



North Dakota State College of Science
Drug-Free Schools and Campuses Regulations [EDGAR Part 86]
Biennial Review: 2020-2022

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December 2022

**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. Rod Flanigan
Typed Name of President

45-6002451
IRS Employer Identification Number



Signature of the President

701.671.2221
Telephone Number

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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 2020-2022. Specifically, it is the fall 2020 semester through the summer of 2022. It was the goal of the NDSCS Alcohol, Tobacco, and Other Drug Prevention Team and the Student Wellness and Advocacy Department 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. Bethany Mauch, Wellness Coordinator: The full-time coordinator includes 55%-time allocation for direct involvement in holistic wellness educational programs 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 representing NDSCS on the ND Higher Education Consortium for Substance Abuse Prevention, carrying out ATOD-related research, updating the College AOD & Tobacco policies, facilitating presentations to large and small groups of students, promoting prevention and wellness education messaging, assisting in creating substance-free programs and activities, and other prevention activities as needed.
- b. 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 2020-2022

Bethany Mauch
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Wellness Coordinator
NDSCS Student Health and Counseling
Riley Hall 107 | 701.671.2124
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Instructor, Diesel Technology
Bisek Hall 165 | 701.671.2562

Tessa Johnson
Richland County Health Department
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 2020-2022 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, Wellness Coordinator
Riley Hall 107
800 Sixth St. N
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 2020-2021 and 2021-2022, 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 Student Wellness and Advocacy Department each semester. This e-mail contains the full text of the NDSCS Alcohol and Drug Policy. This e-mail is sent out in 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, Wellness Coordinator (see Appendix A).
 1. September 1, 2020; January 15, 2021; June 10, 2021; July 9, 2021
 2. September 3, 2021; January 12, 2022; June 7, 2022; July 11, 2022

IV. Alcohol and Other Drug Assessment Efforts

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

- a. Every two years, the North Dakota University System (NDUS) deploys a systemwide survey to capture the impact of alcohol, tobacco, and other drugs on the experiences of students. In 2018, the NDUS stepped away from the CORE Survey format, which had been in place for years, and developed the NDSWAPS: The North Dakota Student Wellness and Perceptions Survey. This comprehensive yet succinct survey tool provided information in all areas of substance misuse, wellness, perceptions of substance use of peers, sexual assault, suicidality, and mental health. Again in 2020, the Systemwide NDSWAPS went to all students.
- b. In 2021, one of the NDUS campuses discovered anomalies in the 2020 data. Upon further inspection in 2022, incongruencies were evident in the 2018 data. From there, the NDUS hired a new researcher to dive into the concerns and find the sources of the issues. After more digging, the researcher was able to identify more concerns that resulted in filing adverse event reports with the Institutional Research Boards at all eleven campuses for both the 2018 and 2020 surveys.
- c. The NDUS is in the process of working with the new research team to correct the data in those reports and to forge ahead with a new survey tool in 2023. Currently, we are not able to share any of the 2018 or 2020 NDSWAPS findings, as the reports are not correct or reliable. We plan to enroll the ACHA/NCHA survey tool in the Fall of 2023 and have fresh data for the 2024 Biennial Review.

B. Presentations and Collaborations

O'Regan, W., **Mauch, B.**, Lucey, R. (Host). (2021, October). *Prevention Profiles: Take Five* [Audio podcast]. Retrieved from https://www.campusdrugprevention.gov/podcast/prevention-profiles-take-five-bethany-mauch-north-dakota-state-college-science-and-dr?utm_medium=email&utm_source=govdelivery

Mauch, B., Kava, K. (2021, January). *That's a Wrap! Enhancing AOD Prevention and Education Through Creative Video Marketing*. Virtual presentation at the NASPA Strategies Alcohol, Other Drug Abuse and Violence Prevention Conference.

Mauch, B., Sherven, A. (2020, October). *That's a Wrap! Enhancing AOD Prevention and*

Education Through Creative Video Marketing. Webinar presentation delivered as online professional development session for Washington State College Coalition for Substance Abuse Prevention moderated by J.R. Kilmer, Seattle, WA.

V. AOD Policy, Enforcement & Compliance Inventory

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 and the Student Wellness and Advocacy Department 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 D.
 2. See Appendix B for the NDSCS Student & Employee Alcohol and Other Drug Policy.
 3. See Appendix E for the NDSCS 2022 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://www.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 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://www.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 H 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 based on 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 I.

C. Methods used for general enforcement

a. NDSCS Campus Police

i. The NDSCS Police staff have full arrest powers and are licensed by the State of North Dakota. The NDSCS Police, in conjunction with the Wahpeton Police Department provide vehicle patrol 24 hours a day year-round. NDSCS Police report violations of campus regulations and enforce city and state laws. Initial criminal reports, investigations and most cases are developed for prosecution. All criminal reports taken by the NDSCS Police are filed through the Wahpeton Police Department. The Wahpeton Police Department regularly shares information with the NDSCS Police, regarding incidents occurring in the area surrounding the campus. The NDSCS Police are armed and maintain radio contact with the Wahpeton Police department through the Richland County Central Dispatch Center.

ii. Student Security

1. Student Security (student employees under the supervision of NDSCS Police) assist NDSCS Police during the evening hours on the Wahpeton campus by checking exterior doors, vehicles parked in lots, and providing escort service to persons requesting it. NDSCS Police, or Student Security, lock campus buildings each evening. In addition, checks on exterior doors and interior public areas of buildings, as well as the campus grounds, are completed nightly.

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

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

c. NDSCS Resident Directors

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

d. NDSCS Resident Assistants

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

C. NDSCS Drug and Alcohol related incidents

- a. The number of disciplinary cases handled by Residential Life involving alcohol and other drugs has remained consistent based on the 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.

LIQUOR, DRUG, WEAPONS LAW ARRESTS (NDSCS WAHPETON)					
Crime Reported	Year	On Campus Property	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Liquor Law*	2021	0	0	0	0
	2020	8	4	0	0
	2019	2	1	0	3
Drug Law*	2021	0	0	0	0
	2020	1	0	0	4
	2019	10	5	0	0
Illegal Weapons Possession	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0

LIQUOR, DRUG, WEAPONS LAW DISCIPLINARY REFFERALS (NDSCS WAHPETON)					
Crime Reported	Year	On Campus Property	Campus Residential Facilities	Non-Campus Building or Property	Public Property
Liquor Law*	2021	93	90	0	0
	2020	140	140	0	0
	2019	136	129	0	0
Drug Law*	2021	1	1	0	0
	2020	9	8	0	13
	2019	14	7	0	0
Illegal Weapons Possession	2021	0	0	0	0
	2020	1	1	0	0
	2019	8	7	0	0

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. Minutes from all NDSCS ATOD Prevention Team meetings are available by request from the Wellness Coordinator.
- b. The group, which was chaired by Bethany Mauch, Wellness Coordinator, 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) Team 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 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.

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 (and/or designated professional staff) 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 J) 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 Wellness Coordinator facilitates presentations 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; Mental Health Awareness for College Students; Alcohol 101; Tobacco 101; Marijuana 101; Sexual Assault & Violence; Upstander Training; Safe Zone 101; and Working Alcohol and Drug Free.
 1. 2020-2021: total of 16 presentations were provided
 2. 2021-2022: total of 12 presentations were provided
 3. Fall 2022: 16 presentations were provided
- f. The Live Your Best Life Campaign was launched in the spring of 2018. 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.edu/videobuzz) 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 NDSCS Mental Health 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 Mental Health 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. 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.
- l. 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 Wellness Coordinator 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 Wellness and Advocacy Department 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 and receive a \$250.00 fine.

- iii. A typical third violation includes a fine as well as referred to BASICS (Brief Alcohol Screening for College Students.) Students who were cited/documentated in high-risk circumstances can be sanctioned for any of the three intervention programs.
 - iv. Usually for a first violation involving marijuana, students will be required to complete eCHECKUP TO GO (eToke) and participate in a brief intervention program along with a \$250.00 fine.
 - 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 Wellness Coordinator. A \$250.00 fine is also assessed.
- 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 needs 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, Southeast 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 Wellness Coordinator facilitate presentations 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 Team.
- 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. Wildcat Ambassadors help foster a community for NDSCS students, faculty and staff while serving as a resource and familiar contact for visitors who come to campus for both NDSCS sponsored and non-NDSCS sponsored events.
- k. Student Senate members represent and serve the student body to enhance students' college experience through the empowerment of all students. The Senate's responsibilities include chartering student clubs, awarding discretionary funding to

student clubs and organizations, assisting with funding and hosting student programs and events, and representing student interests across campus.

- i. Student Senate Responsibilities:
 1. Meet weekly during the academic year to discuss College updates and weigh in on important decisions regarding students and the institution.
 2. Participate and serve on a variety of NDSCS and Student Senate committees that can improve the student experience such as Parking Committee, Diversity and Equity Team, and more.
 3. Plan 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.)
1. 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. Due to the Covid-19 pandemic, RBST was postponed in the spring of 2020. Due to

turnover in the Richland County Health Department, RBST has not been provided from 2020-2022 but is being reevaluated for future implementation.

- 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 2020 Biennial Review report, the following recommendations were made for the current 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.
- b. Achievement:
- i. In the spring of 2022, NDSCS went through an organizational transition into a framework where health needs are viewed holistically. Initially, the Alcohol, Tobacco, and Other Drugs Prevention Team was devoted to addressing the misuse of alcohol and drugs on campus and in the community with a primary focus on alcohol and other drugs. Alcohol and other drug use prevention programs are continuing being offered through the Student Wellness and Advocacy (SWA) Department (formally the Student Health and Counseling Department). The SWA strives to support all aspects of student well-being and is in the process of developing a strategic plan to work towards its vision of a College and community free from high-risk alcohol, tobacco, and other drug use, and a culture of holistic wellness where all community members are empowered to advance well-being in order to meet the goals of NDSCS as a campus community of well-being for students, faculty, staff, families, visitors and alumni.

VIII. NDSCS ATOD Prevention Program Strengths and Weaknesses

- a. Based on the review of the past two years by the ATOD Prevention Team and the Student Wellness and Advocacy Department, 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: 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, extensive educational

outreach to the College community, and staff dedicated to substance use prevention.

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. Lack of available evidence-based prevention strategies related to cannabis use as well as lack of research regarding cannabis concentrates.
 9. Increasing trends of vaping and e-cigarettes at NDSCS and nationally and the perceived risk associated with these products.
- iii. Recommendations for NDSCS Alcohol and Other Drug Prevention Program. 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 2022-2024. The following program recommendations have been identified, and progress on these recommendations will be reported within the 2024 Biennial Review:
1. Recommendation 1:
 - a. The NDSCS Student Wellness and Advocacy office will need to secure additional funding for staff and programming efforts.
 2. Recommendation 2:
 - a. The NDSCS Student Wellness and Advocacy office will need to work closely with the NDUS and NDHECSAP to implement the ACHA NCHA survey in 2023.
 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 and Other Drug Policy E-mail sent to students and employees

Subject: NDSCS Alcohol, Tobacco, and Other Drug Policy

Date: Wednesday, June 8, 2022 at 9:39:07 AM Central Daylight Time

From: All NDSCS students taking academic classes (except Early Entry) on behalf of NDSCS Prevention

To: NDSCS-ALL-STUDENTS@LISTSERV.NODAK.EDU

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, 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 Student Health & Wellness 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 & Wellness](#) 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, Wellness Coordinator 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 Wellness Coordinator 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)

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The NDSCS-ALL-STUDENTS list includes ALL individuals currently enrolled in classes at North Dakota State College of Science. This list is an essential communication tool between students and the college.

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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.
- "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 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: NDSCS Alcohol and Other Drug Policy Distribution and Rationale



Alcohol and Other Drug Policy Distribution Rationale and Plan for FY 2020-2021 and 2021-2022

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.

