

# 2024

## ANNUAL SECURITY & FIRE SAFETY REPORT



# President's Message

Dear Community Member:

I am pleased to introduce the *2024 Annual Security and Fire Safety Report* for the 2023 calendar year for the University of North Dakota. This report is prepared by a comprehensive team representing various campus sectors: Equal Opportunity & Title IX, Community Standards & Care Network, Department of Public Safety, Housing & Residence Life, Legal Counsel, and Policy Office. Not only does this report comply with the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act, but it is also part of our ongoing effort to inform you of the safety programs and services available and the steps you can take to maintain your safety and the security of others.

The safety and well-being of our students, faculty, staff, and visitors are our foremost concern. The best protections against campus crime are a strong law enforcement presence; an aware, informed, alert campus community; and a commitment to reporting suspicious activities and using common sense when carrying out daily activities.

The University of North Dakota works diligently to reduce risk and the potential for crime. However, despite our best efforts, crimes may occur. Safety and security are a shared responsibility, and we expect all current and prospective community members to contribute to the safety and security of our campus.

If you have any questions or suggestions concerning this publication, please contact the Department of Public Safety at (701) 777-3491.

Best wishes,

Andrew Armacost, President

*Published August 15, 2024*



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# Quick Reference: Resources

## UND Police Department (On-campus)

Emergency .....	9-1-1
Non-emergency .....	701-777-3491
Hearing Impaired .....	701-777-2796
North Dakota Relay .....	7-1-1
<a href="https://campus.UND.edu/safety/police">https://campus.UND.edu/safety/police</a>	

## Local Law Enforcement (Off-campus)

Emergency .....	9-1-1
Non-emergency:	
Grand Forks Police .....	701-787-8000
Grand Forks County Sheriff.....	701-780-8280
North Dakota State Highway Patrol.....	701-795-3832
East Grand Forks Police (Minn.).....	218-773-1104
Polk County Sheriff (Minn.) .....	218-281-0431
Hearing Impaired (North Dakota Relay) .....	7-1-1

## Fire Department (Off-campus)

Emergency .....	9-1-1
Non-emergency:	
Grand Forks Fire Department .....	701-746-2566
East Grand Forks Fire Department (Minn.) .....	218-773-2403
Hearing Impaired (North Dakota Relay) .....	7-1-1

## Health

<b>Student Health Services .....</b>	<b>701-777-4500</b>
2891 2nd Avenue N, McCannel Hall, Room 100	
Medical Services	
Information and Appointments	
Monday-Friday 8 a.m. – 4:30 p.m.	
<a href="http://UND.edu/student-life/student-health">http://UND.edu/student-life/student-health</a>	

<b>University Counseling Center.....</b>	<b>701-777-2127</b>
2891 2nd Avenue N, McCannel Hall, Room 200	
Counseling and therapy, consultation, couples and group	
counseling, and assistance with referrals	
<a href="http://UND.edu/student-life/counseling-center">http://UND.edu/student-life/counseling-center</a>	

<b>Altru Health System.....</b>	<b>701-780-5000</b>
1200 S Columbia Road	
<a href="http://www.altru.com">www.altru.com</a>	
Emergency Department.....	701-780-5000
Room Information.....	701-780-5234

<b>Altru Express Clinic   Family Medicine Residency</b>	<b>701-780-6800</b>
725 Hamline Street	

<b>Altru Family Medicine Center .....</b>	<b>701-795-2000</b>
1380 S Columbia Road	

(Quick Reference: Resources  
listing continued on Page 4.)

## Additional Campus Offices

Office Hours Monday-Friday 8 a.m. – 4:30 p.m.

**Athletics**.....701-777-2234  
2625 2nd Ave N, Hyslop at Memorial Village  
<http://fightinghawks.com>

**Community Violence Intervention  
Confidential Advisor**.....701-777-6550  
264 Centennial Drive, Twamley Hall, Room 102  
<http://UND.edu/student-life/violence/cvic>

**Department of Public Safety**.....701-777-3341  
3851 Campus Road  
<http://campus.UND.edu/safety>

**Emergency Management** .....701-777-3341  
3851 Campus Road  
<http://campus.UND.edu/safety/emergencies>

**Equal Opportunity & Title IX** .....701-777-4171  
264 Centennial Drive, Twamley Hall, Room 401  
<http://campus.UND.edu/equal-opportunity>

**Facilities Management** .....701-777-2591  
3791 Campus Road  
<http://campus.UND.edu/facilities-management>  
Maintenance/24 hours ..... 701-777-2591

**Housing & Residence Life** .....701-777-4251  
525 Stanford Road  
<http://UND.edu/student-life/housing>  
Residence Hall Information (weekends/evenings)... 701-777-3903

**Human Resources** .....701-777-4226  
264 Centennial Drive, Twamley Hall, Room 409  
<http://campus.UND.edu/human-resources>  
Employee Assistance Program ..... 800-627-8220

**International Programs and Center** .....701-777-4231  
2091 University Avenue, Memorial Union, Room 300  
<http://UND.edu/academics/international-center>

**Office of Safety** .....701-777-3341  
3851 Campus Road  
<https://campus.UND.edu/safety/public-safety>

**Community Standards &  
Care Network (weekdays)** .....701-777-2664  
2901 University Avenue, Memorial Union, Room 240  
<http://UND.edu/student-life/student-rights-responsibilities>  
Care Team (days: Community Standards &  
Care Network)..... 701-777-2264  
Care Team (weekends/evenings: UPD) ..... 701-777-3491

**Student Diversity & Inclusion**.....701-777-4291  
2901 University Avenue, Memorial Union, Room 201  
<http://UND.edu/student-life/diversity>

**Title IX** .....701-777-4171  
264 Centennial Drive, Twamley Hall, Room 401  
<http://campus.UND.edu/equal-opportunity>

## Grand Forks Community Services

Community Violence Intervention Center (weekdays)701-746-0405  
**Rape and Abuse Crisis Line (24 hours)** .....701-749-8900  
Grand Forks County Social Services..... 701-787-8500  
Northeast Human Service Center ..... 701-795-3000  
**Crisis Line** .....701-775-0525

### Campus Ministries:

Christus Rex Lutheran Campus Center (ELCA) ..... 701-775-5581  
St. Thomas Aquinas Newman Center (Roman Catholic)701-777-6850  
Wittenberg Lutheran Chapel (LCMS) ..... 701-772-3992

## National and Statewide Hotlines

Poison Control ..... 800-222-1222  
Road Emergency Assistance ..... 800-472-2121  
National Suicide Prevention Hotline ..... 800-273-TALK (8255)  
Suicide Hotline..... 800-SUICIDE (784-2433)

# The Clery Act

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial, and geographic considerations, the issue of 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.

The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Clery's parents lobbied Congress to enact the law when they discovered students at Lehigh hadn't been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery's murder.

## Compliance with the Clery Act

The Clery Act requires the University of North Dakota (UND) to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make their campus security policies available to the public. The act also requires UND to collect, report, and disseminate crime data to everyone on-campus and to the Department of Education annually.

When the Higher Education Opportunity Act (HEOA) was signed into law in 2008, it amended the Clery Act by adding several safety- and security-related requirements to the Higher Education Act of 1965. To be in full compliance with the law, UND must do the following:

1. 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 preceding three calendar years, detail campus and community policies about safety and security measures, describe campus crime prevention programs, and list procedures to be followed in the investigation and prosecution of alleged sex offenses.
2. Provide students and employees with timely warnings of crimes that represent a threat to their safety. The University of North Dakota Police Department (UPD) 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.
3. Keep the past three years of crime statistics detailing crimes that have occurred: on-campus; in university residential facilities; in public areas on or near campus; and in certain non-campus buildings, such as fraternities/sororities and remote classrooms. UND must also report liquor and drug law violations and illegal weapons possession if they result in a disciplinary referral or arrest.

4. Disclose missing student notification procedures that pertain to students residing in any on-campus student housing facilities.
5. Disclose fire safety information related to any on-campus 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 on-campus student housing facility. These statistics must include the location, cause, injuries, deaths, and property damage of each fire.
6. Submit the collected crime and fire statistics to the Department of Education each fall.
7. Inform prospective students and employees about the availability of the Annual Fire Safety Report.

