other Drug Policy can be found at the Student Health and Counseling Services office and Residential Life Office. The College shall post signs indicating that the property is tobacco-free in all locations and in the manner identified in [NDCC 23-12-10.4.1](#).

9. Treatment Resources

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

- a. Organizations are required, Federal Regulation (2 CFR § 182.215) to not only publish a drug-free workplace statement, but also establish a drug-free awareness program for employees. Part of the drug-free awareness program is to inform employees regarding the dangers of other drug abuse misuse in the workplace. Information on the health risks of alcohol abuse and drug abuse can be found at the U.S. National Library of Medicine and the National Institutes for Health. Additional information can be found at the Alcohol and Other Drug Prevention Programs Website.
- b. NDSCS Employee Assistance Program (EAP) is available to benefited employees of the College. The EAP is facilitated by the Village Business Institute and can be accessed by contacting NDSCS Human Resources at 701-671-2903 or through the Village Business Institute portal at: <https://www.thevillagefamily.org/request->

appointment.

10. Social Media

Any violation of the [Guide to Student Rights and Responsibilities](#) discovered through the use of social media may result in disciplinary action.

11. Off-Campus Alcohol and Other Drug Use

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

12. Alcohol, tobacco, and other drug policy and sanctions for violations in a classroom/shop/lab

When in the view of an instructor, a student comes to class chemically impaired, is actively using a tobacco product or in possession of an e-cigarette, the instructor shall immediately refer the student to the Executive Director of Student and Residential Life or other appropriate College authority.

13. Parental Notification

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

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

FERPA NOTE: Congress amended the Family Educational Rights and Privacy Act (FERPA) in late 1998 to permit colleges and universities to notify the parents or guardians of students under the age of 21 about violations of campus alcohol and/or

drug policies (See: § 99.31(a) 15). This exception to FERPA was enacted because of the detrimental health and safety consequences associated with underage drinking. Additional information regarding FERPA provisions for notifying parents of alcohol and other drug violations can be found at www2.ed.gov/policy/gen/guid/fpco/fag.html#g8.

14. **Compliance and Enforcement**

NDSCS employees, students, and visitors are responsible for complying with this policy. Individuals who violate this policy may be subject to student or employee disciplinary action and provided cessation information.

- a. Employees who become aware of alcohol, tobacco, and/or other drug use by another employee or student on College property or at off-campus, College-sponsored events can report the details of the incident to the NDSCS concerns page at ndscs.edu/concern.
- b. Repeated student violations will be reported to the Executive Director of Student and Residential Life.
- c. Employee violations will be reported to the employee's supervisor. Repeated violations will result in disciplinary action.
- d. Visitors who persist in noncompliance will be asked to leave College property.

15. **Sanctions: Students**

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

- a. Verbal and or written warning/developmental conduct conversation;
- b. College service;
- c. Requirement to attend educational sessions related to alcohol, tobacco, and/or other drugs, or counseling sessions;
- d. Restitution and/or fines;
- e. Unsupervised or Supervised Conduct Probation - an indication that further violations may result in suspension;
- f. Dismissal from student leadership positions and/or organizations;
- g. Exclusion from college-owned housing;
- h. Exclusion from all, or portions, of campus;
- i. Suspension. Temporary withdrawal or privileges of enrollment from NDSCS for a specified period of time;
- h. Indefinite suspension. Withdrawal from NDSCS until specific actions are taken prior to consideration for re-entry; or
- i. Expulsion. Termination of student registration and status for an indefinite period

- of time; Permission of the president shall be required for readmission;
- j. Registration/Transcript/Graduation Hold;
- k. Loss of privileges or other educational sanctions (including status as a registered student organization);

Note: Individual student behavioral actions and or student organization behavioral actions will be adjudicated through the Executive Director of Student and Residential Life or designee according to College policy.

16. **Employees**

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

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

17. **Sanctions: Employees**

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

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

- iv. Any combination of the above sanctions.

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

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

18. **Appeals: Students and Employees**

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

19. **Prevention and Education**

The health hazards of alcohol, tobacco, and other drug use has been well established in research. NDSCS is committed to promoting healthier educational, work, and living environments, and recognizes the serious health risks associated with the use of alcohol, tobacco products, and other drugs both to users and non-users alike, and believes that the use of alcohol, tobacco, and other drugs are detrimental to the health and safety of students, employees and campus visitors. NDSCS is committed to providing prevention and education for students and employees related to:

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

For further information on pertinent College educational opportunities, contact Bethany Mauch, NDSCS Alcohol, Tobacco, and Other Drugs Prevention Specialist at (701) 671-2124 or Human Resources at 701-671-2903, or email Human Resources at ndscs.hr@ndscs.edu.

Where to obtain additional information:

Students: Contact the Alcohol, Tobacco or Other Drugs Specialist at 701-671-2124 or the Vice President for Student Affairs/Title IX Coordinator at 701-671-2627

Employees: Contact your supervisor and/or call the Human Resources office at 701-671-2903 (e-mail: ndscs.hr@ndscs.edu)

Bethany M. Mauch

Alcohol, Tobacco, and Other Drug Prevention Specialist

North Dakota State College of Science

o: 701-671-2124 | Bethany.Mauch@ndscs.edu

ndscs.edu/alcoholinfo



Appendix B:
NDSCS Alcohol, Tobacco, and Other Drug Policy



POLICY & PROCEDURE MANUAL

North Dakota State College of Science

NDSCS Alcohol, Tobacco, and Other Drug Policy

Source: NDSCS President

Applies to: All NDSCS Students, Employees, and Visitors

Statement of Purpose

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

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. This threat occurs at NDSCS in the form of property damage, acts of vandalism, disciplinary problems, driving under the influence (DUI), automobile and other types of accidents, decreased career opportunities and academic performance, impaired social relationships, violence and decreased ability to cope with the stresses of life. More information on the health risks associated with [alcohol](#), [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](#).

Definitions

For the purpose of this policy, the following definitions apply:

- "College Property" includes all property, both indoor and outdoor, that is owned, operated, leased, occupied or controlled by NDSCS including, but not limited to, all buildings, green spaces, athletic fields, parking lots, campus walkways, state fleet vehicles, and personal vehicles while on College property.
- "Off-Campus College-Sponsored Events" means any event sponsored by NDSCS that does not take place on College property.
- "Off-Campus" refers to alcohol or other drug related use and activity that occurs off College property.
- "Employee" means any person employed by NDSCS in a full- or part-time capacity, or any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by NDSCS, or any person working on College property on a volunteer basis. The

term includes, but is not limited to, student employees, faculty, administrators, personnel, contractors, consultants, and vendors.

- "Student" means a person enrolled in any credit or non-credit academic course or program offered by NDSCS.
- "Alcohol" includes any product, including spirits, wine, beer or others containing one-half of one percent or more of alcohol by volume and every consumable liquid or solid containing alcohol, or any products defined as "alcoholic beverages" in the [North Dakota Century Code](#) (hereafter referred to as "alcohol").
- "Visitor" means any person on College property or participating in a College-sponsored event who is not a student or employee.
- "Private space" is defined as a student's room and/or employee residence in a College-owned residential facility.
- "Other drugs" includes all illegal (state or federal level) drugs as well as the misuse of legal drugs, such as prescription medications.
- "Paraphernalia" includes, but is not limited to, all items used for the purpose of preparing, injecting, ingesting, inhaling or otherwise using other drugs, as well as paraphernalia that facilitates the rapid consumption of alcohol.
- "Social Media" means any web-based system or service used to communicate and share information between people through interactions with video, audio, text, or multimedia.
- "Tobacco Product" includes any product that contains tobacco, is derived from tobacco or contains nicotine or other similar substances, intended for human consumption, or is likely to be consumed, whether smoked, heated, inhaled, chewed, absorbed, dissolved, or ingested by any other means. The term "Tobacco Product" includes E-cigarettes and other electronic smoking devices, pipes and rolling papers, but does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.
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- "Tobacco Use" means the use of any Tobacco Product in any form. Tobacco Use includes, but is not limited to, smoking, heating, inhaling, chewing, absorbing, dissolving or ingesting any Tobacco Product.
- "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe or hookah, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette.

1. **Prohibited Conduct**

NDSCS, in accordance with [North Dakota State Board of Higher Education Policy 918](#), prohibits the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and products, as well as any illicit drugs or drug paraphernalia on or off

College property, in College buildings, any public College area, in College housing, College vehicles, or at any College affiliated event held on or off-campus, which are sponsored by students, employees and College organizations.

NDSCS prohibits the use of all tobacco products on College property including off-campus, College-sponsored events/activities. This prohibition includes indoors, outdoors, College vehicles, and/or personal vehicles while on College property. NDSCS prohibits the use and possession of all e-cigarette devices in College-owned residential buildings. This policy applies to all employees, students, and visitors. This policy will be reflected in all agreements/contracts for use of NDSCS grounds or property by individuals and/or companies.

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

2. Exceptions

Exceptions to this policy include, but are not limited to:

- c. If the NDSCS President gives written permission to have alcohol on campus prior to a specific event.
- d. The use of tobacco products in institutional research efforts regarding tobacco or nicotine.

Exceptions must be approved in advance by the NDSCS President or designee. This includes ceremonial and spiritual use requests. For specifics on exceptions, see [SBHE Policy 918: Alcoholic Beverages](#).

3. Sexual Assault Amnesty

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

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Student organizations found in violation of city or state laws and college policy involving the use or possession of alcohol, tobacco, and other drugs are also subject to disciplinary action. In general, disciplinary penalties for student organizations are the same as those listed for individual students. However, it is possible that an offending student organization may be denied recognition or affiliation with the College as part of the disciplinary action. Employee advisors are expected to conduct themselves in accordance with all College policies when involved in any capacity (on and off-campus) with student organizations, field trips, and other related academic activities. For assistance when planning off-campus events or for questions related to responsibilities and/or expectations, students can consult with the Assistant Director of Student Life and employees can consult with the Executive Director of Human Resources.

- a. Students and employees and their respective college organizations may not use organizational or public funds for the purchase of alcohol, tobacco, and other drugs.

- b. Sale of alcohol, tobacco and other drugs by students and student organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sales such as charging admission to parties, selling cups, selling drink tickets, etc.
- e. Off-College property activity conducted by students and employees, and their respective College organizations shall not encourage excessive and/or rapid consumption of alcohol. For further information about low-risk alcohol consumption, see the [NDSCS Alcohol and Other Drug Prevention website](#).
- f. College-sponsored events/activities that are held at locations off-College property, and at which alcohol is legally sold and may be present, are required to adhere to this policy.
- g. Alcohol, tobacco, and other drugs shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective college organizations, on or off College property.

5. Financial Aid Eligibility

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

6. Advertising and Sponsorship

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

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

7. Sales

The sale or distribution of alcohol, tobacco, and other drug products on College property or at off-campus, College-sponsored events is prohibited.

8. Distribution

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

Tobacco and Other Drug Policy can be found at the Student Health and Counseling Services office and Residential Life Office. The College shall post signs indicating that the property is tobacco-free in all locations and in the manner identified in [NDCC 23-12-10.4.1](#).

9. Treatment Resources

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

- a. Organizations are required, Federal Regulation (2 CFR § 182.215) to not only publish a drug-free workplace statement, but also establish a drug-free awareness program for employees. Part of the drug-free awareness program is to inform employees regarding the dangers of other drug abuse misuse in the workplace. Information on the health risks of alcohol abuse and drug abuse can be found at the U.S. National Library of Medicine and the National Institutes for Health. Additional information can be found at the Alcohol and Other Drug Prevention Programs Website.
- b. NDSCS Employee Assistance Program (EAP) is available to benefited employees of the College. The EAP is facilitated by the Village Business Institute and can be accessed by contacting NDSCS Human Resources at 701-671-2903 or through the Village Business Institute portal at: <https://www.thevillagefamily.org/request-appointment>.

10. Social Media

Any violation of the [Guide to Student Rights and Responsibilities](#) discovered through the use of social media may result in disciplinary action.

11. Off-Campus Alcohol and Other Drug Use

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

12. Alcohol, tobacco, and other drug policy and sanctions for violations in a classroom/shop/lab

When in the view of an instructor, a student comes to class chemically impaired, is actively using a tobacco product or in possession of an e-cigarette, the instructor shall immediately refer the student to the Executive Director of Student and Residential Life or other appropriate College authority.

13. Parental Notification

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

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

FERPA NOTE: Congress amended the Family Educational Rights and Privacy Act (FERPA) in late 1998 to permit colleges and universities to notify the parents or guardians of students under the age of 21 about violations of campus alcohol and/or drug policies (See: § 99.31(a) 15). This exception to FERPA was enacted because of the detrimental health and safety consequences associated with underage drinking. Additional information regarding FERPA provisions for notifying parents of alcohol and other drug violations can be found at www2.ed.gov/policy/gen/guid/fpco/fag.html#g8.

14. Compliance and Enforcement

NDSCS employees, students, and visitors are responsible for complying with this policy. Individuals who violate this policy may be subject to student or employee disciplinary action and provided cessation information.

- a. Employees who become aware of alcohol, tobacco, and/or other drug use by another employee or student on College property or at off-campus, College-sponsored events can report the details of the incident to the NDSCS concerns page at ndscs.edu/concern.
- b. Repeated student violations will be reported to the Executive Director of Student and Residential Life.
- c. Employee violations will be reported to the employee's supervisor. Repeated violations will result in disciplinary action.
- d. Visitors who persist in noncompliance will be asked to leave College property.

15. Sanctions: Students

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

- a. Verbal and or written warning/developmental conduct conversation;
- b. College service;
- c. Requirement to attend educational sessions related to alcohol, tobacco, and/or other drugs, or counseling sessions;
- d. Restitution and/or fines;
- e. Unsupervised or Supervised Conduct Probation - an indication that further violations may result in suspension;
- f. Dismissal from student leadership positions and/or organizations;
- g. Exclusion from college-owned housing;

- h. Exclusion from all, or portions, of campus;
- i. Suspension. Temporary withdrawal or privileges of enrollment from NDSCS for a specified period of time;
- h. Indefinite suspension. Withdrawal from NDSCS until specific actions are taken prior to consideration for re-entry; or
- i. Expulsion. Termination of student registration and status for an indefinite period of time; Permission of the president shall be required for readmission;
- j. Registration/Transcript/Graduation Hold;
- k. Loss of privileges or other educational sanctions (including status as a registered student organization);

Note: Individual student behavioral actions and or student organization behavioral actions will be adjudicated through the Executive Director of Student and Residential Life or designee according to College policy.

16. Employees

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

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

17. Sanctions: Employees

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

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

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

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

18. **Appeals: Students and Employees**

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

19. **Prevention and Education**

The health hazards of alcohol, tobacco, and other drug use has been well established in research. NDSCS is committed to promoting healthier educational, work, and living environments, and recognizes the serious health risks associated with the use of alcohol, tobacco products, and other drugs both to users and non-users alike, and believes that the use of alcohol, tobacco, and other drugs are detrimental to the health and safety of students, employees and campus visitors. NDSCS is committed to providing prevention and education for students and employees related to:

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

For further information on pertinent College educational opportunities, contact Bethany Mauch, NDSCS Alcohol, Tobacco, and Other Drugs Prevention Specialist at (701) 671-2124 or Human Resources at 701-671-2903, or email Human Resources at ndscs.hr@ndscs.edu.

Where to obtain additional information:

Students: Contact the Alcohol, Tobacco or Other Drugs Specialist at 701-671-2124 or the Vice President for Student Affairs/Title IX Coordinator at 701-671-2627

Employees: Contact your supervisor and/or call the Human Resources office at 701-671-2903 (e-mail: ndscs.hr@ndscs.edu)

Reviewed 08/06/2019

Approved by:

President's Signature

Date

Appendix C:
2018-2019 & 2019-2020 NDSCS Alcohol, Tobacco, and Other Drug Policy
Distribution and Rationale



Alcohol, Tobacco, and Other Drug Policy Distribution Rationale and Plan for FY 2018-2019 and 2019-2020

POLICY DISTRIBUTION AND NOTIFICATION INTRODUCTION:

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

DISTRIBUTION METHOD:

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

ALTERNATIVE DISTRIBUTION METHOD:

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

2018-2019 Distribution Timeline:

August 24, 2018

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

January 19, 2019

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

June 7, 2019

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

July 12, 2019

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

2019-2020 Distribution Timeline:**October 28, 2019**

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

January 20, 2020

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

June 5, 2020

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

July 7, 2020

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

Appendix D:
2018 NDSCS Student Wellness and Perceptions Survey Summary



2018 North Dakota Student Wellness and Perception Survey North Dakota State College of Science Institutional Report

Overview

The 2018 North Dakota Student Wellness and Perception Survey (NDSWAPS) was developed to provide an insight into the current well-being of North Dakota College Students, ranging from their experiences using alcohol / other drugs to mental health symptomology and unwanted sexual experiences. The aim of gathering data through NDSWAPS is to inform and develop prevention and intervention efforts specific to students in North Dakota, in addition to students on each institutions campus, within the North Dakota University System.

All undergraduate students enrolled in the North Dakota University System were invited to participate in the 2018 NDSWAPS via an email notification during Fall 2018; all responses were collected through an online survey platform (i.e., Qualtrics) and were anonymous to promote disclosure of students' true experiences. Across institutions, 33,393 students were invited to participate. Of the population, 4,174 students responded to the email invitation and 3,961 students consented to participation (overall response rate of 11.86%). Survey responses were weighted by two auxiliary variables, year in school and gender (male / female); please see the separate report for details on sample weighting.

All undergraduate students at North Dakota State College of Science (NDSCS; $n=1925$) were invited to participate in the survey. Students received three email invitation notifications for survey participation. A total of 410 students responded to the email invitation and 372 students provided valid responses on at least one question (response rate of 17.77%). However, not every respondent provided a response to each question in the survey, so total sample size per survey item varies. The key findings from the 2018 NDSWAPS among NDSCS students are provided below. All responses are weighted unless otherwise noted.

Demographics of Respondents

Of the total valid responses, 38.90% of respondents reported being in their first year and 61.10% in their second year. Full-time students represent 90.90% of respondents (9.10% were part-time). The majority of respondents (59.70%) reported taking no online courses, followed by students taking some courses online (36.10%) and all courses being online (4.20%). Most students reported living on campus (63.20%), with 36.80% reporting to live off campus. Students involved in activities or organizations on campus are as follows: intercollegiate athlete: 10.90%; intramural or club sport team: 12.10%; sorority or fraternity: 2.30%; student government: 5.0%; fine arts: 10.20%; and resident assistant: 5.80%.

The majority of respondents identified as a woman (58.60%), followed man (34.90%), prefer to self-describe (3.30%), non-binary (0.80%), and transgender (0.30%); 1.90% of respondents preferred not to answer. Most respondents identified as straight or heterosexual (87.30%), followed by bisexual (6.20%), prefer to self-describe (2.50%), and gay or lesbian (1.60%); 2.30% preferred not to answer.

Respondents ranged in age from 18 to 64 (Mean = 21.11, SD = 5.13). The majority of respondents identified as White (87.90%), followed by Black or African American (14.50%), American Indian or Alaska Native (9.20%), Other (6.20%), Native Hawaiian or Pacific Islander (2.00%), and Asian (1.20%). Note that respondents were allowed to select more than one racial identity. Respondents that identified as Hispanic or Latinx made up 4.80% of responses. Of respondents, 56.20% reported having permanent residence in North Dakota, 42.10% reported residence in a state outside of North Dakota, and 1.70% residence outside of the United States. With regard to health insurance, 76.40% of respondents reported being covered by their parent's health insurance, 15.60% having independent health insurance, and 8.00% having no health insurance.

Alcohol Use

Alcohol Use Overview

Recent use. In the 30 days prior to the survey, 24.70% reported consuming alcohol on 1-2 days, 14.50% on 3-5 days, 6.70% on 6-9 days, 6.20% on 10-19 days, 2.40% on 20-29 days, and 1.50% on all 30 days.

Table 1. Past Year Alcohol Use

| Alcohol Use Frequency | Percent Endorsement |
|------------------------------------|----------------------------|
| None | 27.90 |
| Once | 10.40 |
| Six time per year | 18.80 |
| Once per month | 20.00 |
| Once per week | 14.00 |
| Two to three times per week | 6.20 |
| Four to five times per week | 1.90 |
| Every day | 0.70 |

Age of onset. Of all respondents, 2.70% reported first drinking alcohol before 10, 2.70% reported first drinking alcohol from 10-11, 6.80% first began drinking from 12-13, 17.80% reported first drinking from 14-15, 26.60% reported first drinking from 16-17, 31.80% reported first drinking alcohol from 18-20 years old, 9.30% reported first drinking from 21-25, and 0.40% first began drinking at 26 or older.

Table 2. Alcohol Use of Sample by Data Collection Year

| | 2018 | 2016 | 2016 | 2014 | 2012 | 2010 | 2008 |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | | | NDUS | NDUS | NDUS | NDUS | NDUS |
| Average Drinks per Week (Drinkers Only) | 3.12 | 7.74 | 6.09 | N/A | N/A | N/A | N/A |
| Average Drinks per Week (All Respondents) | 2.71 | 5.41 | 4.56 | 4.36 | 5.18 | 4.78 | 5.39 |
| Alcohol Use Prior 30 Days (%) | 55.90 | 71.30 | 75.40 | 66.60 | 72.60 | 70.50 | 72.00 |
| Alcohol Use Past Year (%) | 72.10 | 76.60 | 81.10 | 80.40 | 84.80 | 82.60 | 83.60 |
| Peak BAC | | | | | | | |
| Male | .059 | .150 | .115 | .095 | .12 | .11 | .15 |
| Female | .060 | .095 | .101 | .102 | .11 | .127 | .168 |

Use location. In the prior year, 18.30% of respondents reported consuming alcohol at an on-campus event, 36.30% reporting consuming alcohol in on-campus housing, 57.40% reported consuming alcohol at an off-campus event or location, and 61.70% reported consuming alcohol in off-campus housing.

Alcohol Use for Students Under 21 Years

Recent use. In the 30 days prior to the survey, 24.40% reported consuming alcohol on 1-2 days, 15.10% on 3-5 days, 5.00% on 6-9 days, 6.00% on 10-19 days, 1.50% on 20-29 days, and 0.30% on all 30 days.

Table 3. Past Year Alcohol Use of Sample Under 21

| Alcohol Use Frequency | Percent Endorsement |
|------------------------------------|----------------------------|
| None | 30.90 |
| Once | 12.70 |
| Six time per year | 14.20 |
| Once per month | 21.50 |
| Once per week | 13.50 |
| Two to three times per week | 6.20 |
| Four to five times per week | 0.60 |
| Every day | 0.30 |

Age of onset. Of those reporting having ever consumed alcohol identifying as under 21, 2.90% reported first drinking alcohol before 10, 1.20% reported first drinking alcohol from 10-11, 6.50% first began drinking from 12-13, 19.500% reported first drinking from 14-15, 32.00% reported first drinking from 16-17, 32.00% reported first drinking alcohol from 18-20 years old, and 1.40% reported first drinking at 21.

Table 4. Alcohol Use of Sample Under 21 Years of Age by Data Collection Year

| | 2018 | 2016 | 2016 | 2014 | 2012 | 2010 | 2008 |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | | | NDUS | NDUS | NDUS | NDUS | NDUS |
| Average Drinks per Week (Drinkers Only) | 3.07 | 9.15 | 7.13 | N/A | N/A | N/A | N/A |
| Average Drinks per Week (All Respondents) | 2.65 | 5.36 | 4.15 | 4.04 | 4.57 | 4.44 | 5.25 |
| Alcohol Use Prior 30 Days (%) | 52.30 | 61.50 | 61.30 | 60.90 | 66.40 | 66.20 | 67.70 |
| Alcohol Use Past Year (%) | 69.10 | 67.80 | 69.50 | 76.40 | 80.90 | 79.40 | 80.30 |
| Peak BAC | | | | | | | |
| Male | .069 | .176 | .151 | .090 | .11. | .12 | .13 |
| Female | .054 | .117 | .112 | .099 | .10 | .11 | .11 |

Use location. In the prior year, 21.50% of respondents reported consuming alcohol at an on-campus event, 44.10% reporting consuming alcohol in on-campus housing, 46.30% reported consuming alcohol at an off-campus event or location, and 58.50% reported consuming alcohol in off-campus housing.

Alcohol Use Perceptions

Respondents reported, on average, believing that 45.12% of students on campus have two drinks or less in a typical week (SD=24.42, Median = 45.00) and that 36.41% of students on campus do not drink in a typical week (SD=25.05, Median = 30.00).

Table 5. Alcohol Use Perceptions

| | 2018 | 2016 | 2016 | 2014 | 2012 | 2010 | 2008 |
|--------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | | | NDUS | NDUS | NDUS | NDUS | NDUS |
| Necessary for a good time (%) | 4.30 | 8.70 | 5.90 | 10.20 | 11.80 | 10.40 | 11.80 |

Table 6. Students Perceptions of Student Annual Alcohol Use

| Alcohol Use Frequency Perceptions | Percent Endorsement |
|--|----------------------------|
| Never | 4.70 |
| Once per year | 2.50 |
| Six times per year | 7.60 |
| Once per month | 16.80 |
| Once per week | 28.60 |
| Two to three times per week | 31.80 |
| Four to five times per week | 5.90 |
| Every day | 2.10 |

Parent Influence on Alcohol Use

Of all respondents, 68.80% of respondents reported that their parents have talked with them about their expectations regarding alcohol use. Respondents reported parent's expectation or rules about limiting or controlling alcohol use as very effective (44.70%), somewhat effective (35.30%), and not effective (19.90%).

Tobacco and Electronic Cigarette Use

Tobacco Use Overview

Recent use. In the prior 30 days, 2.0% used tobacco on 1-2 days, 1.40% used tobacco on 3-5 days, 0.60% used tobacco on 6-9 days, 2.0% used tobacco on 10-19 days, 0.40% used tobacco on 20-29 days, and 6.80% used tobacco on all 30 days.

Table 7. Past Year Tobacco Use

| Tobacco Use Frequency | Percent Endorsement |
|------------------------------------|----------------------------|
| None | 81.20 |
| Once | 5.00 |
| Six time per year | 2.60 |
| Once per month | 1.50 |
| Once per week | 0.60 |
| Two to three times per week | 0.40 |
| Four to five times per week | 1.80 |
| Every day | 6.90 |

Age of onset. Of those reporting having ever used tobacco, 3.60% reported first using tobacco before 10, 7.00% reported first began using tobacco from 10-11, 10.80% first using tobacco from 12-13, 16.70% reported first using tobacco from 14-15, 25.00% reported first using tobacco from 16-17, 32.10% reported first using tobacco 18-20 years old, and 3.50% first began using tobacco at 21 or older.

Table 8. Tobacco Use (Percentages) of Sample by Data Collection Year

| | 2018 | 2016 | 2016 NDUS |
|---------------------------------|-------------|-------------|----------------------|
| Tobacco Use Prior 30 Day | 13.20 | 29.00 | 7.13 |
| Tobacco Use Past Year | 18.80 | 36.70 | 5.15 |

Vaping / Electronic Cigarette Use

Recent use. In the prior 30 days, 5.40% used vaping/e-cigarettes on 1-2 days, 2.70% used vaping/e-cigarettes on 3-5 days, 1.40% used vaping/e-cigarettes on 6-9 days, 3.40% used vaping/e-cigarettes on 10-19 days, 1.10% used vaping/e-cigarettes on 20-29 days, and 9.00% used vaping/e-cigarettes on all 30 days.

Table 9. Past Year Vaping / Electronic Cigarette Use

| Vaping / E-Cig Use Frequency | Percent Endorsement |
|-------------------------------------|----------------------------|
| None | 73.30 |
| Once | 3.70 |
| Six time per year | 6.50 |
| Once per month | 2.20 |
| Once per week | 1.50 |
| Two to three times per week | 2.60 |
| Four to five times per week | 5.70 |
| Every day | 4.40 |

Age of onset. Of those reporting having ever used vaping/e-cigarettes, 0.60% reported first using vaping/e-cigarettes before 10, 0.60% reported first using vaping/e-cigarettes from 10-11, 1.30% first began using vaping/e-cigarettes from 12-13, 9.70% reported first using vaping/e-cigarettes from 14-15, 27.40% reported first using vaping/e-cigarettes from 16-17, 52.80% reported first using vaping/e-cigarettes from 18-20 years old, 6.40% first using vaping/e-cigarettes from 21-25, and 0.60% first began using vaping/e-cigarettes at 26 or older.

Use location. In the prior year, 21.20% of respondents reported using vaping / e-cigarettes at an on-campus event, 44.30% reporting vaping / e-cigarettes in on-campus housing, 52.20% reported vaping / e-cigarettes at an off-campus event or location, and 60.80% reported vaping / e-cigarettes in off-campus housing.

Tobacco and Electronic Cigarette Use Perceptions

Table 10. Students Perceptions of Student Annual Tobacco Use

| Tobacco Use Frequency Perceptions | Percent Endorsement |
|--|----------------------------|
| Never | 38.00 |
| Once per year | 5.40 |
| Six times per year | 4.60 |
| Once per month | 6.20 |
| Once per week | 10.70 |
| Two to three times per week | 11.90 |
| Four to five times per week | 7.10 |
| Every day | 16.20 |

Table 11. Students Perceptions of Student Annual Vaping / Electronic Cigarette Use

| Vaping / E-Cig Use Frequency Perceptions | Percent Endorsement |
|---|----------------------------|
| Never | 4.70 |
| Once per year | 2.50 |
| Six times per year | 7.60 |
| Once per month | 16.80 |
| Once per week | 28.60 |
| Two to three times per week | 31.80 |
| Four to five times per week | 5.90 |
| Every day | 2.10 |

Parents Influence on Tobacco and Electronic Cigarette Use

Respondents reported parent's expectation or rules about limiting or controlling tobacco use as very effective (57.00%), somewhat effective (23.30%), and not effective (19.80%). Respondents reported parent's expectation or rules about limiting or controlling vaping / electronic cigarette use as very effective (53.60%), somewhat effective (24.60%), and not effective (21.80%).