2020-2021 Distribution Timeline:

September 1, 2020

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

January 15, 2021

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

June 10, 2021

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

July 9, 2021

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

2021-2022 Distribution Timeline:

September 3, 2021

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

January 12, 2022

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, 2022

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

July 11, 2022

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: 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 2022

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

If yes, where is it located?

- Office of the President – Haverty Hall, Room 151
- Office of Student Health and Wellness: Alcohol and Other Drugs Prevention Program– Riley Hall, Room 107
- Office of the Campus Judicial Officer – Riley Hall, Room 130
- 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; 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, Wellness Coordinator, 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 can 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 and 2020, 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 periodically serve on various teams throughout the academic year that involve wellness, diversity and equity, and other student success issues. This serves as informal focus groups.

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, Wellness Coordinator, Student Health & Wellness Department

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

12. Where is the biennial review documentation located?

Name: Bethany Mauch
Title: Wellness Coordinator
Department: Student Health & Wellness, Student Affairs Division
Phone: 701-671-2124
Email: Bethany.Mauch@ndscs.edu

13. Comments or clarifications on any above items:

Appendix E: 2022 NDSCS Annual Security Report & Fire Safety Report

2022

Annual Security Report & Fire Safety Report



ANNUAL SECURITY REPORT & FIRE SAFETY REPORT SEPTEMBER 29, 2022

THE CLERY ACT

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

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

CLERY ACT COMPLIANCE

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

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

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

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

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

COLLEGE SAFETY

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

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

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

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

NDSCS POLICE DEPARTMENT

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

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

The NDSCS Police Department maintains a cooperative relationship with other local, county, and state police agencies. This cooperation includes multi-jurisdictional investigations of alleged crimes, special events coordination, and joint training programs. Local law

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

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

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

NDSCS Police Jurisdiction

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

Fargo Location

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

ACCURATE AND TIMELY CRIME/EMERGENCY REPORTING

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

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

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

WAHPETON

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

NDSCS.edu/Concern

FARGO

Fargo Police 701.241.1310
NDSU Police 701.231.7759

NDSCS.edu/Concern

SEXUAL OR RELATIONSHIP VIOLENCE

Title IX Coordinator

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

Deputy Title IX Coordinator

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

STUDENT HEALTH AND WELLNESS DEPARTMENT (SHWD)

College Nurse 701.671.2286

Personal Counselor 701.671.2286

NDSCS.edu/Wellness

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

COLLEGE RESPONSE TO REPORTS

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

CAMPUS SECURITY AUTHORITIES

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

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

NDSCS designated CSAs include:

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

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

VOLUNTARY CONFIDENTIAL REPORTING PROCEDURES

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

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

NDSCS does not employ College pastoral counselors.

ANONYMOUS REPORTING

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

DISCLOSURE OF REPORTED INCIDENTS

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

CRIME OCCURRING OFF COLLEGE PROPERTY

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

DISCLOSURE OF DISCIPLINARY RESULTS FOR VIOLENT CRIME

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

SECURITY OF AND ACCESS TO COLLEGE FACILITIES

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

ACADEMIC AND ADMINISTRATIVE FACILITIES

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

Residential Living Facilities

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

Break Housing

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

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

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

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

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

Residential Facility Guests

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

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

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

MAINTENANCE OF COLLEGE FACILITIES

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

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

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

CRIME PREVENTION AND SAFETY

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

Campus Safety Escort

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

COLLEGE STUDENT CONDUCT PROCEDURES

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

STUDENT ORGANIZATIONS OFF COLLEGE PROPERTY

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

SAFETY EDUCATION

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

NDSCS POLICE TRAINING

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

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

RESIDENTIAL LIFE STAFF TRAINING

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

WEAPONS/FIREARMS/EXPLOSIVES POLICY

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

- Firearms and weapons include, but are not limited to, airsoft guns, BB guns, dart guns, handguns, paint ball guns, gel guns, pellet guns, rifles, shotguns, stun guns or similar devices designed to deliver an electric shock,

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

- Explosives include, but are not limited to, bombs, explosives, fireworks, live ammunition, and other incendiary devices. Incendiary devices are defined as any flammable substance enclosed in a readily breakable container that can be equipped with an igniter of any type.
- Any object may be considered a weapon when used to inflict or threaten infliction of bodily injury or property damage.
- Throwing or casting any object into, upon, or against any building, structure, motor vehicle or at any person is prohibited.

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

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

MISSING STUDENTS

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

Designating a Contact Person

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

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

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

Missing Student Notification Procedures

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

Additional Conditions for Minors

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

EMERGENCY MEDICAL RESPONSE PROCEDURES

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

EMERGENCY RESPONSE PROCEDURES

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

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

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

CRIME PREVENTION, FIRE SAFETY, AND SAFETY AWARENESS PROGRAMMING

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

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

Crime Prevention Programming

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

Alcohol, Tobacco and Other Drug (ATOD) Prevention Programs

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

Sexual Misconduct Educational Programs

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

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

Sexual Misconduct Risk Reduction Tips

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

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

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

Safe Zone

Safe Zone is a program designed to:

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

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

Bystander/Upstander Intervention

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

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

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



COMMUNICATION ABOUT COLLEGE CRIME

TIMELY WARNING NOTICES

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

Initiating Timely Warning Notices

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

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

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

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

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

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

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

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

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

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

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

Warning Content

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

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

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

Notification Methods

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

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

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

PUBLIC SAFETY BULLETIN

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

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

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

CRIME INFORMATION AND STATISTICS

Daily Crime and Fire Log

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

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

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

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

Preparation of Annual Statistics & Clery Compliance

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

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

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

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

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

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

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

Specific Information about Classifying Crime Statistics

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

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

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

Clery Act Geography Definitions

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

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

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

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

UNFOUNDED CRIMES

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

CRIMINAL OFFENSES (NDSCS WAHPETON)

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

HATE CRIME OFFENSES (NDSCS WAHPETON)

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

VIOLENCE AGAINST WOMEN OFFENSES (NDSCS WAHPETON)

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

LIQUOR, DRUG, WEAPONS LAW ARRESTS (NDSCS WAHPETON)

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

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

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

UNFOUNDED CRIMES (NDSCS WAHPETON)

Year	Total Unfounded Crimes
2021	1
2020	2
2019	1

*All drug law violations arrests or non arrests are referred to the Student Conduct Process, therefore, they are not counted in both categories of arrest and referral. All alcohol arrests are also referred and therefore not counted in both categories.

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

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

CRIMINAL OFFENSES (NDSCS-FARGO)

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

HATE CRIME OFFENSES (NDSCS-FARGO)

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

VIOLENCE AGAINST WOMEN OFFENSES (NDSCS-FARGO)

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

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

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

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

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

UNFOUNDED CRIMES (NDSCS-FARGO)

Year	Total Unfounded Crimes
2021	0
2020	0
2019	0

*All drug law violations arrests or non arrests are referred to the Student Conduct Process, therefore, they are not counted in both categories of arrest and referral. All alcohol arrests are also referred and therefore not counted in both categories.

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

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

EMERGENCY RESPONSE AND NOTIFICATION

Emergency Response Plan (ERP)

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

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

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

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

Confirming a Significant Emergency or Dangerous Situation

The NDSCS Police Department is responsible for confirming emergency situations. The ERP describes the process the NDSCS Police Department uses to confirm that there is a significant emergency. NDSCS Police assess the danger and potential threat the event may pose to the safety of the College community, and determine the appropriate course of action in light of the specific circumstances. In the event of an emergency the NDSCS Directory of Safety, in collaboration with NDSCS Police and authorized official(s), determines whom to notify, determines the content of the notification, and initiates the notification system unless it is determined that the notification will compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

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

Authorized Officials

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

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

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

Notification Methods

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

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

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

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

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

Evacuation Procedures

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

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

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

Evacuation Protocol

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

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

Shelter-In-Place Procedures

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

The following are guidelines to be followed:

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

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

Drills and Exercises

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

Promoting Emergency Procedures

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

ALCOHOL AND DRUGS

ALCOHOL/DRUG POLICY

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

Alcohol, tobacco, and other drug use represents a major health problem in the United States and poses a serious threat to the health and welfare of the NDSCS community. More information on the health risks associated with alcohol, tobacco, and other drug misuse can be found at the National Institutes of Health website, the Center for Disease Control, as well as the NDSCS Alcohol, Tobacco and Other Drug Prevention website.

Policy Distribution

This policy is distributed to all students and employees each semester in accordance with the 1989 amendments to the Drug Free Schools and Communities Act, as articulated in the Education Department General Administrative Regulations (EDGAR) Part 86 (Drug Free Schools and Campuses Regulations).

Policy Statement

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

College area, in College housing, College vehicles, or at any College affiliated event held on or off-campus, which are sponsored by students, employees and College organizations. Any use of illicit and/or misuse of prescription medications on or off College property or at College sponsored events is also strictly prohibited. This includes the use of marijuana, including recreational and medicinal uses, regardless of state law. This policy applies to all employees, students, and visitors.

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

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

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

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



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

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

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

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

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

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

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

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

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

TITLE IX COMPLIANCE POLICY

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

1. Introduction:

This policy is required by federal law and implementation of this policy is guided by the U.S. Department of Education, Office of Civil Rights. This policy applies to formal complaints of sexual harassment occurring in NDSCS Educational Programs or Activities within the United States ("Title IX Complaints"). All other complaints of Sexual Harassment shall be resolved by the NDSCS Sexual Misconduct policy, or other applicable policy.

2. Definitions

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

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

- d. **Deliberate Indifference.** When NDSCS's response to sexual harassment is clearly unreasonable considering the information known to NDSCS at the time.
 - e. **Domestic Violence.** Violence committed by the Respondent, who is:
 - i. a current or former spouse or intimate partner of the Complainant;
 - ii. a person with whom the Complainant shares a child in common;
 - iii. cohabiting with or has cohabited with the victim as a spouse or intimate partner;
 - iv. similarly situated to a spouse of the Complainant; or
 - v. any person against whose acts the Complainant is protected by N.D.C.C. ch. 14-07.1.
 - f. **Educational program or activity.** Includes locations, events, or circumstances over which NDSCS exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, as well as in any building owned or controlled by a student organization that is officially recognized by NDSCS.
 - g. **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - h. **Formal Complaint.** A document filed by a Complainant (which either contains the Complainant's signature or indicates that the Complainant is the one filing the complaint) or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that NDSCS investigate.
 - i. **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - j. **Rape.** Penetration, no matter how slight, of the vagina or anus of the complainant with any body part or object by the Respondent, or oral penetration of the Complainant by a sex organ of the Respondent, without the consent of the Complainant.
 - k. **Respondent.** An individual who has been reported to be responsible for the conduct that could constitute sexual harassment.
 - l. **Sexual Assault.** Either rape, fondling, incest, statutory rape, or any of the sexual offenses listed in N.D.C.C. ch. 12.1-20 or by the FBI's Uniform Crime Reporting system.
 - m. **Sexual Harassment.** Conduct, on the basis of sex, constituting one (or more) of the following:
 - i. An employee of NDSCS conditioning the provision of an aid, benefit, or service of NDSCS on an individual's participation in unwelcome sexual conduct;
 - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to NDSCS's educational program or activity; or
 - iii. Sexual assault, dating violence, domestic violence, or stalking, as defined in this section.
 - n. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.
 - o. **Statutory Rape.** Sexual intercourse with a person who is under the statutory age of consent.
 - p. **Supportive Measures.** Non-disciplinary, non-punitive individualized services offered as appropriate (as reasonably available) and without fee or charge to the Complainant or Respondent.
- ### 3. Pre-Grievance Process
- **Timing.** This grievance process shall be carried out using reasonably prompt time frames, including time frames for filing and resolving appeals, and for informal resolution processes if offered. Notwithstanding, temporary delays or extensions of the time frames must be offered for good cause, with written notice to the parties setting forth the cause for the action.
 - *Good cause.* May include considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations for language or disability.
 - **Actual Knowledge of Sexual Harassment.** With or without the filing of a formal complaint, once NDSCS has actual knowledge of sexual harassment within its educational program or activity in the United States, NDSCS must respond promptly and without deliberate indifference pursuant to these Procedures and any applicable NDSCS policies.
 - Once NDSCS has actual knowledge of sexual harassment, the Title IX Coordinator must contact the Complainant and:
 - Discuss the availability of supportive measures;
 - Consider the Complainant's wishes regarding supportive measures;
 - Inform the Complainant that supportive measures are available with or without the filing of a formal complaint; and
 - Explain the process of filing a formal complaint.
 - No disciplinary sanctions or other actions which are not supportive measures may be imposed against any Party prior to the conclusion of the grievance process. Exceptions are Emergency Removal and Administrative Leave.