UND has a vested interest in campus security and the personal safety of its students and employees. The following pages contain specific information, including crime prevention, fire safety, law enforcement authority, crime reporting policies, disciplinary procedures and other matters of importance related to security and safety on campus. This report also contains information about campus crime statistics.

Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. The report is available on the Internet at [UND.edu/annual-security-report](http://UND.edu/annual-security-report). Every member of UND receives an email that describes the report and provides its website address. For more information, contact the Department of Public Safety at 701-777-3491.

# Campus Safety

This report contains emergency management information, campus crime statistics and critical campus safety information such as policies, crime prevention, crime reporting, and resources to aid you in becoming more safety minded. The best protections against campus crime are a strong law enforcement presence; an aware, informed, and alert campus community; and a commitment to reporting suspicious activities and using common sense when carrying out daily activities. UND strives to be a safe place to learn, live, work and grow.

## Notice of Nondiscrimination

UND is committed to the principle of equal opportunity in education and employment. UND does not discriminate on the basis of race, color, national origin (including limited English proficiency), religion, sex, age, disability, sexual orientation, gender identity, pregnancy or pregnancy-related condition, genetic information, marital or parental status, veteran's status, political belief or affiliation or any other status protected by law. Pursuant to Title IX of the Education Amendments of 1972, UND does not discriminate on the basis of sex in its educational programs and activities, employment and admission. UND will promptly and equitably investigate reports of discrimination or harassment and take disciplinary action as appropriate.

Retaliation in any form against a person who reports discrimination or participates in the investigation of discrimination is strictly prohibited and will be grounds for separate disciplinary action.

The University's policies and procedures for complaints of discrimination or harassment are the Discrimination and Harassment Policy, the Sexual Misconduct Policy and the Title IX Sexual Misconduct Policy.

Concerns regarding UND's equal opportunity and nondiscrimination policies, including Title IX, Title VI, Title VII, ADA, and Section 504 may be addressed to: Donna Smith, Assistant Vice President & Title IX/ADA Coordinator, Equal Opportunity & Title IX, Twamley Hall Room 401, 264 Centennial Dr Stop 7097, Grand Forks, ND 58202-7097. Phone: 701.777.4171. Email: [UND.EO.TitleIX@UND.edu](mailto:UND.EO.TitleIX@UND.edu) or [donna.smith@UND.edu](mailto:donna.smith@UND.edu).

A complaint or concern regarding discrimination or harassment may also be sent to the following or any other federal agency: Office for Civil Rights, U.S. Department of Education, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604. Phone: 312.730.1560. Fax: 312.730.1576. Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov).

## Law Enforcement Authority

The University of North Dakota Police Department (UPD) is a full-service law enforcement agency serving the University of North Dakota 24 hours a day, 365 days a year. The officers of UPD are trained and certified under guidelines of the state of North Dakota Police Officer Standards and Training Commission and are sworn officers with full powers of arrest; empowered and mandated to enforce all applicable federal and state laws, local ordinance, and SBHE and University policies.

UND desires to maintain a secure and accessible campus for students, employees, contractors, visitors, and guests. As the law enforcement agency for UND, UPD's mission is to protect lives and property, maintain order, prevent crimes, receive, and investigate reports of crimes, and provide other law enforcement services, all while being responsive to the special needs of the large and diverse University community.

Determining law enforcement authority for UND's campus is directed by North Dakota Century Code (NDCC) sections 15-10-17 and 44-08-20, the State Board of Higher Education (SBHE) and the Clery Act.

## Jurisdiction

Per NDCC 15-10-17, a law enforcement officer employed by UND has jurisdiction on all property owned or leased by the SBHE and property on and within the boundaries of:

- The intersection of DeMers Avenue and North 55th Street,
  - North 55th Street north to University Avenue,
  - University Avenue east to North 42nd Street,
  - North 42nd Street north to Gateway Drive,
  - Gateway Drive east to North Columbia Road,
  - North Columbia Road south to 10th Avenue North,
  - 10th Avenue North east to North 25th Street,
  - North 25th Street south to 6th Avenue North,
  - 6th Avenue North east to North 20th Street,
  - North 20th Street south to 5th Avenue North,
  - 5th Avenue North west to North 23rd Street,
  - North 23rd Street south to University Avenue,
  - University Avenue east to North 21st Street,
  - North 21st Street south to Dyke Avenue,
  - Dyke Avenue east to North Washington Street,
  - North Washington Street south to DeMers Avenue, and
  - DeMers Avenue west to North 55th Street.
- Jurisdiction also includes Grand Forks International Airport.



UND's campus falls under the jurisdiction of several police agencies. UPD personnel work closely with all local, state, and federal police agencies, and have a direct working relationship with the Grand Forks Police Department through a joint powers agreement (JPA). UPD is also a part of the 9-1-1 Emergency System and is dispatched through the Grand Forks Public Safety Answering Point.

All offenses such as sexual offenses, murder, aggravated assault, robbery, and auto theft are reported to UPD. When appropriate, joint investigative efforts with investigators from UPD and local law enforcement are deployed to resolve these various crimes.

Whenever information is received by Community Standards & Care Network from law enforcement outside of UPD that has a nexus to the University, a follow-up for judicial or other purposes will be scheduled.

## Accurate and Timely Reporting of Criminal Offenses

Students, faculty, staff, and visitors are strongly encouraged to report all criminal and suspicious activity, public safety related incidents, and any emergency occurring on UND's property, to the University of North Dakota Police Department (UPD) or local law enforcement in an accurate and timely manner. Reports may be made on behalf of another, when, for example, the victim of a crime elects to or is unable to make such a report.

To report suspicious activity, a crime, or an emergency on the UND campus, call 9-1-1. To report a non-emergency, security, or public safety related matter, call UPD on extension 7-3491 or, from outside the University phone system, 701-777-3491.

Dispatchers are available on these telephone numbers 24 hours a day. In response to a call, UPD will take the required action, dispatching an officer or asking the complainant to report to UPD to file an incident report.

Individuals on campus may also report crimes to a designated campus security authority (CSA):

- Vice President for Student Affairs (701-777-2724)
- Dean of Students (701-777-2664)
- Associate Vice President for Student Affairs (701-777-2724)
- Associate Vice President for Student Inclusion (701-777-2443)
- Coordinator for Fraternity and Sorority Life (701-777-3620)
- Student Organization Faculty Advisors (701-777-4200)
- Community Standards & Care Network: Assistant Directors and Coordinators (701-777-2664)
- Director of Housing & Residence Life (701-777-4251)
- Housing & Residence Life personnel: Associate and Assistant Directors of Housing, Resident Director, Community Assistants, Resident Assistants, Resident Managers (701-777-4251)
- Director of Athletics (701-777-2234)
- Deputy Director of Athletics (701-777-2234)
- Senior Associate, Associate and Assistant Directors of Athletics (701-777-2234)

- Athletics: Head Coaches, Assistant Head Coaches, Associate Head Coaches, and Office Operations (basketball, cross country, football, golf, hockey, soccer, softball, tennis, track and field, volleyball) (701-777-2234)
- Medical Providers in Athletics (701-777-2234)
- Athletics: Directors (Operations, Communication, Learning Enhancement, Student-Athlete and Sports Medicine Insurances Services, Video Content) (701-777-2234)
- Athletics: Coordinators (Athletics Administration, Business Operations, Compliance Graphic Design, Equipment Operations, Licensing) (701-777-2234)
- Sports Broadcaster in Athletics (701-777-2234)
- Administrative Assistant in Athletics (701-777-2234)
- Title IX Coordinator (701-777-4171)
- Deputy Title IX Coordinators: Associate Vice President for Human Resources (701-777-4361), Dean of Students (701-777-2664), Associate Athletic Director Internal Operations (701-777-5585), Director of Policy and Administration for Academic Affairs (701-777-2049), Title IX/Civil Rights Investigators (701-777-4399), Equity Compliance & Education Manager (701-777-4171)
- Provost/VP for Academic Affairs (701-777-2167)
- Director of International Center (701-777-4231)
- Director of Student Diversity and Inclusion (701-777-4362)
- Director of Indigenous Student Center (701-777-6175)
- Director of Pride Center (701-777-5890)
- Student Health Services Medical Personnel (701-777-4500)

These designated individuals have significant responsibility for student and campus activities, and as such are provided notice by UND as to the extent of their responsibility and how to report crimes to UPD.