Marijuana Use

Marijuana Use

Recent use of marijuana. In the prior 30 days, 4.00% used marijuana on 1-2 days, 3.60% used marijuana on 3-5 days, 1.00% used marijuana on 6-9 days, 1.30% used marijuana on 10-19 days, 1.10% used marijuana on 20-29 days, and 1.00% used marijuana on all 30 days.

Table 12. Past Year Marijuana Use

| Marijuana Use Frequency | Percent Endorsement |
|------------------------------------|----------------------------|
| None | 81.00 |
| Once | 8.40 |
| Six time per year | 2.90 |
| Once per month | 2.50 |
| Once per week | 1.00 |
| Two to three times per week | 2.10 |
| Four to five times per week | 1.90 |
| Every day | 0.30 |

Recent use of vaping marijuana. Of all respondents, 93.50% did not vape marijuana in the prior 30 days. In the prior 30 days, 2.10% vaped marijuana on 1-2 days, 2.80% vaped marijuana on 3-5 days, 1.30% vaped marijuana on 6-9 days, 0.30% vaped marijuana on 10-19 days, 0.00% vaped marijuana on 20-29 days, and 0.00% vaped marijuana on all 30 days.

Table 13. Past Year Vaping Marijuana

| Vaping Marijuana Frequency | Percent Endorsement |
|-----------------------------|---------------------|
| None | 94.00 |
| Once | 2.80 |
| Six time per year | 1.10 |
| Once per month | 0.30 |
| Once per week | 0.80 |
| Two to three times per week | 0.60 |
| Four to five times per week | 0.30 |
| Every day | 0.00 |

Age of onset. Of those reporting having ever used marijuana, 0.60% reported first using marijuana before 10, 1.10% reported first using marijuana from 10-11, 8.40% reported first using marijuana from 12-13, 24.60% reported first using marijuana from 14-15, 23.70% reported first using marijuana from 16-17, 35.00% reported first using marijuana from 18-20 years old, 4.90% first began using marijuana from 21-25, and 1.70% began using marijuana at 26 or older.

Table 14. Marijuana Use (Percentages) of Sample by Data Collection Year

| | 2018 | 2016 | 2016 NDUS | 2014 NDUS | 2012 NDUS | 2010 NDUS | 2008 NDUS |
|----------------------|-------|-------|--------------|--------------|--------------|--------------|--------------|
| Prior 30 Days | 12.00 | 12.60 | 13.10 | 14.00 | 12.20 | 12.80 | 10.90 |
| Past Year | 19.10 | 19.50 | 23.00 | 26.30 | 25.50 | 23.50 | 22.70 |

Use location. In the prior year, 14.00% of respondents reported using marijuana at an on-campus event, 22.10% reporting using marijuana in on-campus housing, 33.00% reported using marijuana at an off-campus event or location, and 48.70% reported using marijuana in off-campus housing.

Marijuana Use Perceptions

A total of 4.50% of respondents believe that marijuana is necessary to have a good time.

Table 15. Students Perceptions of Student Annual Marijuana Use

| Marijuana Use Frequency Perceptions | Percent Endorsement |
|-------------------------------------|---------------------|
| Never | 37.90 |
| Once per year | 5.50 |
| Six times per year | 6.00 |
| Once per month | 12.00 |
| Once per week | 15.10 |
| Two to three times per week | 12.10 |
| Four to five times per week | 4.60 |
| Every day | 6.80 |

Table 16. Students Perceptions of Student Annual Vaping Marijuana

| Vaping Marijuana Frequency Perceptions | Percent Endorsement |
|---|----------------------------|
| Never | 43.80 |
| Once per year | 6.90 |
| Six times per year | 7.70 |
| Once per month | 10.60 |
| Once per week | 10.80 |
| Two to three times per week | 10.40 |
| Four to five times per week | 3.90 |
| Every day | 6.60 |

Parent Influence on Marijuana Use

Respondents reported parent's expectation or rules about limiting or controlling marijuana use as very effective (62.40%), somewhat effective (20.30%), and not effective (17.30%).

Other Drug Use

Other Drug Use

Recent use. During the prior 30 days, 3.20% of respondents reported using amphetamines, 0.90% reported using opioids, 3.0% reported a non-medical use of prescription drugs, and 1.90% reported using other illicit drugs. During the prior year, 2.70% of respondents reported using amphetamines, 0.90% reported using opioids, 3.50% reported a non-medical use of prescription drugs, and 2.60% reported using other illicit drugs.

Age of onset. The most common age of onset for amphetamine use was 18-20 years old, 14-15 years old for opioids, 18-20 years old for non-medical use of prescription drugs, and 18-20 years old for other illicit drugs.

Other Drug Use Perceptions

The majority of respondents believe that students on campus have never used amphetamines (63.70%), followed by once per year (11.80%). The majority of respondents believe that students on campus have never used opioids (66.90%), followed by once per year (14.40%). The majority of respondents believe that students on campus have never used prescription drugs for non-medical purposes (61.10%), followed by once per year (11.90%). The majority of respondents believe that students on campus have never used other illicit drugs (66.00%), followed by once per year (14.50%).

Parent Influence on Other Drug Use

A total of 67.20% of respondents reported that their parents have talked to them about their expectations regarding drug use. Respondents reported parent's expectation or rules about limiting or controlling drug use as very effective (70.50%), somewhat effective (17.20%), and not effective (12.20%).

Alcohol, Tobacco and Other Drug Use

Consequences of Using Alcohol and Other Drugs

Table 17. Prior Year Alcohol and Other Drug Consequences

| Consequence | Percent Endorsement |
|---|----------------------------|
| Hangover, nauseated, or vomited | 39.70 |
| Blackout or memory loss | 24.60 |
| Performed poorly on test / project, missed class | 15.50 |
| Been in trouble with a college authority | 15.50 |
| Driven while under the influence | 14.80 |
| Thought they might have a problem | 7.80 |
| Done something they later regretted | 19.30 |
| Been criticized by someone due to their behavior | 13.30 |
| Been arrested for DWI/DUI | 1.80 |
| Been hurt or injured | 9.70 |

Policies Related to Alcohol and Other Drug Use

Of the total respondents, 89.80% reported being aware the campus' alcohol and other drug policies and 72.10% stated that the policies are enforced. The majority of respondents stated that stricter policies, laws, or ordinances would not deter them from using alcohol or other drugs (46.30%), whereas 27.20% said that it would. Of those who responded, 27.00% reported that fines or fees would be most effective in deterring their use, followed by expulsion from college (21.80%) and jail (20.10%).

Instructor Influence on Alcohol and Other Drug Use

Respondents stated that 62.20% of their instructors never make a lighthearted comment about alcohol or drug use, followed by less than once per month (23.40%). Instructors were reported to never talk about their expectations for students to control their limit of alcohol or other drugs 55.70% of the time, followed by less than once per month (24.80%). Instructors were reported to never talk about resources of alcohol or other drugs 57.30% of the time, followed by less than once per month (23.30%).

Respondents stated that they would be very unlikely to change their alcohol or drug use based on their instructors' expectations (37.80%), followed by unlikely (20.50%). Respondents reported instructor's expectation as a way of limiting or controlling alcohol drug use as not effective (47.40%), somewhat effective (39.40%), and very effective (13.20%).

Mental Health and Well Being

Depression and Anxiety

Table 18. Percent endorsement of depression and anxiety symptoms over prior two weeks

| | Nearly every day | More than half the days | Several days | Not at all |
|---|-----------------------------|------------------------------------|-------------------------|-----------------------|
| Feeling down and depressed | 8.10 | 7.50 | 29.60 | 54.90 |
| Little interest / pleasure in things | 6.70 | 11.20 | 24.40 | 57.70 |
| Feeling nervous, anxious, on edge | 12.60 | 16.60 | 24.90 | 45.90 |
| Not able to control / stop worry | 12.20 | 10.70 | 23.40 | 53.70 |

In considering the aforementioned depression and anxiety symptoms, 10.80% reported that these experiences have made it extremely or very difficult to complete their academic work; 6.30% reported it has made it extremely or very difficult to take care of daily activities; and 7.50% reported it has made it extremely or very difficult to get along with others.

Stress and Emotional Distress

Over the previous month, 8.90% of respondents stated that they have very or fairly often found it hard to cope with all the things they had to do and 10.80% of respondents stated that they have very or fairly often felt that their difficulties were piling up so high that they could not overcome them.

Over the previous month, nearly every day or more than half of the days 27.70% of respondents have felt mentally exhausted, 17.20% have felt very lonely, and 13.00% have felt overwhelmed by anger.

Sleep

Table 19. Average hours of sleep

| Hours of Sleep | Percent Endorsement |
|-----------------------|----------------------------|
| Less than 5 | 9.80 |
| 5-6 | 44.10 |
| 7-8 | 42.00 |
| 9 or more | 4.10 |

Over the past two weeks, 22.00% of respondents reported being bothered by their quality or duration of sleep nearly every day or more than half of the days. In considering sleep difficulties, 9.30% reported that these experiences have made it extremely or very difficult to complete their academic work; 4.20% reported it has made it extremely or very difficult to take care of daily activities; and 7.70% reported it has made it extremely or very difficult to get along with others.

Social Support

Of all respondents, 16.30% either very strongly or strongly disagreed that they have friends they can share their ups and downs with. Similarly, 14.70% either very strongly or strongly disagreed that when they are on-campus they receive the emotional support they need.

Mental Health Social Environment

Of all respondents, 9.40% reported that they very strongly or strongly agree that students on their campus have a negative attitude about those who receive psychological help; 6.50% reported that they very strongly or strongly agree that their family has a negative attitude about those who receive psychological help. Overall, 11.60% of respondents very strongly or strongly agreed that they would be more likely to receive professional psychological help if those about them did not view it negatively.

Respondents stated that their instructors never make a lighthearted comment about mental health difficulties 83.30% of the time, followed by less than once per month (8.30%). Respondents stated that their instructors never talk about resources for mental health difficulties 55.50% of the time, followed by less than once per month (24.20%).

Mental Health Diagnosis History

Table 20. Mental Health Disorder Diagnosis in Prior 12 Months

| Diagnosis | Percent Endorsement |
|---|----------------------------|
| Major depressive disorder | 19.00 |
| Generalized or social anxiety disorder | 25.40 |
| Panic attacks or panic disorder | 13.50 |
| Eating disorder | 4.90 |
| Alcohol use disorder | 5.30 |
| Drug use disorder | 5.30 |
| Attention deficit hyperactivity disorder | 7.00 |
| Sleep disorder or insomnia | 12.00 |
| Other mental health disorder | 7.40 |

Self-Injurious Thoughts and Behavior

Non-Suicidal Self-Injury

In the prior year, 12.40% of respondents had intentionally hurt themselves without the intent of killing themselves at least one time and 3.80% reported engaging in self-injury five or more times.

Suicidal Thoughts and Behaviors

In the prior year, 21.40% of respondents reported having thoughts of killing themselves, 7.80% of respondents reported having a plan to kill themselves, 5.70% of respondents attempted to kill themselves.

Table 21. Percent Endorsement of Suicidal Thoughts and Behaviors in Prior Year History

| | Once | Twice | Three to Five Times | Six to Ten Times | More than Ten Times |
|------------------------------------|-------------|--------------|--------------------------------|-----------------------------|--------------------------------|
| Thoughts of killing oneself | 7.80 | 3.40 | 3.90 | 1.20 | 4.10 |
| Plan to kill oneself | 2.10 | 1.70 | 2.00 | 1.20 | 0.80 |
| Attempted to kill oneself | 2.90 | 1.30 | 1.10 | 0.20 | 0.20 |

Disclosure of Suicidal Thoughts and Behaviors

In considering any of the aforementioned suicidal thoughts or behaviors, 36.30% of respondents reported telling a peer on campus about their experience, 45.20% reported telling a peer not on their campus, 41.70% reported telling a family member, 14.50% reported telling an on-campus health professional, 26.00% reported telling an off-campus health professional, and 4.90% reported telling an on-campus staff or faculty.

Self-Injurious Thoughts and Behaviors Perceptions

Respondents reported believing that 20.36% of students on their campus had either thought about suicide or attempted to kill themselves in the past year (SD = 19.99, Median = 13.00).

Instructor Influence on Suicidal Thoughts and Behaviors

Respondents stated that their instructors never make a lighthearted comment about suicidal thoughts or behaviors 87.60% of the time, followed by less than once per month (7.70%). Respondents stated that their instructors never talk about resources suicidal thoughts and behaviors 58.10% of the time, followed by less than once per month (23.50%).

Unwanted Sexual Experiences

Unwanted Sexual Experiences

During the prior year, 15.20% of respondents reported that someone has made an unwanted attempt to stroke, fondle, or kiss them without their consent or against their will at least once; 9.50% of respondents reported that someone has attempted to have sex with them without their consent or against their will at least once in the prior year; 6.20% of respondents reported that someone has had sex with them without their consent or against their will at least once in the prior year.

Disclosure of Unwanted Sexual Experiences

In considering any of the aforementioned unwanted experiences, 33.10% of respondents reported telling a peer on campus about their experience, 44.80% reported telling a peer not on their campus, 22.40% reported telling a family member, 4.10% reported telling an on-campus health professional, 14.00% reported telling an off-campus health professional, and 3.30% reported telling an on-campus staff or faculty.

Perceptions of Unwanted Sexual Experiences

Respondents reported believing that 22.55% of students on their campus had an unwanted sexual experience in the past year (SD = 20.38, Median = 15.00).

Instructor Influence on Unwanted Sexual Experiences

Respondents stated that their instructors never make a lighthearted comment about sexual assault or harassment 87.90% of the time, followed by less than once per month (6.90%). Respondents stated that their instructors never talk about resources for sexual assault or harassment 62.40% of the time, followed by less than once per month (20.80%).

Appendix E:
2018 Employer Survey (ATOD) Summary



NDSCS Employer Survey (ATOD) Summary Spring 2018

Background:

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

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

Data Collection and Participation:

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

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

Response Rate:

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

Employment Sectors represented¹:

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

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

Summary:

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

Actions taken as a result of background checks:

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

Processes used by employers to conduct background checks:

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

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

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

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

| | % | Count |
|--------|--------|-------|
| Yes | 69.89% | 65 |
| No | 29.03% | 27 |
| Unsure | 1.08% | 1 |
| Total | 100% | 93 |

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

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

Other: there are designated smoking areas at all locations

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

| | % | Count |
|--------|--------|-------|
| Yes | 84.95% | 79 |
| No | 13.98% | 13 |
| Unsure | 1.08% | 1 |
| Total | 100% | 93 |

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

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

Appendix F:
NDSCS College Aim Planning Tool 2016-2019
NDSCS ATOD Prevention Team Strategic Plan 2019-2022

NDSCS CURRENT STRATEGIES (2016)

| Strategy Name | Individual/ Environmental | | College AIM Ratings | | | | Notes/Next Steps |
|---|------------------------------|--------|---------------------|------|----------|-------------------|-----------------------------|
| | Ind | Enviro | Effectiveness | Cost | Barriers | Broad or Focused | |
| Parent Based AOD Comm. | X | | Moderate | Mid | | Focused | Needs to be enhanced |
| Maintain 21 limit drinking age | | X | High | Low | | Broad | Enforce compliance checks |
| Prohibit Alcohol Sales @ sports | | X | Moderate | Mid | | Broad | |
| Responsible Beverage Training | | X | Moderate | High | | Broad | Provide training/no laws |
| Alcohol-Free Campus | | X | Low | Mid | | Broad | Can with president approval |
| Social Norms Campaigns | | X | Low | Low | | Broad | |
| PFI Programs (eCHUG) Underage & sanctioned | X | | High | Low | | Broad/ Focused | |
| BMI (BASICS) | X | | High | Mid | | Focused | |
| BMI (CHOICES) | X | | Moderate | Mid | | Focused | |
| Substance-free res halls | | X | ? | Low | | Broad | |
| Dram Shop Liability Laws | | X | Moderate | Mid | | Broad | |
| Amnesty Policy | | X | ? | Low | | Broad | |

POSSIBLE NEW STRATEGIES AT NDSCS (2016-2019)

| Strategy Name | Individual/ Environmental | | College AIM Ratings | | | | Notes/Next Steps |
|------------------------------|------------------------------|--------|---------------------|------|----------|------------------|---------------------------|
| | Ind | Enviro | Effectiveness | Cost | Barriers | Broad or Focused | |
| Enforce Compliance Checks | | X | High | Mid | | Focused | City Ordinance? |
| Social Host Property Law | | X | Moderate | Low | | Focused | Moving fwd with coalition |
| Parent-Based Alcohol Comm. | X | | Moderate | Mid | | Both | Enhance current program |
| PFI Program (echeck Tobacco) | X | | High | Low | | Focused | Moving forward |
| Increase Alcohol Tax | | X | High | Mid | | Broad | |
| | | | | | | | |
| | | | | | | | |

NDSCS ATOD PREVENTION TEAM

2019-2022 Strategic Plan

Vision Statement

We envision a College and community free from high-risk alcohol, tobacco, and other drug use.

Mission Statement

The mission of the Alcohol, Tobacco, and Other Drugs (ATOD) Prevention Team is to bolster student success by promoting and supporting low-risk decisions regarding ATOD use throughout the College and the broader community.

2019-2022 ATOD Prevention Team Goals

1. Enhance current parent based AOD communication/education
2. Increase awareness of ATOD initiatives/education at NDSCS
3. Increase collaborations with community stakeholders
4. Continue to assess ATOD student use and perceptions with SWAPS (Fall 2020)
5. Policy development & enhance awareness related to ENDS products

Action Plan

| Goal 1: Enhance current parent based ATOD communication/education | | | | | |
|---|---|--------------------|------------------------|-------------------|--|
| Action/Activity | Outcome Measures | Who's Responsible? | Timeline | Resources Needed | Barriers/Resistance |
| 1a. Increase knowledge and awareness about ATOD use rates | <ul style="list-style-type: none"> • Update family matters brochure • Hold at least 7 presentations • Increase social media engagement with 1 post per month | ATOD Specialist | By May 2020 | Updated research | Lack of Participants Lack of ATOD trainers Time Funding |
| 1b. Work to provide additional resources on website, specifically regarding tobacco/nicotine use | <ul style="list-style-type: none"> • Views on website • Social media views | ATOD Specialist | Ongoing | Support from RCHD | Time Updated research |
| 1c. Monthly social media posts <ul style="list-style-type: none"> • Recent statistics • How to respond to misperceptions • Resources | <ul style="list-style-type: none"> • Monthly Schedule/ Topics Created • Feedback from Team(good & bad) | ATOD Team | Starting December 2019 | Time | <ul style="list-style-type: none"> • Time • SL social media # of followers • Relatable statistics/information • Creativity |

Goal 2: Increase awareness of ATOD initiatives/education at NDSCS

| Action/Activity | Outcome Measures | Who's Responsible? | Timeline | Resources Needed | Barriers/Resistance |
|---|---|---|--|--|--|
| 2a. Create and facilitate Social Norms Campaign related to the SWAPS stats <ul style="list-style-type: none"> Complete saturation <ul style="list-style-type: none"> Social media Media Squad | <ul style="list-style-type: none"> Number of social media views/students reached | ATOD Specialist | Spring and Fall | <ul style="list-style-type: none"> Create campaign Media squad | Time |
| 2b. Continue to support and promote the Don't Cancel Class Program. | <ul style="list-style-type: none"> Increase number of Don't Cancel Class Sessions Increase number of facilitators | ATOD Specialist Student Advocate | Spring and Fall | Qualtrics Promotion ideas | Facilitator availability |
| 2c. Continue to improve ATOD FYE Seminars | <ul style="list-style-type: none"> Number of students attended FYE Seminar Feedback | ATOD Specialist | Spring and Fall | Evidence based research New ways to engage students during presentation | Time (presentation is only 50 minutes max) |
| 2d. ATOD Presentations <ul style="list-style-type: none"> Opening Week FYE RA Training Lunch & Learns DCC | <ul style="list-style-type: none"> Number of participants Number of requested presentations | ATOD Specialist | Fall and Spring Semesters | ATOD PPTs Parent data | Lack of Participants Getting parents involved |
| 2e. Continuing the marketing and promotion of the Concern Page. | <ul style="list-style-type: none"> Number of NDSCS concerns via concern page | Marketing D&E Co-Chairs ATOD Specialist | Ongoing | Qualtrics | |
| What related activities are underway? | | | Do we want to partner with this project? | | |

Goal 3: Increase collaborations with community stakeholders.

| Action/Activity | Outcome Measures | Who's Responsible? | Timeline | Resources Needed | Barriers/Resistance |
|---|--|---|--|--------------------------------|------------------------|
| 3a. Increase collaboration with the Richland County Health Dept to address community prevention <ul style="list-style-type: none"> • ATOD Prevention Team logo on all flyers/posters in community • RCHD information in NDSCS Quit Kits • Work with marketing to enhance visibility (website presence, marketing materials, etc.) • Increase social media posts regarding RCHD resources • Increase # of presentations given with RCHD | <ul style="list-style-type: none"> • Number of NDSCS related postings in community • Number of students referred to RCHD from NDSCS SH&C • Number of co-presentations | ATOD Specialist Campus Nurse Campus Counselor | Spring 2020 | Varied based on collaborations | Staff time Covid-19 |
| 3b. Intentional effort to provide additional information regarding services RCHD offers to students <ul style="list-style-type: none"> • NRT, counseling • LAC services • Opioid info, training | <ul style="list-style-type: none"> • Number of trainings held • Information included in NDSCS presentations/documents | ATOD Specialist | Ongoing | | |
| What related activities are underway? | | | Do we want to partner with this project? | | |
| Opioid presentation with RCHD Vaping presentation with RCHD | | | RCHD – Miranda Andel RCHD – Ariel Johnson | | |

Goal 4: Continue to assess ATOD student use and perceptions with SWAPS every two years

| Action/Activity | Outcome Measures | Who's Responsible? | Timeline | Resources Needed | Barriers/Resistance |
|---|--|---|-----------------------|--|--|
| 4a. Facilitate 2020 NDSCS Student Wellness & Perceptions Survey | <ul style="list-style-type: none"> Number of Student Participants | ATOD Specialist Administrative Liaison | October-November 2020 | Promotional Materials (Posters/Giveaway or Incentive/Video/Social Media/Website) | <ul style="list-style-type: none"> Time Campus Awareness of importance |

Goal 5: Policy & procedure awareness and development related to ATOD initiatives.

| Action/Activity | Outcome Measures | Who's Responsible? | Timeline | Resources Needed | Barriers/Resistance |
|---|--|------------------------------------|--|------------------|---------------------|
| 5a. Policies and procedures <ul style="list-style-type: none"> Enhance communication regarding policy changes specifically as it relates to vaping | <ul style="list-style-type: none"> Number of presentations, discussions, and meetings related to policy awareness | Student Life ATOD Specialist | Fall 2019, ongoing | | |
| 5b. Create more awareness of other ATOD Team initiatives <ul style="list-style-type: none"> Local and national presentations given | <ul style="list-style-type: none"> | Marketing ATOD Specialist HR | Spring 2020 | | |
| What related activities are underway? | | | Do we want to partner with this project? | | |

Appendix G:
Edgar Part 86 Worksheet

North Dakota State College of Science

ND University System Part 86 Compliance Checklist

Part 86, Drug-Free Schools and Campuses Regulations Compliance Checklist 2020

1. Does the institution maintain a copy of its drug prevention program? Yes ☒ No ☐
 - If yes, where is it located?
 - o Office of the President – Haverty Hall, Room 151
 - o Office of Student Health and Counseling Services: Alcohol and Other Drugs Prevention Program– Riley Hall, Room 107
 - o Office of the Campus Judicial Officer – Riley Hall, Room 130
 - o Online at www.NDSCS.edu/AlcoholInfo

2. Does the institution provide *annually to each employee and each student, who is taking one or more classes for any type of academic credit except for continuing education units, written materials that adequately describe and contain the following?*
 - a. Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as a part of its activities
 Students: Yes ☒ No ☐ Staff and Faculty: Yes ☒ No ☐

 - b. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol
 Students: Yes ☒ No ☐ Staff and Faculty: Yes ☒ No ☐

 - c. A description of applicable legal sanctions under local, state, or federal law
 Students: Yes ☒ No ☐ Staff and Faculty: Yes ☒ No ☐

 - d. A description of applicable counseling, treatment, or rehabilitation or re-entry programs
 Students: Yes ☒ No ☐ Staff and Faculty: Yes ☒ No ☐

 - e. A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions
 Students: Yes ☒ No ☐ Staff and Faculty: Yes ☒ No ☐

Any comments or clarifications on items 2 a-e:

2a. Prohibited Conduct. NDSCS, in accordance with [North Dakota State Board of Higher Education Policy 918](#), prohibits the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and products, as well as any illicit drugs or drug paraphernalia on or off NDSCS Alcohol, Tobacco, and Other Drug Policy 3 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. NDSCS prohibits the use of all tobacco products on College property including off-campus, College-sponsored events/activities. This prohibition includes indoors, outdoors, College vehicles, and/or personal vehicles while on College property. NDSCS prohibits the use and possession of all e-cigarette devices in College-owned residential buildings. This policy applies to all employees, students, and visitors. This policy will be reflected in all agreements/contracts for use of NDSCS grounds or property by individuals and/or companies. Any use of illicit and/or misuse of prescription medications on or off College

property or at College sponsored events is strictly prohibited. This includes the use of marijuana, including recreational and medicinal uses, regardless of state law.

2b. 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. This threat occurs at NDSCS in the form of property damage, acts of vandalism, disciplinary problems, driving under the influence (DUI), automobile and other types of accidents, decreased career opportunities and academic performance, impaired social relationships, violence and decreased ability to cope with the stresses of life. More information on the health risks associated with [alcohol](#), [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](#).

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

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

- a. Organizations are required, Federal Regulation (2 CFR § 182.215) to not only publish a drug-free workplace statement, but also establish a drug-free awareness program for employees. Part of the drug-free awareness program is to inform employees regarding the dangers of other drug abuse misuse in the workplace. Information on the health risks of alcohol abuse and drug abuse can be found at the U.S. National Library of Medicine and the National Institutes for Health. Additional information can be found at the Alcohol and Other Drug Prevention Programs Website.
- b. NDSCS Employee Assistance Program (EAP) is available to benefited employees of the College. The EAP is facilitated by the Village Business Institute and can be accessed by contacting NDSCS Human Resources at 701-671-2903 or through the Village Business Institute portal at: <https://www.thevillagefamily.org/request-appointment>.

2e. Sanctions: Students found in violation of the NDSCS Alcohol, Tobacco and Other Drug Policy may be subject to one or more of the sanctions below, dependent upon severity of the offense and the existence or absence of prior violations: a. Verbal and or written warning/developmental conduct conversation; b. College service; c. Requirement to attend educational sessions related to alcohol, tobacco, and/or other drugs, or counseling sessions; d. Restitution and/or fines; e. Unsupervised or Supervised Conduct Probation - an indication that

further violations may result in suspension; f. Dismissal from student leadership positions and/or organizations; g. Exclusion from college-owned housing; NDSCS Alcohol, Tobacco, and Other Drug Policy 7 h. Exclusion from all, or portions, of campus; i. Suspension. Temporary withdrawal or privileges of enrollment from NDSCS for a specified period of time; h. Indefinite suspension. Withdrawal from NDSCS until specific actions are taken prior to consideration for re-entry; or i. Expulsion. Termination of student registration and status for an indefinite period of time; Permission of the president shall be required for readmission; j. Registration/Transcript/Graduation Hold; k. Loss of privileges or other educational sanctions (including status as a registered student organization);

Note: Individual student behavioral actions and or student organization behavioral actions will be adjudicated through the Executive Director of Student and Residential Life or designee according to College policy.

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

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

Sanctions: Employees. For NDSCS employees, non-compliance with this policy could result in disciplinary action up to and including termination of employment. If an employee is convicted under criminal drug statute for a violation occurring in the workplace, on or off-campus, actions may include: a. Requiring the employee to participate in a drug assistance or rehabilitation program approved by NDSCS; b. Disciplinary action up to and including termination of employment. Disciplinary action may include one or more of the following: i. Warning, reprimand, or probationary status; ii. Suspension; iii. Termination of employment; or iv. Any combination of the above sanctions.

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

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

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

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

Yes ☒ No ☐

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

b. Through campus post offices boxes

Yes ☐ No ☒

c. Class schedules which are mailed to each student

Yes ☐ No ☒

d. During freshman orientation

Yes ☒ No ☐

e. During new student orientation

Yes ☒ No ☐

f. In another manner

Yes ☒ No ☐

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

Any comments or clarifications on items 3 a-f:

3d. Via verbal disclosure during general orientation session.

3e. Via verbal disclosure during general orientation session.

3f. Students are also sent a text message each semester that includes a link to the NDSCS Alcohol and Other Drug Policy.

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

Yes ☒ No ☐

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

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

Yes ☒ No ☐

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

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

a. Mailed

Staff: Yes ☐ No ☒

Faculty: Yes ☐ No ☒

b. Through campus post office boxes

Staff: Yes ☐ No ☒ Faculty: Yes ☐ No ☒

c. During new employee orientation

Staff: Yes ☒ No ☐ Faculty: Yes ☒ No ☐

d. In another manner

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

Any comments or clarifications on items 6 a-d:

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

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

Staff: Yes ☒ No ☐ Faculty: Yes ☒ No ☐

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

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

Staff: Yes ☒ No ☐ Faculty: Yes ☒ No ☐

- Via Human Resources procedures and orientation.

