WE ARE HERE FOR YOU

Resource Guide for Support & Reporting
Sexual Harassment & Sexual Violence

campus.UND.edu/title-ix
UNIVERSITY OF NORTH DAKOTA

UNIVERSITY DORMS AND APARTMENTS

DEPARTMENT OF RESIDENCE SERVICES

500 University Avenue

www.und.edu/reslife

1-800-587-3882

www.und.edu/reslife/住宿

WE ARE HERE FOR YOU

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 PROHIBITS DISCRIMINATION ON THE BASIS OF SEX IN ANY EDUCATIONAL INSTITUTION RECEIVING FEDERAL AID.

UND’S TITLE IX TEAM IS HERE

We are here to receive, respond to, and address all reports of sexual harassment and sexual violence and concerns about gender equity that affect members of the UND community.

Our role is to provide a safe and non-discriminatory learning, living and working environment for all members of the University community. We are committed to resolving allegations of sexual harassment and sexual violence accurately under a predictably fair grievance process that provides due process protections and implements appropriate remedies.

We do this by responding to individual incidents, supporting those who have been affected directly or indirectly, and educating community members on how to create a safe and supportive campus that encourages healthy and respectful relationships.
The complainant and the respondent are entitled to equitable rights and support resources under Title IX and UND Policies.

You have the right to a learning and living environment free from discrimination and violence.

You have the right to choose whether or not to report an incident.

You have the right to choose who you report an incident to, what information you share and how you would like to be involved in any university process.

You have the right to make an anonymous report, or request no formal complaint or investigation.

You have the right to supportive measures to help you continue to live and learn at UND. This might include a housing or academic modification or a no-contact directive.

You have the right to bring someone with you when you meet with campus support or resource offices.

You have the right to be free from retaliation for exercising your rights.

Title IX records that contain personally identifiable information about the parties are exempt from North Dakota Open Records Law.

If you choose not to report an incident right away, you can still report in the future; however, the University’s ability to respond at that time may be limited.
**Incapacitation**

Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in a sexual act or contact.

**Sexual Harassment**

Sexual Harassment as defined by Title IX is conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to their education program or activity; or

3. Sexual assault, dating violence, domestic violence or stalking.

Sexual Harassment is also defined by UND’s Discrimination and Harassment Policy as:

- Unwelcome verbal, nonverbal or physical conduct of a sexual nature that creates a hostile environment;

- Acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on actual or perceived sex, sexual orientation or gender identity, even if the acts do not involve conduct of a sexual nature, that creates a hostile environment;

- When submission to or rejection of unwanted conduct of a sexual nature is made, explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in any university-sponsored programs or activities or is used as the basis for university decisions affecting the individual.

**Sexual Violence**

Sexual violence refers to sexual assault, rape, domestic violence, dating violence, and stalking.

---

**Consent**

For purposes of sexual harassment and sexual violence, consent is defined as affirmative, informed, voluntary, and active permission to engage in a mutually agreed-upon sexual act or contact. Consent is expressed by clear and unambiguous words or actions that a reasonable person (e.g., not under the influence of drugs and/or alcohol) in the circumstances would believe communicate a willingness to participate in a sexual act or contact.

It is the responsibility of each person who wishes to engage in a sexual act or contact to obtain consent. Silence, the lack of protest, or the absence of resistance does not indicate consent. Consent may be initially given but withdrawn at any time. Consent to a past sexual act or contact does not imply consent to a future sexual act or contact. Consent to one form of a sexual act or contact does not imply consent to other forms of sexual acts or contacts. Being impaired, such as by drugs or alcohol, does not eliminate a person’s responsibility to obtain consent.

For a full list of definitions, see the Code: [UND.edu/code-of-student-life](UND.edu/code-of-student-life) or UND’s Title IX and Sexual Violence Policy.

**Consent cannot be obtained:**

1. By the use of physical force, threats, intimidation, deception, or coercion;

2. From one who is incapacitated due to the use of drugs or alcohol;

3. From one who is asleep or unconscious;

4. From one who is unable to understand the nature or extent of the sexual situation or is unable to communicate because of mental or physical condition; or

5. From one who is not old enough to give consent under North Dakota law.
WHAT ARE MY OPTIONS?

You have a number of options, but each individual is different, so we encourage you to consider contacting one or more of the following offices as you gather information and decide what is best for you.