A student's privacy concerns are weighed against the needs of UND to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate departments and agencies on a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

Information reported to UPD is treated as confidential during the investigative phase, except as required by law. When major incidents occur, the Grand Forks Police Department may also respond.

Applicable UPD incident reports are forwarded to appropriate campus department offices for review and potential action. UPD will investigate a report when it is deemed appropriate. Additional information obtained via the investigation may also be forwarded to the appropriate campus department.

Campus professional counselors, when employed as a counselor and acting within the scope of their employment at the University of North Dakota, are not considered to be a CSA and are not required to report crimes for inclusion in the annual disclosure of crime statistics. However, campus professional counselors are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics.

UND does not employ campus pastoral counselors.

Medical providers, when acting as such, are considered CSAs, and are required to report crimes for inclusion in the annual disclosure of crime statistics.

## Access to and Security of Campus Facilities

The University of North Dakota is a public institution and, with the exception of restricted and high security areas, is accessible to the public during normal building hours (time, place, and manner restrictions apply). Except for essential personnel and services, and others as designated, buildings are locked and access after normal building hours is permitted only with proper authorization and identification.

Building hours may vary. Buildings will be secured according to schedules developed by the department responsible for the building. A building safety and security representative, building manager or an emergency contact is responsible for providing the building schedule to UPD and Facilities Management when changes occur.

Facilities Management is the only entity that may make changes, additions, or alterations to University approved or installed mechanical access systems (equipment). Hasps, padlocks, or other privately supplied locking devices are not allowed. These devices will be removed by Facilities Management and the department or individual responsible will be charged for all costs incurred. UPD, Facilities Management, and the Department of Public Safety have access to all areas except for specifically identified restricted or high security areas.

In order to protect the safety and welfare of students and employees of the University and to protect the property of the University, all persons on property under the jurisdiction of the University behaving in a suspicious or threatening manner may be asked to identify themselves by a University official. Individuals identify themselves by giving their name, complete address, and stating truthfully their relationship to the University. A person may be asked to provide proof of identification which is subject to verification.

If any person refuses or fails upon request to present evidence of their identification and proof of their authorization to be in the building or on the campus, or if it is determined that the individual has no legitimate reason to be in the building or on campus, the person will be asked to leave and may be removed from the building or campus. UPD is available to assist with this request.

The University strives to maintain a secure and accessible campus for students, employees, visitors, guests, and affiliates. This campus access policy complies with the requirements established by the Clery Act.

Persons who behave in a suspicious or threatening manner or are involved in suspicious or threatening activities should be reported to UPD.

Facilities Management is responsible for key cutting, distribution, and annual inventory. UND Emergency Management, Operations Center, is responsible for EDA device creation, distribution, and annual inventory. With prior written approval, departments may maintain a supply of EDA devices and will work directly with the Operations Center to activate and deactivate these devices.

Facilities Management oversees campus space and is responsible for recoring all door locks. UND Emergency Management, Operations Center, is responsible for activation and deactivation of EDA devices, and will work with departments to establish schedules for EDA devices.

Housing & Residence Life facilitates the process for all residents' keys/EDA devices.

In order to maintain a safe working environment for students, faculty and staff, a key/EDA device checkout is available through the Operations Center. Departments are encouraged to use this service to allow intermittent access to buildings and rooms outside of building hours.

### Access Requests

Requests for access must be submitted on a UND access request form to the Operations Center. Incomplete, illegible, incorrect, or unsigned forms will be returned to the requesting department. Alteration of the form will preclude its use.

Departments can request access for those rooms and areas they are preassigned according to the Facilities Management space management software. For more information or to review pre-assigned space, contact Facilities Management.

Justification statements for outside door, laboratory, restricted area, building master, grand master or specialty access are required. Requests for these areas must be approved and signed by the associate vice president for public safety. If approved, the request will be forwarded to Facilities Management for processing.

### Housing

Housing & Residence Life staff provide access to those spaces assigned to them, including the Office of Housing & Residence Life, according to this policy document and established Housing & Residence Life procedures in accordance with this policy and their established procedures.

### After Hours Access

Individuals needing access to or utilizing facilities outside of posted hours of operation must contact the Operations Center and provide notification that they are in the building. Individuals in classrooms, labs, and other areas after hours are also encouraged to use the "work alone/study alone" feature in the UND SafeCampus app.



## **Authorized Signatures**

A UND access request form must be completed and signed by the dean, department chair/head or an authorized designee whose name is kept on file by the Department of Public Safety. Persons authorized to sign requests cannot authorize their own request. Requests by these individuals must be authorized by an immediate supervisor.

Requests for outside door, laboratory, restricted area, building master, grand master or specialty access must be acknowledged by the BSSR of the building the request is for and signed by the associate vice president for public safety.

Any change to the authorized signer must be submitted to the Office of Safety within 10 days of the effective date of change. Authorization will be reviewed annually during the key/EDA device inventory audit.

## **Key/EDA Device Issuance** **Facilities Management and University** **Information Technology**

Following approval of the UND access request, the requested key/EDA device will be issued. When a key/EDA device is ready for pick up the individual for whom access was granted will be contacted by email. Keys/EDA devices must be picked up by the key/EDA device holder, and a picture ID must be presented at the time of pick up. Pick up will take place at the Operations Center unless otherwise instructed. A receipt will be provided that contains important information regarding access holder responsibilities.

## **Housing**

Housing & Residence Life staff issue access to residential buildings by virtue of application and assignment. A picture ID is required to obtain a key/EDA device.

## **Multiple Key Requests** **Facilities Management and Department** **of Public Safety**

Requests for multiple keys must provide justification on the request before sending to the Operations Center. The form will be routed to the associate vice president for public safety for approval. All multiple key holders must adhere to the multiple key checkout procedures listed below and utilize the temporary key checkout form. Failure to follow these procedures may result in the department's loss of multiple key privileges.

- The multiple key holder must have the multiple key user complete the temporary key checkout form each time the user checks out a key.
- The multiple key holder is responsible for ensuring the multiple key user reads and understands the terms of usage.
- Keys not used during the course of a calendar year are to be returned with a copy of the temporary key checkout sheet to the Operations Center at the time of the annual key inventory.

Multiple key requests will be reviewed by the associate vice president for public safety only if the department has returned its current key inventory and temporary key checkout sheet(s) to Facilities Management. The exception would be if the

multiple key request was submitted during the 30 days granted to departments to complete the key inventory.

The determination of responsibility for the fee for a lost multiple key will be reviewed on a case-by-case basis and the responsible party and department head will be notified by Facilities Management.

Key boxes are available for the storage of multiple keys. Individuals, with proper authorization, may check out keys from these boxes as necessary.

## **Housing**

Room, apartment, and outside door keys are stored in secure key boxes. SOPs are in place for the key boxes within Housing & Residence Life areas.

## **Key/EDA Device Inventory Audit** **Facilities Management and University** **Information Technology**

A Key/EDA device Inventory Audit List will be issued to each department annually. It is the department's responsibility to conduct an annual inventory of each person's access (key/EDA device) on the audit list. The inventory must include a physical check of the key/EDA device. It is also the department's responsibility to return the completed audit list by the deadline date. The Inventory Audit Instruction Sheet and How to Read the Inventory Sheet provide additional information. Contact Facilities Management for this information.

When a key/EDA device is identified as "unaccountable" on the audit inventory, the lost or stolen key/EDA device notification and replacement request form must be completed and submitted to the Operations Center.

Multiple key holders within departments must return the temporary key checkout form(s) with the annual inventory.

If departments do not comply with inventory requirements, they will be referred to the appropriate director, department chair, dean, or associate vice president for follow up to ensure the inventory is completed and the department is in compliance.

New requests for a key/EDA device will not be processed for a department (or individual) if the current year inventory and temporary key checkout sheet(s) have not been completed.

Possession of unauthorized keys/EDA devices or alteration of keys/EDA devices is prohibited. If an individual is found to possess and/or use unauthorized keys/EDA devices or is found to have altered keys/EDA devices for unauthorized use, keys/EDA devices will be confiscated and disciplinary actions, including potential criminal charges or termination of employment, may apply.

In addition to the annual audit, the University reserves the right to conduct an inventory audit at any time.

## Housing

Housing & Residence Life conducts its own key/EDA device audit for residential keys/EDA devices. Audits are conducted at the end of the academic year, and also take place upon resident turnover.