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

a. Conduct student alcohol and drug use survey

Yes ☒ No ☐

- The Core Alcohol and Drug Survey was developed to measure alcohol and other drug usage, as well as attitudes and perceptions among college students attending two and four year institutions, nationwide. This survey is administered every other year (1999, 2001, 2003, 2006, 2008, 2010, 2012, and 2014) in an attempt to measure drinking and drug use behaviors, as well as their perceptions of the norms surrounding alcohol use among students. NDSCS Administered a new survey in 2016 (ND ATOD Survey) that was made specifically for North Dakota University System Higher Education Institutions. In 2018, the ND Student Wellness and Perceptions Survey NDSCS was administered. NDSCS also completes a biennial review of alcohol and other drug policies and programs on even numbered years. Data from the ND Student Wellness and Perceptions Survey is integrated into the biennial review and used to direct programming efforts.

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

Students: Yes ☒ No ☐ Staff and Faculty: Yes ☒ No ☐

- ND ATOD Survey (2016), ND Student Wellness and Perceptions Survey (2018) for students and NDSCS Faculty and Staff Alcohol and Other Drugs Perceptions and Communication Survey (2014.)

c. Evaluate comments obtained from a suggestion box

Students: Yes ☒ No ☐ Staff and Faculty: Yes ☒ No ☐

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

d. Conduct focus groups

Students: Yes ☒ No ☐ Staff and Faculty: Yes ☒ No ☐

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

e. Conduct intercept interviews

Students: Yes ☐ No ☒ Staff and Faculty: Yes ☐ No ☒

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

Students: Yes ☒ No ☐ Staff and Faculty: Yes ☐ No ☒

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

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

Students: Yes ☒ No ☐ Staff and Faculty: Yes ☐ No ☒

- Incidents of recidivism are reviewed annually.

10. Who is responsible for conducting the biennial reviews?

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

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

Yes ☒ No ☒

- A requested has not been received.

12. Where is the biennial review documentation located?

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

13. Comments or clarifications on any above items:

Appendix H:
2019 NDSCS Annual Security Report & Fire Safety Report

2019 Annual Security Report & Fire Safety Report



ANNUAL SECURITY REPORT & FIRE SAFETY REPORT

SEPTEMBER 30, 2019

SAFETY AND SECURITY INFORMATION

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

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

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

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

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

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

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

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

A FULL COLLEGE ENVIRONMENT

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

NDSCS POLICE DEPARTMENT

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

NDSCS Police have full arrest powers and are licensed by the State of North Dakota. The department's enforcement authority is authorized by North Dakota Century Code 15-10-17.2 and the State Board of Higher Education (SBHE Policy 619). The NDSCS Police, in conjunction with the Wahpeton Police Department provide vehicle patrol 24 hours a day year-round. NDSCS Police report violations and enforce city and state laws. Initial criminal reports, investigations and most cases are developed for prosecution. All criminal reports taken by the NDSCS Police are filed through the Wahpeton Police Department. Local law enforcement agencies regularly share information with the NDSCS Police, regarding incidents occurring in the area surrounding the campus. The NDSCS Police are armed and maintain radio contact with the Wahpeton Police department through the Richland County Communications Center.

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

COORDINATION WITH OTHER LAW ENFORCEMENT AGENCIES

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

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

THE LAW AND COLLEGE POLICIES

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

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



REPORTING CRIMES OR OTHER EMERGENCIES

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

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

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

WAHPETON

NDSCS Police 701-671-2233
Wahpeton Police 701-642-7722
Breckenridge Police 218-643-5506
Richland County Sheriff 701-642-7711

NDSCS.edu/Concern

FARGO

NDSU Police 701-231-7759
Fargo Police 701-241-1310

NDSCS.edu/Concern

WAHPETON AND FARGO CITY ORDINANCES

For information on the City of Wahpeton ordinances, visit www.wahpeton.com. For information on the City of Fargo ordinances, visit www.fargond.gov.

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

ON-CAMPUS REPORTING OF CRIMES

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

CONFIDENTIAL REPORTING

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

NDSCS STUDENT HEALTH AND COUNSELING SERVICES

NDSCS.edu/HealthServices
NDSCS.edu/Counseling

Riley Hall 113

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

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

NDSCS SEXUAL MISCONDUCT AND TITLE IX COMPLIANCE POLICY

NDSCS.edu/Title9

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

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

Jane Vangsness Frisch, Ph.D.

Title IX Coordinator
Old Main 340
701-671-2627
Jane.Vangsness@ndscs.edu

Melissa Johnson

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

Sandi Gilbertson, M.S.

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

If a complainant wishes to remain completely anonymous, complainant may use the NDSCS concern form at **NDSCS.edu/Concern** and not disclose any identifying information.

SAFETY EDUCATION

NDSCS is committed to providing a reasonably safe and secure campus 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 security and the security of others.

In 2018, the College conducted multiple training sessions on personal safety, alcohol and sexual violence awareness, alcohol and other drug risk education and active shooter response. Members of the NDSCS Police will present programs on safety awareness, crime prevention and general security when requested by student, staff or faculty groups.

SEXUAL ASSAULT EDUCATIONAL PROGRAMS

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

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

ALCOHOL, TOBACCO AND OTHER DRUG (ATOD) PREVENTION TEAM

NDSCS ATOD Prevention Team is committed to reducing the harm associated with alcohol and drug use, and cultivating an environment in which moderate use is perceived and practiced as the norm.

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

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

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

CAMPUS SAFETY ESCORT SERVICE

NDSCS Police will provide escort services on campus to a student's or employee's residence hall or vehicle, upon request. This service is FREE to students and employees whenever they may need it.

SAFE ZONE

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

Safe Zone is a program designed to:

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

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

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

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

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

NDSCS ALCOHOL AND DRUG POLICY

COLLEGE POLICY ON THE USE OF ALCOHOL AND OTHER DRUGS BY STUDENTS AND EMPLOYEES

The ND State Board of Higher Education (SBHE Policy 918) prohibits the possession, sale, service, use or consumption of alcoholic beverages upon land or in buildings owned by the board or its institutions, except as authorized by the institution's president. NDSCS complies with and supports the ND State Board of Higher Education policy governing alcohol use on campus, the Drug Free Workplace Act of 1988, Public Law 100-690 and the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226 and 2 CFR § 182.215.

For the complete State Board of Higher Education policy see NDUS.edu/Board/Policies, policy number 918 "Alcoholic Beverages."

NDSCS 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.

For NDSCS employees, compliance with this policy is a term and condition of employment. For NDSCS students and student organizations, compliance with this policy is a term and condition of continued enrollment/organizational recognition. The NDSCS Police is responsible for enforcement of underage drinking laws and the enforcement of federal and state drug laws. The College recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and there are assistance programs available to help individuals experiencing problems. When appropriate, NDSCS personnel may refer students to the NDSCS Counseling Center or to agencies outside of NDSCS for evaluation and/or treatment for alcohol or other drug-related problems. As part of their benefit package, employees may access services through the Employee Assistance Program provided by The Village. Call The Village at 1-800-627-8220. Employees also can access online resources at villageeap.com.

Additional alcohol and other drug prevention information, including information on health risks of alcohol and other drug abuse and applicable federal, state and local laws, is available through Alcohol, Tobacco and Other Drugs Prevention Programming. For the complete text of the policy see NDSCS.edu/Alcoholinfo.

SECURITY AND ACCESS OF COLLEGE FACILITIES

The Wahpeton campus of NDSCS, located at 800 6th Street North, Wahpeton, ND 58076, encompasses 132 acres. There are more than 20 buildings on the Wahpeton campus open to students, faculty, staff and the public during normal working hours. The Fargo location consists of one building located at 1305 19th Avenue North, Fargo, ND 58102. Access is limited in the evenings, on holidays and weekends at both locations. With the exception of events that are open to the general public, the College's facilities and programs are generally reserved. Visitors and non-College affiliated groups seeking to utilize College facilities are expected to make prior arrangements with the appropriate College office. NDSCS reserves the right to deny access to facilities, services and campus grounds to people or groups who do not meet/or comply with appropriate guidelines.

SECURITY AND ACCESS IN COLLEGE HOUSING

NDSCS has a number of residence halls as well as apartments. Each residence hall is staffed by a professional hall director and student resident assistants (RAs) who reside on each floor. The ratio of RAs to students is approximately one for every 35 students. College apartments are staffed with apartment managers. All College Residential Life staff receive training on security measures and emergency/crisis management. Residential Life staff inform residents of safety and security information

via floor meetings, postings, and programming in the halls. Staff members work closely with NDSCS Police in maintaining security in all residence halls and apartment units and in dealing with situations that affect the safety of residents. Residence hall outside doors are locked 24 hours a day. All guests must be escorted by a resident of the hall at all times. Staff members check the residence halls each evening to ensure the security of the buildings and residents. Key security is a high priority. Residents are encouraged to report lost or missing keys immediately so that a cylinder change can be initiated. All residence halls are equipped with NDSCS ID Card access. Residents are encouraged to report lost student ID cards immediately. A new student ID should be obtained as soon as possible.

MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. NDSCS Police Department regularly patrols the campuses and reports malfunctioning lights and other unsafe physical conditions to Facilities Management (701-671-2313) for correction. A safety walk is conducted annually with members of the NDSCS Police Department, Safety Office and Student Senate where lighting and landscape issues as well as other safety concerns are identified.

CAMPUS EMERGENCY OPERATIONS PLAN (EOP)

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

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

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

The EOP describes the process the NDSCS Police use to confirm that there is a significant emergency. The NDSCS Police assess the danger and potential threat the event may pose to the safety of the College community, and determines the appropriate course of action in light of the specific circumstances. In the event of an emergency the NDSCS Safety Officer 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.

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

- Public Media
 - Local radio and television stations are notified of any disasters or emergencies occurring on the campus.
 - The College Relations and Marketing Department coordinates connections with all major media outlets to provide emergency notifications.
- Mass Calling and Notification
 - AssuranceNM system allows authorized personnel to send a recorded voice message, e-mail, and text message simultaneously from a remote site. To receive the messages, individuals enter their phone number and e-mail address via the CampusConnection, which is a portal in PeopleSoft. When the system is activated, one or more of the following alerts are sent depending on the contact

information the recipient has provided.

- Voice Call – Individuals who have provided their phone numbers are called and a prerecorded voice message is played.
- E-mail – An e-mail about a disaster or emergency is sent to all individuals who have provided e-mail addresses.
- SMS Text Message – Individuals who have provided cell phone numbers are sent a text message about the alert.
- Warning Sirens
 - Warning sirens are strategically placed around the City of Wahpeton to sound in the event of a tornado warning. The sirens are tested on the first Wednesday of every month at noon.
 - Everbridge
 - Allows Richland County Communications to telephone all or targeted areas of the County in case of an emergency situation that requires immediate action, such as an evacuation, hazardous spill, community notification for flood preparation, missing child alerts, etc. Register your phone numbers at <https://co.richland.nd.us/everbridge>
- Building Evacuation Alarms
 - Every campus building has an evacuation alarm. Newer systems are also equipped with a voice PA system by which instructions may be given.
- Police Vehicle Public Address
 - NDSCS Police patrol cars are equipped with public address systems that can be used to give emergency action instructions.
- NDSCS Website
 - The College Relations and Marketing Department can activate a website with pertinent information and instructions in the event of a disaster or emergency.
- Email Transmission
 - A mass e-mail may be sent to the College community with pertinent disaster information or instructions.

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.

TIMELY WARNING POLICY STATEMENT

The NDSCS Police Department Supervisor, or designee, is responsible for determining whether criminal activity reported to the NDSCS Police or other College security authorities represents a threat to students, employees, or visitors. When it is determined that there may be a threat to the health or safety of students, employees, or visitors, NDSCS Police will provide a timely warning to the appropriate individuals and groups in a manner that is likely to aid in the prevention of similar crimes.

Timely warnings are only issued in the event that a Clery reportable crime occurs on or near NDSCS property. The particular method of communication by which the timely warning is provided varies depending on the specific circumstances of the crime and the potential threat to safety. Timely warnings may be issued by email to the all employee listserv or via the AssuranceNM system via voice message, email or text message.

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

EMERGENCY RESPONSE

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

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

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

EMERGENCY EVACUATION PROCEDURES

It is recommended that all employees and students review and become familiar with the emergency evacuation procedures annually, or whenever there are plan or facility design/occupancy use changes. It is recommended that departments pre-determine designated assembly points, direct occupants to those locations and prevent re-entry to the facility (prevention of re-entry to anyone except emergency personnel ensures the protection of life and property – College and personal property). Evacuation plans in residence halls are tested each semester in the form of a fire drill. The College conducts or participates in an emergency response exercise each year, such as a table top exercise or a live test, and tests the College emergency notification systems. Tests of the systems may be announced or unannounced and are designed to assess and evaluate the emergency plans and capabilities of the College.

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 671-2233.
- Do not use elevators during an emergency evacuation. Emergency response personnel may use an elevator for evacuation after review of the circumstances.
- Everyone must exit the building quickly and proceed in an orderly manner to the designated emergency assembly point as predetermined by each department. Be alert and pay attention to what is happening around you. If the first designated area of evacuation is inaccessible, proceed to a designated secondary location as predetermined by each department.
- Check doors for heat before opening. Do not open door if it is hot.
- Choose an assembly location comprised of an open space, with easy access from your building and/or capable of holding all of your department's occupants safely.
- Emergency assembly points should be at least 50 feet from the building.
- Avoid assembly locations where emergency personnel will respond, such as roadways, parking lots, near fire hydrants or obstructing fire department connections.
- Remain at the designated assembly point until someone takes roll call and further instructions are provided by emergency personnel or NDSCS Police. Do not leave the area.
- Do not re-enter an evacuated building until instructed to do so by an official or selected monitor.
- Assist individuals with disabilities:
 - Be aware of persons in the building who may need assistance. Be prepared to render assistance if necessary or as the situation warrants. If unable to directly assist a person with disabilities, ask the individual to wait at the nearest exit for assistance from official emergency personnel.
 - Individuals with disabilities are responsible for knowing how they want to be helped during an evacuation. They are asked to convey this information to their instructors within the first week of each

semester or to their work supervisors within the first week of employment.

- Guests and visitors of the College should also inform the College employee/student with whom they are dealing of their need for evacuation assistance.

SHELTER-IN-PLACE PROCEDURES

During certain emergency situations and some weather emergencies, you may be advised to “shelter-in-place” rather than evacuate or leave the building. If there is an emergency that is a risk to the public, your local officials will notify you by radio, TV or telephone. The outdoor warning sirens may be activated. If you hear the sirens, go inside and tune to a local radio or TV station. Shelter-in-place is likely to be used in circumstances in which there is not enough time for evacuation to occur, or evacuation creates an increased safety risk. Examples may include a hazardous material release or a public health issue. The safest action in these situations is to shelter-in place while listening for further instructions.

The following are guidelines to be followed:

- Listen to the local radio, television stations or AssuranceNM for detailed information and instructions. Follow the instructions carefully. Stay away from the area to minimize risk of injury or contamination.
- Stay inside the building.
- Do not go outside to investigate.
- Bring pets/animals inside if practical.
- Close and lock all exterior doors and windows. Close vents, fireplace dampers, and as many interior doors as possible.
- Turn off air conditioners and ventilation systems to 100 percent recirculation so that no outside air is drawn into the building. If this is not possible, ventilation systems should be turned off (including heating and air conditioning).
- Seal the room by covering each window, door and vent using plastic sheeting and duct tape.
- Use material to fill cracks and holes in the room, such as those around pipes.
- Gather essential disaster supplies, such as nonperishable bottled water, battery powered radios, first aid supplies, flashlights, batteries, duct tape, plastic sheeting and plastic garbage bags.
- If in a vehicle:
 - Close all windows and shut all manual vents.
 - Turn off ventilation system.
 - Tune in the radio for emergency information.

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

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

FIRE SAFETY

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

STEPS TO FOLLOW IF YOU SEE A FIRE:

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

STEPS TO FOLLOW IF YOU ARE CAUGHT IN A FIRE:

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

MISSING STUDENT NOTIFICATION

If a member of the NDSCS community has reason to believe that a student who resides in on-campus housing is missing, they should immediately notify NDSCS Police at 701-671-2233 or local law enforcement. The NDSCS Police will initiate an investigation and generate a missing persons report. A missing student is defined as a person currently enrolled at NDSCS, whose whereabouts have

been unaccounted for by law enforcement for more than 24 hours. When a student becomes the subject of a missing persons report, NDSCS will initiate the Missing Persons Notification in accordance with the student's designation. Contact will be made no more than 24 hours after the student is determined by College Police or other appropriate law enforcement agency to be missing.

Students residing in NDSCS owned and operated facilities have the option to designate an individual to be contacted in the event the student is determined by NDSCS Police or appropriate law enforcement agency to be missing.

This contact may be the same or different than the emergency contact information provided in the student's Campus Connection account. Students may register this confidential contact information with the Department of Residential Life. In the event a student is eligible to, but has not previously identified a missing contact, NDSCS will notify the individual identified in the student's Campus Connection account as the emergency contact. 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.

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

NDSCS does not tolerate sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking, and intimate partner violence in NDSCS's educational program and activities. Also prohibited is any rule violated on the basis of the recipient of the behavior's sex and or gender, which is severe enough to cause discriminatory effect. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking.

The NDSCS Sexual Misconduct and Title IX Compliance Policy is required by federal law and implementation of this policy is guided by the U.S. Department of Education, Office of Civil Rights. NDSCS strives to create a campus community free from interpersonal abuse including sexual misconduct. In working to achieve this intent, NDSCS commits to:

- Responding to complaints or reports of prohibited conduct in a reasonably prompt timeframe;
- Taking action to stop sexual misconduct and prevent recurrences;
- Taking action to remediate any adverse effects of such conduct on campus by providing advocacy, support and appropriate referral services for recipients of the behavior; and
- Educating individuals and promoting discussions on sex or gender discrimination, sexual misconduct, and violence.

All forms of prohibited conduct under this policy are regarded as serious College offenses, and violations will result in discipline, including the possibility of separation from the College. State and federal laws also address conduct that may meet the College's definitions of prohibited conduct, and criminal prosecution may take place independently of any disciplinary action instituted by the College.

NDSCS has an obligation to conduct a prompt and impartial investigation of all complaints or reports of sexual misconduct through fair and equitable procedures.

Once made aware, the College must conduct an investigation regardless of how the information was brought to the College's attention or the extent to which the complainant wishes to participate or be involved. All individuals have access to confidential resources that they may use for support and guidance (see page 4). In light of these commitments and in the best interest of the college, NDSCS has adopted this policy, which includes investigation and disciplinary procedures that will be followed in response to allegations of sexual misconduct, such as sexual harassment and sexual assault, intimate partner violence, stalking, and related retaliation.

NDSCS encourages all individuals to report any alleged or suspected violation of this policy to the Title IX Coordinator and/or Deputy Title IX Coordinators as available and to report potential criminal conduct to law enforcement. The NDSCS Title IX Coordinator and Deputy Coordinators' contact information is as follows:

Jane Vangsness Frisch, Ph.D. *Title IX Coordinator*
Old Main, 340
701-671-2627
Jane.Vangsness@ndscs.edu

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

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

EDUCATION AND PREVENTION PROGRAMS

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

- Are culturally relevant inclusive of diverse communities and identities, sustainable, responsive to community

needs, and informed by research, or assessed for value, effectiveness, or outcome; and

- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

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

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in the State of North Dakota and the definition of consent found in the NDSCS Sexual Misconduct and Title IX Compliance Policy.
- d. Provides a description of safe and positive options for upstander intervention. Upstander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Upstander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- e. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The College has developed an annual educational campaign consisting of presentations and distribution of educational materials to new students. NDSCS also offers online VAWA training for all new employees, and online Equal Opportunity/Title IX training. NDSCS also provides immediate crisis intervention and advocacy services to women and men who have been impacted by sexual misconduct. Services available include: a 24-hour hotline, advocacy and personal counseling.

PROCEDURES FOR REPORTING A COMPLAINT

NDSCS has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, and other services on and/or off campus as well as additional remedies to

prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The College will make such accommodations, if the complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to report the crime to the NDSCS Police or local law enforcement.

After an incident of sexual assault or domestic violence, the complainant should consider seeking medical attention as soon as possible at the NDSCS Student Health Services, or local hospital where they offer physical evidence recovery collection and have sexual assault nurse examiners. In North Dakota, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a complainant of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if complainants do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Complainants of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College hearing processes/investigators or police. Although the College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the complainant's choice whether or not to make such a report and complainants have the right to decline involvement with the police. The College will assist any complainant with notifying the NDSCS Police or the local police if they so desire. The NDSCS Police may also be reached directly by calling 701-671-2233, or in person at the NDSCS Police Department, Hektner Student Center. The Wahpeton Police Department may be reached by calling 701-642-7777, or in person at 920 3rd Ave. N., Wahpeton, ND. The Fargo Police Department may be reached by calling 701-235-4493 or in person at 222 4th St. N., Fargo, ND.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you are encouraged to report the incident promptly. Victims of sexual misconduct or people who wish to report sexual misconduct may contact Dr. Jane Vangness Frisch, Title IX Coordinator, at 701-671-2627 or Jane.Vangness@ndscs.edu. Please note this individual cannot guarantee confidentiality. For a list of confidential resources, please refer to the Confidential Reporting section on page 4. Victims are also encouraged to report the matter to NDSCS Police. The College will provide access to resources, on campus, off campus, or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating

violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

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

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

ASSISTANCE FOR VICTIMS: RIGHTS AND OPTIONS

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

NDSCS complies with North Dakota law in recognizing valid protection orders issued not only by the state of North Dakota, but those of any other state in the United States, the District of Columbia, Puerto Rico, the US Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. This also includes an Indian tribe or band that has jurisdiction to issue protection orders. Any person who obtains a protection order from any of these entities should provide a copy to NDSCS Police and/or the Title IX Coordinator and meet with the NDSCS Police to develop a Safety Action Plan, which is a plan for the College and the victim to reduce risk of harm while on campus or coming and going from campus.

The College cannot apply for a legal restraining order for a victim. Three Rivers Crisis Center operates a 24-hour crisis line and offers in person-assistance, advocacy and assistance with legal, medical, social service and other systems. They can assist victims of abuse file the necessary paperwork with the Richland County District Court to obtain Domestic Violence Protection and Disorderly Conduct Restraining Orders. The contact number is 701-642-2115, or they can also be reached by phone at 800-627-3659. For more information you can visit their website at www.threeriverscrisiscenter.weebly.com.

However, you may choose to get an attorney or seek an order by yourself. This is always your right. If you choose to seek the order yourself you will need to visit the Clerk of Court Office of the Southeast Judicial District. They are located in the Richland County Courthouse at 418 2nd Ave. N., Wahpeton, ND and their phone number is 701-671-1524. In Fargo, visit the Clerk of Court Office at East Central District Court. They are located in the Cass County Courthouse at 211 9th St. S., Fargo, ND and their phone number is 701-241-5645. Forms for Domestic Violence Protection Orders and Disorderly Conduct Restraining orders can be found at nd.courts.gov/ndlshc/dcro/dcro.aspx. To see if you qualify for low/no cost legal assistance you can call Legal Services of ND at 800-634-5263 Monday, Tuesday, or Thursday 9 a.m.-3 p.m.

The College may issue an institutional no contact order if deemed appropriate or at the request of the complainant or accused. Upon the complainant's request and to the extent of the complainant's cooperation and consent, College offices will work cooperatively to assist the complainant with their health, physical safety, work and academic status, pending the outcome of a formal College investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, working or transportation situations regardless of whether the complainant chooses to report the crime to NDSCS police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student park in a different location, assisting the student with a safety escort, etc.

Additionally, personal identifiable information about the complainant will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in section 4002(a)(20) of the Violence Against Women Act of 1994 (42 USC 1395 (a) (20)) .) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the complainant to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The College does not publish the name of crime victims nor house identifiable information regarding victims in the NDSCS police departments Daily Crime Log, Timely Warnings, or online. Victims may request that directory information on file be removed from public sources by request to the Registrar, Haverty Hall 101, 701-671-2521.

COLLEGE PROCEDURES BY INCIDENT

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

RISK REDUCTION

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

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
 - Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
 - If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.
- 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.

TYPES OF ORDERS IN THE STATE OF NORTH DAKOTA

| TYPE OF ORDER | WHO CAN FILE FOR ONE | COURT | BASED ON |
|---|--|---|--|
| Domestic Violence Protection Order May be issued for one month, one year, or indefinitely | Family or household members including: <ul style="list-style-type: none"> • Spouse or former spouse • Parent • Child • Other family member • Person related by blood or marriage • A person you are dating • A person who is living with you or has lived with you before • Your child's other parent, even if you were never married or lived together • Any other person with a "sufficient relationship" to the abusing person as determined by the court. | The ND District Court where the victim lives, where the abuser lives, or where the incident(s) occurred. In Fargo that is East Central District Court located in the Cass County Courthouse at 211 9th St. S. A list of all ND District Courts can be found at nd.court.gov/court/districts.htm | Actual or imminent domestic violence. This includes physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by force, or assault, not committed in self-defense, on the complaining family or household members. |
| Disorderly Conduct Restraining Order May be issued up to two years. | Anyone who is a victim of disorderly conduct can file for a disorderly conduct restraining order. You do not need to have a specific relationship with the abuser. It may be a neighbor, acquaintance, intimate partner, family member, etc. | The ND District Court where the victim lives, where the accused lives, or where the incident(s) occurred. In Fargo that is East Central District Court located in the Cass County Courthouse at 211 9th St. S. A list of all ND District Courts can be found at nd.court.gov/court/districts.htm | The order offers protection for someone who is the victim of disorderly conduct, which is defined as intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person. Disorderly conduct does not include constitutionally protected activity. |
| Order Prohibiting Contact May be issued up to one year | The victim of a crime of violence or threat of violence, stalking, harassment, or a sex offense, if an individual who is charged with or arrested for the crime is released from custody before arraignment or trial. | The court authorizing the release of the individual may issue, if there is no outstanding restraining or protection order prohibiting the individual from having contact with the victim, an order prohibiting contact with the victim. | Court discretion. |

ADJUDICATION OF VIOLATIONS

Whether or not criminal charges are filed, the College or a person may file a complaint under the NDSCS Sexual Misconduct and Title IX Compliance policy, alleging that a student or employee violated the College's policy on discrimination, harassment, retaliation or sexual misconduct. Reports of guests, vendors, or contractors violating these policies should be reported to the Title IX Coordinator. Reports of all domestic violence, dating violence, sexual assault, and stalking made to NDSCS Police will automatically be reported to the Title IX Coordinator regardless of if the complainant chooses to pursue criminal charges. As provided in this policy, NDSCS is committed to providing a safe, healthy, and nondiscriminatory learning, living, and working environment for all members of the College community that is free from sex discrimination of any kind.

Specifically, NDSCS is committed to:

- Defining conduct that constitutes prohibited sexual harassment, gender-based harassment and sexual misconduct;

- Providing clear guidelines for students, employees and third parties on how to report incidents of sexual harassment, gender-based harassment and sexual misconduct and a commitment that any complaints will be handled respectfully;
- Promptly responding to and investigating allegations of sexual harassment, gender-based harassment and sexual misconduct, pursuing disciplinary action when appropriate, referring the incident to local law enforcement when appropriate, and taking action to investigate and address any allegations of complicity and retaliation;
- Providing ongoing assistance and support to students and employees who make allegations of sexual harassment, gender-based harassment and sexual misconduct;
- Providing awareness and prevention information on sexual harassment, gender-based harassment and sexual misconduct, including widely disseminating this policy, and implementing training and educational programs on sexual harassment, gender-based harassment and sexual misconduct to College constituencies; and

- Gathering and analyzing information and data that will be reviewed in order to improve gender equity and safety, reporting, responsiveness and the resolution of incidents.

The student conduct process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the complainant and respondent. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the complainant and the respondent of the delay and the reason for the delay. See NDSCS Sexual Misconduct and Title IX Compliance Policy for procedural information. Investigators are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation that protects the safety of the complainant and promotes accountability. The *NDSCS Guide to Student Rights and Responsibilities* provides that:

- The complainant and the respondent each have the opportunity to attend a hearing before a properly trained hearing officer that protects the safety of complainants and promotes accountability;
- The complainant and the respondent will have timely notice for meetings at which the complainant or respondent, or both, may be present;
- The institution will allow all parties (complainant, respondent and appropriate officials) access to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meetings and hearings;
- The student conduct process will be conducted by officials who do not have a conflict of interest or bias against the complainant or respondent;
- The institution provides the complainant and respondent the same opportunities to have others present during a conduct hearing. The student has the right to have a person present who may act in an advisory capacity. Hearing advisors may not serve as witnesses. Hearing advisors who do not comply with hearing procedures or the directives of the hearing officer may be cautioned by the hearing officer and if they persist, may be asked to leave.
- If a student chooses to have an attorney present as his or her hearing advisor, NDSCS may request legal representation be present as well. In cases that do not involve potential for suspension or expulsion, the role of an attorney shall be to advise his or her client, not to participate in the hearing. Attorneys who do not respect this provision may be cautioned by the hearing officer and if they persist, may be asked to leave. In cases that could result in suspension or expulsion, attorneys or non-attorney advocates may fully participate, which means they may make opening and closing statements, examine and cross-examine (through the hearing officer) witnesses present during the hearing, and provide the student with support, guidance and advice throughout the process.