Confidential Sources of Information and Support:

**Community Violence Intervention Center**
CVIC can provide emotional support and reporting options, along with other resources such as protection orders and group counseling.

**Student Health Services**
SHS can provide confidential health services.

**University Counseling Center**
UCC can provide individual or group counseling.

**Altru Hospital**
Altru can provide a confidential forensic sexual assault exam (rape kit) and other health care options. There is no charge for the exam and it will not be billed to your parents’ insurance.

Campus Resources that are guided by Title IX and will keep information PRIVATE:

- **Office of Student Rights & Responsibilities***
- **University Police Department***
- **Title IX Coordinator or Deputy Title IX Coordinator***

These resources are for anyone affected by sexual harassment or sexual violence. They provide a compassionate space to make a report and learn about resources and support, including housing/academic assistance, emotional support and more. They will learn about your wishes moving forward and work to find a resolution consistent with your needs. The Title IX Coordinator assesses all reports of sexual misconduct and balances requests for next steps with the safety of campus.

If you meet with the people in these offices, you can do any or all of the following:

- Just get information about possible next steps
- Make a report and request supportive measures only (i.e., campus contact restrictions, housing/academic assistance)
- Make a complaint and request an informal resolution
- Make a complaint and request an investigation and hearing

**On-Line Reporting**
You may make an anonymous crime report to UPD here: [UND.edu/public-safety/report-a-crime.cfm](UND.edu/public-safety/report-a-crime.cfm)

You may make an incident report to the Title IX Coordinator (with or without using your name) here: [campus.UND.edu/equal-opportunity/incident-report](campus.UND.edu/equal-opportunity/incident-report).

*These individuals have a duty to share all disclosures of sexual violence or other acts of sexual misconduct with the Title IX Coordinator to provide resources and support. This information will remain private and the only individuals who will be informed of your identity are those who need to know to provide assistance.
I just want to talk to someone but I don’t want anyone else to know. If I report to UND, will you have to do an investigation?
You can decide whether you want to receive supportive measures only or if you want to file a formal complaint and request an investigation. If an investigation is necessary for campus safety, you may choose whether to participate. Supportive measures are available to you regardless of your decision.

After I talk to OSRR or the Equal Opportunity & Title IX Office, can I think about my options for a while?
Yes. A staff member will check with you at a later date to see if you have further questions and how you would like to proceed. They will follow up by sending you a list of resources. It is always your choice whether to respond or participate.

I want to make a report, what do I do now?
Contact the Title IX Coordinator or any Deputy Title IX Coordinator in person, by mail, phone, or online report. (See Contact Information on back.) A staff member will contact you to discuss supportive measures and your options moving forward.

If you decide to request an investigation or informal resolution, you will be given a formal complaint form to complete and sign. A staff member will explain the grievance process and answer any questions you may have.

Informal resolution is a way to resolve the complaint without an investigation and live hearing. Informal resolution may include supportive measures, remedies and/or disciplinary measures. The process will be a little different in every situation. However, all informal resolution processes are voluntary, and any party may decide to stop the process if they don’t want to continue.

I was drinking before I was assaulted. I’m afraid I will get blamed or get in trouble for underage drinking. What should I do?
The safety and health of students is a primary concern at UND. UND will not begin an alcohol or drug violation conduct process against a student who is reporting a sexual assault.

I think my friend was assaulted (or in an abusive relationship). What can I do to help?
Encourage them to seek help. You can get information from the Equal Opportunity & Title IX Office, OSRR or any of the other resources listed on the front without identifying your friend and then refer or bring your friend to the office they choose.

What if I need to talk to someone but I don’t want to make a report?
You can contact a confidential resource, such as the University Counseling Center, Student Health Services, or CVIC to discuss personal care needs and emotional support options. They can explain what to expect and provide information about reporting options if you choose to move forward with a UND or police report.

Can I file a police report without going forward with a criminal investigation?
Yes, you may file a police report without initiating a criminal investigation at any time. You can also request safety escort services from UPD.

How do I know if someone is incapacitated by drugs or alcohol?
Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. Although everyone is different, typical signs include slurred or incomprehensible speech, difficulty walking, combativeness, emotional volatility, or vomiting. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?”

I was sexually assaulted by someone who is not a UND student. Can UND still help me?
Yes. Resources are available on campus (see list on reverse). OSRR can assist with referrals to support services. UPD can assist with a criminal investigation, if you choose.