Key/EDA device numbers are maintained by Housing & Residence Life as is the verification of who has the keys/EDA devices. Student staff keys/EDA devices are issued to each staff member by a supervisor. Inventory lists and forms are maintained by the Housing & Residence Life department.

## Returns

### Department of Public Safety

All keys/EDA devices must be returned to the Operations Center or retained by the issuing department with prior written approval. In all instances the party returning the key/EDA device is responsible for obtaining a receipt for returned key/EDA device.

In the case of extenuating circumstances, a department may collect keys/EDA devices from the authorized holder. The department must issue the holder a department key/EDA device receipt upon the collection of key(s)/EDA device(s). It is then the responsibility of the department to return the key/EDA device to the Operations Center or the department may retain the key/EDA device with prior written approval.

Under special circumstances UPD may also collect keys/EDA devices and return them to the Operations Center.

Keys/EDA devices are the property of the UND and must be surrendered upon demand. Under no circumstance are keys/EDA devices to be discarded, destroyed or transferred to any other authorized individual without receiving a receipt.

## Housing

All keys/EDA devices that are no longer needed must be returned to the appropriate Housing & Residence Life authority. Apartment leaseholders may transfer keys to spouses and/or authorized occupants as necessary.

## Lost, Stolen, Non-Returned

### Keys & EDA Devices

#### Department of Public Safety & Facilities Management

If a key/EDA device is lost or stolen it is the responsibility of the individual assigned the key/EDA device to immediately notify the Operations Center immediately, then notify the department who authorized it and complete the lost or stolen key/EDA device notification & replacement request form. Key(s)/EDA devices that are thought to be stolen should also be reported to the police, and a copy of the police report attached to the form. Failure to obtain a police report could result in a charge for replacement key(s)/EDA devices to the device holder. Upon receipt of the completed lost or stolen key/EDA device notification & replacement request form, the associate vice president for public safety/chief of police will notify facilities and conduct any necessary investigation. When necessary, written notification will be sent to the appropriate vice president, associate vice president, dean, department chair, or director when outside, laboratory, restricted area, master, grand master and specialty keys/EDA devices are lost or stolen.

Key retrieval procedures should be followed by the department to attempt to retrieve any outside, laboratory, restricted area, master, grandmaster or specialty key that is not accounted for. Fees will be assessed to individuals and/or department for keys which are lost or stolen. The determination of responsibility for any fees will be made on a case-by-case basis in accordance with this policy. If a key is determined to be missing, and more than 90 days have passed since the individual's last date of employment or enrollment, the department will incur the fee rather than the individual. If the key or return receipt can be produced after payment is made, a refund of the fee will be made to the key holder or department accordingly. The opportunity for a refund does not pertain to keys/EDA devices issued by Housing & Residence Life.

If an individual has two or more separate incidents of lost, stolen, or non-returned violations, the associate vice president for public safety reserves the right to revoke the holder's key/EDA device privileges.

The loss of keys to outside, laboratory, restricted area, master, grandmaster or specialty keys may constitute a security breach and a risk assessment will be completed by the Restricted Areas Subcommittee prior to the reissuing of any keys for the affected door(s). If a recore is necessary, the department will be notified by Facilities Management to approve a recore of the affected doors. If it is determined a significant security concern exists, the department will be notified and a recore will be initiated without department approval. In both instances, the department will be responsible for the associated costs of the recore. The results of the risk assessment may result in disciplinary action taken by the University, and key and/or EDA device privileges may be affected.

## Housing

Housing & Residence Life determines both responsibility and costs for individuals (residents and students) held responsible for lost/stolen keys/EDA devices.

Housing & Residence Life will request Facilities Management recore a door. A new key/EDA device is issued to the resident and is billed accordingly. Upon recoring, obsolete keys must be returned to the Operations Center.

## Restricted Areas

### Facilities Management and Department of Public Safety

The request to restrict access to a building or room will be coordinated between the requestor (department dean, or chair/head) and the Restricted Areas Subcommittee.

When restricted access is designated for buildings/rooms, no maintenance, custodial, and other such services will be provided. In the event that emergency personnel need to enter the restricted area, and the designated individual responsible for accessing the restricted area is not available, the department may be charged for any and all damage that may occur when entry is made.

**Housing**

All residence hall areas are considered restricted and are accessible by designated access. Authorized University personnel may enter rooms for the purposes of routine inventory, maintenance or repair, or for health or safety inspections. Authorized University personnel may conduct an administrative search of the restricted area/room to determine compliance with University regulations and policies or federal, state or local criminal laws when there is a reasonable cause to believe that a violation has occurred or is taking place.

**Vendors and Contractors  
Facilities Management**

Vendors and contractors must obtain and complete a vendor/contractor authorization form from Facilities Management prior to receiving any key/EDA device. Upon completion and approval of the vendor/contractor authorization form by the director of facilities management, vendors and contractors are required to check out a key/EDA device from the Operations Center for any work that requires access to a building. A picture ID is required when picking up keys/EDA devices. These keys/EDA devices must be returned to the Operations Center each day prior to leaving the campus.

If keys/EDA devices are not returned, Facilities Management reserves the right to change lock cores on all affected doors and bill the vendor/contractor accordingly. All lost keys/EDA devices shall be reported to the Operations Center immediately. No duplication of keys/EDA devices is permitted.

If contractor cores are utilized, keys may be held for the duration of the job without being returned to the Operations Center.

**Housing**

Vendors and contractors will be escorted by UND personnel or student employees when entering or working in occupied rooms or apartments. During vacancy of the apartment or room, the vendors and contractors will follow the same process as Facilities Management vendors and contractors including obtaining and returning a key/EDA device at the Operations Center.

**Electronic Door Access Standards**

All electronic door access systems must comply with the standards established by the University. This pertains to new construction, renovation, and upgrades. These standards include the requirement to install electronic door access on selected outside door locations and high-hazard locations within the facility recommended and approved by the Department of Public Safety and University Information Technology. Please contact the Department of Public Safety or University Information Technology for questions or additional information. These approved systems are required to be integrated into the University's access control management system located at the Operations Center.

**Video Surveillance Standards**

The installation of video surveillance systems for the protection of persons and property must adhere to University policy regarding the use of these systems and must comply with the

standards established by the University. This pertains to new construction, renovation, and upgrades. These standards include the requirement to install video surveillance systems at entrances and exit locations, long corridors, any point-of-sale locations, or any designated high-hazard locations within the facility. While video systems are not required to be integrated into the University's video management system, the Department of Safety must be notified when a video system is installed. Please contact the Department of Public Safety or University Information Technology for questions or additional information.

**Appeals**

Individuals and departments have the right to appeal associate vice president (AVP) for public safety decisions based on policy and the interpretation of it. Appeals must be submitted in writing on the appeal form to the AVP for public safety within two weeks of receipt of its initial decision. The decision on an appeal by the AVP for public safety may be reviewed, upon request, by the vice president for finance and operations/ chief operating officer.

**Security Considerations**

Proper lighting and building security are major factors in reducing crime on campus. Facilities Management maintains the University buildings and grounds with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made as quickly as possible. All members of the campus community are encouraged to report potential safety and security hazards, such as broken locks and windows to Facilities Management, the Office of Safety or UPD.

UPD completes campus lighting checks regularly. Facilities Management is notified when there are burned out or damaged street and building lights. This inspection strives to ensure maximum lighting for the public at night in UPD's jurisdiction.

To prevent injury and promote campus safety, the campus community is invited to take part in an annual lighting tour of campus. Together, students and staff tour the campus in small groups—after dark—to look for any lighting issues, obstacles, emergency blue light performance, and other items that could impede someone's safety on the campus. After the tour, notes are collected, compiled, and shared with attendees and forwarded to the appropriate departments. Shrubs are trimmed, lights changed, and improvements made to make campus a safer environment for the campus community.

Keys/EDA devices must be secured at all times. Assigned keys/EDA devices should remain in the care, custody and control of the assigned employee and not be given to other individuals. Any violations of this policy can result in discipline up to and including termination in accordance with UND Human Resources policies.

**Missing Student Notification**

Regardless of whether a student has identified a contact person, is above the age of 18, or is an emancipated minor, the University of North Dakota Police Department (UPD) and



local law enforcement must be notified of a missing student within 24 hours. UND will investigate any report of a missing UND student residing on-campus (residence halls, University Place and University Apartments) and take appropriate action to ensure all notifications and actions comply with legal mandates. Investigation of such reports will be initiated immediately by UPD and local law enforcement. Procedures are governed by federal and state laws, local ordinance, and University policy, and are implemented by internal standard operating practices.