- A student conduct decision is based on the preponderance of evidence standard, i.e., "more likely than not to have occurred";
- The complainant and the respondent will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final; and
- The complainant and the respondent each have the right to appeal the outcome of the hearing and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved. An appeal by the complainant may only be allowed when it is alleged that the complainant was found responsible for a Title IX violation. In some cases, a complainant's appeal could result in a different decision and/or stronger sanctions than originally imposed.
- An appeal of any conduct process decision must be made in writing within five business days following the date the sanction notice is sent to the student. In extraordinary circumstances, the Executive Director of Student and Residential life or designee may grant time extensions. The College reserves the right, however, to reduce the time allowed for a student appeal in cases that may have the potential to result in harm to persons and/or property. The reduced time for appeal will be specified in the decision letter along with the rationale for allowing reduced time for an appeal. The appeal must be written by the student and shall contain the student's name, date of the decision or action, and reason(s) for the appeal.

Any student who is suspended or expelled has the right to request a reconsideration of the case based on new or contradictory evidence that was not available at the time of the original decision, and/or evidence that the student was not afforded due process as outlined in this Code. A request for reconsideration of the case should be submitted to the Executive Director for Student and Residential Life. Information that may be considered may include police reports, transcripts of legal proceedings and the outcome of any civil or criminal proceeding directly related to the appeal. All conduct proceedings against students however will be resolved through the procedures outlined in the *NDSCS Guide to Student Rights and Responsibilities*.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the respondent, the College's ability to respond to the complaint may be limited.

REPORTING/CONFIDENTIALITY

NDSCS faculty, staff and students are encouraged to report incidents or information related to sexual misconduct as soon as possible. If criminal activity is involved, victims or witnesses are encouraged to contact NDSCS Police or local law enforcement. Victims of sexual misconduct or people who wish to report sexual misconduct may contact Dr. Jane Vangsness Frisch, Title IX Coordinator, at 701-671-2627 or Jane.Vangsness@ndscs.edu. Please

note, confidentiality cannot be guaranteed. For a list of confidential resources, please refer to the Confidential Reporting section (page 4).

The guiding principal in accepting reports of sexual misconduct is to avoid re-victimizing the complainant of the behavior by forcing them into any plan of action. NDSCS will make every attempt to safeguard the privacy of the complainant; however, it is important that complainants recognize that 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 campus. 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.

CODE OF STUDENT CONDUCT RESOLUTION STEPS

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

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

ANONYMOUS COMPLAINTS

Anonymous complaints will be accepted by the College. 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 facts. Anonymous complaints may be filed by the following means:

- Student Concern Form – NDSCS.edu/Concern

SANCTIONS/CONDITIONS AND PROTECTIVE MEASURES

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

If a student is found not responsible for the alleged code violation(s), no action will be taken against the responding student; however, having been through the Code process, the student is considered knowledgeable regarding the Code's provisions and expectations, and that knowledge may be taken into consideration in the event of future Code actions.

In all cases, investigations that result in a reasonable cause finding that a violation of the Code of Student Conduct occurred will lead to an initiation of conduct procedures against the responding student. In cases in which the student is found responsible for violating one or more policies, a sanction may be imposed. The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:

- **Warning:** A warning is a written notification that subsequent code violations will normally result in more severe sanctions.
- **Conduct Probation:** Conduct probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with College policies; local, state and federal laws; and any other terms or conditions that have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Further prohibited conduct may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion.
- **Supervised Conduct Probation:** Supervised conduct probation generally requires meetings with a member of Student Affairs and/or Residential Life at regularly established intervals to monitor progress in behavioral, academic, social, vocational and other areas of the student's life necessary to strive for overall success at NDSCS. The student may be assigned educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth. Further prohibited conduct may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion.
- **Conduct Suspension:** Conduct suspension is a written notification of the termination of status as an enrolled student or registered student organization for a specified period of time not to exceed two academic years.
 - A student may not re-enroll during the period of conduct suspension. The student's eligibility for any refund of tuition/fees will be subject to the College's normal withdrawal policy.
 - The notice of conduct suspension will include the conditions for readmission that must be met prior to application for readmission.
 - A student who has been suspended must vacate Residential Life facilities within the time frame established in the written notice of the conduct suspension.
 - In addition to being ineligible for enrollment, a student is also ineligible for employment with NDSCS.
 - There may be other restrictions placed on the suspended student including, but not limited to, restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. The student also may be required to obtain prior permission from the Executive Director for Student and Residential Life before being on any portion of the NDSCS campus during the period of suspension. Approval is generally granted only to

permit a student to conduct business related to the College.

- Conduct suspension is a matter of permanent record. A permanent record indicates that student conduct files may be retained indefinitely at the discretion of the Vice President for Student Affairs, but not less than seven years.
- Student organizations placed on suspension may have all rights and privileges revoked for the duration of their suspension. In order to regain all rights and privileges, the student organization is required to comply with and complete any and all sanctions and terms and conditions.
- Expulsion: Expulsion is a written notification that the student is permanently ineligible to return to the College. The student must leave College residences and cease all use of College owned or controlled buildings, properties and services as designated in the expulsion notice. The expulsion notice will also include any other specific restrictions and a time frame during which these restrictions apply. These may include restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. Written requests for exceptions to restrictions may be directed to the Executive Director for Student and Residential Life or designee; however, approval is generally only granted for the purpose of conducting official College business. Requests for readmission will not be approved.

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

- Alcohol and Other Drug Programming, Evaluation, and/or Testing: A student may be required to participate in alcohol and other drug programming as a result of participating in any incident involving the use or abuse of alcohol and other drugs. The College reserves the right to require alcohol/drug testing and/or evaluation as a condition of enrollment or continued enrollment when:
 - A student's conduct endangers or may endanger the safety of themselves, others, or property and/or
 - Any pattern of conduct has been demonstrated by a student
- Written Assignments: Students may be required to complete written assignments as a means of reflecting and/or learning more about a particular topic.
- Participation in a Specific Activity or Project: A student may be required to participate in a specific activity or project, such as public service; an educational class; and/or meeting with a designated College official or other assignment.
- Restricted Access: Students may have access to College facilities and grounds restricted for a specified period of time. Restricted access may include but is not limited to entry into College facilities or athletic fields, access to specific College offices, and visiting and/or living in any College housing facility. Students found in violation of restricted access directives may be issued a trespass warning by the NDSCS Police and may be subject to

further conduct action.

- Loss of Privileges: A student may be denied various privileges associated with being a student at NDSCS. Such privileges may include, but are not limited to, one or more of the following:
 - Participating in or attending events sponsored by the College or by students;
 - Participating in student leadership organizations
 - Holding office in any recognized student organizations;
 - Receiving or being a guest in Residential Life facilities;
 - Access to parts of or all College property, including eligibility to reside in College facilities;
 - Receiving financial aid;
 - Being employed by the College;
 - Representing the College, including travel on behalf of the College;
 - Sponsoring or hosting organization or campus wide functions; and
 - Using IT services.
- No Contact Order: Students may be prohibited from direct or indirect contact with another individual or group. Reasonable restrictions to protect the safety and welfare of others may also be imposed. These include, but are not limited to, any and all forms of communication, access to College owned or controlled locations, and specified minimum distances.
- Restitution: A student may be required to repair, pay the cost for repair or pay for cost of replacement of any College or state property damaged by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of the hearing officer, taking into consideration the fair market value or cost to repair the damaged item(s). In the case of personal injury, the responsible party may be required to cover the cost of medical care for others harmed as a result of the student's actions. When available and appropriate, secondary markets may be utilized. The decision maker shall consider information and/or evidence provided by both parties to achieve a fair and just result. Failure to make timely arrangements for restitution may result in a hold placed on the student's account.
- Confiscation: In addition to items seized as evidence, goods used or possessed in violation of College policies and/or local, state or federal laws, may be confiscated and not be returned to the student.

For students, sexual assault, domestic violence, dating violence and stalking are violations of the Code of Student Conduct. NDSCS employees must, at all times, comply with all applicable laws, regulations, policies, and procedures. All conduct must meet or exceed minimum standards established by law. All employees shall report suspected violations of the employee Code of Conduct to their supervisor, some other senior manager or administrator

or legal counsel. Failure to report known or suspected violations is in itself a violation and may lead to dismissal or other disciplinary action. Alleged violations of the employee Code of Conduct involving NDUS officers or employees shall be investigated by the appropriate NDUS officer. All officers and employees shall cooperate in investigations of alleged violations. A violation of the Code of Conduct is cause for disciplinary action including verbal warning, written warning, suspension without pay, or dismissal, in addition to any criminal or other civil sanctions that may apply.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent.

Protective Measures: When warranted by the

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

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

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

CRIME INFORMATION AND STATISTICS

DAILY CRIME LOG

NDSCS Police must create, maintain and make available a daily crime log. Log entries must include all crimes reported to the NDSCS Police, not just Clery crimes. The crime log for the most recent 60-day period is open to public inspection, upon request, during normal business hours at the NDSCS Police Department, located in the Hektner Student Center. Any portion of the log that is older than 60 days must be made available within two business days of request for public inspection.

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

SEX OFFENDER REGISTRATION

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

The federal Campus Sex Crimes Prevention Act, enacted Oct. 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It requires sex offenders already registered in a state to provide notice, as required under state law, of each

institution of higher education in that state at which the person is employed, carries a vocation, volunteers services or is a student.

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

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

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

CHART OF STATISTICS

This section includes five charts. Chart II and Chart III show the number of crimes reported to have occurred at NDSCS and certain areas near NDSCS for the calendar years 2016, 2017 and 2018. Chart II contains statistics for all Clery reportable crimes excluding hate crimes. Chart III contains statistics only for hate crime offenses. The statistics include all reported crimes, not just those crimes determined to have actually occurred. Chart IV contains statistics on violence against women offenses for 2016, 2017 and 2018.

Chart V shows the number of arrests for liquor, drug, and illegal weapons law violations for 2016, 2017 and 2018. Crime statistics related to property within the City of Wahpeton are included in Charts II, III, IV and V of this report.

Chart VI shows the number of students and employees referred for campus disciplinary action for conduct that would constitute a liquor law violation, a drug law violation, or a weapons law violation, as well as a violation of college regulations. Not all individuals referred for campus disciplinary action were found to have committed the rules violation with which they were charged. These statistics do not include students and employees who were also arrested for such violations; that information is included in Chart V.

Each chart provides information about the location where the alleged crime, arrest, or incident resulting in disciplinary

action occurred. For purposes of all five charts below, the following definitions apply:

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

CLERY CRIME DEFINITIONS

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

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

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

known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

- c. It is induced by force, duress or deception.

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

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

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

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

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

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

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

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

12.1-20-03 GROSS SEXUAL IMPOSITION:

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

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

1. An individual in adult court is guilty of an offense if the individual engages in any combination of three or more sexual acts or sexual contacts with a minor under the age of 15 years during a period of three or more months. The offense is a class AA felony if the actor was at least 22 years of age at the time of the offense. Otherwise, the offense is a class A felony. The court may not defer imposition of sentence.

2. If more than three sexual acts or contacts are alleged, a jury must unanimously agree that any combination of three or more acts or contacts occurred. The jury does not need to unanimously agree which three acts or contacts occurred.
3. No other felony offense under this chapter involving the same victim may be charged in the same proceeding with a charge under this section unless the other charged offense occurred outside the time period charged under this section or the other offense is charged in the alternative. A defendant may be charged with only one count under this section, but a separate count may be charged for each victim if more than one victim is involved.

12.1-20-04 SEXUAL IMPOSITION.

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

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

12.1-20-07 SEXUAL ASSAULT.

1. A person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:
 - a. That person knows or has reasonable cause to believe that the contact is offensive to the other person;
 - b. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person's conduct;
 - c. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct, by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means for the purpose of preventing resistance;
 - d. The other person is in official custody or detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over that other person;
 - e. The other person is a minor, 15 years of age or older, and the actor is the other person's parent, guardian or is otherwise responsible for general supervision of the other person's welfare; or
 - f. The other person is a minor, 15 years of age or older, and the actor is an adult.

12.1-20-11 INCEST.

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

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

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

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

DOMESTIC VIOLENCE: The term “domestic violence” means:

1. Felony or misdemeanor crimes of violence committed:
 - a. By a current or former spouse or intimate partner of the victim;
 - b. By a person with whom the victim shares a child in common;
 - c. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - e. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
2. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The State of North Dakota Defines Domestic Violence in North Dakota Century Code 14-07.1-01 as physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members. The code defines family or household member as a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common

regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court.

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

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

For the purposes of this definition:

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

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

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

STALKING: The term “stalking” means:

1. engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress.
2. For the purposes of this definition:
 - a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens or communicates to or about, a person, or interferes with a person's property.
 - b. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - c. Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.
3. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The State of North Dakota Century Code 12.1-17-07.1 states that no person may intentionally stalk another person. The state defines stalk as engaging in an intentional course of conduct directed at a specific person which frightens,

intimidates or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation or harassment. The state defines course of conduct as a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity. The state defines immediate family as a spouse, parent, child or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.

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

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

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

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

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

MOTOR VEHICLE THEFT: The theft of a motor vehicle.

ROBBERY: The taking or attempting to take anything of value under confrontational circumstances from the control, custody or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

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

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

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

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

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

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

CRIME AND REFERRAL STATISTICS

The following crime and referral statistics in this document are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law (the Clery Act). The annual statistics are prepared by collecting crime and referral data from NDSCS Police records, Residential Life and other Campus Security Authorities. Statistics may also be provided by the NDSCS Counseling Center, Student Advocate, and Student Health Service employees through confidential reporting for inclusion of those statistics in this document even though they are not required to provide this information. In addition to information provided by on-campus reporters, the NDSCS Police also requests crime statistics for specified geographic locations from other local law enforcement agencies. All statistics are gathered, compiled and reported to the College community via this document published by the NDSCS Police Department. NDSCS Police submits the annual crime statistics published in this Annual Security and Fire Report to the Department of Education (ED).

The NDSCS Police sends an email to every enrolled student and current employee each year on or before October 1 notifying them of the availability of this report. The email includes a summary of the contents of the Annual Security and Fire Report along with the direct URL to the document. A physical copy can be obtained at the NDSCS Police Department located in the Hektner Student Center in Wahpeton or Room 183H at the Fargo location. Information is provided to prospective students and employees with a referral to the online report.

CHART II - CRIMINAL OFFENSES (NDSCS WAHPETON)

| Crime Reported | Year | On Campus Property | Campus Residential Facilities | Non-Campus Building or Property | Public Property |
|-------------------------------------|------|--------------------|-------------------------------|---------------------------------|-----------------|
| Murder & Non-negligent Manslaughter | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Rape | 2018 | 1 | 1 | 0 | 0 |
| | 2017 | 2 | 2 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Fondling | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Incest | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Statutory Rape | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Robbery | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 1 | 0 | 0 | 1 |
| Aggravated Assault | 2018 | 1 | 0 | 0 | 0 |
| | 2017 | 2 | 1 | 0 | 1 |
| | 2016 | 0 | 0 | 0 | 1 |
| Burglary | 2018 | 2 | 2 | 0 | 0 |
| | 2017 | 2 | 2 | 0 | 0 |
| | 2016 | 4 | 3 | 0 | 0 |
| Motor Vehicle Theft | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 1 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 4 |
| Arson | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |

CHART III - 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 | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Rape | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Fondling | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Incest | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Statutory Rape | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Robbery | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Burglary | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Arson | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Larceny-theft | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Simple Assault | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Intimidation | 2018 | 1 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 1 | 1 | 0 | 0 |
| Destruction, Damage, or Vandalism of Property | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |

CHART IV - VIOLENCE AGAINST WOMEN OFFENSES (NDSCS WAHPETON)

| Crime Reported | Year | On Campus Property | Campus Residential Facilities | Non-Campus Building or Property | Public Property |
|-------------------|------|--------------------|-------------------------------|---------------------------------|-----------------|
| Domestic Violence | 2018 | 1 | 1 | 0 | 0 |
| | 2017 | 5 | 5 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 6 |
| Dating Violence | 2018 | 4 | 3 | 0 | 1 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 1 | 1 | 0 | 0 |
| Stalking | 2018 | 6 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 4 | 1 | 0 | 0 |

CHART V - 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* | 2018 | 11 | 11 | 0 | 7 |
| | 2017 | 26 | 15 | 0 | 1 |
| | 2016 | 30 | 14 | 0 | 0 |
| Drug Law* | 2018 | 2 | 2 | 0 | 0 |
| | 2017 | 2 | 0 | 0 | 0 |
| | 2016 | 4 | 3 | 0 | 2 |
| Illegal Weapons Possession | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |

CHART VI - 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* | 2018 | 205 | 197 | 0 | 0 |
| | 2017 | 130 | 128 | 0 | 0 |
| | 2016 | 113 | 96 | 0 | 3 |
| Drug Law* | 2018 | 15 | 15 | 0 | 0 |
| | 2017 | 36 | 35 | 0 | 5 |
| | 2016 | 14 | 13 | 0 | 10 |
| Illegal Weapons Possession | 2018 | 6 | 6 | 0 | 0 |
| | 2017 | 3 | 3 | 0 | 0 |
| | 2016 | 1 | 1 | 0 | 0 |

CHART VII - UNFOUNDED CRIMES (NDSCS WAHPETON)

| Year | Total Unfounded Crimes |
|------|------------------------|
| 2018 | 2 |
| 2017 | 2 |
| 2016 | 3 |

*All drug law violations arrests or non arrests are referred for disciplinary actions, therefore, they are not counted in both categories of arrest and referral. All alcohol arrests are also referred and therefore not counted in both categories.

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

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

CHART II - CRIMINAL OFFENSES (NDSCS-FARGO)

| Crime Reported | Year | On Campus Property | Campus Residential Facilities | Non-Campus Building or Property | Public Property |
|-------------------------------------|------|--------------------|-------------------------------|---------------------------------|-----------------|
| Murder & Non-negligent Manslaughter | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Rape | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Fondling | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Incest | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Statutory Rape | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Robbery | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Burglary | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Arson | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |

CHART III - 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 | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Rape | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Fondling | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Incest | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Statutory Rape | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Robbery | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Burglary | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Arson | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Larceny-theft | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Simple Assault | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Intimidation | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Destruction, Damage, or Vandalism of Property | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |

CHART IV - VIOLENCE AGAINST WOMEN OFFENSES (NDSCS-FARGO)

| Crime Reported | Year | On Campus Property | Campus Residential Facilities | Non-Campus Building or Property | Public Property |
|-------------------|------|--------------------|-------------------------------|---------------------------------|-----------------|
| Domestic Violence | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Dating Violence | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Stalking | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |

CHART V - 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* | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Drug Law* | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Illegal Weapons Possession | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |

CHART VI - 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* | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Drug Law* | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Illegal Weapons Possession | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |

CHART VII - UNFOUNDED CRIMES (NDSCS-FARGO)

| Year | Total Unfounded Crimes |
|------|------------------------|
| 2018 | 0 |
| 2017 | 0 |
| 2016 | 0 |

*All drug law violations arrests or non arrests are referred for disciplinary actions, therefore, they are not counted in both categories of arrest and referral. All alcohol arrests are also referred and therefore not counted in both categories.

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

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

CRIME PREVENTION AND SAFETY TIPS

ON CAMPUS

- Lock your doors whenever you leave your room for any length of time or when you are sleeping. Always lock all car doors.
- Never prop open any door.
- Protect all valuables in your room and your vehicle. Do not leave valuables like wallets, jewelry, credit cards, cash and computers in plain view.
- Do not loan your keys to anyone.
- Never hide your keys outside of your apartment or room. Do not put your name or address on your keys.
- Take all portable valuables home with you during vacations.
- In public places keep your valuables out of sight or in a safe place. If you leave an area for any length of time, take personal items with you.
- Itemize your possessions and record the description and serial number. Keep purchase receipts and brochures on equipment purchased.
- Park and lock all bicycles in bicycle racks. Use a high-quality lock, “U” bolt locks are the best for bicycles. If possible place the chain, cable, or lock through both wheels, the frame and around the bicycle rack. Keep a record of your bike’s serial number.
- Stay sober. Many crimes against persons occur when one or both parties are under the influence of alcohol and/or other drugs.
- Never let unauthorized persons enter your room, residence hall, or apartment security doors. Report any suspicious activity to NDSCS Police (701-671-2233) immediately.
- Never dress in front of a window. Draw blinds or curtains after dark.
- If you are awakened by an intruder inside your room, do not attempt to apprehend the intruder (you may want to pretend you are sleeping until the intruder leaves). Try to get an accurate description of the intruder and call NDSCS Police immediately.
- Avoid working or studying alone in a campus building.
- Be careful what personal information you share on the Internet.

WHEN DRIVING

- When approaching your vehicle carry your keys so you can enter quickly.
- Lock your doors and keep windows rolled up whenever possible. Always check the rear seat for intruders before entering your vehicle.
- Drive on well-traveled and well-lit streets.
- Never hitchhike and never pick up hitchhikers.
- If someone tries to enter your stopped vehicle, sound the horn and drive away.
- If your vehicle breaks down, raise the hood and wait in your locked car for help.

- Be aware that an accident may be staged to provide the other driver with an opportunity to commit a criminal act.
- Leave enough room between your car and the one ahead so you can drive around it if necessary.

WHEN WALKING OR JOGGING

- Avoid walking or jogging alone, especially after dark. If you must travel alone at night, use the NDSCS Safety Escort Service (701-671-2233) to escort you to your on-campus destination or to locations near campus.
- Avoid dark or vacant campus areas. Walk along well-lit routes.
- Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly for a lighted area or a group of people.
- Have your keys or ID card read when returning to your residence hall or apartment and keep your personal or valuable items concealed and close to your body. If you see any suspicious activity or people on or near the College, it is your responsibility to immediately call NDSCS Police at 701-671-2233 and report what you have seen. Do not assume that the person is a visitor or College staff member you have not seen before. Do not assume that what you see is an innocent activity or that another individual has already called the police. Do not worry about being embarrassed; think about what could happen if you do not act. Examples of suspicious activity includes:
 - Someone loitering about unusual hours and locations.
 - Someone running, especially if something of value is being carried.
 - Someone exhibiting unusual mental or physical symptoms. Person(s) could be under the influence of drugs, or otherwise needing medical or psychiatric assistance.
 - Someone going from room to room or car to car trying doors.
 - Open or broken doors or windows.
 - Unusual noises-anything suggestive of foul play, danger or illegal activity.
 - People sitting in parked vehicles for extended periods of time.
- Vehicles driving slowly in a parking lot at night.

ALCOHOL POISONING/OVERDOSE

Alcohol poisoning and/or alcohol overdose are serious conditions and can result in death unless paramedics respond in time and can get appropriate treatment for the individual. The dangers of Acute Alcohol Intoxication, more commonly known as Alcohol Poisoning or Alcohol Overdose, are real and can happen anywhere. Your awareness and knowledge about the signs and symptoms could mean life or death to a person you care about.

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

If you discover any of the above symptoms call 911 or NDSCS Police at 701-671-2233. Stay with the person while waiting for help to arrive. Turn the person on his/her side to prevent choking. If their breathing stops perform CPR.

Do not hesitate to seek assistance for yourself or others for fear of criminal charges. North Dakota law (N.D.C.C. 5-01-09.2) states that an individual under 21 years of age is immune from criminal prosecution if that individual contacted law enforcement or emergency medical services and reported that another individual under 21 years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene and cooperated with medical assistance and law enforcement personnel on the scene, or was the individual in need of medical assistance. The maximum number of individuals who may be immune for any one occurrence is five individuals. See *NDSCS Guide to Student Rights and Responsibilities*, Section 3.7, Responsible Action Expectations, for student conduct exemptions for reporting overdoses.

TELEPHONE/EMAIL/SOCIAL MEDIA HARASSMENT

Obscene or threatening telephone calls, email messages, or other forms of electronic communication, should be reported to the police immediately. Other harassing messages should be reported if they persist. If you receive such a telephone call, remain calm and hang up. If you receive such a message by email, do not reply or delete the message, and contact NDSCS Police at 701-671-2233.

ARMED INTRUDER AND VIOLENT BEHAVIOR

The following are recommended guidelines to follow if it is possible to do so safely. Exit the building immediately when you become aware of an incident, moving away from the immediate path of danger, and follow these recommended steps:

- Notify anyone you may encounter to exit the building immediately, but do not sound the fire alarm. This may place everyone in potential harm as they try to exit the building.
- Notify NDSCS Police at 701-671-2233 or call 911 immediately and be prepared to provide the dispatcher with the following information:
 - Your name
 - Location of the incident
 - Number of shooters

- Identification or description of the shooter(s)
- Number of persons who may be involved
- Your exact location and injuries to anyone if known
- Individuals not immediately impacted by the situation are to take protective cover, staying away from windows and doors until notified otherwise.
- If it is unsafe to enter a campus building, seek shelter in the safest place available.
- Obey all commands from the police for safety reasons and wait for further instructions. If you are directly involved in an incident and exiting the building is not possible, the following shelter-in-place actions are recommended:
 - Go to the nearest room or office (do not stay in an open hallway).
 - Close and lock the door.
 - Turn off the lights and the audio equipment.
 - Barricade yourself in the room with furniture or anything you can push against the door and seek protective cover.
 - Keep quiet and act as if no one is in the room.
 - Do not answer the door.
 - Notify 911 if it is safe to do so and be prepared to provide the dispatcher with the essential information.
 - If you think you can safely make it out of the building then do so.
 - Wait for the police or emergency personnel to assist you out of the building. Obey all commands from the police for safety reasons and wait for further instructions.

BOMB THREATS

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

- Remain calm.
- Immediately report the incident to NDSCS Police 701-671-2233.
- Follow the NDSCS Police instructions, including evacuation of the building if necessary. Alert others to evacuate the area (following building evacuation plans).
- Do not search for the bomb (unless instructed to do so by NDSCS Police).
- If a suspicious object or potential bomb is discovered, do not handle the object. Evacuate the immediate area and call 911. Be sure to include the location and appearance of the object when reporting.
- Do not re-enter the building until instructed to do so by appropriate personnel (NDSCS Police).

SUSPICIOUS MAIL OR PACKAGES

If you receive a suspicious package or piece of mail, following these recommended steps can minimize problems:

- Contact the NDSCS Police at 701-671-2233 or call 911.
- Give the dispatcher a description and location of the package.
- Follow the instructions given by the police.
- Do not open it.
- Do not shake or empty the contents of any suspicious mail.
- Do not carry the package or envelope, show it to others, or allow others to examine it.
- Treat the scene as a crime scene.
- Put the package or envelope down on a stable surface; do not sniff, touch or look closely at it, or at any contents which may have spilled.
- Alert others in the area about the suspicious envelope or package. Leave the area, close any doors and take actions to prevent others from entering the area. If possible, shut off the ventilation system.
- Wash your hands with soap and water to prevent spreading potentially infectious material to face or skin. Seek additional instructions for exposed or potentially exposed persons.
- Evacuate the building if told to do so by emergency response officials.
- If possible, create a list of persons who were in the room or area when this suspicious letter or package was recognized, and a list of all persons who also may have handled the package or envelope. Give this list to the Safety Office, local public health authorities, or law enforcement officials. Some characteristics of suspicious packages may include the following:
 - Unexpected or from someone unfamiliar to you.
 - Has no return address, or has one that can't be verified as legitimate.
 - Marked with restrictive endorsements such as personal, confidential, or do not X-ray.
 - Has protruding wires or aluminum foil, strange odors, or stains.
 - Shows a city or state in the postmark that does not match the return address.
 - Unusual weight given the size, lopsided or oddly shaped.
 - Threatening language and inappropriate or unusual labeling.
 - Excessive postage or packaging material, such as masking tape and string.
 - Misspellings of common words, incorrect titles or titles without a name.
 - Addressed to someone no longer with your organization or are otherwise outdated.
 - Ticking sound.

- Powdery substance felt through or appearing on the package or envelope.

MEDICAL EMERGENCIES

For medical emergencies on NDSCS property please follow these steps:

- Remain calm and call 911 immediately.
- Send someone outside to escort emergency responders to the appropriate location.
- Clear the area surrounding the victim and any pathway necessary to provide emergency responders access to the individual.
- Do not attempt to move a seriously injured or ill person unless there is a life-threatening situation (for example, a fire).
- In case of seizures, do not restrain the person having the seizure or put anything in the person's mouth or between the teeth. If possible record the length of the seizure and what happens during the seizure.
- If the person is conscious, ask if they are willing to share medical information about the nature about the nature of the illness so that it can be passed on to the emergency personnel when they arrive.
- Remain with the person until emergency personnel arrive.
- Utilize any individuals who may have medical/first aid training or familiarity with the person's condition (roommate, friend, etc.).
- Faculty should use their discretion regarding continuation or cancellation of class. Factors to be considered may include: severity of the incident, mental/emotional impact on classmates or instructors, time remaining in the class period, or special circumstances regarding the class.
- Specific medical information is not to be shared under HIPPA rules, but it is safe to let someone know that the person is receiving appropriate care.
- Notify the Vice President of Student Affairs (701-671-2627) for students. The Vice President will determine if, by whom, and at what point family members should be contacted. Outside of normal College operating hours, contact NDSCS Police at 701-671-2233.
- Students may contact the Vice President for Student Affairs to request contact be made with all of his/her current faculty members and academic advisors regarding his/her absence and anticipated return.
- Complete the College Incident Report Form immediately and submit to the Safety Office within 24 hours. Form for employees can be located at: <https://intranet.ndscs.edu/uploads/2019/06/13/1560445080-NDSCS%20Incident%20Report.pdf>
- For students, routine medical assistance can be obtained at NDSCS Student Health Services in Riley Hall, Room 113, 701-671-2286.