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

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

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

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

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

4. Grievance Process

● Formal Complaint and Notice of Allegations

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

● Advisors.

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

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

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

- **Investigation.**

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

shall consider prior to completion of the Preliminary Investigative Report.

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

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

- **Mandatory Dismissal**

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

- **Permissive Dismissal.**

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

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

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

• Live Hearing.

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

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

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

• Determination Regarding Responsibility.

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

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

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

5. Disciplinary Sanctions.

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

6. Remedies.

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

7. Appeals.

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

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

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

8. Training.

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

9. Recordkeeping.

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

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

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

10. Confidentiality.

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

11. Retaliation.

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

12. Shared Services.

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

SEXUAL MISCONDUCT POLICY

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

Purpose: This policy provides action for behavior that NDSCS does not tolerate sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking, and intimate partner violence in NDSCS's educational program and activities. In light of these commitments and in the best interest of the college, NDSCS has adopted this policy, which includes investigation and disciplinary procedures that will be followed in response to allegations of sexual misconduct not covered by NDSCS Title IX Compliance Policy.

1. Introduction

NDSCS strives to create a College community free from interpersonal abuse including sexual misconduct. In working to achieve this intent, NDSCS commits to:

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

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

NDSCS has an obligation to conduct a prompt and impartial investigation of all complaints or reports of sexual misconduct not covered by NDSCS Title IX Compliance Policy through fair and equitable procedures. Once made aware, the College must conduct an investigation regardless of how the information was brought to the College's attention or the extent to which the complainant wishes to participate or be involved. All individuals have access to confidential resources that they may use for support and guidance.

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

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

Sandi Gilbertson, M.A.

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

Melissa Johnson, M.S.

*Executive Director of Student and Residential Life/
Deputy Title IX Coordinator*
Riley Hall 130
701.671.2520
Melissa.J.Johnson.3@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; or

- A victim under the age of consent. (Note: the age of consent may vary depending on the ages of the individuals involved in the act and where the act occurs.)

C. Sexual Acts:

Sexual acts include, but are not limited to the following actions:

- Sexual intercourse;
- Sodomy (oral and/or anal);
- Sexual penetration with any object;
- Sexual touching of a person's intimate parts (genitalia, groin, breasts, buttocks, mouth or other bodily orifice or the clothing covering them); or
- Compelling a person to touch his or her own or another person's intimate parts.

D. Sexual Harassment

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; or
- Such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment.

E. Sexual Exploitation

Sexual Exploitation means taking sexual advantage of another person without consent. Examples include but are not limited to:

- Causing the incapacitation of another in order to take sexual advantage of the person;
- Distributing or publishing sexual information;
- Engaging in indecent exposure;
- Engaging in voyeurism (the viewing of another for sexual gratification);
- Invasion of sexual privacy;
- Knowingly exposing another to a STD/STI or HIV;
- Prostituting another person; or
- Recording, photographing, or relaying sexual sounds or images.

F. Stalking

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

G. Retaliation

Retaliation is any adverse action taken against a person because of their participation in a protected activity, alleging sexual misconduct, supporting a complainant or for assisting in providing information relevant to a claim of sexual misconduct. Retaliation can take many forms, including abuse or violence, threats, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working, academic or College-controlled living environment of an individual; or if they hinder or prevent the individual from effectively carrying out their College responsibilities. Any individual or group of individuals can engage in retaliation and will be held accountable under this policy. Reports of retaliation shall be communicated to the Title IX Coordinator, Deputy Coordinator(s) or through the NDSCS concern page (NDSCS.edu/Concern).

H. Dating/Domestic/Relationship Violence

Dating/Domestic/Relationship violence is physical, sexual, emotional abuse from another person who is a spouse/former spouse, person who you have dated, or are presently dating, person with whom you have had sexual relations with, person who is, or person with a familial relationship to you (e.g. parent, grandparent, cousin)

I. Coercion

Coercion is unreasonable pressure to engage in sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.

When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

J. Intimidation

Intimidation is implied threats or acts intended to compel or deter the action of another person.

K. Complicity

Any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person. Any individual found responsible for complicity in prohibited conduct will be subject to the disciplinary procedures and sanctions outlined in this policy.

3. Policy Terminology

The following definitions clarify key terminology as used throughout the policy:

A. Intimate Relationship

An intimate relationship is a relationship between persons of any gender that provides romantic physical intimacy or emotional dependence.

Intimate relationships may include (but are not limited to) marriages, civil unions, dating relationships,

“hook-up” relationships, relationships in which partners are characterized as “girlfriends” or “boyfriends,” and relationships between persons with a child in common.

B. Consent

In reviewing possible violations of sexual misconduct, NDSCS considers consent as:

- Words or actions showing a clear, knowing and voluntary agreement to engage in a specific sexual activity during a sexual encounter; or
- An affirmative, unambiguous, and voluntary decision given by clear actions or words;

Consent may not be inferred from:

- Silence, passivity, or lack of active resistance alone;
- A current or previous dating or sexual relationship;
- Consent to one form of sexual contact does not imply consent to other forms of sexual contact;
- When the person suffers from a mental state that renders him or her incapable of understanding the nature of the contact. This includes, but is not limited to, situation when an individual is intoxicated, “high”, scared, physically or psychologically pressured or forced, mentally or physically impaired, beaten, isolated, or confined.

C. Incapacitation

In the context of this policy, incapacitation is a state in which someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). An individual who is incapacitated is unable to consent to a sexual activity. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where a person knows or should have reasonably known that the individual is incapacitated constitutes sexual misconduct.

D. Complainant

The term complainant refers to the individual(s) who has been the subject of prohibited conduct, regardless of whether that individual makes a complaint or seeks disciplinary action.

E. Respondent

The term respondent refers to the individual(s) who has been accused of prohibited conduct.

F. Confidentiality and Privacy

Issues of privacy and confidentiality play important roles in this policy, and may affect individuals differently. Privacy and confidentiality are related but distinct terms that are defined below.

G. Interim Measures

When warranted by the circumstances surrounding a complaint or report of a violation of this policy, the College will provide reasonable and appropriate interim measures designed to preserve the complainant's educational

experience, the safety of all parties and the College community, maintain the integrity of the investigative process, and deter retaliation. The College may provide interim measures regardless of whether the complainant seeks formal disciplinary action. Potential interim measures include, but are not limited to:

- Providing an escort to the complainant so that they may move safely on campus;
- Issuing a no contact order to the parties, prohibiting any contact between the parties;
- Moving the complainant and/or respondent to different on-campus housing;
- Altering the class schedule of the parties so that they do not attend the same classes;
- Providing counseling services; and providing academic support services.

H. Investigative Team

When possible, the Title IX Coordinator will appoint a two-person investigative team. The College reserves the right to appoint the investigative team of their choice, which may consist of trained individuals employed by the College, or outside investigators appointed by the College. Every effort will be made to provide an investigative team free of any conflict of interest.

I. Advisor

Advisor means either an attorney or non-attorney advocate who advises a student or employee during the investigative process.

J. Preponderance of the Evidence

In connection with this policy, “preponderance of the evidence” means the evidence is sufficient to establish the proposition is “more likely true than not.”

4. Confidentiality

A. Confidentiality and Confidential Resources

The term “confidentiality” refers to the circumstances under which information will or will not be disclosed to others.

The complainant may request confidentiality at the time they disclose the sexual misconduct. However, confidentiality cannot be guaranteed. The Title IX Coordinator or Deputy Title IX Coordinator will evaluate the request and determine the extent to which confidentiality may be maintained. NDSCS will make every attempt to safeguard the privacy of the complainant; however, NDSCS cannot ensure confidentiality in all cases. NDSCS must weigh the request for confidentiality against its obligation to protect the safety and security of the entire College. As is the case with anonymous reports, the College's ability to conduct a meaningful investigation of the incident and pursue disciplinary action against alleged perpetrators may be limited when confidentiality has been requested.

Before a student reveals information that he or she may wish to keep confidential, any responsible employee at NDSCS is required to make every effort to ensure that the student understands:

- The employee's obligation to report the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator or a Deputy Title IX Coordinator;
- The student's option to request that the school maintain his or her confidentiality, which the school will consider; and
- The student's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, student health center, and pastoral counselors).

Depending on the circumstances of the offense (the severity of the offense, the number of victims involved, etc.), NDSCS may be required to respond to an incident, even if confidentiality has been requested. Therefore, NDSCS employees cannot guarantee absolute confidentiality.

Individuals desiring confidentiality should be encouraged to contact one of the following:

NDSCS Student Health and Wellness Department

701.671.2286 or 701.671.2319
701.298.4500 (after hours)

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

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

Three Rivers Crisis Center

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

Someplace Safe

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

Rape and Abuse Crisis Center of Fargo-Moorhead

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

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

NDSCS Police

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

Wahpeton Police Department

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

Fargo Police Department

105 25th St. N., Fargo, ND 58102
701.235.4493 (in case of emergency, dial 911)

NDSCS Reporting obligations under the Clery Act: The Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (20 USC & 1092(0) requires colleges and universities across the United States to disclose information about crime on and around their campuses. NDSCS is required to disclose statistics regarding certain types of crime, including sexual assault that occur on and around campus, as well as locations off campus at which NDSCS sponsored activities take place. The Clery Act also requires NDSCS to issue timely warning notices about crimes that pose a serious or on-going threat to the College community.

B. Confidentiality Rights of Complainants and Respondents

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, complainants and respondents are not restricted from discussing and sharing information with others who may support or assist them in presenting their case.

Medical and counseling records are privileged and confidential documents that parties will not be required to disclose.

C. Privacy

The term "privacy" refers to the discretion that will be exercised by the College in the course of any investigation or disciplinary processes under this policy.

The College has an obligation to make reasonable efforts to investigate and address complaints or reports of violations of this policy. In all such proceedings, the College will take into consideration the privacy of the parties to the extent possible.

In cases involving students, the Title IX Coordinator may notify NDSCS Residential and Student Life staff and other College employees of the existence of the complaint for the purpose of overseeing compliance with this policy and addressing any concerns related to educational and residential life. While not bound by confidentiality, these individuals must be discreet and must respect the privacy of those involved in the process.

Any additional disclosure of information related to the complaint or report may be made if consistent with the Family Educational Rights and Privacy Act (FERPA), or the Title IX requirements.

5. Reporting

NDSCS defines all (with the exception of confidential resources) employees as “responsible employees”, and as such, are mandatory reporters. In non-emergency situations, all employees who are not confidential resources must promptly report suspected violations to the Title IX Coordinator or Deputy Coordinator

In emergency situations, if there is a suspected crime in progress, or imminent or serious threats to safety of anyone, employees must immediately contact NDSCS Police or local law enforcement.

A. Options for Complainants and Other Reporting Parties

Anyone who seeks to make a complaint or report may:

- File an online concern at NDSCS.edu/Concern;
- File a complaint or report with the Title IX Coordinator;
- Request interim measures from the Title IX Coordinator;
- Contact Police for assistance in filing a criminal complaint and preserving physical evidence; and/or
- Contact local law enforcement to file a criminal complaint
- Contact any NDSCS Employee

An individual may pursue some or all of these steps at the same time. When initiating any of the above, an individual does not need to know whether they wish to request any particular course of action, nor how to label what happened. Before or during this decision-making process, complainants and other reporting persons have the option to consult a confidential resource.