### **Registering Information**

All students are encouraged to provide emergency contact information in the Campus Connection system.

In addition to providing a general emergency contact, students residing in on-campus residence halls, University Place, and apartment housing have the option to identify an individual whom UND will contact in the event the student is determined to be missing for more than 24 hours. All students in on-campus residence facilities identify a contact by entering and updating information under Emergency Contacts within the Housing Self Service login in Campus Connection. This contact information is kept confidential and is only disclosed during a missing student investigation or as required by law.

For a student under the age of 18 (who is not emancipated), and for purposes of missing student notification, the person(s) to be contacted must be a custodial parent or guardian, in addition to the emergency contact person designated by the student. If the student is emancipated, UND follows its standard missing person notification/protocol.

### **Reporting a Missing Student**

Any concerned person should notify a campus security authority (CSA) of a belief that a student is missing for 24 hours. CSAs include, but are not limited to, Housing & Residence Life staff members such as a community assistant, residence director, resident assistant or resident manager. The phone number for Housing & Residence Life is (701) 777-4251. Alternative CSAs include officers of UPD or staff members at Community Standards & Care Network. The missing student report must be referred immediately to UPD.

A student enrolled at the University at either a full- or part-time status, who is perceived by the reporting person to be overdue in reaching home, campus, or another specific location, and there is an identifiable concern for the well-being of the student, may be reported as a missing student.

Any University employee receiving a complaint of a missing student must notify UPD and provide further information related to the reported missing student.

### **Investigation**

UPD will investigate the report of a missing student utilizing established police investigative procedures and appropriate UND resources as necessary. UPD will notify the Grand Forks Police Department or the appropriate law enforcement agency within 24 hours that the student is determined to be missing.

### **Notifying Designated Contacts**

Individuals identified by the student, and/or the parent(s) if the student is under 18 years of age, will be contacted by UPD, Housing & Residence Life or Community Standards & Care Network within 24 hours of the initial report to the CSA/UPD.

In situations in which the student has failed to designate a contact for missing student notification, UPD will use University records and resources to continue its investigation. Family members, not including those formally identified by the student, may be contacted during the course of the investigation to resolve a report of a missing student.

### **Methods of Contacting a Reported Missing Student**

CSAs may work in cooperation and share records and information as appropriate to assess the status of a student reported as missing. Methods of attempting to locate a reported missing student include, but are not limited to, the following:

- Checking phone numbers and email addresses provided as well as social networking sites;
- Surveying the student's room or apartment, including contacting those with whom the student may live;
- Contacting friends, family members, known associates, faculty and other campus community members;
- Contacting extra jurisdictional law enforcement for assistance; and
- Assessing student's use of campus resources, such as ID card access or computer network systems.

### **Resolution of Missing Student Status**

Missing student contacts will be advised of the resolution of a student's missing status. These contacts will further be advised of law enforcement options in cases where the student is not contacted through measures in this protocol. Contact notification will be made by a CSA in Housing & Residence Life, Community Standards & Care Network, or UPD.

### **Emergency Response and Evacuation**

The University of North Dakota (UND) Emergency Operation Plan (EOP) describes the responsibilities and duties of campus personnel, departments, agencies, and nongovernmental organizations in event of an emergency or dangerous situation involving an immediate threat. The EOP is designed to assist UND employees respond appropriately when emergency conditions exist. To ensure emergency plans are appropriate, UND conducts emergency response exercises annually. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

Moreover, UND subscribes to the UND-Alerts emergency notification system. Participation in UND-Alerts is mandatory for all UND students and employees. To ensure the emergency notification system is functioning appropriately, UND conducts a test of UND-Alerts at least once each semester.

## **UND-Alerts**

UND-Alerts is UND's campus-wide emergency notification system and is used when there is a severe or imminent threat to the public safety and health of the entire campus. Phone numbers entered by students into Campus Connection and by employees into Employee Self-Service are utilized by the UND-Alerts emergency notification system to disseminate emergency alerts by telephone and/or text.

## **How to Report an Emergency**

The campus community is encouraged to call 9-1-1 to report any situation on-campus that could constitute a significant emergency or dangerous situation involving an immediate or on-going threat to the campus. Dialing 9-1-1 is also the best way to help expedite an emergency notification to alert the rest of the campus community of the threat.

## **Response Procedures for an Emergency or Dangerous Situation**

When a serious threat or disaster to the campus community occurs, UPD and the University will coordinate with other first responders, which may include the Grand Forks Police Department, the Grand Forks Fire Department, and the Grand Forks County Sheriff's Department. UND incident response resources include the Office of Safety and the Office of Emergency Management and can help mitigate impacts to the campus. Depending on the nature and magnitude of the incident, other local, state, and federal agencies may be called upon for assistance.

## **Confirming a Significant Emergency or Dangerous Situation**

First responders and essential personnel in the Department of Public Safety are responsible for initiating emergency warnings. Those responsible include, but are not limited to:

- Associate Vice President for Public Safety/Chief of Police or designee
- Police officer on duty
- Director for Safety or designee
- Director for Emergency Management or designee

UPD works in close collaboration with agencies and departments both on and off campus to gather and assess information related to events that may pose an immediate threat or hazard to the University. UPD, as the first responders, will investigate all reported incidents to determine if the incident poses an immediate threat to the University community. UPD will relay a situation update to the UND Operations Center where the incident will be confirmed as a threat and implement procedures to minimize the impact of the incident to the campus community.

The Operations Center is the physical location at which the coordination of information and resources to support campus incident management activities takes place. The Operations Center is the location of the emergency operations center. It is a centrally located facility with a full-time staff that is trained to notify and deploy university 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 and UND leadership. Furthermore, if a large-scale situation exceeds, or is likely to exceed, available campus capabilities and resources, the Operations Center will contact the City of Grand Forks and Grand Forks County for additional resources.

## **Authorized Officials**

During or in the time leading up to an emergency that threatens life, safety, or security, it will be necessary for notification to be provided to the UND 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, UND has designated specific campus 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.

It is important here to draw a distinction between the authorization of an emergency notification and the issuance of a notification. Authorizing a notification involves:

- Determining that notification is necessary,
- Formulating message content,
- Selecting the appropriate segment of the campus to receive notification, and
- Choosing the appropriate communication tool(s).

In contrast, issuing a notification is the physical act of using a communication tool to send a notification message to the population. Authorized officials likely will not have received training for all the emergency notification systems, nor is this necessary. Upon authorization of an emergency notification, the authorized official will either issue the notification or contact an individual who is trained to operate the system to send it.

The following individuals are the authorized officials at UND (in the order listed below). Such authority is delegated to the highest ranked official on the list with whom the Department of Public Safety can contact in a timely manner:

1. President
2. Vice President for Academic Affairs and Provost
3. Vice President for Finance and Operations/Chief Operating Officer
4. Vice President for Student Affairs
5. Vice President for Marketing and Communications
6. Vice President for Health Affairs
7. Associate Vice President for Public Safety and Chief of Police
8. Senior police supervisor on-duty

In cases of imminent threat to the University community, such as a tornado warning, the Operations Center staff may send out initial emergency warning messages upon confirmation of such threat with the National Weather Service or the Grand Forks County Emergency Management personnel.

### **Notifying the Campus**

Decisions concerning whether to issue a notification will be made on a case-by-case basis using the following criteria:

- Nature of the situation
- Continuing danger to the campus community
- Possible risk of compromising law enforcement efforts

The Department of Public Safety, after receiving confirmation from an authorized official, will, without delay, and considering the safety of the campus 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. The Operations Center will then activate the appropriate emergency notification system(s).

A library of notification statements is scripted for anticipated emergencies and may be found in UND's Emergency Operation Plan. The Operations Center is responsible for disseminating these statements when immediate campus notification is necessary.

Following an initial statement of information, the release of all subsequent notifications to the campus community are collaborated upon by first responders, the Department of Public Safety, the Operations Center and/or UND administration, and are released by the Operations Center as the situation unfolds.

Timely warnings, as defined by the Clery Act, are not required when UND follows its emergency notification procedures.