- Employees injured on the job in need of medical care should report to employee's Designated Medical Provider and complete an incident report within 24 hours. Questions/assistance can be obtained by calling the NDSCS Safety Office at 701-671-2906 during normal business hours.

COUNSELING SERVICES

FOR STUDENTS: In an emergency, dial 911. If the situation does not require this, dial 701-671-2286 to contact NDSCS's Counseling Center.

FOR EMPLOYEES: The Village provides general counseling services. You can request their services by calling 1-800-627-8220. The EAP provides services for issues related to work, relationships, drug and alcohol use, finances and legal matters, and emotional health. Employees also can access online resources at www.villageeap.com.

ACCESSIBILITY SERVICES

Students with documented disabilities needing reasonable accommodations to access College facilities and activities should contact the Accessibility Services Office at 701-671-2623, Old Main, 203A. Students with temporary medical conditions in need of accommodations should contact the NDSCS Student Advocate located in Old Main. Employees with disabilities who need reasonable accommodations to perform job responsibilities should notify their immediate supervisor or the Office of Human Resources/Payroll at 701-671-2903. Visitors with disabilities who need reasonable accommodations to access College facilities and events should contact the department sponsoring the event with their request.

POWER FAILURE

In case of a power failure or electrical hazard, following the recommended steps can minimize problems. If the power fails during normal business hours:

- Call Facilities Management at 701-671-2313 to notify them of the outage.
- Check to see if anyone is trapped in the elevators.
- Check to see if anyone needs assistance exiting a room or the building.
- Turn off all electrical equipment and devices such as power tools, computers, monitors, copiers, printers, etc. If the power fails during evening hours or on a weekend follow the same procedures as above except call the NDSCS Police at 701-671-2233 (or 911 for an emergency situation) instead of calling Facilities Management. As power returns after an outage, people may be at risk of electrical or traumatic injuries. Power lines are re-energized and equipment is reactivated. It is recommended that you be aware of those risks and take protective steps.

TORNADO PREPAREDNESS

When the threat of a tornado is imminent, the city emergency sirens will be activated. Be familiar with the weather service alert and siren system. There is a test of the sirens the first Wednesday of each month at 1 p.m. In the event of a tornado warning follow these steps:

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

AFTER THE DISASTER OR EMERGENCY:

- Use extreme caution in entering or working in buildings that may have been damaged or weakened, as they may collapse without warning.
- Check for fire and be aware of the possibility of gas leaks or electrical short circuits. If detected, notify the gas company, electrical company, the police or fire department. Do not go back into the building until you have been assured it is safe by these officials.
- Do not light matches or turn on electricity.
- Stay away from fallen or damaged electrical wires.
- Stay away from disaster areas. Sightseeing will interfere with emergency operations and may be dangerous.
- Do not use the phone except for emergencies.

WINTER DRIVING ISSUES

For people coming to NDSCS from the immediate region, the periodic challenges of the North Dakota winter season will come as no surprise. For newcomers to the region, a few brief comments may be helpful. City and campus streets are plowed or sanded as required. Once you become accustomed to driving on streets that are periodically compacted with snow or ice, travel within the city is normally uneventful. In the winter months, good drivers slow down, allow more time to reach destinations, and leave more space between their vehicles and vehicles they are following. Temperatures may reach the -20° to -40° F range in midwinter. Vehicles should be winterized so they will start properly under these potentially extreme conditions. Gas tanks should be kept as full as possible, anti-freeze checked and replaced before cold weather

arrives, batteries should be maintained or replaced as needed, and a shovel kept in the trunk. There are a number of reliable service centers in the city that can be contacted to have these services performed.

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

Some tips for automobile travel in the winter months:

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



ANNUAL FIRE SAFETY REPORT FOR RESIDENTIAL LIFE HOUSING FACILITIES

If a fire occurs in a NDSCS Residential Life housing facility, individuals should immediately call 911 to report the fire. The 911 call will initiate the appropriate fire response as well as other appropriate emergency services personnel that may be needed. This response also will include emergency response of the NDSCS Police as appropriate. If an individual finds evidence of a fire that has been extinguished, and the person is not sure whether NDSCS Police has already responded, they should immediately notify NDSCS Police at 701-671-2233 to investigate and document the incident.

Microwaves that are 800 watts or less, refrigerators that are four cubic feet or less in capacity, stereos, hair appliances, portable sewing machines, 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, 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 NDSCS property and in all College buildings. The possession of e-cigarettes/vaping devices is prohibited within NDSCS residential living facilities.

The facility fire alarms alert individuals of potential hazards, and individuals are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Individuals should familiarize themselves with the exits in each building. While there are potential administrative and legal actions for failing to adhere to the fire alarm, a more important reason for evacuating is for personal safety and security reasons.

When a facility fire alarm is activated, the elevators should not be used for evacuation. Instead, individuals should use the stairs to evacuate the facility. If you are caught in the elevator, push the emergency phone button, which typically rings into the Richland County Communications Center.

There are no immediate plans for future improvements in fire safety.

NDSCS publishes the fire safety report as part of the annual Clery Act Compliance document, via this publication, which contains information with respect to the fire safety practices and standards for NDSCS. This report also 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.

This report is also available for review 24 hours a day at the NDSCS Police Department located in the Hektner Student Center on the Wahpeton campus.

FIRE SAFETY

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

STEPS TO FOLLOW IF YOU SEE A FIRE:

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

STEPS TO FOLLOW IF YOU ARE CAUGHT IN A FIRE:

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

Fire safety training can be provided upon request to the NDSCS Safety Officer by contacting 701-671-2906.

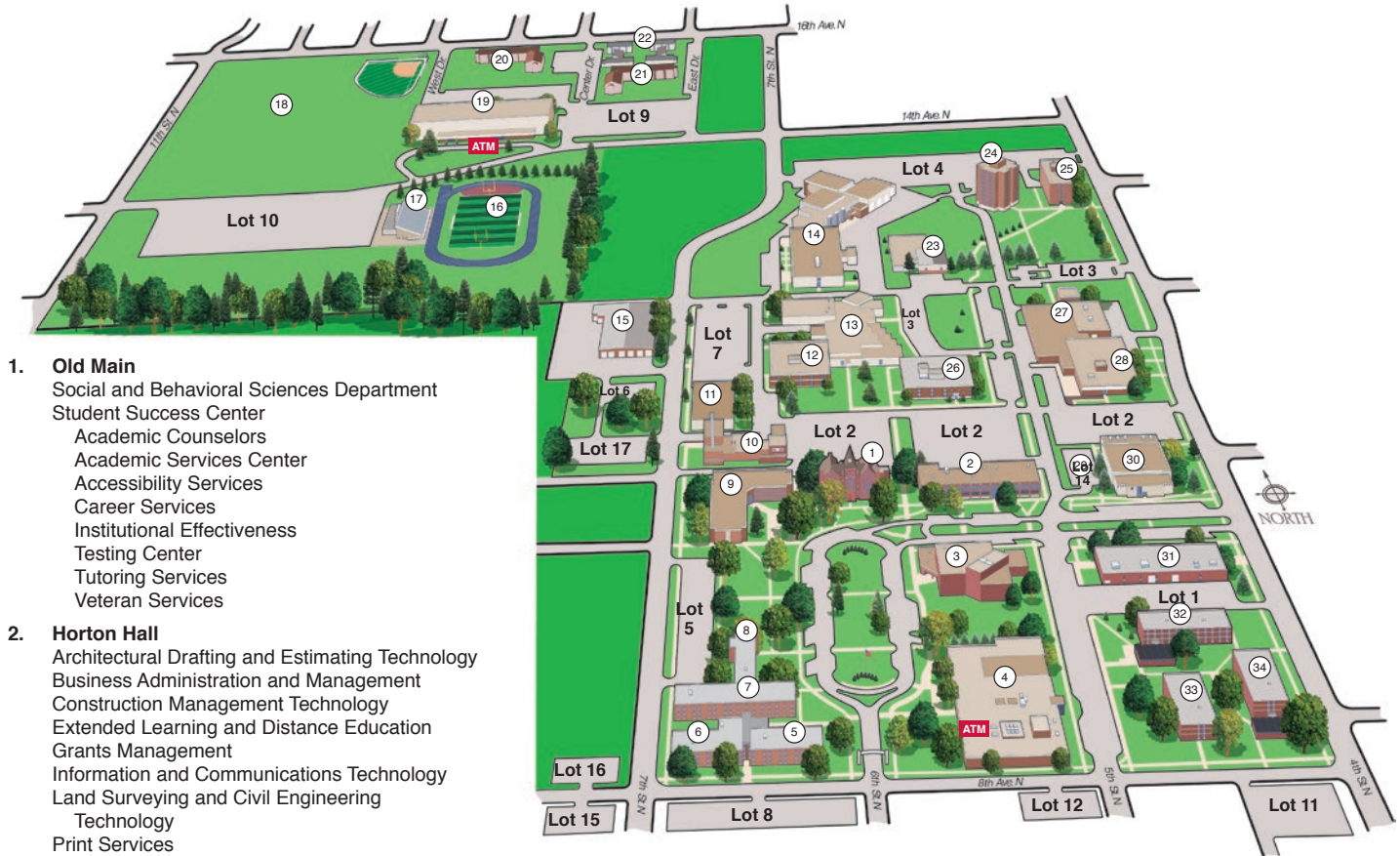
STUDENT HOUSING FIRE SAFETY SYSTEMS (NDSCS WAHPETON)

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

CHART I - FIRE SUMMARY (NDSCS WAHPETON)

| Crime Reported | Year | On Campus Property | Campus Residential Facilities | Non-Campus Building or Property | Public Property |
|-----------------------|------|--------------------|-------------------------------|---------------------------------|-----------------|
| Walton Hall | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Schulz Hall | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Forkner Hall | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Robertson Hall | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Nordgaard Hall | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| Riley Hall | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| College Townhomes | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| SE College Apartments | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| NW College Apartments | 2018 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |

NDSCS WAHPETON



1. **Old Main**
Social and Behavioral Sciences Department
Student Success Center
Academic Counselors
Academic Services Center
Accessibility Services
Career Services
Institutional Effectiveness
Testing Center
Tutoring Services
Veteran Services
2. **Horton Hall**
Architectural Drafting and Estimating Technology
Business Administration and Management
Construction Management Technology
Extended Learning and Distance Education
Grants Management
Information and Communications Technology
Land Surveying and Civil Engineering
Technology
Print Services
3. **Harry Stern and Ella Stern Cultural Center**
Alumni/Foundation
Bremer Bank Theatre
Performing Arts
4. **Hektner Student Center**
ATM
Bookstore
Campus Police
Culinary Arts Department
Customer Service
Dining Services
Flickertail Dining Room
Information Technology Services
Student Life
The Alley/Game Room
Wild Grounds Café
5. **Walton Residence Hall**
6. **Schulz Residence Hall**
7. **Forkner Residence Hall**
8. **Riley Residence Hall**
Residential Life
Student Health and Counseling Services
9. **Haverty Hall**
Academic Affairs
Admissions and Enrollment Services
Business Affairs
College Relations and Marketing
English, Communication and Performing Arts
Department
Financial Aid
Human Resources
Mathematics and Science Department
President's Office
Safety
10. **Central Heating Plant**
11. **Mechanical Systems**
HVAC/R Technology
Plumbing

12. **Barnard Hall**
Electrical Technology
HVAC/R Technology
Robotics, Automation and Mechatronics Technology
13. **Tech Center**
Agriculture Department
Arts, Science and Business Division
John Deere Tech
Manufacturing Department
HAAS Technical Education Center
Technologies and Services Division
Workforce Training Division
TrainND Southeast
ApprenticeshipND
14. **Bisek Hall**
Case IH
Caterpillar Dealer Service Technician
Diesel Technology
Komatsu
15. **Patterson Maintenance Center**
Central Receiving
Facilities Management
Motor Pool
Purchasing
16. **Frank Vertin Athletic Field**
17. **Earl "Skip" Bute Alumni Stadium**
18. **Intramural Sports Field**
Gayle Miller Softball Complex
19. **Clair T. Blikre Activities Center**
ATM
Athletics
Ed Werre Arena
Fitness Center
Health, Physical Education and Recreation
Pool

20. **Northwest Apartments**
21. **Southeast Apartments**
22. **College Townhomes**
23. **Building Construction Technology**
24. **Nordgaard Residence Hall**
25. **Robertson Residence Hall**
26. **Mildred Johnson Library**
Instructional Technology
Library
27. **Schuett Hall**
Automotive Technology
Snap-on Innovation Center
Powersports Technology
28. **Trade Tech II**
Welding Technology
29. **Visitor Parking**
30. **Mayme Green Allied Health Center**
Allied Dental Education
Health Information
Nursing
Occupational Therapy Assistant
Pharmacy Technician
31. **Ballweber Hall**
Auto Body Repair and Refinishing
32. **Babcock Hall**
33. **McMahon Hall**
34. **Satterlee Hall**

NDSCS-FARGO



KEY

- Workforce Affairs/TrainND Offices & Classrooms
- Academic Offices & Classrooms
- Meeting Spaces
- Other
- Exit

NORTH



Appendix I:
NDSCS Student Rights & Responsibilities: A Code of Conduct 2020-2021

STUDENT RIGHTS & RESPONSIBILITIES

A CODE OF CONDUCT 2020-2021

1. Introduction

North Dakota State College of Science (the “College”) promotes the exchange of knowledge in an environment that encourages reasoned discourse, intellectual honesty, and the respect for the rights of all individuals. The intent of this Code is to foster educational development of personal accountability and commitment to the community.

Contents of this code may be subject to change. Changes made will be communicated to students through the official College email or website at www.NDSCS.edu/Students-Rights. An attempt has been made to reference local, state or federal laws that complement College policies and procedures.

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

Respect for the NDSCS Community

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

Respect for the Protection and Rights of Others

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

Respect for Individuals in the Conduct Resolution Process

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

1.1 General Concerns, Issues and Complaints

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

Students may also arrange a meeting with the NDSCS Student Advocate, Old Main, 110A (Wahpeton) by calling 701.671.2541 or by appointment in Fargo, 701.671.2541 or at NDSCS.StudentAdvocate@ndscs.edu for advice and direction in resolving a complaint, concern, or grievance as described below. Concerns regarding student conduct covered in this code will be resolved according to procedures described in this document.

1.2 Student Academic Grievance Procedures

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

1.3 Resolving Academic Complaints or Grievances

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

or departmental level, the student should contact the department chair, director or academic dean with administrative responsibility for the department or individual involved. These individuals may be able to provide assistance in resolving the issue in an informal manner at the individual or department level. If informal resolution is not successful or is deemed unrealistic, the administrator will inform the student of the formal grievance process.

Filing a Formal Academic Grievance

Step 1. Students wishing to file a formal academic grievance shall do so to the department chair, director, or academic dean with responsibility for the department or individual involved by submitting the grievance in writing (e.g. through official College e-mail or written statement). The grievance shall be submitted within five working days of the departmental decision or determination by the administrator that informal resolution is not possible.

Step 2. The department chair, director, or academic dean, either alone or in consultation with appropriate faculty, staff and students, will initiate the resolution process by investigating the complaint. An alternate resolution or decision will be reached within 10 working days of receipt of the grievance and communicated to the complainant in writing. If there is no appeal, the decision of the department chair, director or academic dean is final.

Filing an Appeal of an Academic Grievance Decision

If the student is not satisfied with the resolution or decision, a written appeal may be submitted to the Vice President for Academic Affairs (Harvey.Link@ndscs.edu or delivered to Haverty Hall 123) within five working days of the decision. The appeal must be based on one or more of the following factors:

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

The vice president for academic affairs shall assemble a Student Academic Grievance Committee within 10 working days of receipt of the written appeal. The Student Academic Grievance Committee shall be composed of two students designated by the Student Senate, two faculty members designated by the Faculty Senate and the vice president for academic affairs or their designee. A member with a conflict of interest may be removed or may voluntarily withdraw from the committee if the situation warrants such action.

The vice president for academic affairs or their designee shall inform the complainant and Student Academic Grievance Committee of the specific time and place of the meeting. The committee shall review the written appeal provided by the complainant and the record made by the department chair, director or academic dean, and reach a decision based upon these documents. The committee may, in its sole discretion, receive additional testimony or other evidence and make that information part of its record. Upon reaching a decision, the Vice President for Academic Affairs or their designee shall, if possible, orally communicate the committee's decision to the student followed by a written decision within two working days. The decision of the Student Academic Grievance Committee is final.

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

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

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

1.4 Equal Opportunity and Non-Discrimination Grievance Procedures

Equal Opportunity Policy

The North Dakota State College of Science is an equal opportunity employer and equal opportunity educator. NDSCS is fully committed to equal opportunity in employment decisions and educational programs and activities. All practices are in compliance with all applicable federal and state laws, for all individuals without regard to age, color, gender identity/expression, genetic information, marital status, national or ethnic origin, physical and mental ability status, public assistance status, race, religion, sex, sexual orientation, familial or parental status, status as a U.S. veteran/service

member, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.

1.5 Non Discrimination Statement

North Dakota State College of Science does not discriminate on the basis of age, color, gender identity/expression, genetic information, marital status, national or ethnic origin, mental or physical disability, public assistance status, race, religion, sex, sexual orientation, familial or parental status, status as a U.S. veteran/service member, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business related interests of the employer. This non-discrimination statement applies to all phases of NDSCS's employment process, admissions, financial aid programs and all other aspects of its educational programs and activities.

Furthermore, this non-discrimination statement applies to sexual harassment and sexual violence (forms of sexual discrimination) if such conduct has a negative effect on an individual's educational or work environment, regardless if such conduct occurs on or off College property.

Concerns, issues, or complaints may be reported at www.NDSCS.edu/Concern or students may contact the NDSCS Student Advocate at 701-671-2541 or NDSCS.StudentAdvocate@ndscs.edu. For more information visit www.NDSCS.edu/Diversity.

2. Community Expectations

2.1 General Student Responsibilities

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

2.2 Individuals Covered Under This Code

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

2.3 Official College Communication

The College will communicate with students through the official NDSCS e-mail address that is provided by the College. This address is considered the official form of communication for all purposes. It is the student's responsibility to monitor their College provided email on a regular basis.

2.4 Prohibited Conduct Not on College Property

The College may discipline a student for acts of prohibited conduct committed off of College property. When NDSCS becomes aware of alleged code violations through law enforcement or other third party reports, the College may hold students accountable under this code.

2.5 Tri-College University Policies

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

2.6 Multiple Accountabilities

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

- Student athletes under the Student Athlete Code of Conduct
- Student leaders within student organizations
- Personnel actions with student employees

- Academic actions under academic programs' professional standards
- Criminal charges or civil suits

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

2.7 Financial Responsibility

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

NDSCS bears no responsibility for financial obligations of individual students or student organizations. Any debts incurred, either on or off College property, by students or student groups will be the responsibility of the individual or organization and its leadership. In the event an organization dissolves and is no longer in existence, individuals holding leadership positions at the time the debt was incurred will maintain responsibility for settling outstanding debts.

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

2.8 Attempts

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

2.9 Bias-Motivated Violations

Any code violation that is determined to have been motivated by hate against individuals or groups outlined in section 1.3 of this code (Equal Opportunity and Non-Discrimination Statement) may result in enhanced sanctions above those typically assigned for the same violations when not motivated by hate.

2.10 Repeated Code Violations

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

2.11 Designees

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

3. Prohibited Conduct

3.1 Violations of Law

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

3.2 Passive Participation in Prohibited Acts

Passive participation refers to a students' reasonable knowledge of and presence during acts of another prohibited by this Code. To avoid passive participation in code violations, students are expected to do one or more of the following:

- Personally intervene in order to stop the violation, except in cases of violence
- Bring the violation to the awareness of a staff member; or
- Immediately leave the scene of the violation, if not responsible for the space in which the violation is occurring.

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

3.3 Alcohol on NDSCS Property

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

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

Any individual present in a room/suite/apartment or on NDSCS property where the alcohol policy is being violated, whether participating or not, may be found responsible for a violation of the alcohol policy related to passive participation

3.4 Alcohol Off NDSCS Property

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

3.5 Drugs Other Than Alcohol

Possession, consumption, being under the influence, or transport or transfer of illegal drugs or any other controlled substances not prescribed to you is prohibited. The manufacture, exchange, distribution, purchase or sale of illegal drugs or controlled substance is prohibited. The possession of drug paraphernalia is prohibited.

Possession or consumption of medical cannabis, regardless of prescription, anywhere on NDSCS owned or controlled property and or at sponsored or supervised events is also prohibited. For more information and to view the full NDSCS Alcohol and Other Drug Policy, visit www.NDSCS.edu/Alcoholinfo.

3.6 Conduct While Under the Influence of Alcohol or Other Drugs

Being under the influence of alcohol or other drugs is a violation of this code when a student causes a disturbance or endangers, or may endanger, the safety of others, property or themselves.

3.7 Advertising Related to Alcohol

Alcohol promotional activities, including advertising, shall not be associated with existing College events, programs, or College organizational functions on or off NDSCS property, and is prohibited. This includes novelty items, giveaways, and apparel associated with the event.

3.8 Responsible Action Expectations (also known as medical amnesty)

All students are encouraged to protect the well-being of fellow students and others. If an individual needs emergency medical attention, particularly resulting from the use of alcohol or other drugs, it is critical that students take responsible action by calling an ambulance or other appropriate emergency response personnel (police, fire, etc.) to gain assistance.

Responsible action includes:

- **CALL** for help: In medical emergencies, immediate action should be taken by calling 9-1-1 either on or off College property. In non-emergency situations, you can also contact NDSCS Police at 701.671.2233 or notify Residential Life staff at 701.899.2820.
- **STAY** with the individual until help arrives and you have been told your assistance is no longer needed.
- **COOPERATE** with responding staff or emergency personnel, including all requests for information and assistance.

Students/student organizations who take such appropriate action, or for whom such action is taken, will not be subject to the Student Conduct process for charges related to alcohol or drug use. However, all students [including the student(s) needing assistance and the reporter(s)] may be required to have an educational meeting with College personnel and/or complete an educational program. This protection may not apply, if other conduct violations occurred within the same incident.

3.9 Tobacco and e-Cigarettes/Vaping devices

The use of tobacco and use of e-Cigarette/vaping devices is prohibited on College property at all times. This prohibition includes indoors, outdoors, inside College vehicles and/or personal vehicles while on College property. This policy applies to employees, students and visitors. The possession of e-Cigarette/vaping devices is prohibited inside all residential facilities.

For more information and to view the full NDSCS Alcohol and Other Drug Policy, visit www.NDSCS.edu/Alcoholinfo.

3.10 Animals

With the exception of animals authorized by NDSCS Accessibility Services or those defined as service animals under the Americans with Disability Act (ADA), privately-owned animals are prohibited inside College buildings, with the exception of fish (in a tank 10 gallons or less). Students requesting to house animals authorized by NDSCS Accessibility Services must schedule a meeting with Residential Life staff to complete the NDSCS Assistance Animal or Service Animal Registration and Agreement. Students must comply with all guidelines in this document at all times.

Animals in outdoor areas must be on a leash, must be under the control of the owners or their designees at all times and should not be left unattended. Owners are responsible for any health or safety issues that may arise concerning the presence of these animals on College property and at NDSCS outdoor sponsored or supervised events.

3.11 Use of NDSCS's Name or Trademarks

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

3.12 Computer-Related Conduct

Please see NDUS policy 1901.2, Computing Facilities <https://ndus.edu/state-board-of-higher-education/sbhe-policies/1900-heading-policies>. If additional questions remain, contact the Information Technology Services Help Desk in the Student Center or online at NDSCS.ServiceDesk@ndscs.edu.

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

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

3.13 Deception/Falsification/Misrepresentation

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

- Falsely representing an entity and/or committing or using the resources of an entity without proper authorization;
- Knowingly, intentionally or recklessly making false accusations of prohibited conduct against another individual;
- Providing false information or falsified evidence with the intent of harming another person;
- Seeking admission to the College under false pretenses and/or

- Attempting to intimidate witnesses and/or altering or destroying evidence necessary to conflict resolution.

3.14 Financial Aid Misuse

Misuse of financial aid through fraud or abuse is prohibited.

3.15 Disruption of College Business

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

3.16 Failure to Comply

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

3.17 Identification

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

3.18 Bribery

Offering, giving, receiving or soliciting anything of value to persuade an individual to act in another's favor is prohibited.

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

3.19 Arson

Unlawful or intentional damage or attempt to damage any real or personal property by fire or incendiary device is prohibited.

3.20 Burglary

Unlawful entry into a building or another structure with the intent to commit a felony or theft is prohibited.

3.21 Robbery

Taking or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another by force or threat of force and/or violence or by putting another in fear of immediate harm is prohibited.

3.22 Motor Vehicle Theft

The theft or attempted theft of a motor vehicle is prohibited.

3.23 Theft of Property

Theft or removal of property belonging to another individual, the College or any other entity is prohibited.

3.24 Theft of Services

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

3.25 Possession of Stolen Property

Possession of goods that one knows or that any reasonable person would realize were stolen is prohibited. This includes receiving, retaining, concealing, or disposing of property knowing that it was stolen.

3.26 Vandalism

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

3.27 Trespassing

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

3.28 Unauthorized Sales, Solicitations, and Distribution of Materials

Unauthorized sales, solicitations, and/or distribution of leaflets, signs, or posters in residential facilities are prohibited. Authorization may be sought through Student Life.

3.29 Unauthorized Entry/Use of Facilities

Unauthorized entry/use of facilities is prohibited. Examples of unauthorized entry and use include:

- Any College facility or portion thereof that has been reserved, restricted in use, or placed off limits;
- Any College facility after closing hours;
- Entry, use, or occupancy to spaces which students are not permitted, such as spaces limited by virtue of enrollment, employment, class schedule, and/or gender in facilities restricted by gender;
- All building roofs, fire escapes, steam tunnels, elevator shafts, equipment storage, mechanical rooms, and construction sites;
- Duplication, manufacture, possession, loaning or use of any key/card access or unlocking device for use on College facilities, locks or other property on College premises without proper authorization; and
- Entering a residential facility without being escorted by a resident or failure to escort non-residents.

3.30 Intimidation

Conduct in any form that involves an expressed or implied threat to an individual's personal safety, safety of property, academic efforts, employment, or participation in College sponsored activities is prohibited.

3.31 Unwanted Physical Contact

Unwanted physical contact by a student upon another student is prohibited. Examples include kissing, hugging, and backrubs.

3.32 Physical Assault

Physical assault by a student on another is prohibited. Examples include use of physical force, violence, intoxicants, or other substances to restrict the freedom of action or movement of another, and/or endanger the health or safety of another, regardless if obvious or aggravated bodily injury is sustained.

3.33 Instigation/Provocation

The face-to-face use of personally abusive epithets that, when addressed to another, are inherently likely to provoke immediate violent reaction whether or not the reaction occurs is prohibited.

3.34 Noise Disturbances and Other Disorderly Conduct

Conduct that intentionally or recklessly creates a risk of public inconvenience, annoyance, or alarm without proper authority is prohibited. Examples include, but are not limited to, participating in or hosting noisy or loud parties/gatherings or other public disturbances on or off campus, making unreasonable noise, fighting, engaging in violent behavior, obstructing vehicular or pedestrian traffic, disturbing a lawful assembly, and streaking.

3.35 Discrimination, Harassment and Retaliation

NDSCS is fully committed to providing a safe and non-discriminatory learning, living, and working environment for all members of its College community. For complete information regarding discrimination, harassment and retaliation please

see NDSCS Policy 601.01 Equal Opportunity Policy and Non Discrimination Statement and NDSCS Policy 604.16 Sexual Misconduct and Title IX Compliance Policy.

Students are encouraged to report incidents or information related to discrimination, harassment, and retaliation as soon as possible. Students may report concerns, issues and complaints at www.NDSCS.edu/Concern or by contacting the NDSCS Student Advocate at 701.671.2541 or NDSCS.StudentAdvocate@ndscs.edu.

Any NDSCS employee who becomes aware of a potential violation of NDSCS Policy 601.01 involving students shall report the complaint or policy violation (see Report Form).

3.36 Sexual and Gender Based Harassment, Sexual Misconduct and Title IX Compliance Policy

NDSCS strives to create a College community free from sexual discrimination/misconduct of any kind. For complete information regarding sexual misconduct and Title IX compliance, see NDSCS Policy 604.16 – Sexual Misconduct and Title IX Compliance Policy and reporting options.

Students are encouraged to report incidents or information related to sexual and gender based harassment, sexual misconduct, and Title IX as soon as possible.

Any NDSCS employee who becomes aware of a potential violation of NDSCS Policy 604.16 involving students shall report the complaint or policy violation (see Report Form).

3.37 Other Acts of Harassment

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

3.38 Stalking

Stalking is prohibited. Stalking is a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct that would cause a reasonable person to feel fear for the safety of self or others or to suffer substantial emotional distress. See Policy 604.16.

3.39 Offensive, Lewd or Obscene Conduct

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

3.40 Endangerment of Individuals

Endangerment of individuals is prohibited. Endangerment includes actions/behaviors that either intentionally or unintentionally create a safety risk for self or others. Examples include:

- Willful failure to comply with orders issued by any emergency personnel during any real or perceived emergency condition or willful failure to follow safety standards;
- Willful failure to comply with any municipal, county, state or federal laws, executive orders, public health orders/guidelines, or NDSCS procedures resulting in an adverse impact or the potential of an adverse impact on the health and wellbeing of the College community;
- Tampering with any fire protection sign or device or any other emergency equipment, elevator controls, elevator shaft access, and/or other elevator equipment; and
- Creating a risk of bodily harm or creating the impression of risk of bodily harm to others.