B. Filing a Complaint or Report with the Title IX Coordinator

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

C. Anonymous Reporting

If a complainant self-identifies but asks to remain anonymous during the investigation, the Title IX Coordinator will consider how to proceed, taking into account the complainant’s wishes, the College’s commitment to provide a non-discriminatory environment, and the respondent’s right to have specific notice of the allegations if the College were to take action that affects the respondent. In such circumstances, the Title IX Coordinator may arrange for limited information- finding by the investigator to better understand the context of the complaint.

If a complainant wishes to remain completely anonymous, complainant may use the NDSCS concern form at www.ndscs.edu/Concern

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

The College’s ability to investigate and resolve anonymous complaints will be limited if the information contained in the anonymous complaint cannot be verified by independent information.

D. Timeliness of Report

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the College’s ability to respond promptly and effectively. Complaints and reports may be made at any time without regard to how much time has passed since the incident(s) in question.

If the respondent is no longer a student or employee at the time of the complaint or report, the College may not be able to take disciplinary action against the respondent, but it will still seek provide support for the complainant and taking steps to end the prohibited behavior, prevent its recurrence, and address its effects.

E. Amnesty

In order to encourage reports of conduct that is prohibited under this policy, students who experience sexual misconduct while under the influence of alcohol or other drugs, will not be subject to the Student Conduct process for the alcohol or other drug offense.

6. Process

NDSCS is committed to providing a prompt and impartial investigation of all alleged violations of this policy. During the investigative process, both parties (complainant(s) and respondent(s)) have equivalent rights, including the opportunity to present information, to be accompanied by an adviser of their choice, and to appeal the finding. The College will concurrently provide the parties with written notification of the outcome of the process and any appeal.

A. Responsibility to Investigate

In order to protect the safety of the College community, the Title IX Coordinator may investigate allegations of violations of this policy even absent the filing of a formal complaint or report, or if a complaint or report has been withdrawn. The Title IX Coordinator may need to proceed with an investigation even if a complainant(s) specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the complainant’s articulated concerns, the best interests of the College community, fairness to all individuals involved, and the College’s obligations under Title IX.

B. Initial Assessment of Complaints

The inquiry/investigative process is initiated when the Title IX and/or a Deputy Title IX Coordinator receives a complaint or report of a violation of this policy. Interim measures, to provide for the safety and security of the College community, may be enacted. The Title IX Coordinator will conduct an initial review and may take any of the following actions:

- If the Title IX Coordinator determines that the complaint is outside the scope of this policy, the Title IX Coordinator may refer the complaint to another office/resources for review.
- If the Title IX Coordinator determines that the complaint or report would, if substantiated, constitute a violation of the NDSCS Sexual Misconduct Policy will assign an Inquiry Team.

C. Inquiry Team

The assigned Title IX Inquiry Team will conduct an inquiry to determine if the reported incident rises to the level of a potential Title IX violation. The Title IX Inquiry Team may take any of the following actions:

- If the Title IX Inquiry Team determines that the complaint is outside the scope of the NDSCS Sexual Misconduct Policy, the Sexual Misconduct Inquiry Team may recommend to the Title IX Coordinator that the complaint be referred to another office, service and/or department for review.
 - Sexual Misconduct Inquiry Team will provide a recommendation report to the Title IX Coordinator.
- If the Sexual Misconduct Inquiry Team determines that the complaint, if substantiated, would constitute a violation of the NDSCS Sexual Misconduct Policy, the Sexual Misconduct Inquiry Team will report findings to the Title IX Coordinator.
 - The Title IX Coordinator will make a determination if the complaint moves to the investigation process and assigns an Investigation team.
 - This investigation team, if at all possible, will be the same individuals that comprised the Sexual Misconduct Inquiry Team.

C. Timing of Investigations and any Related Disciplinary Proceedings

The Title IX Coordinator will seek to complete the investigation and any resulting disciplinary process within a reasonable timeframe. The College will seek to complete any appeal within 30 calendar days after receipt of the appeal.

The investigation may be extended to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, or accommodate delays by the parties; or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The College's investigations will be independent of and separate from law enforcement investigations of criminal activity.

The College will not wait for the conclusion of a criminal proceeding to conduct its own investigation and, if needed, will take immediate steps to provide interim measures for the complainant.

D. Cooperation with Investigation and Disciplinary Procedures

NDSCS expects all members of the College community to cooperate fully with the inquiry, investigation and disciplinary procedures. The College recognizes that an individual may be reluctant to participate in the process; nevertheless, any student or employee who refuses to cooperate in an inquiry or investigation will not prohibit the investigation from moving forward and the applicable follow-up/sanctions from being applied (as necessary).

It is understood that there may be circumstances in which a complainant wishes to limit their participation. The complainant retains this right and acknowledges that limiting their participation may impact the effectiveness of the investigation.

If any party chooses not to participate in an investigation for any reason, the College process will continue, findings will be reached with respect to the alleged conduct, and the College will issue any penalties, as appropriate. The College will not, however, draw any adverse inference from parties' silence.

E. Circumstances Relating to Misconduct Affecting Health or Safety

In circumstances seriously affecting the health or well-being of any person, or where physical safety is seriously threatened, or where the ability of the College to carry out its essential operations is seriously threatened or impaired, an authorized representative may summarily suspend, dismiss, or exclude any person from the College. In all such cases, actions taken will be reviewed promptly, by the appropriate College authority.

F. Interim Measures

The Title IX Coordinator is responsible for ensuring the implementation of interim measures and coordinating the College's response with the appropriate offices. Interim measures will continue even if NDSCS postpones investigation to comply with law enforcement requests. Violation of the interim measures may result in appropriate disciplinary actions.

7. Investigation, Disciplinary, and Appeal Procedures

A. Investigation and Adjudication

The inquiry team will send notification to the complainant(s) and respondent(s) that a Title IX investigation has commenced. This initial notice of investigation will provide necessary information regarding the process, an outline of alleged prohibited conduct, and the parties' ability to have an advisor. Interim measures, to provide for the safety and security of the College community, may be enacted or removed.

When possible, a two-person Sexual Misconduct Investigative Team will conduct the sexual misconduct investigation.

- Gather facts and evidence related to the investigation.

- Investigators will interview witnesses and interested parties.
- The Investigative Team will interview all parties separately if possible.
- An adviser may participate in the interview process.

The Title IX Coordinator will seek to complete the investigation process within 60 calendar days from the start of the investigation. The investigation may be extended to ensure the completeness and integrity of the process. See NDSCS Sexual Misconduct Policy for more information.

Upon completion of the investigation, the Sexual Misconduct Investigative Team will provide a draft of the investigative report to Title IX Coordinator which will include facts, evidence, and a comprehensive overview of interviews. The Title IX Coordinator will ensure clarity and thoroughness of the investigative report.

Both parties will receive a draft of the Investigative Report from the NDSCS Title IX Coordinator or Deputy Coordinator.

- The complainant(s) and respondent(s) will be provided the opportunity to ask questions of other parties, through written communication that must be submitted within 5 working days to the investigative team.
- The investigate team will ensure the appropriateness/relevance of the questions, each party would have the opportunity to review and respond (in writing) to those questions.
- The investigative team will review the questions and responses.
- The responses and questions will be provided to all parties; all parties will be provided an opportunity for final response within 5 working days.

The Investigative Team will provide the Title IX Coordinator, complainant(s) and respondent(s) the Final Investigative Report, which could include any evidence, interviews, other artifacts, and responses/questions from all parties.

The Title IX Coordinator will provide the Final Investigative Report and any supporting information to the Executive Director of Student and Residential Life and/or the Executive Director of Human Resources and/or trained designee for appropriate follow-up, adjudication,

and/or hearing(s). These processes are stepped out in the *NDSCS Student Guide to Rights and Responsibilities: A Code of Conduct* and NDUS Human Resource Policy Manual.

B. NDSCS Contact with Parties During Investigation

Throughout the investigation process, both parties will receive regular updates regarding the case. The Final Investigative Report will be provided to complainant(s) and respondents(s) for review.

C. Hearing Procedure for Potential Student Suspension and Expulsion Cases

Refer to *NDSCS Student Rights and Responsibilities: A Code of Conduct Section VI*.

D. Sanctions

The case will be forwarded to the Executive Director of Human Resources and/or the Executive Director of Student and Residential Life for appropriate follow-up, adjudication, and/or hearing(s).

If a party is found responsible for violating College policy the Executive Director of Human Resources and/or the Executive Director of Student and Residential Life will assign appropriate sanctions and retain records in accordance with protocols for all other disciplinary cases. In all cases, the case file will also be archived by the Title IX Coordinator.

Possible sanctions can be found in the *NDSCS Student Rights and Responsibilities: A Code of Conduct* and/or in the *NDUS Human Resource Policy Manual*.

E. Student Enrollment and Residence Status

The effective date of the sanction(s) is the date of the Report. However, the sanction(s) may be temporarily stayed, pending the appeal filing, deadline or resolution of any filed appeal. Pending an appeal, the respondent may be permitted to remain in College housing, attend classes, and make use of some or all College facilities, except for circumstances where interim measures prohibit this ability, or the ability of the College to carry out its essential functions. Certain restrictions may be imposed in order to provide an educational environment free from discrimination under Title IX.

Pending the outcome of an investigation and/or appeal, process an administrative hold may be placed on respondent(s) and/or complainant(s) college transcript.

F. Disciplinary Procedures Where One Party is a Member of the College Community and the Other Party is a Non-Member of the College Community

When a non-member of the College community is involved as a complainant(s) or a respondent(s), the College will use disciplinary procedures that are generally consistent with the disciplinary procedures as outlined in this policy.

Modifications may be made to allow for privacy requirements. In no case will a member of the College community (i.e., current student, faculty or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the College community.

8. Documenting Complaints/Concerns

NDSCS will document all concerns and/or complaints received, regardless of outcome. A report will be compiled for each complaint rising to the level of an investigation. When applicable, the report will include the following information:

- Description of the incident
- Record of how and when the incident was brought to attention
- Documentation of investigation process, including interview notes
- Documentation of all information reviewed by adjudicator
- Documentation of all updates given to involved parties
- Documentation of all contact with law enforcement
- Documentation of interim measures and services provided
- Any other relevant information to the case.

**Documentation of sanctions and basis for the sanction will be recorded with the Title IX Coordinator and appropriate offices.*

9. Prevention and Education

NDSCS considers both physical surroundings and educational programming in addressing prevention of sexual misconduct. The College continually reviews and modifies the physical surroundings to foster security and safety, including but not limited to such factors as lighting and locking procedures. NDSCS offers curricular and co-curricular educational experiences concerning bystander intervention, primary prevention efforts, personal safety, sexual assault and misconduct, domestic/dating/relationship violence, gender identification and sexual misconduct. For further information on pertinent NDSCS educational opportunities, contact Sandi Gilbertson, NDSCS Title IX Coordinator, at 701.671.2904 via e-mail at Sandi.Gilbertson@ndscs.edu or the NDSCS Student Advocate via e-mail NDSCS.StudentAdvocate@ndscs.edu.

Sex Offender Registration

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

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

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

Employment and Enrollment of Sex Offenders

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

Employment

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

Enrollment

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

Public Access to Sex Offender Information

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

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

ANNUAL FIRE SAFETY REPORT

GENERAL RESIDENTIAL FACILITY FIRE SAFETY

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

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

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

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

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

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

FIRE SAFETY PROCEDURES

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

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

Steps to follow if you are caught in a fire:

- Remain calm.
- Before opening the door, feel it with the back of your hand. Do not open if the door is hot.
- Open any windows.
- Seal cracks around doors with towels, linens or clothes. Soak these items in water if possible.
- To attract attention, hang objects out of the window and shout for help.
- Keep low to the floor. Take short breaths to avoid inhaling smoke. Place a wet towel over your nose and mouth. Keep your head six to eight inches off the floor.
- If the door is not hot, brace yourself against the door and open it slowly. If hot air or fire rushes in, close the door and follow the steps above.
- If you can leave, close all doors behind you and proceed

to the nearest safe exit. Leave the building and stand clear of the fire. Help direct police and fire personnel when they arrive.

the residents' arrival. Staff also review evacuation and emergency procedures with residents. Residence hall students participate in one fire drill during both the fall and spring semesters.