### **Notification Methods**

The following methods may be used to notify the campus community of various emergencies that may affect the campus community:

- UND-Alerts
- Phone
- Text message
- Email
- Outdoor warning sirens
- SafeCampus App
- Official UND website and Office of Emergency Management website
- UND television channels
- Local media
- UPD social media
- Automated building alarms

Instructors may require students to turn off cell phones while in class only if the instructor has a registered cell phone capable of receiving emergency messages. The instructor's cell phone must always be available for use while students are required to turn off their cell phones.

Individuals and organizations outside the campus community are notified of emergency and dangerous situations by local media (i.e., radio and television), UND's website, and UND social media platforms. The Division of Marketing & Communications receives information to update these sources from the Operations Center and provides such updates to the media. Additionally, as part of the Grand Forks County 9-1-1 Emergency System, UPD can notify multiple agencies through one dispatch center when situations arise.

### **UND-Alerts**

Students and employees must check contact information in Campus Connection and Employee Self-Service respectively at least once each semester to ensure data is current and up to date. Additional details regarding UND-Alerts registration and a comprehensive list of frequently asked questions may be found online).

### **Evacuation in Emergency or Dangerous Situations**

In the event of an emergency or dangerous situation, the Operations Center will direct students, faculty, staff, and guests to evacuate a building, several buildings, a portion of the campus, or the entire campus. The campus community will be asked to follow building and campus evacuation protocols and to obey directions from UND and on-scene emergency responders. Certain events, like a hazardous materials release, may require the UND community and the general public to shelter-in-place to prevent exposure to harmful elements.

### **Drills and Exercises**

The University tests emergency response and evacuation procedures at least annually, and two full-system tests of UND-Alerts are conducted every calendar year. Additional building evacuation and sheltering drills are encouraged for UND campus buildings and external campus locations. Building occupants have, at a minimum, one fire drill coordinated by the building safety and security representative (BSSR) and conducted by the Office of Safety annually. If building occupants wish to have a shelter in place drill, the BSSR will coordinate with the Office of Safety to conduct it. Documentation associated with drills is maintained by the Office of Safety.

The Office of Emergency Management may assist in departmental planning, implementation, and evaluation of any drills that personnel wish to undertake in their building. Certain types of drills (lock-down, 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 consultation with, Office of Emergency Management personnel.

UND leadership and departments regularly participate in tabletop exercises and emergency drills on-campus, in the community, and with state officials. The Office of Emergency Management regularly designs and orchestrates these simulations and recruits volunteers from the campus and local community to serve as role players during the exercise. All exercises are conducted utilizing standard National Incident Management System and Incident Command System



principles. In addition, comprehensive reviews are completed for each campus drill, tabletop exercise, and full-scale simulation.

### Documentation

Drills and exercises may be announced or unannounced, are designed for assessment and evaluation and include appropriate follow-through activities. Documentation is maintained for each test, including a description of the exercise, the date, time, and whether it was announced or unannounced.

Fire and severe weather drill evaluation forms are available for use on the Office of Emergency Management website. Evaluation forms are useful in tracking and improving building drills from year to year. BSSRs are responsible for completing these documents.

### Promoting Emergency Procedures

UND promotes its emergency procedures through training sessions, drills, and extensive web content found on the Office of Emergency Management, Office of Safety, and UPD websites.

Students living on-campus receive training upon move-in and participate in drills held throughout the academic year.

BSSRs are selected for every building on campus and trained to follow the building and emergency action plan for their designated area. This includes promoting proper emergency procedures to faculty and staff housed in each building.

## Communication About Campus Crime

### Timely Warnings

The University of North Dakota (UND) will issue a timely warning when it receives a report of a crime that represents a serious or continuing threat to the safety of members of the campus community. UND may also issue a warning to the campus community when other instances pose a safety concern.

#### Initiating Timely Warnings

Department of Public Safety (DPS) personnel are responsible for determining the content of and initiating timely warnings. Those responsible include, but are not limited to:

- Associate Vice President for Public Safety/UPD Chief of Police or designee
- Police officer on duty
- Director for Safety or designee
- Director for Emergency Management or designee

Upon notification from DPS, the Operations Center activates the appropriate notification system(s) to distribute timely warning announcements when there appears to be a threat to the safety and security of persons on campus for the following crimes:

- Aggravated assault
- Arson
- Burglary
- Negligent manslaughter
- Motor vehicle theft
- Murder/non-negligent manslaughter
- Robbery
- Sexual offenses
- 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, religion, disability, sexual orientation, ethnicity, national origin, or gender identity.

Decisions concerning whether to issue a timely warning will be made on a case-by-case basis using the following criteria:

- Nature of the crime
- Continuing danger to the campus community
- Possible risk of compromising law enforcement efforts

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 campus 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 specific individuals to the exclusion of others, such as domestic violence.

UND is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor; UND does not employ campus pastoral counselors.

## Warning Content

The warning contains sufficient information about the nature of the threat to allow members of the campus to take protective action to prevent similar occurrences:

- 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
- Other relevant and important information

In some cases, UPD may need to keep some facts confidential (e.g., victim names/information) to avoid compromising an ongoing investigation.

## Notification Methods

The following methods may be used to notify the campus community of various emergencies that may affect the campus community:

- UND-Alert
- Phone
- Text message
- Email
- Outdoor warning sirens
- SafeCampus App
- Official UND website and UPD website
- Local media
- Targeted communication – posters, letters, group meetings, etc.
- UPD social media

## How to Report a Crime

To report a crime, the campus community should contact the University Police Department (UPD) at (701) 777-3491. For emergencies dial 9-1-1. Reports may also be made to an identified campus security authority (CSA) or an appropriate law enforcement agency if off-campus. For any suspicious activity or circumstance which could cause an emergency and necessitate the need of an emergency alert to campus, contact UPD.

All reports of criminal action and/or other emergencies are addressed by appropriate personnel.

Campus security authorities include but are not limited to:

- Vice President for Student Affairs (701-777-2724)
- Dean of Students (701-777-2664)
- Associate Vice President for Student Affairs (701-777-2724)
- Associate Vice President for Student Inclusion (701-777-2443)
- Coordinator for Fraternity and Sorority Life (701-777-3620)
- Student Organization Faculty Advisors (701-777-4200)
- Community Standards & Care Network: Assistant Directors and Coordinators (701-777-2664)
- Director of Housing & Residence Life (701-777-4251)
- Housing & Residence Life personnel: Associate and Assistant Directors of Housing, Resident Director, Community Assistants, Resident Assistants, Resident Managers (701-777-4251)
- Director of Athletics (701-777-2234)
- Deputy Director of Athletics (701-777-2234)

- Senior Associate, Associate and Assistant Directors of Athletics (701-777-2234)
- Athletics: Head Coaches, Assistant Head Coaches, Associate Head Coaches, and Office Operations (basketball, cross country, football, golf, hockey, soccer, softball, tennis, track and field, volleyball) (701-777-2234)
- Medical Providers in Athletics (701-777-2234)
- Athletics: Directors (Operations, Communication, Learning Enhancement, Student-Athlete and Sports Medicine Insurances Services, Video Content) (701-777-2234)
- Athletics: Coordinators (Athletics Administration, Business Operations, Compliance Graphic Design, Equipment Operations, Licensing) (701-777-2234)
- Sports Broadcaster in Athletics (701-777-2234)
- Administrative Assistant in Athletics (701-777-2234)
- Title IX Coordinator (701-777-4171)
- Deputy Title IX Coordinators: Associate Vice President for Human Resources (701-777-4361), Dean of Students (701-777-2664), Associate Athletic Director Internal Operations (701-777-5585), Director of Policy and Administration for Academic Affairs (701-777-2049), Title IX/Civil Rights Investigators (701-777-4399), Equity Compliance & Education Manager (701-777-4171)
- Provost/VP for Academic Affairs (701-777-2167)
- Director of International Center (701-777-4231)
- Director of Student Diversity and Inclusion (701-777-4362)
- Director of Indigenous Student Center (701-777-6175)
- Director of Pride Center (701-777-5890)
- Student Health Services Medical Personnel (701-777-4500)

For off-campus options, you may refer to the local law enforcement with jurisdictional authority. UPD and the Grand Forks Police Department have a mutual aid and joint powers agreement. Each department augments the other within their jurisdictions during mutual investigations, arrest, and prosecutions.