3.41 Weapons/Firearms/Explosives

Unauthorized and/or illegal possession, display or use of firearms, explosives, or other weapons is prohibited.

Possession, display or storage of weapons in College owned buildings is prohibited. **All firearms must be registered with NDSCS Police immediately upon arrival to NDSCS.**

- Firearms and weapons include, but are not limited to, airsoft guns, BB guns, dart guns, handguns, paint ball guns, pellet guns, rifles, shotguns, stun guns or similar device designed to deliver an electric shock.
- Explosives include, but are not limited to, bombs, fireworks, live or spent 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.

- Other weapons include, but are not limited to, martial arts implements, dangerous fuels and chemicals, and daggers, knives, sabers, swords, and bows and arrows. Any object may be considered a weapon when used to inflict or threaten infliction of bodily injury or property damage. Throwing or casting any object into, upon, or against any building, structure, motor vehicle or at any person is prohibited..

This policy shall not prohibit students or student organizations from possessing, storing or using weapons at approved locations for the purpose of meeting requirements of educational programs and/or approved activities being conducted by a student group recognized by the College. For authorization, contact the NDSCS Police Department at 701.671.2233.

NDSCS Police provides storage space for on-campus residents to store sporting arms, such as those used for hunting and other shooting sports. An officer must be present for check-in/check-out. Contact the NDSCS Police Department at 701.671.2233 to make arrangements for weapons storage.

3.42 Sporting Activity Restrictions

Wrestling, horse play and the use of RC cars, drones, skateboards, hover boards, scooters, in-line skates, roller skates, and bicycles are prohibited inside all College facilities. Use of water guns, water balloons, projectile launchers, and use/throwing of flying discs, balls or other objects also are prohibited indoors, except when authorized. For guidance, contact the NDSCS Police Department at 701.671.2233.

4. Student Clubs and Organizations/Activities

4.1 Responsibilities of Student Clubs, Organizations and Affiliated College Groups

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

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

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

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

4.3 Conduct Resolution and Enforcement Procedures

For information concerning the code resolution procedure(s) to be utilized, refer to Part 5. Procedures and Part 6. Procedures for Potential Suspension or Expulsion Cases.

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

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

◇ Because conduct records of student organizations are not protected by the Family Educational Rights and Privacy Act (FERPA), any individual is entitled to learn the results of conduct actions taken against student organizations as long as those disclosures do not compromise the privacy of any individual student's education record. In such situations, individual student names will be removed per federal protections.

5. Procedures

5.1 Resolution of Alleged Code Violations

The Code resolution process generally includes the following steps:

- Receipt of an incident report;
- Creation of a conduct file,

- Investigation of incident, if necessary;
- Implementation of interim or remedial measures, if necessary,
- Notice of alleged violations,
- Pre-hearing conference;
- Administrative hearing;
- Notice of decision;
- Right of appeal; and
- Notice of appeal decision.

This process is designed to:

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

A detailed description of these steps is provided below. Cases related to discrimination, harassment, retaliation, and sexual misconduct may require some modification of the resolution process, as approved by the NDSCS Title IX Coordinator.

5.2 Reporting Alleged Violations

Alleged Code violations should be reported as soon as possible following the discovery of alleged prohibited conduct. Reports may be initiated by law enforcement, any member of the NDSCS community, or other interested parties. An alleged violation should be reported through www.NDSCS.edu/Concern.

5.3 Investigations

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

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

Any individual believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter.

5.4 Interim or Remedial Measures

In the interest of safety and security, upon receipt of notice, interim or remedial measures may be implemented prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include, but are not limited to, no contact orders, housing/workplace changes, loss of privileges, and/or restricted access to campus.

5.5 Right to Enter and Search

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

- Regular health and safety inspections of all residential spaces;
- Student consents to a search;
- College representatives fear an imminent danger to health, safety, life or property;
- College representatives fear imminent destruction of evidence relevant to a suspected violation of College policies.

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

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

5.6 Notice of Alleged Violation(s)

A written notice will be sent via College email (recognized as an official means of communication) to the responding student to arrange a prehearing conference.

The notice will include:

- Nature of the alleged violation(s);
- Date, time and place of the alleged violation(s);
- Maximum sanction applicable if found in violation of the Code of Student Conduct;
- The student's right to be represented by an attorney or non-attorney advocate; and
- Notice that a decision may be made in the students' absence based on the information currently available.

The College will provide the student oral or written notification of the hearing at least three working days prior to the hearing date. Students may choose to consent to a shorter notice period.

5.7 Accommodations

If a student has a disability that necessitates an accommodation or assistance during the conduct process, they may request the accommodation by emailing NDSCS.Accessibility@ndscs.edu or calling 701-671-2623. In order to provide the needed accommodation, students must request the accommodation in advance of any scheduled conduct meeting/hearings.

5.8 Student Advisor Options

Students have the right to have an individual present who may act in an advisory capacity. Hearing advisors may not serve as witnesses. Students may contact the NDSCS Student Advocate for assistance in identifying an appropriate individual.

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

Any advisor or attorney who does not respect this provision may be cautioned by the hearing officer and, if they persist, may be asked to leave and the hearing will proceed.

In cases that could result in suspension or expulsion, advisors and attorneys may fully participate, which means they may make opening and closing statements, examine and cross-examine witnesses present during the hearing, and provide the student with support, guidance, and advice throughout the process.

5.9 Prehearing Conference

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

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

Process for resolution of alleged violations

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

5.10 Conduct Hearings

The Code of Conduct resolution process is facilitated through an administrative hearing to determine if there has been a violation of College policy. Although all cases are heard administratively, some procedures differ between cases that are or are not eligible for suspension/expulsion. The College reserves the right to determine procedures and appropriate individuals to include in the process. In an administrative hearing, the responding student has a right to make a written and/or oral statement describing the event(s) that lead to the alleged violations, bring witnesses or witness statements, and present evidence.

In all cases involving an allegation of discrimination, harassment, retaliation or sexual misconduct, both the complainant and respondent shall have equal procedural rights as detailed in the NDSCS Sexual Misconduct and Title IX Compliance Policy available at www.NDSCS.edu/Title9.

Non-Suspension/Expulsion Conduct Hearings

A non-suspension/expulsion conduct hearing is an administrative hearing that generally involves only the responding student and the hearing officer. The hearing officer is the individual appointed by the College to process an alleged violation of College policy. Following the hearing, all applicable parties will receive a written notice of decision within 10 working days.

Suspension/Expulsion Conduct Hearings

A suspension/expulsion conduct hearing is an administrative hearing that involves the responding student, hearing officer, and any other individual(s) appropriate to the process. The hearing officer is the individual appointed by the College to process an alleged violation of College policy. Following the hearing, all applicable parties will receive a written notice of decision within 10 working days.

5.11 Default Proceedings and Unresolved Charges

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

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

5.12 Conflicts of Interest

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

5.13 Standard of Proof

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

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

5.14 Witnesses/Witness Statements

Prior to the hearing, names of witnesses being called to the hearing must be submitted to the Residential Life Office, Riley 130, by a deadline set during the prehearing conference. All parties will be given reasonable opportunity to present witnesses and/or witness statement and will be allowed to address questions to any witness participating in the hearing. All questions will be addressed through the hearing officer; however, the hearing officer may allow for direct questioning of non-party witnesses. Witnesses will be given reasonable latitude to respond fully to questions and will only remain for the duration of their own testimonies.

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

5.15 Evidence

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

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

5.16 Closed Hearings

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

5.17 Appeals

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

6. Hearing Procedures for Potential Suspension or Expulsion Cases

6.1 Introduction

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

Honesty Statement

The College expects that all information presented in this hearing will be true and correct to the best of each participant's knowledge. If students willfully provide false information, they will be in violation of NDSCS's Student Code of Conduct. As a result, they may also be subject to additional disciplinary action. Dishonest behavior by any faculty or staff members will be reported to supervisors for any necessary disciplinary action.

If a student is represented by an attorney or non-attorney advocate, the representative has the ability to fully participate in the hearing as indicated in section 5.8, Student Advisor Options. Hearing advisors, attorneys, and/or non-attorney advocates will be required to sign a confidentiality statement pertaining to information about all parties involved in the hearing. The hearing officer will dismiss witnesses until they are called to speak.

6.2 Case Presentation and Response

The hearing officer or designee will outline the process for presentation of the case. The responding and/or reporting parties will be permitted to respond to the alleged violations and present information that is relevant in determining whether the student violated one or more sections of the Code. The hearing officer is responsible for determining relevancy.

6.3 Questioning of Witnesses and Parties

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

6.4 Closing Statements

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

6.5 Notice of Decision

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

7. Sanctions and Conditions

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

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

If a student is found responsible for one or more alleged Code violations, a sanction may be imposed. Sanctions may not include suspension or expulsion unless the student receives prior written notice that the case was serious enough to warrant suspension or expulsion. The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:

- Verbal warning/developmental conduct conversation,
- Written warning,
- College community service,
- Restitution and /or fines,
- Conduct probation
- Supervised conduct probation,
- Termination of license contract for College housing,
- Trespass or exclusion from all, or portions, of the College community,
- Conduct suspension, or
- Conduct expulsion

When certain mitigating circumstances exist, such as an extended period of time between the incident and reenrollment, a finding of responsibility may result in no sanctions imposed.

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

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

In assigning a sanction and/or conditions for inappropriate student conduct, the hearing officer will consider factors including:

- Facts of the case as presented from all relevant sources, including parties;
- Existence of any physical evidence or written or oral information provided by parties;
- Type and severity of the offense;
- Impact on the reporting party (if applicable), the educational community, and its members;
- Previous incidents of prohibited conduct committed by the responding student, and

- The ability and/or willingness of the responding student to accept responsibility.

Any Code violation that is determined to have been motivated by bias based on a protected class may result in enhanced sanctions above those typically assigned for the same violations when not motivated by bias.

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

Parents or guardians of students under 21 may be contacted by an NDSCS administrator following alcohol and/or other drug related incidents.

7.1 Sanctions

Written Warning

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

Conduct Probation

Conduct probation is written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with College policies; local, state and federal laws; and any other conditions that have been assigned in writing. The specific terms of the probation will be determined on a case-by-case basis. Further Code violations may result in additional sanctions, including suspension or expulsion..

Supervised Conduct Probation

Supervised conduct probation is written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with College policies and local, state and federal laws. Supervised conduct probation requires meetings with a designated NDSCS employee to monitor progress in behavioral, academic, social, vocational, and other areas of the student's life. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth. Further Code violations may result in additional sanctions, including suspension or expulsion.

Conduct Suspension

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

- A student may not re-enroll at NDSCS during the period of conduct suspension.
- The student's eligibility for any refund of tuition/fees will be subject to the College's normal withdrawal policy.
- The notice of conduct suspension will include the conditions for readmission that must be met prior to application for readmission. A meeting with the Executive Director for Student and Residential Life or designee may be required prior to acceptance of the student's application for readmission.
- A withdrawal or drop of remaining credits will be effective date of suspension.
- A student who has been suspended must vacate residence life facilities within the time frame established in the written notice of the conduct suspension. Termination of a license contract due to conduct will result in the loss of room rent for the remainder of the semester.
- In addition to being ineligible for enrollment, a student is also ineligible for student employment with NDSCS.
- A student who has been suspended is restricted from NDSCS property during the specified period of suspension. The student will also be required to obtain prior written permission from the Executive Director for Student and Residential Life before being on NDSCS property during the period of suspension. Approval is generally granted only to permit a student to conduct business related to the College.
- Student organizations placed on suspension may have all rights and privileges revoked for the duration of their suspension. In order to regain all rights and privileges, the student organization is required to comply with and complete any and all sanctions and conditions.

Conduct Expulsion

Expulsion is written notification that the student is permanently ineligible to return to the College. A withdrawal or drop of remaining credits will be effective date of expulsion.

Conduct suspension is a permanent conduct record, which means it may be retained indefinitely at the discretion of the Executive Director for Student and Residential Life, but not less than seven (7) years.

A student who has been expelled is restricted from NDSCS property indefinitely. Written requests for exceptions to this restriction may be directed to the Executive Director for Student and Residential Life or designee, however, approval is generally only granted for the purpose of conducting official College business.

7.2 Conditions

Written Assignments

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

Participation in a Specific Activity or Project

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

Loss of Privileges

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

No Contact Order

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

Restitution

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

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

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

A student may be required to participate in alcohol and/or other drug programming as a result of participating in any incident involving the use or abuse of alcohol and/or other drugs.

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

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

8. Appeal Procedures

Students sanctioned for violations of this Code may make one appeal. Cases resulting in suspension or expulsion are appealed to the vice president for student affairs. All other appeals are heard by the executive eirector for student and residential life or designee, or an administrator of Residential Life, depending upon who served as the hearing officer. If the initial case was heard by the executive director for student and residential life, the appeal will be heard by the vice president of student affairs.

In all cases involving an allegation of discrimination, harassment, retaliation, or sexual misconduct, the reporting party is also allowed to file an appeal within the same parameters identified in 8.2. In these cases, an appeal could result in a different decision regarding the finding of responsible or not responsible and/or stronger, the same, or lesser sanctions than originally imposed.

8.1 Deadline for Appeals

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

8.2 Appeal Letters

Appeals must be submitted using the designated appeal form. The documentation must specify one or more of the following bases of appeal:

- The severity of the sanction was not consistent with the severity of the offense,
- The finding of the Code having been violated was not substantiated by the evidence, and/or
- The student's due process rights as outlined in this Code were violated, which materially or substantially impacted the decision. Those rights believed to be violated must be specified.
- If applicable, a copy of of an appeal will be given to the other party who will have the opportunity to respond. Students will have no more than five working days to submit their response to the other party's appeal; however, the response cannot include an appeal if the time period for appeal has already expired. In cases that only involve a responding student, the appeal officer may not increase the sanctions/actions imposed by the hearing officer.

8.3 Emergency Provisions

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

8.4 Review

The appeal officer will review the written appeal documentation/response to appeal from the student(s) and materials from the original hearing. In reviewing the appropriateness of sanctions, the student's entire conduct file may be considered. After reviewing these materials, the appeal officer may decide to do one of more of the following::

- Issue a decision based solely on the written materials,
- Issue a decision based on a review of written materials and discussion with the involved parties,
- Recall one or more witnesses,
- Return the case to the hearing officer conducting the original hearing for presentation of new evidence and reconstruction of the decision and/or sanctions.

8.5 Decision/Sanction

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

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

The decision on the appeal will generally be made within 10 working days of receipt of the appeal, but may take longer during College recesses or in the event of complex cases.

9. Special Circumstances and Conditions

9.1 Registration/Graduation Hold

If a student (new, current or returning) fails to respond to a request to meet to discuss an alleged violation of this Code, or fails to comply with sanctions and conditions assigned as a result of being found responsible for a violation of this Code, a hold may be placed on the student's eligibility to register or the student's current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the College's withdrawal policy.

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

9.2 Returning and/or New Students

If a student, during a period of non-enrollment, commits an act that violates this Code, a registration hold may be placed to prevent the student's registration until a hearing may be held on that matter. The student may be notified about the hold at the College is first notified about the incident, or notice may be provided when the student subsequently requests enrollment. In addition, a hearing officer, in consultation with the Executive Director for Student and Residential Life, may place a registration hold to deny a student the eligibility to register. Reasons may include the student's arrest or when criminal charges are pending against the student, serious concerns arise about the health or safety of the student or others in the College community.

9.3 Rehearing Requests for Case Resulting in Suspension or Expulsion

Any student who is suspended or expelled has the right to request a reconsideration of the case based on new or contradictory evidence that was not available at the time of the original hearing, and/or evidence that the student was not afforded due process as outlined in this Code. A request for reconsideration of the case should be submitted to the Executive Director for Student and Residential Life. Information that may be considered may include police reports, transcripts of legal proceedings, and the outcome of any civil or criminal proceeding directly related to the appeal.

9.4 Temporary Emergency Suspension

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

9.5 Administrative Withdrawal

A student may be subject to administrative withdrawal if it is determined by compelling evidence that the student's action or threats of action indicate a serious threat to the welfare/or safety of persons or property.

Students wishing to return to the College may obtain information regarding reactivation from the NDSCS Admissions Office. A meeting with the Executive Director for Student and Residential Life or designee will be required prior to acceptance of the student's application for readmission.

9.6 Negotiated Withdrawal

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

A student requesting readmission will be required to meet with the Executive Director for Student and Residential Life or designee prior to approval of the student's petition for readmission. The student must be academically eligible for readmission to NDSCS and may be required to pass a criminal background check at the student's expense prior to readmission.

9.7 Interim Actions

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

9.8 Crimes of Violence

The term “crime of violence” means:

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

Examples include, but are not limited to, arson, auto theft, assault, aggravated assault, burglary, kidnapping/abduction, manslaughter, murder, resisting arrest through the use or threat of physical force, robbery, vandalism and sexual offenses.

In cases of crimes of violence, the Executive Director for Student and Residential Life may increase, but not decrease, timelines stated in the Code and may determine by whom the case is heard.

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

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

10. Conduct Records

10.1 Disclosure

All conduct records are confidential and may not be disclosed in whole or in part except as provided under law, including but not limited to, the Family Education Rights and Privacy Act (FERPA), the USA Patriot Act and lawful court orders.

The conduct record shall be separate from the student's academic record, but shall be considered a part of the student's educational record. All conduct records shall be retained in the office of the Executive Director for Student and Residential Life or other offices as authorized by the Executive Director.

As provided under FERPA, information concerning Code violations for alcohol and/or drugs may be shared with parents. In addition, Code violations may also be shared with some academic departments upon request and as necessary to fulfill their professional obligations. A procedure exists between Student Affairs and Athletics that provides for the full exchange of information concerning Code violations by student athletes with the pertinent athletic personnel and Athletic Director.

10.2 Retention and Destruction

In cases in which a student is found not responsible, all records related to that student's cumulative conduct history will be retained for seven years from the date of the incident.

Sanctions Less than Suspension or Expulsion

In cases in which a student is found in violation and receives a sanction less than suspension or expulsion, with or without additional conditions, all records related to that student's cumulative conduct history will be retained for seven years from the date of the student's last conduct violation. Student conduct records may be retained indefinitely at the discretion of the Executive Director for Student and Residential Life..

Suspension or Expulsion

In cases in which a student is found in violation and receives a sanction of suspension, conduct records will be retained indefinitely at the discretion of the Executive Director for Student and Residential Life, but not less than seven years. In cases in which a student is found in violation and receives a sanction of expulsion, conduct records will be retained on a permanent basis.

Student Organization Records

Records of conduct violations involving student organizations will be retained for seven years following the date of the incident. Student organization conduct records may be retained indefinitely at the discretion of the Executive Director for Student and Residential Life

FINAL NOTE: Occasionally there may be a need to update certain details such as changes to staff titles, office locations, etc. that are mentioned in this document. Updates will be made to the online version of this document on an ongoing basis.

John Richman, President
Effective 07/31/2020

Appendix J:
NDSCS Student-Athlete Code of Conduct

NDSCS WILDCATS
STUDENT-ATHLETE
HANDBOOK /
CODE OF CONDUCT

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Message from the Director of Athletics - Stu Engen

The North Dakota State College of Science Student-Athlete Handbook / Code of Conduct has been prepared for the student-athlete to become better acquainted with procedures and general regulations that have been established by NDSCS, the Mon-Dak Conference, the Minnesota College Athletic Conference (Football), Region 13, and the National Junior College Athletic Association. Many of these regulations apply to you, the student-athlete. Membership on an athletic team at NDSCS is considered a privilege. In order to maintain that membership, student-athletes are expected to demonstrate good sportsmanship, honesty, integrity, and respect for others. Remember to always ask questions concerning any regulations/policies because it may impact your eligibility and / or your status within the department of athletics. Please note that this handbook / code of conduct is in addition to the student code of conduct of the College. Contact the Director of Athletics Stu Engen with any questions you may have.

Use this handbook and other resources that you have been provided, as reference tools for important information while you are a NDSCS student-athlete. This handbook includes only general guidelines. Make sure you are aware what your coach expects from you and your rights and responsibilities as a NDSCS student. Student-athletes will be responsible for abiding by all athletic department policies, whether provided by individual teams, specific department offices, or the department as a whole. Please note that this handbook is a guide only and does not include every applicable rule/regulation/policy. In addition, changes to departmental policies and procedures are updated on the online version located at www.ndscs.edu/athletics.

Each of our athletic teams set high goals for competitive achievement as well as academic success, and the objectives for each team are consistent throughout the department. We want our students in class, we want our students to graduate, we want our students to represent themselves, their program and our College in a positive manner at all times, and we want to provide an experience that will contribute to your successes throughout life.

We will strive to provide you with coaches that are concerned with your personal development, your academic development, and your athletic development. We will provide facilities, equipment and resources that will help ensure our programs can be successful at their highest levels. NDSCS student success also provides academic advising and other resources that will help ensure the time commitments of intercollegiate athletics do not overshadow your primary purpose here at NDSCS, receiving a great education and earning a degree.

Enjoy this special time in your life, and take advantage of all this great College has to offer. We wish you the best of luck in the classroom and throughout your playing season.

Go Cats!!

A handwritten signature in black ink, appearing to read 'Stu Engen', with a stylized, cursive script.

Stu Engen

Insurance of Student Athletes

All North Dakota State College of Science student-athletes must be covered by some type of individual health insurance before participating in any practice, game and/or competition. If a student-athlete is not covered under a parent(s) / guardian(s) health insurance policy, health insurance is available at a cost to the student-athlete through NDSCS.

Housing Policy

All student-athletes are required to live on campus in the residence halls. Exceptions are made for student-athletes who are married. It is very important that you understand that being dismissed from NDSCS housing will affect your eligibility to participate in intercollegiate athletics at NDSCS.

Department of Intercollegiate Athletics Mission Statement

The Department of Intercollegiate Athletics at North Dakota State College of Science is dedicated and committed to the highest level of competition with peer and sister institutions, institutions in the Mon-Dak Conference, the Minnesota College Athletic Conference and on a national basis in terms of athletic excellence and academic achievement of student-athletes.

We will offer compelling experiences for the student-athlete and for our campus community and will provide a diverse environment steeped in integrity, values and vitality. We are committed to equitable opportunities for all students. Our program offerings, our recruitment of both students and staff, and our career enhancement opportunities for staff will reflect this commitment to equity and diversity. Further, we are totally committed to the NJCAA principles of sportsmanship and ethical conduct and nothing short of complete and total adherence to the principles and guidelines prescribed by the NJCAA in these critical areas will be tolerated or accepted.

Teaching is our core, positive growth and development of student-athletes and coaches is our goal and the highest level of performance in the classroom, in social settings and on the field of play is our target outcome.

Athletic Affiliation

Conference Affiliations

- Mon-Dak Athletic Conference
- Minnesota College Athletic Conference (Football)

Regional Affiliation

- NJCAA Region 13

National Affiliation

- National Junior College Athletic Association

Departmental Philosophy

Athletics are an integral part of the physical education and education programs of the Institution. As a result, the goals and objectives of the education programs are the goals and objectives of the athletic programs. Education is defined as the adjustment the student makes to experiences, which result in behavior change. Athletic education is defined in the same way by simply identifying the experiences as those from the athletic realm. It is well established that people learn through experiences, and the athletic experience is a vital part of education of the student athlete.

Winning and losing are key elements in the total athletic program. Society has a tendency to evaluate the effectiveness of a program solely on this basis. Whereas the importance of winning is recognized by the Athletic Department, it will not be unreasonably considered in the evaluation of programs and staff members. The Athletic Department is more concerned with "how much did the athletic experience do for the athlete," rather than, "how well did the athlete do in the sport."

The Department recognizes the importance of support provided by alumni and booster groups. These relationships will be fostered and developed maximally. However, control of the program will be maintained by the Athletic Department. Advice, counsel and support will be solicited and accepted; however, strict adherence to the educational values of the athletic experience will be maintained.

Athletic Philosophy

In the broadest sense, the philosophy of the North Dakota State College of Science Athletic Department is to strive at all times to represent the highest ideals in life. Because of the high visibility, the North Dakota State College of Science Athletic Department has the unique opportunity to be a positive influence on the lives of everyone associated with our program: students, faculty, staff, alumni, community and friends.

The top priority always will be the student-athletes of the athletic program. Proper direction and motivation will help them grow spiritually, socially, academically, and athletically. The ultimate goal is to provide each student-athlete with the tools necessary to be successful in life.

The physical well-being of the student-athletes is of our utmost concern. The Athletic Department must never jeopardize their health or well-being for short-term gains. In addition, the Athletic Department needs to be aware of a strong obligation to the college and to the alumni and friends who support the program.

The Athletic Department must maintain a positive, open environment within which employees of the Athletic Department can grow and develop in their careers and individual lives.

The Athletic Department encourages each student's participation in athletic programs on all levels, whether they be intercollegiate, club, or intramural. Athletic competition and physical exercise should be an important part of college life.

Success is one of the rewards for the organization. Discipline and hard work are necessary for the building of a competitive athletic program. We have an obligation to ourselves and to our student-athletes to strive to reach our potential.

At all times, the Athletic Department will observe the letter and spirit of the rules and regulations of the NJCAA, Region XIII, Mon-Dak and the MCAC. Furthermore, the Athletic Department will have an obligation to report any college that violates these same rules and regulations.

The North Dakota State College of Science Athletic Department is a service organization for several constituent groups: our student-athletes, the student body, faculty and staff, alumni and friends, the sports media, and the

general community. Our basic obligations to these groups are twofold: (1) to develop and maintain a competitive athletic program that can be a source of pride and (2) to allow members of these groups the opportunity to become involved in the program, whether as participants, contributors, or spectators. Furthermore, we will ensure that our sports programs function in conjunction with all principles of fair play and amateur athletic competition as defined by the NJCAA.

As stated in our philosophy, our primary purpose is to direct each student-athlete toward growing as a total person, earning a meaningful degree, and developing as an athlete. We should provide each student-athlete with the chance to be involved in all areas of student life while in college and the tools to be successful in his or her career after graduation.

In addition, the Athletic Department should strive to allow every member of the student body the opportunity to be a part of the athletic program. Some students can be involved actively as athletes, trainers, managers, student assistants, and assistant coaches.

For the majority of the students who participate as spectators, we have an obligation to field competitive teams that represent the quality and purpose of the College. Our program can and should be the single most important generator of positive school spirit on campus. We must be receptive to students' suggestions and inquiries and must always treat students with courtesy.

The faculty and staff are the heart of the College and can be a valuable resource for the athletic program. As we perform our duties in an open, competent, and professional manner, we will be viewed with respect by the other academic departments on campus and seen as an integral part of the college. A sound, competitive athletic program will be a source of pride for faculty and staff members. We must always be certain the faculty understands our commitment to academics and is aware of our activities and plans. Regular meetings are an excellent means to accomplish this goal.

Alumni and friends are the financial backbone of the athletic program, and we must be sensitive to their needs. We must have a service attitude, which means that every alumni, friend, or visitor should always be treated with complete courtesy and respect. The Athletic Department must make purchasing tickets as convenient as possible and always a pleasant experience. Many alumni and friends want to become involved actively in marketing or fund raising, and we should allow them, under our direction, to assist our department in these areas.

In dealing with the sports media, the Athletic Department will have an obligation to help them to be successful in their jobs. The Athletic Department must be honest, open, and supportive at all times and never attempt to conceal unfavorable news. Each member of the media should feel welcome to the athletic program. The Athletic Department can and should be a source of pride for the community. A quality, competitive athletic program can be a positive focal point for the community. The Athletic Department must be willing to donate time and resources to civic and charitable efforts and every employee of the Athletic Department is encouraged to become involved in community activities. Whenever the Athletic Department can help the community, the department helps themselves and the athletic program.

Athletic Goals and Objectives

Sport is an important aspect of our culture and a fertile field for learning experiences. Whether or not the potential of sport is realized at North Dakota State College of Science depends upon the quality of the experience. (The goal of intercollegiate athletics is to realize the full potential of the athletic experience as a contributing factor to the enrichment of the life of the participant.) Although the sole justification of the program is the individual, we recognize the spin-off values to the college community and the area served by the college.

With this in mind, the specific objectives of the Athletic Department have been developed. When considering the objectives, the reader is asked to keep in mind that they were developed consistent with the needs, resources and circumstances unique to North Dakota State College of Science.

1. To maintain a spirit of play so that educational values are fully realized.
The primary objective of athletics is to provide the athlete an exceptional educational experience. The department must guard this objective zealously. The pressure to make winning foremost is continual and comes from many sources. This does not diminish the desire for excellent individual and team performance. Athletics must be fun and educationally productive, and at all times this objective must be foremost. The welfare of the athletes is always the primary consideration.
2. To provide programs which encourage excellence in individual and team performance.
The Athletic Department wishes to provide a quality experience for the athlete and the opportunity for a quality performance. This includes providing excellent equipment, good facilities, challenging schedules, an excellent environment in which to work, and well-prepared and motivated leadership. It is imperative that the opportunity for coaches and athletes to compete at the level of our competition be provided.
3. To increase public understanding, appreciation, and knowledge of sport and the place of sport in the educational setting.
The Athletic Department must recognize its opportunity and responsibility to aid the public in understanding the real value of sport and its proper place in the educational setting. The public, as a whole, does not understand athletics, and especially the differences between big-time and small college athletics. The Athletic Department must work to counterbalance the misunderstanding. Large scholarships, abuse of athletes, transcript tampering, point shaving, recruiting irregularities and other questionable practices are not common to small college athletics. The small college athlete goes to college for an education, participates while in school, and is richer for their participation.
4. To present a positive image of the college.
An objective of the Athletic Department is to present a positive image of the college, through a complete devotion to quality. The Department recognizes that athletics is often the visual scoreboard, but also by appearance and behavior, on and off the field. Teams and coaches must realize that they represent their sport, their team, and their college by their actions both on and off the field.
5. To contribute to the quality of campus life.
A quality athletic program has positive effect on campus life. Athletics offer the opportunity for wholesome entertainment at a reasonable cost. Athletics provide an opportunity for the band to perform before substantial numbers of people. Finally, athletic facilities and equipment are made available for student use when not being used by competitive teams. The Athletic Department should make a major contribution to the quality of student life at North Dakota State College of Science.