Fire Safety Education and Training Programs

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

Plans for Future Improvements in Fire Safety

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

STUDENT HOUSING FIRE SAFETY SYSTEMS (NDSCS WAHPETON)						
Residential Facilities	Fire Alarm Monitoring Done On Site	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans	Number of Evacuation Drills Each Calendar Year
Walton Hall 638 8th Ave. N.	X		X	X	X	2
Schulz Hall 658 8th Ave. N.	X		X	X	X	2
Forkner Hall 811 6th St. Oval	X	X	X	X	X	2
Riley Hall 813 6th St. Oval	X	X	X	X	X	2
Robertson Hall 1301 4th St. N.	X		X	X	X	2
Nordgaard Hall 1318 5th St. N.	X	X	X	X	X	2
College Townhomes West Units 1500-1506 Center Dr.			X	X	X	0
College Townhomes East Units 1501-1505 East Dr.			X	X	X	0
SE College Complex 1438 Center Dr.	X		X	X	X	2
NW College Complex 1509 Center Dr.	X		X	X	X	2

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

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

APPENDIX I: CLERY-DESIGNATED CRIME DEFINITIONS

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

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

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

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

Dating Violence

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

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

There is no local jurisdiction definition of dating violence.

Domestic Violence

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

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

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

North Dakota Century Code 12.1-17-01.2 Domestic Violence

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

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

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

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

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

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

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

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

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

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

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

Stalking

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

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

For the purposes of this definition:

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

require medical or other professional treatment or counseling.

North Dakota Century Code 12.1-17-07.1 Stalking

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

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

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

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

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

Hate Crime Definitions:

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

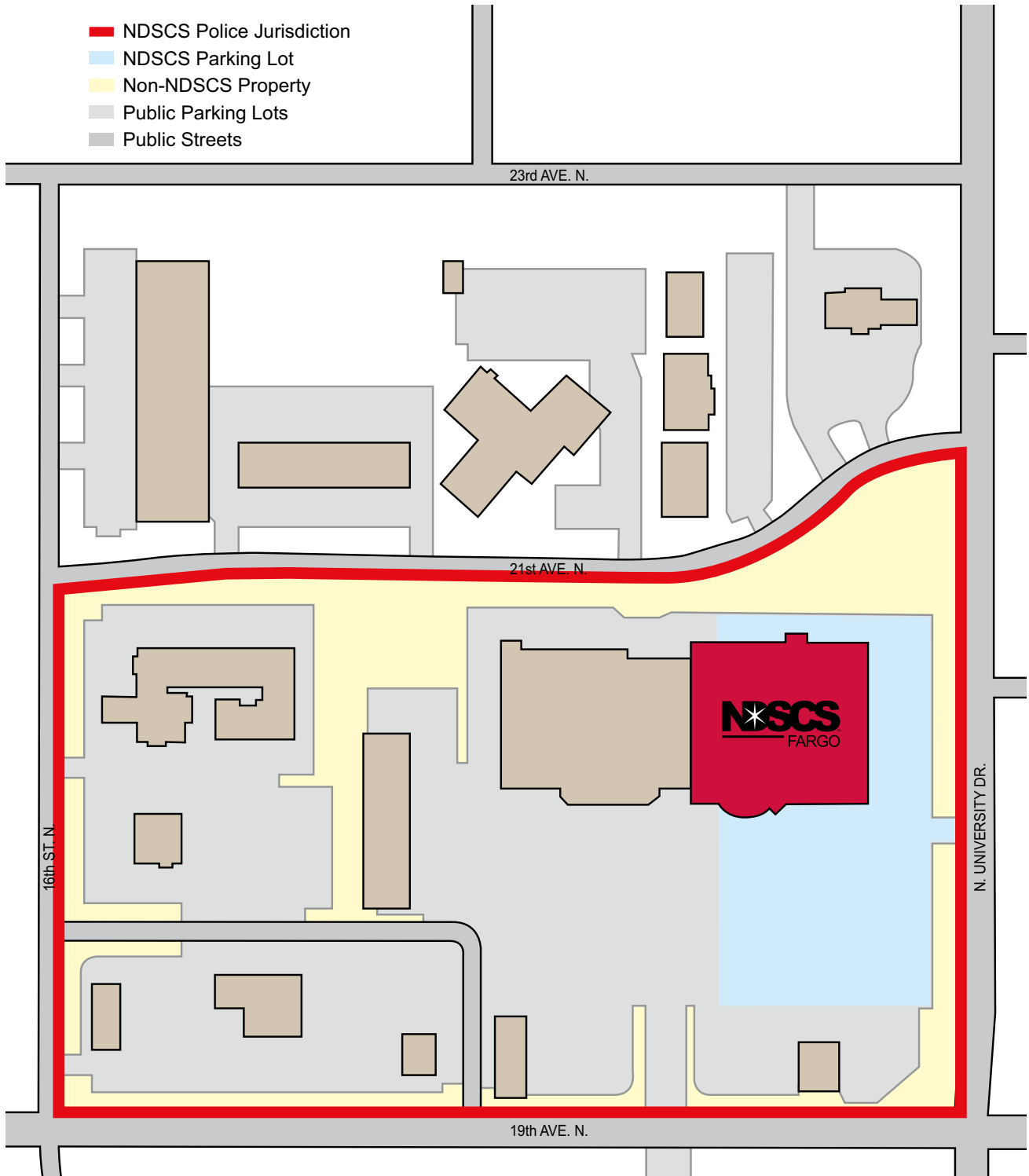
Bias – A preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin.

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

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

NDSCS-FARGO

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





THE SCIENCE OF SUCCESS.

North Dakota State College of Science

Appendix F: NDSCS Student Rights & Responsibilities: A Code of Student Conduct

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

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 the Student Guide to Rights and Responsibilities: A Code of Student Conduct (the "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.

Conduct described in this Code is illustrative rather than exhaustive. In the event there arises 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 College community. It is vital for all individuals to conduct themselves in a manner that does not negatively affect the educational mission of the College or the welfare of themselves or others. This includes promoting an environment conducive to learning and 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 that respects 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 Students in the Conduct Resolution Process

All NDSCS students have identified rights within the Code 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.

11 General Concerns, Issues and Complaints

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

Students may arrange a meeting with the NDSCS Student Advocate, located in Old Main (Wahpeton) by calling 701-671-2541, or by appointment in Fargo by calling 701-671-2541. The NDSCS Student Advocate can offer advice and direction in resolving a complaint, concern, or grievance. Concerns regarding student conduct covered in this Code will be resolved according to procedures described in this document.

12 Student Academic Grievance Procedures

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

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

Filing a Formal Academic Grievance

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

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

Filing an Appeal of an Academic Grievance Decision

If the complainant is not satisfied with the resolution or decision, a written appeal may be submitted to the vice president for instruction 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 instruction 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 instruction 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 instruction 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 instruction 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, they are 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 restricted from attending classes.

14 Academic Integrity Statement

Acts of academic dishonesty, including but not limited to cheating, plagiarism, falsifying research data or results or assisting others to do the same will be cause for sanction up to and including reduction in grade, failure of course or removal from class. Repeat offenses may result in additional sanctions.

15 Academic Integrity Procedure

Purpose

To ensure academic honesty and integrity in the classroom, regardless of modality.

Academic Misconduct

Academic misconduct consists of, but is not limited to the following:

1. Cheating on an examination, clinical, or the preparation of academic work. Any student who engages in any of the following shall be deemed to have engaged in cheating:
 - a. Copying from another student's test paper, laboratory report, report, computer files, data, listings, and/or programs;
 - b. Using, during a test, materials not authorized by the instructor (including when taking tests at a NDSCS Test Center);
 - c. Conspiring with another person, without authorization, during an examination, clinical, or in preparing academic work;
 - d. Contributing to or facilitating academic misconduct with others;
 - e. Knowingly and without authorization, using, buying, selling, stealing, transporting, soliciting, copying, or possession in whole or in part, the contents of coursework, an examination or quiz;
 - f. Substituting for another student, or permitting another student to substitute for oneself in taking an examination, clinical, or preparing academic work;
 - g. Bribing another person to obtain an examination or information about an examination;
 - h. Individual alteration or attempting to bribe any faculty/staff/student to alter a grade.
2. Plagiarizing or appropriating another work or idea without properly acknowledging incorporation of that work or idea into one's own work offered for credit.
3. Any forgery, alteration, or misuse of academic documents, forms, or records.
4. Fabrication, including the intentional falsification or invention of any information.
5. Working with another student(s) to participate in academic misconduct.
6. Violating requirement or agreements associated with academic work or guided work experiences.
7. Sharing passwords, login information, or access to online course content.

Outcomes of Academic Misconduct

When an instructor has convincing evidence of academic misconduct, outcomes may include, but are not limited to:

- A reduced or failing grade may be assigned for the course, academic work, or activity.
- The student may be required to re-submit the assignment.
- The student may be required to submit an alternative assignment that meets the same learning outcomes.
- Additional action may be taken in certain academic programs (refer to academic program guidelines/expectations)

Academic Misconduct Procedure

The instructor will provide notice to the student(s) via their official NDSCS email account. The notice will include the alleged academic misconduct and potential outcome(s) based on the instructor's stated policies and those of the academic program or institution.

Informal Resolution

The student may request a meeting within five (5) business days with the instructor to discuss the alleged academic misconduct and the potential outcome.

If a meeting is requested, the instructor will:

- Explain the alleged academic misconduct;
- Detail any related evidence; and
- Provide the student the opportunity to respond to the allegation of academic misconduct.

Informal resolution is reached where:

- The student and the instructor agree academic misconduct did not occur; or
- The student agrees to the alleged academic misconduct and agrees to the proposed outcome, waiving all appeal rights.
- Instructor completes the Academic Misconduct Reporting Form which is routed to the Student Conduct Office to document student acknowledgement of the outcome.

If informal resolution is not achieved 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 an informal resolution is not successful, the instructor or administrator will inform the student of the formal grievance process.

Formal Resolution

Formal resolution will follow the established Academic Grievance Process.

16 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.

17 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 NDSCS.edu/Concern or students may contact the NDSCS Student Advocate at 701-671-2541 or NDSCS.StudentAdvocate@ndscs.edu. For more information visit NDSCS.edu/Diversity.

18 Freedom of Speech

NDSCS recognizes the fundamental right of its students to free speech and expression under the First Amendment to the United States Constitution and North Dakota Constitution. NDSCS is committed to ensuring that students and employees have the freedom to speak, write, listen, challenge, learn and discuss any issue, subject to reasonable and constitutionally recognized limitations. As part of this commitment, NDSCS is dedicated to promoting free speech and expression while providing a safe and non-discriminatory College community that supports diversity of thought and people. To view the full NDSCS Free Speech and Solicitation Policy, visit policy.ndscs.edu/policies/free-speech-policy.

2. Community Expectations

21 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).

22 Individuals Covered Under This Code

For this document, "student" is defined as any individual who has been fully 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.

23 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.AffairsOffice@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.

24 Official College Communication

The College will communicate with students through the official NDSCS e-mail address 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.

25 Prohibited Conduct Not on College Property

The College may hold students accountable for acts of prohibited conduct committed off 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.

26 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.

27 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 will not intervene between students and searches authorized under law by any law enforcement agencies.

The right to inspect College residence hall rooms and 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.

28 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.

29 Attempts

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

2.10 Bias-Motivated Violations

Any Code violation that is determined to have been motivated by hate against individuals or groups outlined in section 1.6 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.

2.11 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).

2.12 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 is defined as being present while a violation(s) is occurring, actively encouraging a violation(s) to occur, or failing to report an alleged conduct violation(s).