## Limited Voluntary Confidential Reporting

UPD encourages anyone who is the victim of or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, UPD cannot hold reports of crime in confidence. Anonymous reports may be filed for statistical reporting purposes. A student's privacy concerns are weighed against the needs of UND to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. In compelling situations, UND reserves the right to take reasonable action in response to any crime report, and information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community. All reports submitted on a confidential or anonymous basis are evaluated for the purposes of issuing a campus-wide "timely warning" as well as inclusion in the annual crime statistics.

### Alternatives to Immediately Filing a Police Report

- Report the crime at a later date.
- Make a report to Community Standards & Care Network. Such a report may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.
- Make a report to the Title IX coordinator in the Equal Opportunity & Title IX Office. Such a report may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.
- Make an anonymous report to the police. UPD has a website that may be used to report crimes anonymously.
- Contact a referral agency for help: Housing & Residence Life, CVIC at UND, or the Title IX coordinator in the Equal Opportunity & Title IX Office.

Victims and witnesses may report a crime through the University or criminal justice system at a later date.

## Preparation and Disclosure of Crime Statistics

UND is responsible for preparing and disclosing crime statistics in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C. Section 1092. This federal mandate requires the disclosure of certain crime statistics so current and potential families, students, and employees can be knowledgeable about the safety of college campuses.

The associate vice president for public safety and chief of police at the University of North Dakota is responsible for collecting and reporting the annual crime statistics from the local police agencies and campus security authorities. This information is included in UND's Annual Security & Fire Safety Report (ASFSR). By October 1 of each year, notification of the new ASFSR is emailed to current students and employees. A hard copy of the report is available upon request at the University Police Department, Office of the Vice President for Finance and Operations, and University Admissions. The crime statistics are also submitted to the U.S. Department of Education on an annual basis.

All relevant crime data are compiled by the associate vice president for public safety/chief of police and are included in UND's submission to the Department of Education annually by October 15.

### Definitions of Geography

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around UND's campus.

#### On-Campus Buildings or Property

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 the above paragraph, which 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 Buildings or Property

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; 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 Buildings or Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, which is within the campus or immediately adjacent to and accessible from the campus. The University of North Dakota crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

### Applicable Definitions: VAWA

The following VAWA definitions of criminal offenses are used/reportable within the ASFSR when they occur within UND's Clery geography.

- **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 and probably would result in serious personal 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, personal property of another, etc.
- **Burglary** - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Criminal Homicide: Manslaughter by Negligence** - The killing of another person through gross negligence.
- **Criminal Homicide: Murder and Non-negligent Manslaughter** - The willful (non-negligent) killing of one human being by another.
- **Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.



2. For the purposes of this definition —
    - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - b. Dating violence does not include acts covered under the definition of domestic violence.
  3. For the purposes of complying with the requirements of this section and 34 CFR §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Domestic Violence**
    1. A felony or misdemeanor crime of violence committed
      - a. By a current or former spouse or intimate partner of the victim;
      - b. By a person with whom the victim shares a child in common;
      - c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
      - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
      - e. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
    2. For the purposes of complying with the requirements of this section and 34 CFR §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
  - **Drug Violations** - The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
  - **Hate Crime** - A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.
  - **Liquor Law Violations** - The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
  - **Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)
  - **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 Assault** - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Unified Crime Reporting (UCR) program.
  - **Sex Offenses** - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent:
    1. 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
    2. 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.
    3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
  - **Stalking**
    1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
      - a. Fear for the person's safety or the safety of others; or
      - b. Suffer substantial emotional distress.
    2. For the purposes of this definition:
      - a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
      - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
      - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
      - d. For the purposes of complying with the requirements of this section and 34 CFR §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
  - **Weapons Violations** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- Applicable Definitions:**  
**North Dakota State Law**  
 The following are jurisdictional definitions of criminal offenses as outlined in North Dakota Century Code (NDCC).
- **Consent** – North Dakota does not have a state law definition. However, see Consent as a Defense, below.
  - **Consent as a Defense** (NDCC §12.1-17-07-08)
    1. When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury by all persons injured or threatened by the conduct is a defense if:

- a. Neither the injury inflicted nor the injury threatened is such as to jeopardize life or seriously impair health;
  - b. The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
  - c. The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the person subject to such conduct or injury, having been made aware of the risks involved, consent to the performance or the conduct or the infliction of the injury.
2. Assent does not constitute consent, within the meaning of this section, if:
    - a. It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
    - b. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
    - c. It is induced by force, duress, or deception.
- **Dating Violence** - North Dakota does not have a state law definition. However, as the State includes “persons who are in a dating relationship” in its definition of “family or household member” under its domestic violence laws, any violence committed by dating parties would fall under the crime of domestic violence. See NDCC §14.07.1-01.
  - **Domestic Violence** (NDCC §12.1-17-01.2)
    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.
  - **Family or Household Member** (NDCC §14.07-1.01) - A spouse, family member, former spouse, parent, child, person related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court under section 14-07.1-02.
  - **Sexual Assault** (NDCC §12.1-20-07)
    1. A person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:
      - a. That person knows or has reasonable cause to believe that the contact is offensive to the other person;
      - b. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person’s conduct;
      - c. That person or someone with that person’s knowledge has substantially impaired the victim’s power to appraise or control the victim’s conduct, by administering or employing without the victim’s knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means for the purpose of preventing resistance;
      - d. The other person is in official custody or detained in a hospital, prison, or other institution and the actor has supervisory or disciplinary authority over that other person;
      - e. The other person is a minor, fifteen years of age or older, and the actor is the other person’s parent, guardian, or is otherwise responsible for general supervision of the other person’s welfare; or
      - f. The other person is a minor, fifteen years of age or older, and the actor is an adult.
    2. The offense is:
      - a. A class C felony if the actor’s conduct violates subdivision b, c, d, or e of subsection 1, or subdivision f of subsection 1 if the adult is at least twenty-two years of age; or
      - b. A class A misdemeanor if the actor’s conduct violates subdivision of subsection 1 if the adult is at least eighteen years of age and not twenty-two years of age or older, or if the actor’s conduct violates subdivision a of subsection 1.
  - **Stalking** (NDCC §12.1-17-07.1)
    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.
    - a. A person who violates this section is guilty of a class C felony if:
      - (1) 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;
      - (2) 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
      - (3) 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.

**Applicable Definitions: Institution**

In accordance with the Clery Act, the following is an institutional definition outlined by the University of North Dakota. Additional related definitions and associated content can be found in the UND sexual misconduct policy.

- **Consent** - 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 in the circumstances would believe communicate a willingness to participate in a sexual act or contact.

UND uses this definition to determine if a violation of its sexual misconduct policies occurred.

**Collecting Crime Data**

The associate vice president for public safety/chief of police, assisted by the Clery Working Group, produces the ASFSR which contains policies, procedures and crime data as required by the Clery Act.

Clery crime reporting covers the preceding calendar year, January 1 to December 31. UPD collects its own statistics and accepts supplemental numbers from recognized student conduct administrators and other campus security authorities (CSA) in their subordinate reporting roles. Housing & Residence Life and Community Standards & Care Network provide statistics to UPD. The three departments comprise a Clery Working Subgroup that reconciles crime data on a monthly basis.

A working relationship between UPD and specific departments that routinely provide services at non-campus locations has been established. UPD sends an annual notice to these departments, CSAs, and the University community to solicit additional on-campus location information. Anonymous reports are reviewed at the end of the year for reporting purposes.

**Crime Data for Non-Campus Operations**

UPD annually requests statistical information from the appropriate law enforcement agencies for non-campus operations. UND's Strategic Programming & Initiatives generates a report detailing what classroom space – including dates the spaces were occupied by UND students – was used during the previous calendar year at its off-campus locations. These sites are classified as non-campus property and vary year-to-year based on UND's program and outreach activities. UPD uses the information provided by Strategic Programming & Initiatives to send a letter to the appropriate law enforcement units requesting crime data for the specified locations. Statistics requested regarding, but not received from the law enforcement agency that has jurisdiction for or may have otherwise responded to, the non-campus locations are noted in the ASFSR.

Relevant crime data from those law enforcement agencies that responded to UPD requests regarding UND's non-campus operations are included in the ASFSR. When received and usable, raw statistics provided by law enforcement agencies are categorized accordingly. UPD may be unable to determine if these statistics adhere to the UCR-defined categories utilized by Clery reporting. Further, statistics received may describe an area that is more expansive than the space controlled by UND when and where instruction is offered and are noted accordingly.