I was sexually assaulted by someone who is not a UND student. Can UND still help me?
Yes. Resources are available on campus (see list on reverse). OSRR can assist with referrals to support services. UPD can assist with a criminal investigation, if you choose.

I want to make a report, what do I do now?
Contact the Title IX Coordinator or any Deputy Title IX Coordinator in person, by mail, phone, or online report. (See Contact Information on back.) A staff member will contact you to discuss supportive measures and your options moving forward.

If you decide to request an investigation or informal resolution, you will be given a formal complaint form to complete and sign. A staff member will explain the grievance process and answer any questions you may have.

How does an informal resolution work?
Informal resolution is a way to resolve the complaint without an investigation and live hearing. Informal resolution may include supportive measures, remedies and/or disciplinary measures. The process will be a little different in every situation. However, all informal resolution processes are voluntary, and any party may decide to stop the process if they don’t want to continue.

If I report this to UND, who will know about it?
Most UND employees are required to share your report with the Title IX Coordinator so that we can give you information about available support and options. However, your information will only be shared with people who can provide help.
CONTACT INFO

Title IX Coordinator
Donna Smith
Director, Equal Opportunity & Title IX  |  Twamley Hall, Room 102
701.777.4171  |  donna.smith@UND.edu  |  campus.UND.edu/title-ix

Deputy Title IX Coordinators
Alex Pokornowski
Assistant Vice President
Student Affairs & Diversity
701.777.2892  |  alex.pokornowski@UND.edu

Cassie Gerhardt
Associate Vice President
Student Affairs & Diversity
701.777.3667  |  cassie.gerhardt@UND.edu

Kara Helmig
Associate Athletic Director
Internal Operations, Athletics
701.777.5585  |  kara.helmig@UND.edu

Peggy Varberg
Associate Vice President
Human Resources & Payroll Services
701.777.4802  |  peggy.varberg@UND.edu

Heather Wages
Academic Affairs Officer
701.777.2049  |  heather.wages@UND.edu

Title IX Liaisons
Troy Noeldner
Director
Housing
701.777.6366  |  troy.noeldner@UND.edu

Eric Plummer
Associate Vice President for Public Safety
Chief of Police
701.777.3391  |  eric.plummer@UND.edu

Title IX Liaisons
Vicki Morrissette
Assistant Director
Students Right & Responsibilities
701.777.3824  |  victoria.morrissette@UND.edu

Sara Kaiser
Director
Students Right & Responsibilities
701.777.4076  |  sara.kaiser@UND.edu

Sara Kaiser
Director
Students Right & Responsibilities
701.777.4076  |  sara.kaiser@UND.edu

Tina Huderle
Student Services Coordinator
Students Right & Responsibilities
701.777.0866  |  tina.huderle@UND.edu

Kyle Markwardt
Title IX/Civil Rights Investigator
Equal Opportunity & Title IX
701.777.4399  |  kyle.markwardt.2@UND.edu

Beth Valentine
Equity Specialist
Equal Opportunity & Title IX
701.777.4171  |  beth.valentine@UND.edu

James Porter
Associate Dean
School of Medicine & Health Sciences
701.777.2296  |  james.porter@UND.edu

Tammy Oltz
Assistant Dean for
Law Library & Information Services
701.777.2653  |  tammy.pettinato@UND.edu

Peggy Varberg
Associate Vice President
Human Resources & Payroll Services
701.777.4802  |  peggy.varberg@UND.edu

Heather Wages
Academic Affairs Officer
701.777.2049  |  heather.wages@UND.edu

Title IX Liaisons
Troy Noeldner
Director
Housing
701.777.6366  |  troy.noeldner@UND.edu

Eric Plummer
Associate Vice President for Public Safety
Chief of Police
701.777.3391  |  eric.plummer@UND.edu

University Police Department
3851 Campus Rd  |  701.777.3491
UND.edu/police

Office of Student Rights & Responsibilities
McCannel Hall, Room 280  |  701.777.2664
UND.edu/osrr

Altru Hospital
1200 S Columbia Rd  |  701.780.5000
altru.org

Campus and Community Resources
CVIC at UND
Campus Office  |  McCannel Hall, Room 200
701.777.6550  |  UND.edu/cvic
24/7 Crisis Line: 701.746.8900

Student Health Services
McCannel Hall, Room 100  |  701.777.4500
UND.edu/student-health

University Counseling Center
McCannel Hall, Room 200  |  701.777.2127
UND.edu/counseling-center