Student Athlete Code of Conduct

Introduction

All student-athletes are members of the NDSCS student body. You are a student first, and your participation in intercollegiate athletics derives from your status as a student. Accordingly, all college policies governing student conduct apply to you.

Participation in the NDSCS intercollegiate athletic program is a privilege. You represent not only yourself, but also your teammates, others in the athletic department, the college, our community, our state, our conference and our alumni throughout the world. Given the significance of this privilege, additional responsibilities are sometimes placed upon you beyond those placed on other students at the college.

This student-athlete code of conduct is designed to inform you, the student-athlete, of the behavior expected of you, and to the potential consequences that your behavior may have on your status as a student-athlete, and applies in addition to the student conduct code of the college.

The Athletic Department may take action under this code of conduct regarding your participation in the college's intercollegiate athletics program, and also regarding the awarding, renewal, and modification of a scholarship that you may now have or may receive in the future. This Code of Conduct is intended to complement, not replace, the NDSCS student conduct code, or conduct rules that your sport team has adopted, including consequences for violating College policy or sport team rules. Always remember that a coach or the director of athletics has the right to impose additional rules and sanctions above and beyond those outlined in this policy.

Policies on Misconduct

If you are arrested, charged with a crime, or have been reprimanded for any other type of behavior on or off campus you are required to notify your head coach within 24 hours. Your head coach will inform the director of athletics. The director of athletics shall serve as the representative of the department in determining the appropriate application of this policy. There are two levels of misconduct that may affect your ability to fully participate in the NDSCS intercollegiate athletic program: Level I, Level II. Charges such as minor driving offenses, etc. are not subject to the applications, definitions and sanctions of Level I and Level II misconduct.

Level I Misconduct

If the NDSCS Athletic Department has information which leads it to conclude that a student-athlete has been arrested or charged with a violation of local, state or federal law involving violence (sexual assault, battery, etc.), theft (any degree), drugs (possession, distribution or intent to distribute, etc.) or a major alcohol offense (OWI, providing alcohol to a minor, etc.) or illegal gambling or any felony charge, the student-athlete shall be immediately suspended from intercollegiate athletic participation, which may include practice. The suspension remains in effect until either 1) the charges are resolved by the legal system; or 2) College or departmental disciplinary measures have been issued in accordance with this policy and/or the department lifts or modifies the suspension or the term of the suspension is served.

By suspending the student-athlete, the department is not pre-judging guilt or innocence, rather the suspension protects the integrity of our department and its 5 sport programs, including all of our student-athletes, when there is an arrest or criminal charge.

Sanctions for Level I Misconduct

First Offense

The Athletic Director and/or Head Coach reserve the right to dismiss the student-athlete from the team. The student-athlete will be suspended (at least 10% of the season) from competition and may be suspended from practice. This suspension may be up to one calendar year.

The student-athlete may be required to a) Attend an assessment session with appropriate counseling provider to assess if additional intervention is needed. The student-athlete is responsible for related expenses including expenses for education, counseling, evaluation, or treatment, if any expense is entailed; b) Perform community service as directed.

Second Offense

The student-athlete will be dismissed from the team.

Level II Misconduct

The Director of Athletics reserves the right to declare any infraction as Level II. Inappropriate conduct or disorderly conduct in the resident halls could be determined to be a level two offense. A student-athlete arrested or charged with other infractions (non-Level I) violations such as public intoxication, disorderly conduct, minor in possession, etc. all are level II violations and are subject to the following sanctions.

Sanctions for Level II Misconduct

First Offense

The student-athlete is required to meet with the head coach, and/or the director of athletics to review the infraction. The student-athlete may be required to a) Perform community service as directed; b) If so directed by the sport administrator, attend an assessment session with appropriate counseling provider to assess if additional intervention is needed. The student-athlete is responsible for related expenses including expenses for education, counseling, evaluation, or treatment, if any expense is entailed.

Second Offense

The student-athlete is required to meet with the Director of Athletics to review the infraction. The student-athlete may be required to:

1. Attend an assessment session with appropriate counseling provider to assess if additional intervention is needed
2. Perform community service as directed
3. Could be suspended at least 10% of all regularly scheduled competitions beginning with the next event at the discretion of the director of athletics.

Third Offense

Any third level II offense shall be considered a level I violation and result in appropriate level I sanctions.

Level II Misconduct violations shall not carry over to the student-athletes second year of attendance.

Athletic Eligibility

Full Time Enrollment

All student-athletes must be enrolled in a minimum 12 credit hours per semester, in order to be eligible for competition. In many cases, these 12 hours need to be independent of second 8-week credit hours. Any student-athlete who drops below full-time enrollment (12 credit hours), for any reason, will immediately be declared ineligible for competition.

Initial Eligibility

In general terms all domestic first year student-athletes are eligible for practice and competition if they have graduated from high school, and are enrolled in 12 credit hours independent of the second 8 weeks. In some sports (depending on the game schedule) the second 8 week credits can be counted towards the 12 credit hours.

Continuing Eligibility

Subsequent to your second semester, there are a number of important benchmarks you must reach in order to retain your academic eligibility. These requirements are set forth by the NJCAA and your academic eligibility is determined by the Registrar's Office and the Director of Athletics. Many factors can determine subsequent athletic eligibility. Examples: Are you a transfer student? How many semesters have you been in college? Are you considered a participant or non-participant (red-shirt, or participated in a sport other than you are seeking eligibility. You also need to maintain a certain grade point average depending on factors such as number of semesters in college and participation status. Please see Director of Athletics Stu Engen if you have questions about your eligibility.

Redshirt

The term "redshirt" refers to the circumstance surrounding no competition. The student-athlete may be practicing with the team; however, the coaching staff has determined that the student-athlete will not compete against outside competition. Simply speaking, the student-athlete is held out of all competitive events during the academic year. The student-athlete has not used a season of eligibility, but one of five NCAA calendar years has elapsed.

Medical Hardship

A student-athlete may be granted an additional year of competition by the NJCAA national office for reasons of "hardship," which is defined as incapacity resulting from injury or illness which occurs under the following conditions:

1. Occurs in one of the two seasons of NJCAA intercollegiate competition.
2. Occurs when the student-athlete has not participated in more than 20 percent of the sports regular season contests.
3. The injury must occur in the first half of the season and result in the incapacity to compete for the remainder of the season.

Note: Medical hardships are not easy. Medical conditions must be extremely well documented and must be endorsed by a medical doctor stating that this particular student-athlete was or will not be unable to continue completion because of a medical condition or a season ending injury. In football, the regular season is 8 contests. That means that an injury must occur in the first game of participation to be eligible to apply for a hardship.

Social Media Policy

Social Networking Sites

Members of the athletic department staff have the authority to view Facebook, My Space, or any other public online journal, and review profiles and other information for appropriate content related to being a student-athlete. Photos, “groups” or other content (including “wall-postings”), which violate or appear to violate the conditions of this code of conduct or other laws may be considered a violation of this code of conduct. This includes, but is not limited to, derogatory statements, depictions of underage drinking or alcohol use, and any reference to illicit drugs or other inappropriate behavior not reasonably related to a legitimate academic activity.

Definition / Goal for Social Media

Social media are tools that provide powerful communication opportunities to build relationships and support. That support can be built and crushed quickly. The small nuggets of information you post can dramatically change the community’s perception of you. They are a great way to interact with fans, alumni, recruits, parents and the community, but they can be equally as damaging. It’s important that you use the tools appropriately.

Examples include but are not limited to: Facebook, Google Plus, Twitter, Podcasts, Vodcasts, Text Messaging, Email Blasts, MySpace, Flickr, YouTube, Blogs, Social Bookmarking, Instagram, Snap- chat, Vine, LinkedIn.

Athletic Department Policies

Student-athletes with a Twitter account might be asked by athletics to follow the private account and allow that account to follow them in return. This allows administrators to communicate with student-athletes and identify tweets that put student-athletes in danger of being held from NJCAA participation.

1. Do not post anything that is confidential, sensitive or private.
2. Schools can’t publicly release information from a student’s education record without consent. FERPA. Exceptions apply in cases involving other education institutions and law enforcement. In general, do not release injury information or other bits of news that allows other teams to gain an advantage through social media outlets.
3. Follow all applicable laws, NJCAA rules, the colleges and athletic department’s policies and guidelines. For example, it is impermissible for current student-athletes to promote or endorse any product in any forum.
4. Do not comment on athlete injuries, rosters, playbooks, officiating or any other team information that should be kept confidential.
5. Follow all social media site rules.
6. Respect copyright and other persons’ property rights and privacy rights.
7. NDSCS logos are off limits as a part of social media profiles. The department is concerned about the logo being altered and losing its branding recognition, so students are asked to not incorporate them in their avatars or profile pictures.

Best Practices

1. Think twice before posting. If you wouldn't want your boss, parents or future employer to see your post, don't post it. Consider how it will make you appear to the public. Posting that you are bored in class lends itself to believe you are not diligent and working hard on your studies. Complaining about referees or making fun of other players makes you appear as if you are making excuses while being disrespectful and unsportsmanlike.
2. Avoid complaining of all kinds. You should never air grievances on social media.

Department's Actions

Inappropriate use of social media is subject to remedial actions, up to and including the loss of scholarship and participating privileges and dismissal from the team. Conduct may violate the NDSCS Student Conduct Code. Individual teams and head coaches may implement additional guidelines regarding the use of social media by their student-athletes. For example, a head coach may prohibit the use of social media technologies immediately prior to, during and following competition. Student-athletes are responsible for knowing and abiding by any such additional guidelines implemented by their respective teams. Violations of team guidelines regarding social media may subject student-athletes to additional, progressive remedial actions as determined by the code of conduct, their respective head coach and the director of athletics. .

Note: Appeals can be made to the Director of Athletics.

Alcohol & Drug Policies

Alcohol on NDSCS Property

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

Alcohol off Campus

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

Tobacco Products

In accordance with NJCAA legislation, the use of tobacco products is prohibited by student-athletes and all game personnel (e.g., coaches, athletic trainers, managers and game officials) in all sports during practices and competition. Additionally, NDSCS does not condone the use of tobacco in any form, including smoking and smokeless (i.e. "dipping", "chewing", etc.). Research has shown that the use of tobacco can lead to lung cancer, oral cancer, leukoplakia, emphysema, heart disease, heart attacks, etc.

Drugs Other than Alcohol

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

Drug Testing

The athletic department or individual sport programs may conduct individual or random drug tests of student-athletes throughout the year. Among the substances tested for are marijuana, cocaine, and amphetamines, including ecstasy and methamphetamines. Additionally, the athletic department may test for performance enhancing drugs on a random basis.

Reasonable Suspicion Drug Testing:

In addition to random testing, the NDSCS Intercollegiate Athletics Department reserves the right to screen a student-athlete anytime there is reasonable suspicion that he/she may be engaged in the use of banned substances. The term "reasonable suspicion" means that information has been given to a member of the coaching staff, Sports Medicine Department, and/or athletics administrator, regarding a student-athlete's possible use of banned substances. Other events or conduct may rise to the level of reasonable suspicion, including but not limited to: (a) a student-athlete's possession or use of a prohibited substance; (b) a student-athlete's arrest or conviction related to the possession of, use or trafficking of banned substances; or (c) abnormal conduct interpretable as being caused by the use of banned substances.

Self-Referral

1. Any student-athlete may refer himself/herself for evaluation or counseling by contacting a member of the coaching staff, NDSCS Sports Medicine Department, and/or an NDSCS administrator.
2. This self-referral will be held strictly confidential and no team and/or administrative sanctions will be imposed upon the student-athlete who has made a personal decision to seek professional assistance.

A student-athlete may not initiate self-referral after he/she has been informed of their participation in an impending drug test.

Hazing & Pre-Initiation Activities

All forms of hazing on the part of any individual, group or organization are subject to disciplinary action. No initiation or other activity shall be undertaken which endangers the health or safety of an individual, or demands an individual to engage in conduct of an unbecoming or humiliating nature, or in any way detracts from an individual's academic pursuits. For purposes of this policy and NDSCS disciplinary action, hazing is prohibited and is defined as any act which intentionally, unintentionally or recklessly endangers the physical, mental or emotional health or safety of a student and/or results in ridicule, for the purpose of admission into, affiliation with or as a condition for continued membership in any group. This applies to any group, organization or team connected with the college, regardless of the individual's willingness to participate in any forced or required activity. Failure to report hazing activity may be considered a violation of the code of conduct.

Sexual Misconduct Policy

See NDSCS Policy – Sexual Misconduct and Title IX Compliance Policy and reporting options, viewable at www.ndscs.edu/title9.

Termination of Scholarship Benefits

The Director of Athletics may pursue revocation or modification of athletically-related financial aid, such as a scholarship, as a consequence of any and all Level I misconduct or repeated Level II misconduct. Any action to revoke or modify athletically-related financial aid will be in accordance with NJCAA procedures.

Suspension Guidelines:

When suspended from competition, a student-athlete may be allowed use of facilities for academic services, athletic training and strength and conditioning. The student athlete may be suspended from practice activities.

Appeals

A student-athlete may appeal sanctions issued as a result of violation of this policy. This appeal shall be made in writing to the Director of Athletics. The Athletic Director will arrange an appeal committee to review the appeal. The committee will consist of two head coaches independent of the student-athletes sport and a member of student success.

Acknowledgment

Acknowledgment of the terms and conditions of this code of conduct is mandatory prior to athletic participation at North Dakota State College of Science.

Athletic Responsibilities

The Athletic Department of the North Dakota State College of Science operates programs which require the trust and support of both the student-athlete and the public. As such, it has a number of responsibilities:

Student-Athletes

The Athletic Department established programs with the primary goal of fostering intercollegiate athletics by providing the best possible framework within which our student-athletes can compete. The department has a dual responsibility to its student-athletes. First, it has to see that each receives the best possible education. Secondly, it has the responsibility to provide the best possible athletic program and environment so that each student-athlete has the opportunity to compete to the fullest extent of his or her abilities.

Public

The Athletic Department has as one of its primary objectives that of providing its public with highly competitive athletic teams. In so doing, it is the Athletic Department's goal to provide a quality program which deserves public confidence.

Mon-Dak Conference, MCAC, Region XIII, and NJCAA

The Athletic Department is committed to the principles, and objectives of the college, the Mon-Dak Conference, MFC, Region XIII, and the NJCAA. All activities of the department will be governed by the rules and regulations of these organizations.

Coaching Staffs

Coaches also have responsibilities in a number of areas. They have the responsibility to provide the public with a quality program. They have the responsibility to represent the Athletic Department, the North Dakota State College of Science, and the state in a manner that will enhance the athletic program and promote confidence in the program. They have a responsibility to all student-athletes to take a sincere interest in both academic and athletic activities and to ensure that each individual is treated with fairness and provided with the optimal opportunity to excel.

They have the responsibility to operate all programs and activities within the rules and regulations of the college, the NJCAA, the Region XIII, the Mon-Dak, and the MCAC. They have the responsibility to be knowledgeable and adhere to North Dakota State College of Science policy concerning the abuse of alcohol or use of illegal drugs. There are serious consequences for the unlawful possession or distribution of illicit drugs and alcohol. North Dakota Century Code Section 19-03.1 makes clear these activities are felonies.

Academics

The student-athlete's major purpose at the college is to pursue an education and a degree. The student-athlete has the responsibility of attending class on a regular basis, of completing all classroom assignments, and of conducting oneself in all academic matters in ways that are consistent with acceptable classroom performance. The student-athlete is required to meet all college academic requirements as well as the eligibility rules of the college, the NJCAA, the Region XIII, the Mon-Dak, and the MCAC.

The Athletic Department has a sincere interest in the general welfare and academic achievement of every student-athlete. Because of this the college has designated an individual to assist student-athletes in their academic pursuits (advisor). It is the responsibility of the student-athlete to give full cooperation to college, departmental, and athletic personnel in all matters of an academic nature.

General Guidelines for the Student Athlete

1. Maintain good academic standing.
2. Exhibit the highest standards of sportsmanship on and off the court and field of play.
3. Understand the overall philosophy of the institution and its athletics program.
4. Abide by all applicable NJCAA, Conference and Institutional rules and regulations.
5. Be a role model for others in the institution and community to follow and emulate.
6. Avoid any involvement with illicit street drugs or narcotics.
7. Alcohol possession or consumption on campus is prohibited.
8. Be cognizant of and avoid all contacts with individuals representing gambling interests.
The student athlete should not wager on sports.
9. Have no dealings with an agent or an agent's representative.
10. Be enthusiastic and punctual for all practices, contests and other team functions.
11. Be responsible for all equipment and supplies issued.
12. Maintain a positive rapport with our fans and supporters.
13. Project a positive image of self, teammates and program to representatives of the media at all times.
14. Remember, it is a privilege with considerable responsibility to represent the institution through its athletics program.

Study Skills

Your success at NDSCS depends upon how rapidly you develop academic learning skills and proper classroom behavior. One of the greatest challenges you face will be the development of habits to permit you to achieve your potential in your course work. Work at your academic skills with the same discipline measures you apply in developing your athletic skills.

Tutoring

If you are doing poorly in a particular class or anticipate having problems, or if you simply want to achieve a higher grade, make us aware of your need for extra help. Please don't wait until you are so far behind that no amount of help will get you out of the hole.

Dropping a Class

During your NDSCS career circumstances may dictate you dropping a class. Before you drop a class it is extremely important that you visit with your head coach or the director of athletics to determine the effect of a drop on your eligibility and academic standing.

Time Management

Budgeting your time tells you what you need to do and when to do it. A time schedule allows you to complete assignments in their proper order. With the heavy athletic demands you have, it is important to utilize your entire day efficiently. A good time schedule permits you to work on each of your subjects for reasonable periods of time. It also avoids the need for cramming, while allowing ample time to relax and enjoy student life.

Class Attendance

All players must attend classes daily. Attendance will be periodically monitored. Failure to attend any classes will result as a disciplinary matter.

Missed Class Policy

The Department of Intercollegiate Athletics at NDSCS is committed to providing each student athlete with a positive academic experience. Academic achievement is the result of hard work and effort; therefore, the NDSCS Department of Athletics expects all student athletes to attend classes, to exhibit appropriate behavior both in and out of class, and to complete all assignments.

The NDSCS Department of Athletics has created the following attendance policy as one way of assisting our student athletes and their academic success. Each head coach may endorse a more restrictive policy for his/her sports program.

Attendance at EVERY class and laboratory session is expected for all courses in which you are enrolled. Studies have shown that there is a direct correlation between classroom attendance and academic success. If you are having problems with a class, your professor is much more likely to be willing to work with you if you have demonstrated an interest in the course by attending the class. For student athletes this issue is even more critical because of the days that might be missed due to competition. It is YOUR responsibility to attend class every day, be on time and actively participate in the class.

Student athletes bear the responsibility of informing their professors of upcoming class absences due to competition. Your coaches should also send out a campus email when the team will be traveling for competition. Student athletes should refer to their course syllabus carefully on assignment completion for any given class. Student athletes are responsible for understanding and meeting the instructor's expectations. Student athletes also are responsible for communicating with faculty prior to missing scheduled assignments and for making arrangements with faculty to complete all missed assignments.

It is against NJCAA rules for student athletes to miss class to attend practice or other athletics department events unrelated to official competition.

Your coaching staff may use the following methods to monitor class attendance and tardiness to classes:

1. Direct grade check requests
2. Telephone calls to and from professors
3. Electronic communication with professors
4. Personal meetings with professors
5. Random class attendance checks

Academic Do's and Don'ts

Do's

- Plan your academic schedule in advance.
- Attend every class meeting.
- Set your priorities – academics, athletics, spiritual life, social life, etc.
- Know when your exams are scheduled.

Don'ts

- Don't be Afraid to Ask for Help!!

Make a Good Impression

1. Be in your seat when the class begins.
2. Bring any books you are discussing.
3. Don't wear a hat or any ratty clothing to class.
4. Have your notebook open with a pencil or pen in your hand.
5. Do not talk except to participate in class discussion.

What Teachers Expect

1. Instructors expect you to come to every class, even if attendance is never taken. If you miss a class (away games, etc.), make an effort to ask the instructor what you missed. You should also pick up the notes from a classmate.
2. Instructors expect you to have read all assignments before they are discussed in class. Reading all the assignments will permit you to participate in discussions with knowledgeable contributions.
3. Instructors expect all papers and assignments to be turned in on time.
4. Instructors expect you to explain in person any athletically related absences and to make up any missed work.
5. Listening is the most important factor in class time. Sit up front so you are forced to pay more attention. The best booster of listening power is the act of taking notes.

Top Ten Study Strategies

1. Make Studying a Habit
Everyone knows how hard it is to break a habit. The key to being an effective student is to establish good study habits early on. One good habit is to study specific times every day. A quick review of a lecture right after you get out of class is a great way to start the learning process. This studying is more focused if you study in a place where you are not easily distracted. That study place should probably be somewhere besides your dorm room or apartment. Where do you go to study when you need to get results?
2. How much time? Who Cares?

So you think you spend a lot of your time in class? Well, consider that the recommended amount of study time is two times the number of hours you are in class. That means that for a 15-hour credit load you should put in 30 hours of study time per week. That may not be necessary every week, but if you do not study consistently for each class, it will be very difficult to keep up with all the material. But just when we suggest a measurable guideline for how much time you should spend studying, I'm going to tell you nobody cares! What matters is how well you do on the assignments and tests. So judge your study time not on the quantity, but rather on the quality. Your instructor will measure you largely on the quality of your testing effort.

3. **Set Goals**
This is just another way of saying where's your "To Do" list? Whether daily, weekly or for the semester, how can you schedule your study time if you don't know what you have to accomplish? College demands long-term planning for midterms, finals and projects.
4. **Get Involved with your Learning**
Have you seen these statistics? You remember 20% of what you hear, 75% of what you see, and 90% of what you do. Use your senses to learn: See it (reading), hear it (recite out loud, or get an explanation from an instructor or tutor), and touch it (writing down key points in your own words).
5. **Prepare Yourself to go to Class**
Just getting to class is not enough! Look over your previous day's class notes, preview the chapters that correspond to the lecture, and come with questions you want answered. This curiosity will go a long way in keeping your focus on the lecture. Create interest in a topic by asking yourself: What do I already know? What do I want to know? What do I have to know?
6. **Get the Picture**
Have you ever tried to set a puzzle without knowing what the finished picture looks like? That is what you're doing when you don't prepare yourself to study a text chapter. Get that bird's eye view of a chapter by looking at the title, an introduction, bold headings, all visual aids, a conclusion, and chapter questions, to list a few. You will learn the main points and the details—dates, names and terms—more easily, if you can see how the material relates.
7. **Review, Review, Review**
Early and often are the keys to learning. Review for short periods of time, but do it frequently. With the hardest material make flashcards, create your own acronym, or come up with a catchy rhyme or jingle. Continually sift out the learned material so you can concentrate on the hardest "stuff".
8. **Study in a Group**
Group study can get results. Find two other students who have done their homework and are ready to review. By taking turns in a question and answer session, you get to show off your knowledge and hear other perspectives on the topic. All that reinforcement is the best review. You will soon know how well prepared you are for the actual exam.

9. How to Cram, if you Must!
A rule of thumb for your available study time is to spend 25% learning new material, and 75% drilling yourself. If you only try to learn new material and spend no time on review, you will not remember much of anything. Your brain is a computer that stores lots of bits of information. But like a computer, that information is worthless if you don't know how to analyze and use that data.
10. Relax!
During the test, relax and let your knowledge show. Practice slow breathing and relaxation techniques so your brain can do its thing.

Other Studying Tips:

1. Establish a review schedule – Schedule a week to review for each of your exams. Divide your schedule so that every aspect of course work is covered. Allow the final day for an overall review.
2. Outline the course – Make a brief and general course outline from your notes and books. Fill in the details as you review. The outline will confine your time to the major issues in the course.
3. Pay attention – The amount of attention you give a subject is as important as the amount of time you spend. The more alert you are while studying, the more you'll learn.
4. Be "Exam-wise" – Know the kind of exam to be given. If it is an essay exam, organize and compose your answers. Be alert and take careful notes when exams are being discussed in class. Most instructors talk about exams and try to prepare students for them. Make certain you get this information into your notes. Talk to students who have already taken the course.
5. Study past quizzes – The questions asked on quizzes are often repeated on final exams.
6. Review class questions – Jot down all important questions posed by your instructor. Instructors are likely to ask these questions on a final.
7. Last night review – On the last night before the test, review all major points, principles and generalizations made by the instructor. Cover your study outlines carefully, making sure you can describe or define each major point.
8. Have confidence in your ability – If you have followed the above review procedure, you will be well prepared.

Taking the Exam:

1. Read all directions – There are always students who lose credit because they do not read the directions carefully, or pay attention to the instructions.
2. Arrange the value of the questions – Figure out which questions or parts of the test are worth more. Number each question according to the value received and work in the order from most to least. This will ensure that the most valuable parts of the tests will be completed.
3. First scan – Begin with easy questions. Read all the questions and answer those you know immediately. This ensures you will not run out of time having left easy questions unanswered. Answering the easy questions will relieve some of your test anxiety, and give you confidence. Mark only those answers that occur to you immediately, if you have to consider it, skip to the next question.

4. Second scan – Answer questions of moderate difficulty. On the second time through the test you will answer those questions you can answer after brief consideration. Skip the answers you definitely do not know. Place a mark on the side of difficult questions you can't answer.
5. Third scan – Answer difficult questions. In this last segment of time, you will answer all remaining marked questions.
6. True/false exam strategies – True/false tests are a good place to practice conformity. Watch for traps, but don't search for hidden meanings. Most true/false statements are straight forward and based on key words or phrases encountered in the textbook or lecture.
7. Read every word – statements that contain words such as "all", "only", "always", "because", are generally false.
8. In true/false tests your first hunch is usually correct. If you are unsure it is best to choose the longest or most complex answer.
9. Use all available time. Check your answers carefully. Re-read directions to make certain you followed them correctly.

Essay Exams:

The major advantage to the essay exam is that the instructor may give you a choice of topics to discuss and you can pick the one you know best. A second advantage is that you can influence your grade positively by good organization and presentation of your answers.

Studying for Essay Exams

1. Prepare an outline – Study your notes until you have complete information to answer and prepare an outline for each question. After the outline is prepared, try to memorize only the major points, not details. Practice writing your outline from memory.
2. Prepare opening statements – A strong, well organized opening will impress your instructor and show that you have studied carefully. A good opening statement is really a summary statement of the major points you intend to discuss in your answer.

Taking the Essay Test

1. Outline all answers first – Since you have already prepared outlines, it will be easy to write the rough outline. If the question does not follow our prepared outline, you often quickly combine two or more of your outlines.
2. Write the answers – You will simply follow the topics on your outline. Begin with your prepared opening statement. If you forget a point, leave space for it and return later. Sloppy papers will distract a grader, so try to make your paper as neat as time will allow.
3. Review – Have you followed all the directions? Have you answered each question completely? During this time you should correct spelling and punctuation. As with objective exams you should use all the allotted time to fill in any last minute remembered points.

Writing Papers:

The objective of writing papers is to express in an organized way ideas you have learned. Organizing your thoughts is the key to writing a good paper.

Planning

1. Define your subject. Think carefully about the broad topic or subject you are to write about. Read and study all materials necessary to give you an understanding of the topic. Write down a brief description of your subject. This should be a statement defining the subject and what you plan to say about it. This will establish the limits of your paper.
2. Think about your topic until you are able to state clearly in one or two sentences the main ideas you want to write about. Many students fail at this point because they write aimlessly before they have figured out the major ideas they want to present.

Writing

1. Imagine you are writing your paper to someone who has no concept of what you are writing about. Each detail or new concept needs to be explained.
2. Limit the subject – Know the length of your paper before you begin to write. The presentation of each topic must be limited to the space allowed. A problem often encountered in student papers is that they are too general. Decide on two or three points you want to make and know approximately what you intend to say. An outline similar to an essay test outline will give structure to your paper and thoughts.
3. Support your ideas - All major ideas must be supported. Major positions must be substantiated with facts. It generally does not matter if your instructor agrees with your argument, as long as it can be substantiated with facts.
4. Identify facts and opinions in your paper – Students often fail to identify the differences between fact and opinion. This often leaves the reader confused. Present your facts clearly. The opinions that you state should be based on the facts you have presented.
5. Structure your paper – The organization or pattern of the paper should be clear to the reader. Unstructured writing is difficult to follow logically. Each paragraph is a thorough discussion of a main idea. When you are finished with that paragraph, move to the next major idea for development. The theme must flow.
6. Justify conclusions – Support your general conclusions with the evidence you have presented. The conclusion should be painfully clear. That which is obvious to you may not be obvious to the reader.

Editing

1. Your rough draft should be read and corrected after it is written. Time is needed to polish and correct errors you make.
2. Read your paper for its general effect – Read the paper aloud and listen to the sound of your arguments. Grammatical errors often sound wrong. Listen for the impact of your paper. Does the paper say what you originally intended to say?
3. Review sentence structure – Try to watch for incomplete thoughts and sentences. Each sentence should express a complete thought as briefly as possible.
4. Check punctuation – By reading your paper aloud, you can hear the natural pauses in the sentence. These pauses are where commas or periods belong.