Students are expected to make decisions that align with the Code, those decisions include:

1. leaving the situation immediately,
2. encouraging individuals to cease the behavior,
3. leaving the situation immediately and reporting the alleged violation, or
4. staying and being charged with a violation of the Code.

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 NDSCS.edu/alcoholinfo.

Any student 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 this section of the Code based on passive participation as outlined in Section 3.2.

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 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, 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:

3.8.1 **CALL** for help: In medical emergencies, immediate action should be taken by calling 9-1-1 either on or off College property. In nonemergency situations, you can also contact NDSCS Police at 701-671-2233 or notify Residential Life staff at 701-899-2820.

3.8.2 **STAY** with the individual until help arrives and you have been told your assistance is no longer needed.

3.8.3 **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 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 or accessories is prohibited inside all residential facilities.

For more information and to view the full NDSCS Alcohol and Other Drug Policy, visit 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 always comply with all guidelines in this document.

Animals in outdoor areas must be on a leash, must be always under the control of the owners or their designees 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 or trademarks 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:

3.12.1 Unauthorized use, sharing, lending or borrowing of an account;

3.12.2 Using computer services or facilities for purposes other than those for which the account was issued;

- 3.12.3 Copying, altering, or destroying the files of output of another individual without the express permission of that individual;
- 3.12.4 Altering system software or hardware configuration, or disrupting or interfering with the delivery or administration of computer resources;
- 3.12.5 Misrepresenting oneself as another individual or entity in electronic communications;
- 3.12.6 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;
- 3.12.7 Exceeding College bandwidth limits;
- 3.12.8 Sharing or distributing copyright-protected media without legal authorization;
- 3.12.9 Abusing or misusing the computer facilities so as to cause damage, program disturbances or harassment to other individuals;
- 3.12.10 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
- 3.12.11 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:

- 3.13.1 Falsely representing an entity and/or committing or using the resources of an entity without proper authorization;
- 3.13.2 Knowingly, intentionally or recklessly making false accusations of prohibited conduct against another individual;
- 3.13.3 Providing false information or falsified evidence with the intent of harming another person;
- 3.13.4 Seeking admission to the College under false pretenses and/or
- 3.13.5 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): instruction, 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 all College and/or emergency personnel in the performance of their duties is prohibited. Such acts may include, but are not limited to, recklessly obstructing or delaying any College proceedings, providing misleading or false information during an investigation, resisting or fleeing a police officer, failing to comply with assigned College conduct sanctions, or engaging in verbal and/or physical abuse directed toward any College personnel.

3.17 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.

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

Theft or attempted theft of 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, solicitation, and/or distribution of leaflets, signs, or posters are prohibited. Authorization must be sought through Student Life.

3.29 Unauthorized Entry or Use of Facilities

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

- 3.29.1 Any College facility or portion thereof that has been reserved, restricted in use, or placed off limits;
- 3.29.2 Any College facility after closing hours;
- 3.29.3 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 identity/expression in facilities restricted by gender identity/expression;
- 3.29.4 All building roofs, fire escapes, steam tunnels, elevator shafts, equipment storage, mechanical rooms, and construction sites;
- 3.29.5 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
- 3.29.6 Entering a residential facility without being escorted by a resident, or failure of a resident to escort non-resident guests.

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.

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

Physical contact or use of language of an insulting or provoking nature that, when used, either could provoke an immediate violent reaction (whether the reaction occurs) or be considered by a reasonable person to interfere with an individual's ability to access a safe and non-discriminatory learning, living, and working environment 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 safe and non-discriminatory learning, living, and working environments for all members of its College community. For complete information, view the NDSCS Policy 601.01 Equal Opportunity Policy and Non-Discrimination Statement [at policy.ndscs.edu/policies/equal-opportunity-policy](http://policy.ndscs.edu/policies/equal-opportunity-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 NDSCS.edu/Concern.

Retaliation

NDSCS encourages reporting of discrimination or harassment and will not discipline any individual (or group) that makes a good faith report. Any individual (or group) reporting discrimination or otherwise participating in investigation procedures is entitled to protection from retaliation under those procedures. Retaliation may include, but is not limited to, intimidation, harassment, reprisal, or other negative changes in education or employment. Anyone who believes they have been retaliated against for their participation in reporting or investigative procedures is encouraged to report at NDSCS.edu/Concern. Concerns will be processed as a separate matter from the originally filed complaint. Any student or group found responsible for retaliation will be subject to disciplinary action, up to and including termination or expulsion.

Any NDSCS employee who becomes aware of a potential violation of NDSCS Policy shall report the complaint or policy violation at NDSCS.edu/Concern.

3.36 Sexual and Gender Based Harassment

NDSCS strives to create a College community free from sexual discrimination/misconduct of any kind. For complete information, review the NDSCS Sexual Misconduct Policy (ndscs.edu/policies/sexual-misconduct-policy) and Title IX Compliance Policy (ndscs.edu/policies/title-ix-compliancepolicy).

Students may report concerns, issues, and complaints at NDSCS.edu/Concern. Early reporting is strongly encouraged.

Any NDSCS employee who becomes aware of a potential violation of NDSCS Policy shall report the complaint or policy violation at NDSCS.edu/Concern.

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 fear for the safety of self or others or to suffer substantial emotional distress. For complete information, review the NDSCS Title IX Compliance Policy at ndscs.edu/policies/title-ix-compliance-policy.

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:

- 3.40.1 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;
- 3.40.2 Willful failure to comply with any municipal, county, state or federal laws, executive orders, public health orders/guidelines, or NDSCS guidelines resulting in an adverse impact or the potential of an adverse impact on the health and wellbeing of the College community;
- 3.40.3 Tampering with any fire protection sign or device or any other emergency equipment, elevator controls, elevator shaft access, and/or other elevator equipment; and
- 3.40.4 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.**

- 3.41.1 Firearms and weapons include, but are not limited to, airsoft guns, BB guns, dart guns, handguns, paintball guns, pellet/gel guns, rifles, shotguns, stun guns or similar device designed to deliver an electric shock.
- 3.41.2 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.
- 3.41.3 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 limited storage space for on-campus students to store sporting arms, such as those used for hunting and other shooting sports. An officer must be present for check-in/check-out. Contact the NDSCS Police Department at 701-671-2233 to plan 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

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
- Takes place in the context of a tradition, custom or past practice of the group or organization; or
- Are reasonably foreseeable because of an activity carried on by the student organization or affiliated College group.

4.1 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.

4.2 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.

5. Due Process and Resolution

A student who is alleged to have engaged in prohibited conduct is entitled to certain procedural rights. These rights also apply to those students representing student organizations alleged to have engaged in prohibited conduct.

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

5.3 Investigation

Investigation includes gathering 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 independently investigates allegations of student misconduct and may 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.

Any individual believed to have information relevant to an investigation may 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, suspension of privileges, and/or restricted access to campus.

5.5 Notice of Alleged Violation(s)

A written notice will be sent via College email 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;
- The student's right to be represented by an attorney or non-attorney advisor;
- Options to request accommodations through NDSCS Accessibility Services; 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 if they chose.

5.7 Accommodations

- Students may request an accommodation by emailing ndscs.accessibility@ndscs.edu or calling 701-671-2623. Requests for accommodations must be made at least three business days in advance of any scheduled conduct meeting/hearings.

5.8 Student Advisor Options

- Students have the right to have one individual present who may act in an advisory capacity. Hearing advisors may not serve as witnesses. Students may contact the NDSCS Student Advocate at 701-671-2541 for assistance in identifying an appropriate individual.
- If a student chooses to have an attorney present as his or her 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 their 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. The hearing would 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,
- Nature of the complaint and how the Code may have been violated, and
- Process for resolution of alleged violations.

5.10 Request for Immediate Hearing

The student may request to proceed with an immediate hearing, except in cases which may result in suspension or expulsion (see section 6). The hearing officer may refuse to hear the case and refer it to another hearing officer.

5.11 Conduct Hearings

The Code 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.

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.

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 Title IX Compliance Policy and the NDSCS Sexual Misconduct Policy. To review these policies, visit ndscs.edu/policies/title-ix-compliance-policy and ndscs.edu/policies/sexual-misconduct-policy.

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 ten 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 ten working days.

5.12 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.

5.13 Conflicts of Interest

Any hearing officer who has a conflict of interest in a 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.

5.14 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.

5.15 Witnesses/Witness Statements

Prior to the hearing, names of witnesses being called to the hearing must be submitted to the hearing officer by a deadline set during the prehearing conference. All parties will be given reasonable opportunity to present witnesses and/or witness statements 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 testimony.

Witnesses who are unable to attend the administrative hearing may also provide a written statement to the responding student and hearing officer. Written statements must be signed and dated, and sent electronically directly by the witness to the hearing officer at least twenty-four hours prior to the hearing. Without the ability to question witnesses who submit written statements, the value of that witness statement rests with the discretion of the hearing officer.

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.

5.16 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.

5.17 Appeals

Students sanctioned for violations of any part of this Code or relevant College policies may appeal. Reporting (if applicable) and responding students are limited to one appeal and that decision is final (see Section 8, 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 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

"There is an expectation that all information presented in this hearing will be true and correct to the best of each person's knowledge. If students willfully provide false information, they will be in violation of NDSCS's Code of Conduct. As a result, they may 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 advisor, the student advisor can fully participate in the hearing as indicated in section 5.7, Student Advisor Options. The hearing officer will dismiss witnesses until they are called to speak. 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.

6.2 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.

6.3 Closing Statements

The reporting and/or responding parties will have an opportunity to make a closing statement.

6.4 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 impactful 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 participated in the student conduct 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 student conduct 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,
- Exclusion from all, or portions, of the College community,
- Conduct suspension, or
- Conduct expulsion

When certain mitigating circumstances exist, such as an extended period 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;
- Educational written assignments;
- Participation in a specific activity or project;
- Restricted access;
- Loss of privileges;
- No contact orders;
- Restitution;
- Confiscation of property; and/or
- Parental notification (parents and guardians of students under 21 may be contacted by an NDSCS administrator following alcohol and/or other drug related incidents).

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.

Failure to complete one or more conduct sanctions/conditions may result in a conduct hold being placed on the student's account until satisfactorily resolved.

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).

7.1 Sanctions

Written Warning

A warning is 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, sexual misconduct 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 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 as of date of suspension.
- A student who has been suspended must vacate College living facilities within the time frame established in the written notice of conduct suspension. Termination of a license contract due to conduct will result in the loss of room rent. Review Section 25. b) of the current License for Residential Halls and Contract for Dining Services.
- 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 is required to obtain permission from the executive director for student and residential life prior to 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. 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 as of date of expulsion.

Conduct expulsion 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

Educational 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, meeting with a designated College official and/or other assignment.

Loss of Privileges

Privileges associated with being a student at NDSCS may be restricted. 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).

The hearing officer 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

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 director 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 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 5 working days following the date the sanction notice is provided to the student. 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 [online](#) 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 or not 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 the appeal will be given to the other party who will have the opportunity to respond. Students will have no more than 5 working days to submit their response to the other party's appeal; however, the response cannot include an appeal if the 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.

83 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.

84 Review

The appeal officer will review the written appeal documentation/response 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 do one or 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.

85 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 when the College is first notified about the incident, or notice may be provided when the student subsequently requests enrollment. Reasons may include a 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. 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 are not limited to: no contact orders, housing/workplace changes, restriction 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 while 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 because of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

Notification shall be limited to the responsible student(s), part(s) of the Code violated, and assigned sanction(s). Individuals in receipt of this information may assume personal civil liability for releasing this information to others.

9.9 Incarcerated Students

In cases involving incarceration, a hearing will be held when the student is available for a hearing.

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 for student and residential life.

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.

Appendix H: 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". The signature is fluid and cursive, with the first name "Stu" being more prominent and the last name "Engen" following in a similar style.

Stu Engen

Insurance of Student Athletes

All North Dakota State College of Science student-athletes must be covered by some type of individual health insurance before participating in any practice, game and/or competition. If a student-athlete is not covered under a parent(s) / guardian(s) health insurance policy, health insurance is available at a cost to the student-athlete through NDSCS.

Housing Policy

All student-athletes are required to live on campus in the residence halls. Exceptions are made for student-athletes who are married. It is very important that you understand that being dismissed from NDSCS housing will affect your eligibility to participate in intercollegiate athletics at NDSCS.

Department of Intercollegiate Athletics Mission Statement

The Department of Intercollegiate Athletics at North Dakota State College of Science is dedicated and committed to the highest level of competition with peer and sister institutions, institutions in the Mon-Dak Conference, the Minnesota College Athletic Conference and on a national basis in terms of athletic excellence and academic achievement of student-athletes.

We will offer compelling experiences for the student-athlete and for our campus community and will provide a diverse environment steeped in integrity, values and vitality. We are committed to equitable opportunities for all students. Our program offerings, our recruitment of both students and staff, and our career enhancement opportunities for staff will reflect this commitment to equity and diversity. Further, we are totally committed to the NJCAA principles of sportsmanship and ethical conduct and nothing short of complete and total adherence to the principles and guidelines prescribed by the NJCAA in these critical areas will be tolerated or accepted.

Teaching is our core, positive growth and development of student-athletes and coaches is our goal and the highest level of performance in the classroom, in social settings and on the field of play is our target outcome.

Athletic Affiliation

Conference Affiliations

- Mon-Dak Athletic Conference
- Minnesota College Athletic Conference (Football)

Regional Affiliation

- NJCAA Region 13

National Affiliation

- National Junior College Athletic Association

Departmental Philosophy

Athletics are an integral part of the physical education and education programs of the Institution. As a result, the goals and objectives of the education programs are the goals and objectives of the athletic programs. Education is defined as the adjustment the student makes to experiences, which result in behavior change. Athletic education is defined in the same way by simply identifying the experiences as those from the athletic realm. It is well established that people learn through experiences, and the athletic experience is a vital part of education of the student athlete.

Winning and losing are key elements in the total athletic program. Society has a tendency to evaluate the effectiveness of a program solely on this basis. Whereas the importance of winning is recognized by the Athletic Department, it will not be unreasonably considered in the evaluation of programs and staff members. The Athletic Department is more concerned with "how much did the athletic experience do for the athlete," rather than, "how well did the athlete do in the sport."

The Department recognizes the importance of support provided by alumni and booster groups. These relationships will be fostered and developed maximally. However, control of the program will be maintained by the Athletic Department. Advice, counsel and support will be solicited and accepted; however, strict adherence to the educational values of the athletic experience will be maintained.

Athletic Philosophy

In the broadest sense, the philosophy of the North Dakota State College of Science Athletic Department is to strive at all times to represent the highest ideals in life. Because of the high visibility, the North Dakota State College of Science Athletic Department has the unique opportunity to be a positive influence on the lives of everyone associated with our program: students, faculty, staff, alumni, community and friends.

The top priority always will be the student-athletes of the athletic program. Proper direction and motivation will help them grow spiritually, socially, academically, and athletically. The ultimate goal is to provide each student-athlete with the tools necessary to be successful in life.

The physical well-being of the student-athletes is of our utmost concern. The Athletic Department must never jeopardize their health or well-being for short-term gains. In addition, the Athletic Department needs to be aware of a strong obligation to the college and to the alumni and friends who support the program.

The Athletic Department must maintain a positive, open environment within which employees of the Athletic Department can grow and develop in their careers and individual lives.

The Athletic Department encourages each student's participation in athletic programs on all levels, whether they be intercollegiate, club, or intramural. Athletic competition and physical exercise should be an important part of college life.

Success is one of the rewards for the organization. Discipline and hard work are necessary for the building of a competitive athletic program. We have an obligation to ourselves and to our student-athletes to strive to reach our potential.

At all times, the Athletic Department will observe the letter and spirit of the rules and regulations of the NJCAA, Region XIII, Mon-Dak and the MCAC. Furthermore, the Athletic Department will have an obligation to report any college that violates these same rules and regulations.

The North Dakota State College of Science Athletic Department is a service organization for several constituent groups: our student-athletes, the student body, faculty and staff, alumni and friends, the sports media, and the

general community. Our basic obligations to these groups are twofold: (1) to develop and maintain a competitive athletic program that can be a source of pride and (2) to allow members of these groups the opportunity to become involved in the program, whether as participants, contributors, or spectators. Furthermore, we will ensure that our sports programs function in conjunction with all principles of fair play and amateur athletic competition as defined by the NJCAA.

As stated in our philosophy, our primary purpose is to direct each student-athlete toward growing as a total person, earning a meaningful degree, and developing as an athlete. We should provide each student-athlete with the chance to be involved in all areas of student life while in college and the tools to be successful in his or her career after graduation.

In addition, the Athletic Department should strive to allow every member of the student body the opportunity to be a part of the athletic program. Some students can be involved actively as athletes, trainers, managers, student assistants, and assistant coaches.

For the majority of the students who participate as spectators, we have an obligation to field competitive teams that represent the quality and purpose of the College. Our program can and should be the single most important generator of positive school spirit on campus. We must be receptive to students' suggestions and inquiries and must always treat students with courtesy.

The faculty and staff are the heart of the College and can be a valuable resource for the athletic program. As we perform our duties in an open, competent, and professional manner, we will be viewed with respect by the other academic departments on campus and seen as an integral part of the college. A sound, competitive athletic program will be a source of pride for faculty and staff members. We must always be certain the faculty understands our commitment to academics and is aware of our activities and plans. Regular meetings are an excellent means to accomplish this goal.

Alumni and friends are the financial backbone of the athletic program, and we must be sensitive to their needs. We must have a service attitude, which means that every alumni, friend, or visitor should always be treated with complete courtesy and respect. The Athletic Department must make purchasing tickets as convenient as possible and always a pleasant experience. Many alumni and friends want to become involved actively in marketing or fund raising, and we should allow them, under our direction, to assist our department in these areas.

In dealing with the sports media, the Athletic Department will have an obligation to help them to be successful in their jobs. The Athletic Department must be honest, open, and supportive at all times and never attempt to conceal unfavorable news. Each member of the media should feel welcome to the athletic program. The Athletic Department can and should be a source of pride for the community. A quality, competitive athletic program can be a positive focal point for the community. The Athletic Department must be willing to donate time and resources to civic and charitable efforts and every employee of the Athletic Department is encouraged to become involved in community activities. Whenever the Athletic Department can help the community, the department helps themselves and the athletic program.

Athletic Goals and Objectives

Sport is an important aspect of our culture and a fertile field for learning experiences. Whether or not the potential of sport is realized at North Dakota State College of Science depends upon the quality of the experience. (The goal of intercollegiate athletics is to realize the full potential of the athletic experience as a contributing factor to the enrichment of the life of the participant.) Although the sole justification of the program is the individual, we recognize the spin-off values to the college community and the area served by the college.

With this in mind, the specific objectives of the Athletic Department have been developed. When considering the objectives, the reader is asked to keep in mind that they were developed consistent with the needs, resources and circumstances unique to North Dakota State College of Science.

1. To maintain a spirit of play so that educational values are fully realized.
The primary objective of athletics is to provide the athlete an exceptional educational experience. The department must guard this objective zealously. The pressure to make winning foremost is continual and comes from many sources. This does not diminish the desire for excellent individual and team performance. Athletics must be fun and educationally productive, and at all times this objective must be foremost. The welfare of the athletes is always the primary consideration.
2. To provide programs which encourage excellence in individual and team performance.
The Athletic Department wishes to provide a quality experience for the athlete and the opportunity for a quality performance. This includes providing excellent equipment, good facilities, challenging schedules, an excellent environment in which to work, and well-prepared and motivated leadership. It is imperative that the opportunity for coaches and athletes to compete at the level of our competition be provided.
3. To increase public understanding, appreciation, and knowledge of sport and the place of sport in the educational setting.
The Athletic Department must recognize its opportunity and responsibility to aid the public in understanding the real value of sport and its proper place in the educational setting. The public, as a whole, does not understand athletics, and especially the differences between big-time and small college athletics. The Athletic Department must work to counterbalance the misunderstanding. Large scholarships, abuse of athletes, transcript tampering, point shaving, recruiting irregularities and other questionable practices are not common to small college athletics. The small college athlete goes to college for an education, participates while in school, and is richer for their participation.
4. To present a positive image of the college.
An objective of the Athletic Department is to present a positive image of the college, through a complete devotion to quality. The Department recognizes that athletics is often the visual scoreboard, but also by appearance and behavior, on and off the field. Teams and coaches must realize that they represent their sport, their team, and their college by their actions both on and off the field.
5. To contribute to the quality of campus life.
A quality athletic program has positive effect on campus life. Athletics offer the opportunity for wholesome entertainment at a reasonable cost. Athletics provide an opportunity for the band to perform before substantial numbers of people. Finally, athletic facilities and equipment are made available for student use when not being used by competitive teams. The Athletic Department should make a major contribution to the quality of student life at North Dakota State College of Science.

Student Athlete Code of Conduct

Introduction

All student-athletes are members of the NDSCS student body. You are a student first, and your participation in intercollegiate athletics derives from your status as a student. Accordingly, all college policies governing student conduct apply to you.

Participation in the NDSCS intercollegiate athletic program is a privilege. You represent not only yourself, but also your teammates, others in the athletic department, the college, our community, our state, our conference and our alumni throughout the world. Given the significance of this privilege, additional responsibilities are sometimes placed upon you beyond those placed on other students at the college.

This student-athlete code of conduct is designed to inform you, the student-athlete, of the behavior expected of you, and to the potential consequences that your behavior may have on your status as a student-athlete, and applies in addition to the student conduct code of the college.

The Athletic Department may take action under this code of conduct regarding your participation in the college's intercollegiate athletics program, and also regarding the awarding, renewal, and modification of a scholarship that you may now have or may receive in the future. This Code of Conduct is intended to complement, not replace, the NDSCS student conduct code, or conduct rules that your sport team has adopted, including consequences for violating College policy or sport team rules. Always remember that a coach or the director of athletics has the right to impose additional rules and sanctions above and beyond those outlined in this policy.

Policies on Misconduct

If you are arrested, charged with a crime, or have been reprimanded for any other type of behavior on or off campus you are required to notify your head coach within 24 hours. Your head coach will inform the director of athletics. The director of athletics shall serve as the representative of the department in determining the appropriate application of this policy. There are two levels of misconduct that may affect your ability to fully participate in the NDSCS intercollegiate athletic program: Level I, Level II. Charges such as minor driving offenses, etc. are not subject to the applications, definitions and sanctions of Level I and Level II misconduct.

Level I Misconduct

If the NDSCS Athletic Department has information which leads it to conclude that a student-athlete has been arrested or charged with a violation of local, state or federal law involving violence (sexual assault, battery, etc.), theft (any degree), drugs (possession, distribution or intent to distribute, etc.) or a major alcohol offense (OWI, providing alcohol to a minor, etc.) or illegal gambling or any felony charge, the student-athlete shall be immediately suspended from intercollegiate athletic participation, which may include practice. The suspension remains in effect until either 1) the charges are resolved by the legal system; or 2) College or departmental disciplinary measures have been issued in accordance with this policy and/or the department lifts or modifies the suspension or the term of the suspension is served.

By suspending the student-athlete, the department is not pre-judging guilt or innocence, rather the suspension protects the integrity of our department and its 5 sport programs, including all of our student-athletes, when there is an arrest or criminal charge.

Sanctions for Level I Misconduct

First Offense

The Athletic Director and/or Head Coach reserve the right to dismiss the student-athlete from the team. The student-athlete will be suspended (at least 10% of the season) from competition and may be suspended from practice. This suspension may be up to one calendar year.

The student-athlete may be required to a) Attend an assessment session with appropriate counseling provider to assess if additional intervention is needed. The student-athlete is responsible for related expenses including expenses for education, counseling, evaluation, or treatment, if any expense is entailed; b) Perform community service as directed.