5. Check pronouns – All pronouns like he, she, it, they, and him should be clear to the reader. Who is her? What does it refer to? Pronouns replace nouns. It must be clear which noun the pronoun is replacing.
6. Improve nouns and verbs – There is a tendency to use some nouns and verbs over and over again, making your paper dull. Try to replace these words with more specific or expressive substitutes. Your thesaurus is an excellent place to find them.
7. Add Adjectives – Sentences can often be improved by adding colorful adjectives. Again, your thesaurus is an excellent source to find them.
8. Use appropriate language – Be aware of the audience that will read your paper. For example, an opinion paper will require different language from a formal research paper.
9. Have other students read your paper – Another student reading your paper will often be able to find weak points you might have missed. Listen carefully to their questions about your paper and elaborate on the areas they present to you.

Student-Athlete Agreement & Understanding

I understand and agree that I am required to know, understand and follow the standards contained in the North Dakota State College of Science Department of Athletics Student-Athlete Code of Conduct. In addition, I understand and agree that I am responsible for knowing, understanding, and following the rules, policies, and procedures contained in the complete NDSCS Student Handbook.

Printed Name: _____

Signature of Student-Athlete: _____

Date: _____

Sport: _____

Appendix K:
NDSCS Sexual Misconduct Policy & NDSCS Title IX Compliance Policy

Title IX Compliance Policy

Source: NDSCS President

Applies to: All Employees and Students

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 his/her age or because of his/her 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.

- a. **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.

- i. *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.
- b. 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.
 - i. 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.
 - ii. No disciplinary sanctions or other actions which are not supportive measures may be imposed against any Party prior to the conclusion of the grievance process. Exceptions are Emergency Removal (section 1d) and Administrative Leave (section 1e).
- c. 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.
 - i. 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.
 - ii. NDSCS must maintain confidentiality with respect to supportive measures unless disclosure is required to implement the supportive measures.
 - iii. The Title IX Coordinator shall coordinate the effective implementation of supportive measures.
 - iv. Supportive measures may not restrict any Party's rights under the United States Constitution.
- d. 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.
 - i. 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.

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

4. Grievance Process.

a. Formal Complaint and Notice of Allegations.

- i. 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.
- ii. 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.

b. Advisors.

- i. 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.
- ii. 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.
- iii. 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.

- iv. 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.

c. Investigation.

- i. NDSCS is required to investigate every filed formal complaint unless the complaint is subject to dismissal, as outlined in Section D.
- ii. 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.
- iii. 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.
- iv. 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).
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. 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.

- x. 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.

d. Dismissal of the Complaint under Title IX.

i. 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.

ii. 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.

- iii. **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.

- e. 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.

f. Live Hearing.

- i. 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.

- ii. 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.
- iii. 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.
- iv. 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.
- v. *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.
- vi. *Cross-Examination*. If a Party or witness does not submit to cross-examination at the live hearing, the decision-maker must not rely on any statement of that Party or witness in reaching a determination regarding responsibility. Decision-makers may not draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence or refusal to answer cross-examination or other questions. There are no exceptions to this exclusion as there are in legal proceedings.
- vii. *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.
- viii. 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.

g. Determination Regarding Responsibility.

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.

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

9. Recordkeeping.

- a. NDSCS shall retain, for a period of seven years, records of:

- i. 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;
- ii. Any appeal and the result therefrom;
- iii. Any informal resolution and the result therefrom;
- iv. All materials used to train Title IX coordinators, investigators, and decision-makers;
- b. 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.

- a. 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.
- b. 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.
- c. The exercise of rights protected under the First Amendment does not constitute retaliation.
- d. 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.
- e. 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.

13. Effective Date. This Policy shall take effect on August 14, 2020. If the Final Rule on Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, published at 85 Fed. Reg. 30,026 *et seq.*, is enjoined, delayed, or invalidated, this Policy shall not take effect until such a time as the Final Rule goes into effect.

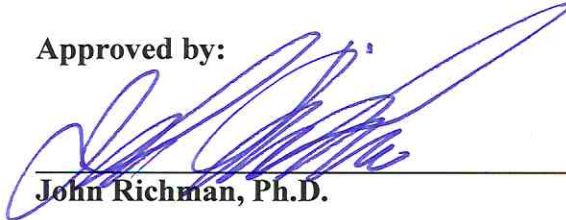
Where to obtain additional information:

Any questions regarding Title IX may be referred to:

Jane Vangsness Frisch, Ph.D.
Vice President for Student Affairs
Title IX Coordinator
Old Main, 340D
North Dakota State College of Science
800 Sixth St. North
Wahpeton, ND 58076-0002
Phone: 701 -671-2627
Email: Jane.Vangsness@ndscs.edu

U.S. Office for Civil Rights
Chicago Office (Local OCR office for North Dakota) U.S. Department of Education
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604 Telephone: 312-730-1560
FAX: 312-730-1576; TDD: 800-877-8339
Email: OCR.Chicago@ed.gov
Website: <http://www.ed.gov/ocr/>

Approved by:



John Richman, Ph.D.

08-13-2020

Date

Sexual Misconduct Policy

Source: NDSCS President

Applies to: All Employees and Students

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 (www.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:

Jane Vangsness Frisch, Ph.D.
Vice President for
Student Affairs/
Title IX Coordinator
Old Main, 340
(701) 671-2627
Jane.Vangsness@ndscs.edu

Melissa Johnson, M.S.
Executive Director of
Student and Residential Life
/Deputy Title IX
Coordinator Riley Hall, 130
(701) 671-2520
Melissa.J.Johnson.3@ndscs.edu

Sandi Gilbertson, M.A.
Executive Director of
Human Resources/ Deputy
Title IX Coordinator
Haverty Hall, 136
(701) 671-2904
Sandi.Gilbertson@ndscs.edu

a: Coverage/Jurisdiction

This policy governs the conduct of NDSCS students; faculty; staff; and third parties (i.e., non-members of the College community, such as vendors, alumni, visitors, or local residents). This policy applies to conduct that occurs on NDSCS property (i.e., on campus) and to conduct that occurs off College property when the conduct is associated with a NDSCS sponsored program or activity, such as travel, research, or internship programs or when such conduct may have a continuing adverse impact or could create a hostile environment. Coverage/jurisdiction will depend on the facts of each incident.

b: Support Available to Parties (and witnesses)

The Title IX Coordinator will be informed of all complaints or reports of violations of this policy and oversee the College's centralized response to ensure compliance with 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 see section

3b for more information; or

- A victim under the age of consent. (Note: the age of consent may vary depending on the ages of the individuals involved in the act and where the act occurs.)

c: Sexual Acts:

Sexual acts include, but are not limited to the following actions:

- Sexual intercourse;
- Sodomy (oral and/or anal);
- Sexual penetration with any object;
- Sexual touching of a person's intimate parts (genitalia, groin, breasts, buttocks, mouth or other bodily orifice or the clothing covering them); or
- Compelling a person to touch his or her own or another person's intimate parts.

d: Sexual Harassment

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; or
- Such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment.

e: Sexual Exploitation

Sexual Exploitation means taking sexual advantage of another person without consent. Examples include but are not limited to:

- Causing the incapacitation of another in order to take sexual advantage of the person;
- Distributing or publishing sexual information;
- Engaging in indecent exposure;
- Engaging in voyeurism (the viewing of another for sexual gratification);
- Invasion of sexual privacy;
- Knowingly exposing another to a STD/STI or HIV;
- Prostituting another person; or
- Recording, photographing, or relaying sexual sounds or images.

f: Stalking

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

g: Retaliation

Retaliation is any adverse action taken against a person because of their participation in a protected activity, alleging sexual misconduct, supporting a complainant or for assisting in providing information relevant to a claim of sexual misconduct. Retaliation can take many forms, including abuse or violence, threats, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working, academic or College-controlled living environment of an individual; or if

they hinder or prevent the individual from effectively carrying out their College responsibilities. Any individual or group of individuals can engage in retaliation and will be held accountable under this policy. Reports of retaliation shall be communicated to the Title IX Coordinator, Deputy Coordinator(s) or through the NDSCS concern page (www.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 & Counseling Services

Phone Number: 701-671-2286/2319, 701-298-4500 (after hours)

Address: Riley Hall, Room 113, - 800 6th St. N., Wahpeton, ND 58076

Website: www.ndscs.edu/counseling

NOTE: Disclosure to employees of NDSCS Health & Counseling Services will not initiate an investigation by the College against the student's wishes. These employees are required to report that an incident occurred without revealing any of the victim's

personally identifying information. In some circumstances, NDSCS Student Health Service is required by state law report cases involving physical trauma to law enforcement.

Three Rivers Crisis Center

Phone Number: 701-642-2115 (available 24 hours)
Address: 509 Dakota Ave., Suite B
Wahpeton, ND 58075

Someplace Safe

Phone Number: 218-643-3109
Address: 300 5th St. S,
Breckenridge, MN 56520

Rape and Abuse Crisis Center of Fargo-Moorhead

Phone Number: 701-293-7273 (available 24 hours)
Address: 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

413 3rd Avenue North Wahpeton, ND
701-642-7722 (in case of emergency, dial 911)

Fargo Police Department

222 4th Street N., Fargo, ND
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 www.NDSCS.edu/concern;
- File a complaint or report with the Title IX Coordinator;
- Request interim measures from the Title IX Coordinator;
- Contact Police for assistance in filing a criminal complaint and preserving physical evidence; and/or
- Contact local law enforcement to file a criminal complaint
- Contact any NDSCS Employee

An individual may pursue some or all of these steps at the same time. When initiating any of the above, an individual does not need to know whether they wish to request any particular course of action, nor how to label what happened. Before or during this decision-making process,

complainants and other reporting persons have the option to consult a confidential resource.

b: Filing a 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 www.ndscs.edu/concern or by contacting any NDSCS employee.

c: Anonymous Reporting

If a complainant self-identifies but asks to remain anonymous during the investigation, the Title IX Coordinator will consider how to proceed, taking into account the complainant's wishes, the College's commitment to provide a non-discriminatory environment, and the respondent's right to have specific notice of the allegations if the College were to take action that affects the respondent. In such circumstances, the Title IX Coordinator may arrange for limited information-finding by the investigator to better understand the context of the complaint.

If a complainant wishes to remain completely anonymous, complainant may use the NDSCS concern form at www.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.

e: Timeliness of Report

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the College's ability to respond promptly and effectively. Complaints and reports may be made at any time without regard to how much time has passed since the incident(s) in question.

If the respondent is no longer a student or employee at the time of the complaint or report, the College may not be able to take disciplinary action against the respondent, but it will still seek provide support for the complainant and taking steps to end the prohibited behavior, prevent its recurrence, and address its effects.

f: Amnesty

In order to encourage reports of conduct that is prohibited under this policy, students who experience sexual misconduct while under the influence of alcohol or other drugs, will not be subject to the Student Conduct process for the alcohol or other drug offense.

6. Process

NDSCS is committed to providing a prompt and impartial investigation of all alleged violations of this policy. During the investigative process, both parties (complainant(s) and respondent(s)) have equivalent rights, including the opportunity to present information, to be accompanied by an adviser of their choice, and to appeal the finding. The College will concurrently provide the parties with written notification of the outcome of the process and any appeal.

a: Responsibility to Investigate

In order to protect the safety of the College community, the Title IX Coordinator may investigate

allegations of violations of this policy even absent the filing of a formal complaint or report, or if a complaint or report has been withdrawn. The Title IX Coordinator may need to proceed with an investigation even if a complainant(s) specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the complainant's articulated concerns, the best interests of the College community, fairness to all individuals involved, and the College's obligations under Title IX.

b: Initial Assessment of Complaints

The inquiry/investigative process is initiated when the Title IX and/or a Deputy Title IX Coordinator receives a complaint or report of a violation of this policy. Interim measures, to provide for the safety and security of the College community, may be enacted. The Title IX Coordinator will conduct an initial review and may take any of the following actions:

- If the Title IX Coordinator determines that the complaint is outside the scope of this policy, the Title IX Coordinator may refer the complaint to another office/resources for review.
- If the Title IX Coordinator determines that the complaint or report would, if substantiated, constitute a violation of the NDSCS Sexual Misconduct 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 (Section 6c) 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, complainants(s) and respondent(s) the Final Investigative Report, which could include any evidence, interviews, other artifacts, and responses/questions from all parties

The Title IX Coordinator will provide the Final Investigative Report and any supporting information to the Executive Director of Student and Residential Life and/or the Executive Director of Human Resources and/or trained designee for appropriate follow-up, adjudication,

and/or hearing(s). These processes are stepped out in the NDSCS Student Guide to Rights and Responsibilities: A code of conduct and NDUS Human Resource Policy Manual

b: NDSCS Contact with Parties During Investigation

Throughout the investigation process, both parties will receive regular updates regarding the case. The Final Investigative Report will be provided to complainant(s) and respondents(s) for review.

c: Hearing Procedure for Potential Student Suspension and Expulsion Cases

Refer to Student Guide to Rights and Responsibilities: A Student Code of Conduct Section VI

d: Sanctions

The case will be forwarded to the Executive Director of Human Resources and/or the Executive Director of Student and Residential Life for appropriate follow-up, adjudication, and/or hearing(s)

If a party is found responsible for violating College policy the Executive Director of Human Resources and/or the Executive Director of Student and Residential Life will assign appropriate sanctions and retain records in accordance with protocols for all other disciplinary cases. In all cases, the case file will also be archived by the Title IX Coordinator.

Possible sanctions can be found in the Student Guide to Rights and Responsibilities: A Student Code of Conduct and/or in the NDUS Human Resource Policy Manual.

e: Student Enrollment and Residence Status

The effective date of the sanction(s) is the date of the Report. However, the sanction(s) may be temporarily stayed, pending the appeal filing, deadline or resolution of any filed appeal. Pending an appeal, the respondent may be permitted to remain in College housing, attend classes, and make use of some or all College facilities, except for circumstances where interim measures prohibit this ability, or the ability of the College to carry out its essential functions. Certain restrictions may be imposed in order to provide an educational environment free from discrimination under Title IX.

Pending the outcome of an investigation and/or appeal, process an administrative hold may be placed on respondent(s) and/or complainant(s) college transcript.

f: Disciplinary Procedures Where One Party is a Member of the College Community and the Other Party is a Non-Member of the College Community

When a non-member of the College community is involved as a complainant(s) or a respondent(s), the College will use disciplinary procedures that are generally consistent with the disciplinary procedures as outlined in this policy.

Modifications may be made to allow for privacy requirements. In no case will a member of the College community (i.e., current student, faculty or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the College community.

8. Documenting Complaints/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 Jane Vangsness Frisch, NDSCS Title IX Coordinator, at (701) 671-2627 via e-mail at Jane.Vangsness@ndscs.edu or the NDSCS Student Advocate, at (701) 671-2541 via e-mail NDSCS.StudentAdvocate@ndscs.edu.

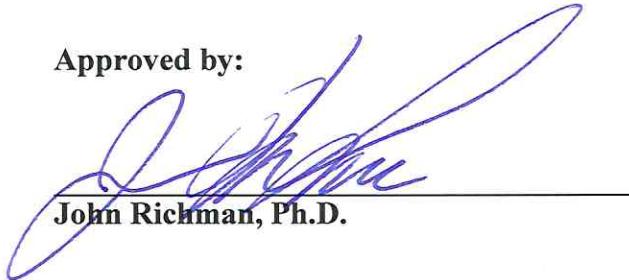
Where to obtain additional information:

Any questions regarding Sexual Misconduct may be referred to:

Jane Vangsness Frisch, Ph.D.
Vice President for Student Affairs
Title IX Coordinator
Old Main, 340D
North Dakota State College of Science
800 Sixth St. North
Wahpeton, ND 58076-0002
Phone: 701 -671-2627
Email: Jane.Vangsness@ndscs.edu

U.S. Office for Civil Rights
Chicago Office (Local OCR office for North Dakota) U.S. Department of Education
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604 Telephone: 312-730-1560
FAX: 312-730-1576; TDD: 800-877-8339
Email: OCR.Chicago@ed.gov
Website: <http://www.ed.gov/ocr/>

Approved by:



John Richman, Ph.D.

08-13-2020
Date

Appendix L:
NDSCS Family Matters: Talking to Your Student about Alcohol, Cannabis, and Vaping Brochure





Family Matters:
Talking to Your Student About
**ALCOHOL, CANNABIS
& VAPING**



NDSCS ATOD PREVENTION TEAM

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

PARENT'S INFLUENCE

- Talk with your student about NDSCS Policy and city/state laws. When students violate the NDSCS Alcohol, Tobacco, and Other Drugs Policy, consequences vary from a \$250 fine to suspension. Education also accompanies monetary sanctions.
- Model appropriate behavior with your own use.
 - Research indicates late adolescents who have seen one or both parents drunk are more than twice as likely to get drunk in a typical month.¹³
- Minimize Risk. Although any amount of alcohol or other drugs carries at least a moderate risk, some ways to minimize risk and model appropriate use of alcohol include:
 - Never driving after drinking or any drug use;
 - Educate yourself and your student about standard drink sizes for beer, liquor, and wine;
 - Spacing drinks to no more than one standard drink per hour;
 - Never mixing alcohol with prescriptions, OTC medications, cannabis, or other drugs;
 - Not exceeding a blood alcohol concentration (BAC) of .05.
- Continuously check in with your student regarding their use – this will need to be an ongoing conversation topic.
- Indicate your willingness to answer your students' questions or offer to help them find assistance/resources if needed.
- Encourage involvement as students who volunteer or get involved in their community are less likely to misuse alcohol and other drugs. Offer to help your student find healthy alternatives and stay informed of College events, such as:
 - **Follow NDSCS Student Life**
 -  /NDSCS Student Life
 -  @NDSCS_StLife
 -  @NDSCS.StudentLife
 -  NDSCSStudentLif
 - **Student Activities**
NDSCS.edu/Events
 - **Wildcat Athletics**
NDSCSWildcats.com
 - **Community Resources**
NDSCS.edu/Volunteer

HOW DO I KNOW IF IT IS MISUSE?

Various behaviors could indicate that your student may have developed a serious drinking or drug problem. Indications that help is needed may include:

- Declining school performance/drop in grades
- Abrupt changes in friends
- Abnormal health issues or sleeping habits
- Deteriorating relationships with family/close friends
- Less openness and honesty
- Incidents resulting from a high BAC or other drug related experience

¹³ The National Center on Addiction and Substance Abuse (CASA) at Columbia University. (2009). *National Survey of American Attitudes on Substance Abuse XIV: Teens and Parents*. New York: The National Center on Addiction and Substance Abuse (CASA) at Columbia University. Available at www.centeronaddiction.org/addiction-research/reports/national-survey-american-attitudes-substance-abuse-teens-parents-2009.

ALCOHOL USE

As your student begins this new chapter in their lives, we know that decisions about alcohol and other drugs are something that every student will face. NDSCS cares about student drinking and we appreciate your involvement and support on this important issue.

About 44.1% of NDSCS students haven't used alcohol in the past 30 days and for those that do make the choice to use alcohol, the average number of drinks per week is 2.71.¹ If you were surprised by this data, you are not alone. Perceptions of use vary by age group and college students consistently over-estimate how much – and how often – their peers are using alcohol. Peer influence, culture, TV shows/movies about college students, family pressures/influence, and social media can all impact student's perceptions of use.

68.8%

of NDSCS students reported that their parents have talked with them about their expectations regarding alcohol use.¹

ALCOHOL: THE RISKS YOU SHOULD KNOW

Underage drinking may impact student success.

- Research continues to illustrate that alcohol negatively impacts student success in college – specifically with lower graduation rates, missed classes, and career implications.
- About **1 in 4 college students** report academic consequences from drinking, including missing and/or falling behind in class, doing poorly on exams or papers and receiving lower grades overall.

Underage drinking poses a range of risks and negative consequences.

- **Interferes with brain development.** Research shows that young people's brains keep developing well into their twenties. Alcohol can alter this development, negatively impacting brain structure and function. This may cause cognitive or learning problems and/or make the brain more prone to alcohol dependence. This is especially a risk when people start drinking heavily at a young age.
- **Impairs judgment.** Drinking can lead to poor decisions about engaging in risky behavior, including drinking and driving, sexual activity (such as unprotected sex) and aggressive or violent behavior.²
- **Increases the risk of physical and sexual assault.** Underage youth who drink are more likely to carry out or be the victim of a physical or sexual assault after drinking than others their age who do not drink.²
- **Alcohol dependence.** Youth who begin using addictive substances like alcohol before the age of 15 are nearly seven times more likely to develop a substance problem, compared with those who delay first use until age 21 or older.

¹ ND University System. (2019). 2018 North Dakota Student Wellness and Perception Survey NDSCS Institutional Report. Bismarck, N.D.: ND Higher Education Consortium for Substance Abuse Prevention.

² National Institute on Alcohol Abuse and Alcoholism (NIAAA). Underage Drinking. January 2016. Available at <https://pubs.niaaa.nih.gov/publications/UnderageDrinking/UnderageFact.htm>

³ Wechsler, H.; Dowdall, G.W.; Maenner, G.; et al. Changes in binge drinking and related problems among American college students between 1993 and 1997: Results of the Harvard School of Public Health College Alcohol Study. *Journal of American College Health* 47(2):57-68, 1998. PMID: 9782661 www.tandfonline.com/doi/pdf/10.1080/07448489809595621

⁴ Center on Addiction. Teen Substance Use. 2018. Available at www.centeronaddiction.org/addiction-prevention/teenage-addiction

CANNABIS USE

Cannabis, also referred to as marijuana, is a mind-altering drug made from the dried hemp plant *Cannabis*. It can be consumed in a variety of ways – such as edibles, oils, vaping, and smoking.

About 12% of NDSCS students reported smoking cannabis in the last 30 days and 19.1% of NDSCS students have used cannabis in the past year.¹ It is important to have discussions with your student to ensure they understand what cannabis is and the risks associated with use.

CANNABIS: THE RISKS YOU SHOULD KNOW

- Any drug – including cannabis – in any form is not safe for a child's brain development. The brain is not fully developed until a person's mid-20s. Use before this age increases chances of dependency on a drug. Other risks include, but are not limited to:
 - Issues with **attention, concentration, problem-solving, learning, and memory**, which could cause poor academic or future job performance;
 - **Lack of balance and coordination**, which could increase risk of injuries when playing sports or driving; and/or
 - **Poor judgment and decision making**,⁵ such as having unprotected sex or impaired driving.

DID YOU KNOW?

- Cannabis Concentrates, also referred to as marijuana extracts, contain extraordinarily high THC levels ranging from 40-80 percent or higher THC amounts.
 - Using an electronic vaporizer to ingest cannabis concentrates is commonly referred to as “dabbing.” Using a dab pen is preferred for some because it is odorless and easy to hide.
 - Cannabis potency levels have been increasing since the 1970s. Concentrates can be up to four times stronger in THC content than high grade cannabis, which normally measures around 20 percent THC levels.⁶

IS CANNABIS USE ADDICTIVE?

Cannabis use can impact your student despite it being thought of as a “natural” substance. Increasing potency levels is a concern and may lead to a substance use disorder. Research indicates that trying cannabis from a young age increases the likelihood of problems with cannabis later in life.⁷

Estimates from research suggest that about 9 percent of users become addicted to cannabis. This number increases among those who start young (to about 17 percent, or 1 in 6) and among daily users (25-50 percent).⁸

⁵ Crane, N.A., Schuster, R.M., Mermelstein, R.J., Gonzalez, R. (2015). Neuropsychological sex differences associated with age of initiated use among young adult Cannabis users. *J. Clin. Exp. Neuropsychol.*

⁶ Just Think Twice. *The Facts About Marijuana Concentrates*. (n.d.). Retrieved from www.justthinktwice.gov/facts-about-marijuana-concentrates.

⁷ National Academies of Sciences, Engineering, and Medicine. (2017). *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research*. Washington, DC: The National Academies Press.

⁸ Hall, W., Degenhardt, L. (2009). Adverse health effects of non-medical cannabis use. *Lancet*; 374:1383-91.

VAPING

Electronic smoking devices, also known as e-cigarettes or “vapes”, are battery operated devices that heat a liquid to a boiling point into an aerosol used by the inhaler. The liquid usually contains nicotine, flavorings, and other additives. When used, the brain releases adrenaline that creates a “buzz” of pleasure and energy. E-cigarettes are now the most commonly used nicotine product among youth.

At NDSCS, about 23% of NDSCS students have vaped in the last 30 days and 26.6% have vaped in the last year. Of those that reported use, 52.8% first used at the age of 18-20 years old.¹

VAPING: THE RISKS YOU SHOULD KNOW

- **The aerosol emitted when using an electronic smoking device can also contain other harmful substances**, including heavy metals such as lead, volatile organic compounds, and cancer-causing agents. The aerosol also contains ultra fine particles that can be inhaled deep into the lungs as well as concerning flavorings, such as diacetyl, which is a chemical linked to serious lung disease.⁹
- **E-cigarettes harm brain development.** E-cigarettes typically deliver nicotine, a harmful drug to the youth brain and body. Teens are particularly vulnerable to the effects of nicotine since the brain is still developing until young adulthood.¹⁰
 - Research indicates that the nicotine in e-cigarettes and other tobacco products can also prime young brains for addiction to other drugs.¹¹
 - Additionally, nicotine may affect:
 - ◆ teens' behavior, concentration, memory, and ability to learn;
 - ◆ increases risk of low-impulse control; and
 - ◆ there is a strong relationship between youth smoking and depression, anxiety, and stress.⁹
- **E-cigarettes are not safer than smoking cigarettes or forms of smokeless tobacco.** Regular cigarettes are unsafe, killing half of all people who smoke long-term.⁹ However, youth use of tobacco products in any form is unsafe. More research is needed to fully understand their overall impact on health.
- **E-cigarettes are a health and safety hazard.** Defective e-cigarette batteries have been known to cause fires and explosions, some of which have resulted in serious injuries. Most of the explosions happened when the e-cigarette batteries were being charged.¹¹

⁹ Centers for Disease Control and Prevention (CDC). (2018). *Electronic cigarettes. Smoking & Tobacco Use*. Retrieved from www.cdc.gov/tobacco/basic_information/ecigarettes/index.htm

¹⁰ U.S. Department of Health and Human Services (HHS). (2016). *E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. Retrieved from https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Full_Report_508.pdf

¹¹ HHS. (2016). *Fact sheet. E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General*. Retrieved from https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Fact_Sheet_508.pdf

TAKING ACTION

It's never too early – or too late – to talk with your student about your expectations regarding alcohol, cannabis, vaping, and other drug use and the risks associated. Research suggests that one of the most influential factors for children is a strong, open relationship with a parent.¹²

IN FACT...

80%

of **NDSCS students** say that their **parent's expectations or rules** about limiting or controlling **alcohol use** is effective¹

78.2%

of **NDSCS students** say that their **parent's expectations or rules** about limiting or controlling **vaping/ electronic cigarette use** is effective¹

82.7%

of **NDSCS students** say that their **parent's expectations or rules** about limiting or controlling **cannabis use** is effective¹

¹² National Scientific Council on the Developing Child. (2004). Young children develop in an environment of relationships. Working Paper No. 1.

If you have a concern about your student, please feel free to contact the NDSCS Alcohol, Tobacco, or Other Drugs Prevention Office or Counseling Services at 701-671-2286. NDSCS Counseling Services can provide free and confidential counseling or can help with making a referral.

Please go to [NDSCS.edu/Counseling](https://www.ndscs.edu/Counseling) for more information.

ADDITIONAL RESOURCES

NDSCS Prevention

For more information about alcohol and other drug use prevention, visit our website at [NDSCS.edu/Alcoholinfo](https://www.ndscs.edu/Alcoholinfo).

PARENTS LEAD

For more information about talking to your college-age student about alcohol, visit ParentsLead.org

PARENTS LEAD

FirstLink 2-1-1 Helpline

MyFirstLink.org/Services/2-1-1-Helpline

North Dakota Prevention

Prevention.ND.gov

Appendix M:
NDSCS Memorandum of Understanding: Campus Activities Board (CAB) &
ATOD Prevention Team



Memorandum of Understanding

Campus Activities Board (CAB) and the Alcohol, Tobacco, and Other Drugs (ATOD) Prevention Team

Purpose

Campus Activities Board (CAB) and Alcohol, Tobacco and Other Drugs (ATOD) have partnered to provide alcohol-free late night events on high-risk nights to deter alcohol misuse. Research indicates that students who spend more time engaged in alcohol free activities report less alcohol use (Weitzman and Kawachi, 2000). This collaboration has been successful in the past and in an effort to continue this collaboration, this MOU was developed to foster continued partnership. Late-night alcohol free programming, when part of a more comprehensive AOD prevention program, is promising in reducing high-risk drinking and student alcohol related events (DeJong and Langford, 2002).

This Memorandum of Understanding (MOU) between CAB and ATOD sets forth the event guidelines and contribution of funds to support late night events.

Student Involvement

The Wildcats After Dark Events (WADE) Coordinator (see attached position description), together with CAB members, choose, plan and implement events of interest to students, that also follow the Late Night Event Guidelines.

The WADE Coordinator will serve on the ATOD Prevention Team and report on events, attendance, and provide periodic budget updates.

Funding

ATOD will provide \$10,000 annually to CAB to support this initiative.

Duration

This MOU may be reconsidered and edited at any time provided that all parties are in agreement. At a minimum, the memo will be renewed annually prior to May 1.

Contact Information

Bethany Mauch, 701-671-2124
ATOD Specialist

Kerri Kava, 701-671-2109
Assistant Director for Student Life

 Date: 2-21-20
Bethany Mauch, Chair, ATOD Prevention Team

 Date: 2-21-20
Kerri Kava, Assistant Director for Student Life