Second Offense

The student-athlete will be dismissed from the team.

Level II Misconduct

The Director of Athletics reserves the right to declare any infraction as Level II. Inappropriate conduct or disorderly conduct in the resident halls could be determined to be a level two offense. A student-athlete arrested or charged with other infractions (non-Level I) violations such as public intoxication, disorderly conduct, minor in possession, etc. all are level II violations and are subject to the following sanctions.

Sanctions for Level II Misconduct

First Offense

The student-athlete is required to meet with the head coach, and/or the director of athletics to review the infraction. The student-athlete may be required to a) Perform community service as directed; b) If so directed by the sport administrator, attend an assessment session with appropriate counseling provider to assess if additional intervention is needed. The student-athlete is responsible for related expenses including expenses for education, counseling, evaluation, or treatment, if any expense is entailed.

Second Offense

The student-athlete is required to meet with the Director of Athletics to review the infraction. The student-athlete may be required to:

1. Attend an assessment session with appropriate counseling provider to assess if additional intervention is needed
2. Perform community service as directed
3. Could be suspended at least 10% of all regularly scheduled competitions beginning with the next event at the discretion of the director of athletics.

Third Offense

Any third level II offense shall be considered a level I violation and result in appropriate level I sanctions.

Level II Misconduct violations shall not carry over to the student-athletes second year of attendance.

Athletic Eligibility

Full Time Enrollment

All student-athletes must be enrolled in a minimum 12 credit hours per semester, in order to be eligible for competition. In many cases, these 12 hours need to be independent of second 8-week credit hours. Any student-athlete who drops below full-time enrollment (12 credit hours), for any reason, will immediately be declared ineligible for competition.

Initial Eligibility

In general terms all domestic first year student-athletes are eligible for practice and competition if they have graduated from high school, and are enrolled in 12 credit hours independent of the second 8 weeks. In some sports (depending on the game schedule) the second 8 week credits can be counted towards the 12 credit hours.

Continuing Eligibility

Subsequent to your second semester, there are a number of important benchmarks you must reach in order to retain your academic eligibility. These requirements are set forth by the NJCAA and your academic eligibility is determined by the Registrar's Office and the Director of Athletics. Many factors can determine subsequent athletic eligibility. Examples: Are you a transfer student? How many semesters have you been in college? Are you considered a participant or non-participant (red-shirt, or participated in a sport other than you are seeking eligibility. You also need to maintain a certain grade point average depending on factors such as number of semesters in college and participation status. Please see Director of Athletics Stu Engen if you have questions about your eligibility.

Redshirt

The term "redshirt" refers to the circumstance surrounding no competition. The student-athlete may be practicing with the team; however, the coaching staff has determined that the student-athlete will not compete against outside competition. Simply speaking, the student-athlete is held out of all competitive events during the academic year. The student-athlete has not used a season of eligibility, but one of five NCAA calendar years has elapsed.

Medical Hardship

A student-athlete may be granted an additional year of competition by the NJCAA national office for reasons of "hardship," which is defined as incapacity resulting from injury or illness which occurs under the following conditions:

1. Occurs in one of the two seasons of NJCAA intercollegiate competition.
2. Occurs when the student-athlete has not participated in more than 20 percent of the sports regular season contests.
3. The injury must occur in the first half of the season and result in the incapacity to compete for the remainder of the season.

Note: Medical hardships are not easy. Medical conditions must be extremely well documented and must be endorsed by a medical doctor stating that this particular student-athlete was or will not be unable to continue completion because of a medical condition or a season ending injury. In football, the regular season is 8 contests. That means that an injury must occur in the first game of participation to be eligible to apply for a hardship.

Social Media Policy

Social Networking Sites

Members of the athletic department staff have the authority to view Facebook, My Space, or any other public online journal, and review profiles and other information for appropriate content related to being a student-athlete. Photos, “groups” or other content (including “wall-postings”), which violate or appear to violate the conditions of this code of conduct or other laws may be considered a violation of this code of conduct. This includes, but is not limited to, derogatory statements, depictions of underage drinking or alcohol use, and any reference to illicit drugs or other inappropriate behavior not reasonably related to a legitimate academic activity.

Definition / Goal for Social Media

Social media are tools that provide powerful communication opportunities to build relationships and support. That support can be built and crushed quickly. The small nuggets of information you post can dramatically change the community’s perception of you. They are a great way to interact with fans, alumni, recruits, parents and the community, but they can be equally as damaging. It’s important that you use the tools appropriately.

Examples include but are not limited to: Facebook, Google Plus, Twitter, Podcasts, Vodcasts, Text Messaging, Email Blasts, MySpace, Flickr, YouTube, Blogs, Social Bookmarking, Instagram, Snap- chat, Vine, LinkedIn.

Athletic Department Policies

Student-athletes with a Twitter account might be asked by athletics to follow the private account and allow that account to follow them in return. This allows administrators to communicate with student-athletes and identify tweets that put student-athletes in danger of being held from NJCAA participation.

1. Do not post anything that is confidential, sensitive or private.
2. Schools can’t publicly release information from a student’s education record without consent. FERPA. Exceptions apply in cases involving other education institutions and law enforcement. In general, do not release injury information or other bits of news that allows other teams to gain an advantage through social media outlets.
3. Follow all applicable laws, NJCAA rules, the colleges and athletic department’s policies and guidelines. For example, it is impermissible for current student-athletes to promote or endorse any product in any forum.
4. Do not comment on athlete injuries, rosters, playbooks, officiating or any other team information that should be kept confidential.
5. Follow all social media site rules.
6. Respect copyright and other persons’ property rights and privacy rights.
7. NDSCS logos are off limits as a part of social media profiles. The department is concerned about the logo being altered and losing its branding recognition, so students are asked to not incorporate them in their avatars or profile pictures.

Best Practices

1. Think twice before posting. If you wouldn't want your boss, parents or future employer to see your post, don't post it. Consider how it will make you appear to the public. Posting that you are bored in class lends itself to believe you are not diligent and working hard on your studies. Complaining about referees or making fun of other players makes you appear as if you are making excuses while being disrespectful and unsportsmanlike.
2. Avoid complaining of all kinds. You should never air grievances on social media.

Department's Actions

Inappropriate use of social media is subject to remedial actions, up to and including the loss of scholarship and participating privileges and dismissal from the team. Conduct may violate the NDSCS Student Conduct Code. Individual teams and head coaches may implement additional guidelines regarding the use of social media by their student-athletes. For example, a head coach may prohibit the use of social media technologies immediately prior to, during and following competition. Student-athletes are responsible for knowing and abiding by any such additional guidelines implemented by their respective teams. Violations of team guidelines regarding social media may subject student-athletes to additional, progressive remedial actions as determined by the code of conduct, their respective head coach and the director of athletics. .

Note: Appeals can be made to the Director of Athletics.

Alcohol & Drug Policies

Alcohol on NDSCS Property

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

Alcohol off Campus

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

Tobacco Products

In accordance with NJCAA legislation, the use of tobacco products is prohibited by student-athletes and all game personnel (e.g., coaches, athletic trainers, managers and game officials) in all sports during practices and competition. Additionally, NDSCS does not condone the use of tobacco in any form, including smoking and smokeless (i.e. "dipping", "chewing", etc.). Research has shown that the use of tobacco can lead to lung cancer, oral cancer, leukoplakia, emphysema, heart disease, heart attacks, etc.

Drugs Other than Alcohol

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

Drug Testing

The athletic department or individual sport programs may conduct individual or random drug tests of student-athletes throughout the year. Among the substances tested for are marijuana, cocaine, and amphetamines, including ecstasy and methamphetamines. Additionally, the athletic department may test for performance enhancing drugs on a random basis.

Reasonable Suspicion Drug Testing:

In addition to random testing, the NDSCS Intercollegiate Athletics Department reserves the right to screen a student-athlete anytime there is reasonable suspicion that he/she may be engaged in the use of banned substances. The term "reasonable suspicion" means that information has been given to a member of the coaching staff, Sports Medicine Department, and/or athletics administrator, regarding a student-athlete's possible use of banned substances. Other events or conduct may rise to the level of reasonable suspicion, including but not limited to: (a) a student-athlete's possession or use of a prohibited substance; (b) a student-athlete's arrest or conviction related to the possession of, use or trafficking of banned substances; or (c) abnormal conduct interpretable as being caused by the use of banned substances.

Self-Referral

1. Any student-athlete may refer himself/herself for evaluation or counseling by contacting a member of the coaching staff, NDSCS Sports Medicine Department, and/or an NDSCS administrator.
2. This self-referral will be held strictly confidential and no team and/or administrative sanctions will be imposed upon the student-athlete who has made a personal decision to seek professional assistance.

A student-athlete may not initiate self-referral after he/she has been informed of their participation in an impending drug test.

Hazing & Pre-Initiation Activities

All forms of hazing on the part of any individual, group or organization are subject to disciplinary action. No initiation or other activity shall be undertaken which endangers the health or safety of an individual, or demands an individual to engage in conduct of an unbecoming or humiliating nature, or in any way detracts from an individual's academic pursuits. For purposes of this policy and NDSCS disciplinary action, hazing is prohibited and is defined as any act which intentionally, unintentionally or recklessly endangers the physical, mental or emotional health or safety of a student and/or results in ridicule, for the purpose of admission into, affiliation with or as a condition for continued membership in any group. This applies to any group, organization or team connected with the college, regardless of the individual's willingness to participate in any forced or required activity. Failure to report hazing activity may be considered a violation of the code of conduct.

Sexual Misconduct Policy

See NDSCS Policy – Sexual Misconduct and Title IX Compliance Policy and reporting options, viewable at www.ndscs.edu/title9.

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 I: NDSCS Sexual Misconduct and Title IX Compliance Policies



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.

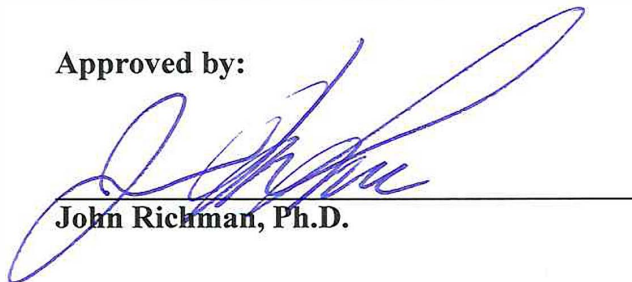
Where to obtain additional information:

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



POLICY & PROCEDURE MANUAL North Dakota State College of Science

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 NOUS 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 NOUS 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 NOUS 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.

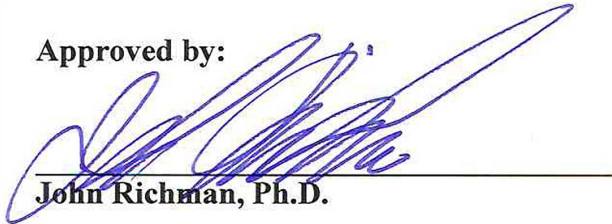
Where to obtain additional information:

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\(@ndscs.edu\)](mailto: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.

D8-B -.2040

Date

Appendix J: NDSCS Family Matters 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
 -  NDSCS.StudentLife
 - **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 38.5% 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 only 2.2.¹ 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.

68.7%
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. (2021). 2020 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 10.4% of NDSCS students reported smoking cannabis in the last 30 days and 16% 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 29.1% of NDSCS students have vaped in the last 30 days and 29.7% have vaped in the last year. Of those that reported use, 44.6% first used at the age of 16-17 years old and 25% reported first use at 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...

82.3%

of NDSCS students say that their **parent's expectations or rules** about limiting or controlling **alcohol use** is effective¹

78.5%

of NDSCS students say that their **parent's expectations or rules** about limiting or controlling **vaping/electronic cigarette use** is effective¹

82.1%

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



FirstLink 2-1-1 Helpline

MyFirstLink.org/Services/2-1-1-Helpline

North Dakota Prevention

Prevention.ND.gov