UND's crime statistics are available in Figure 1 at the end of this report.



## Security Awareness and Crime Prevention Programs

The University Police Department (UPD), in cooperation with other University organizations and departments, is responsible for presenting security awareness and crime prevention programs to the campus community on an ongoing basis.

### *Security Programs & Programs Encouraging Personal Security and the Security of Others*

Audience	Program	Frequency
Students	Orientation Programs	<ul style="list-style-type: none"> <li>January (spring freshman/transfer students)</li> <li>July (fall freshman/transfer students)</li> <li>August (international students)</li> <li>On Demand: Online; Self-paced (graduate students)</li> </ul>
Students in On-campus Housing	Public Safety	<ul style="list-style-type: none"> <li>Upon request by Housing resident directors, community assistants, resident assistant, and resident managers</li> </ul>
	Fire Safety	<ul style="list-style-type: none"> <li>Upon request by Housing resident directors, community assistants, resident assistant, and resident managers</li> </ul>
Employees	New Employee Information	<ul style="list-style-type: none"> <li>On Demand: Upon Hire; Online; Self-paced</li> </ul>
	Annual Notification of Policies	<ul style="list-style-type: none"> <li>March</li> </ul>
	Key Inventory	<ul style="list-style-type: none"> <li>Fall Semester</li> </ul>
Parents/Families	Welcome Weekend	<ul style="list-style-type: none"> <li>August</li> </ul>
Campus Community	Defensive Driving	<ul style="list-style-type: none"> <li>On Demand: Online</li> </ul>
	SafeCampus App	<ul style="list-style-type: none"> <li>On Demand: Apple or Android App Store</li> </ul>
	Escort Program	<ul style="list-style-type: none"> <li>On Demand: "Friend Walk" accessible via SafeCampus App</li> <li>On Demand: Call UPD</li> </ul>
	Blue Emergency Lights	<ul style="list-style-type: none"> <li>On Demand: "Mobile Blue Light" accessible via SafeCampus App</li> <li>On Location</li> </ul>
	Title IX Training	<ul style="list-style-type: none"> <li>Fall Semester</li> <li>On Demand: Online</li> <li>Upon Request: In Person</li> </ul>
	Run, Hide, Fight Training	<ul style="list-style-type: none"> <li>Spring Semester</li> <li>On Demand: Online</li> <li>Upon Request: In Person</li> </ul>
	Domestic Violence, Dating Violence, Sexual Assault, and Stalking Prevention and Awareness Training	<ul style="list-style-type: none"> <li>Upon Request: In Person</li> </ul>

### **Crime Prevention Programming**

Campus crime prevention programming is done through the partnership of various University departments and University Police on an ongoing/as needed basis. Additional programming information can be found in UND's Sexual Violence Prevention Policy.

#### **Adopt-A-Cop Program**

To provide the best quality of service to the University of North Dakota community, UPD and Housing & Residence Life have partnered to educate and inform University residents on the topics of campus and personal safety. The Adopt-A-Cop program developed from this partnership. University police officers take part in the Adopt-A-Cop program and conduct periodic safety programming, spend extra time patrolling their assigned residential area, and are readily available to speak with residents on safety related questions or concerns. Adopt-A-Cops

work closely with the residence life staff to assure resident safety.

#### **Alcohol Awareness Programs, Driving Under the Influence, Minor in Consumption, and Minor in Possession Enforcement**

UPD uses both a proactive and reactive approach to addressing the problems of underage drinking and drunk driving. Using a proactive approach, police officers go to various segments of the campus community and provide educational programs regarding the problems associated with alcohol abuse and misuse and its relationship to crimes such as drunk driving. In a reactive approach, UPD officers arrest drunk drivers, and cite violators for minor in consumption and minor in possession of alcohol. In addition, the Wellness & Health Promotion and the University Counseling Center provide education on substance use and abuse issues.

### **Campus Lighting Checks**

UPD officers complete campus lighting checks regularly. Facilities Management is notified when there are burned out or damaged street and building lights. This inspection ensures adequate lighting for the public at night in UPD's jurisdiction. The department also participates in an annual campus public safety tour with other members of the University community. Together, students and staff tour the campus in small groups—after dark—to look for any lighting issues, obstacles, and other items that could impede someone's safety on the campus. After the tour, notes are collected, compiled, and shared with attendees and forwarded to the appropriate departments. Shrubs are trimmed, lights changed, and improvements made to make campus a safer environment for the campus community.

### **Community Policing Presentations**

UPD presents, upon request, programming to inform the community about the community policing philosophy, the department's efforts towards adopting that philosophy, and how members of the campus community can assist UPD in fighting crime on-campus.

### **Expos and Wellness Fairs**

UPD participates in activities such as wellness fairs and expos by having a crime prevention and campus police information booth at these events whenever workforce conditions permit. UPD officers and other representatives of the department pass out crime prevention and other informational materials at the booth to better inform members of the campus community about the department's services and how people can better protect themselves from becoming the victims of crime.

### **Informational Correspondence**

The University publishes information on how to access the campus crime statistics, campus police services, fire statistics, and important phone numbers. This information is made available to all UND employees and students.

### **Violence in Schools and the Workplace**

This training program offered by the UPD is available to faculty, staff, and students and includes topics such as abductions, workplace violence, hostage situations, and active-shooter situations. Participants gain an awareness of the different types of violence that can develop and steps that can be taken to improve their chances of survival.

### **Disclosure to Victims of Alleged Crimes**

The University of North Dakota (UND) adheres to disciplinary procedures when students are involved in any violent crime or sex offense. In instances of violent crimes or sex offenses, UND may disclose the final results of any disciplinary proceeding conducted by UND. UND may not prohibit a complainant from disclosing this information to others.

If the complainant is deceased as a result of the crime or offense, UND will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Pursuant to the Family Educational Rights and Privacy Act (FERPA) and consistent with the Code of Student Life, UND is permitted to disclose to the harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student.

Further, when conduct involves a crime of violence or sex offense, FERPA permits UND to disclose to the complainant, upon written request, the final results of a disciplinary proceeding against the alleged perpetrator, regardless of whether the institution concludes a violation was committed. Additionally, UND may, upon written request, disclose to anyone – not just the complainant – the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or sex offense, and, with respect to the allegation made, the student has committed a violation of the institution's rules or policies. The final results are limited to the name of the alleged perpetrator, any violation found to have been committed, and any sanction imposed against the perpetrator by UND.

UND may not prohibit a complainant from disclosing this information to others. If the complainant is deceased as a result of the crime or offense, UND will provide the results of the disciplinary hearing to the victim's next of kin, if so requested. The records of deceased students may also be released or disclosed at the request of a parent, personal representative, or other qualified representative of the student's estate, or pursuant to a court order or subpoena.

### **Addressing Criminal Activity Off-Campus**

The University of North Dakota Police Department provides law enforcement services to fraternities and sororities situated on non-campus locations, as all these recognized student organizations, with residences, are located within the jurisdiction of the University of North Dakota Police Department (UPD).

UND does not have any recognized student organizations in off-campus locations outside the jurisdiction described by North Dakota Century Code (NDCC).

# Alcohol and Drugs

University of North Dakota (UND) enforces federal and state alcohol and drug laws, and prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use, or sale of alcoholic beverages, controlled substances, and illegal drugs. This prohibition applies even if the North Dakota Department of Public Health has issued a certificate of registration permitting the individual to possess a limited amount of marijuana for medical purposes; those with medical marijuana cards are not permitted to use medical marijuana on campus property or at University-sponsored or hosted events. The impairment by alcohol or drugs of any student or employee while participating in an academic function, or of employees when reporting for work or engaging in work – during normal work hours or other times when required to be at work – is also prohibited. UND employees and students are required to abide by all federal and state laws, local ordinances, State Board of Higher Education policies, and other related requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs.

Additionally, UND is concerned about the academic success of students and the safety of all members of the campus community and is committed to maintaining an academic and social environment conducive to the intellectual and personal development of students.

## Alcohol- and Drug-free Workplace Statement

The University of North Dakota is committed to protecting the safety, health and well-being of all employees and other individuals in its workplace. UND recognizes that alcohol abuse and drug use pose a significant threat to its goals and has established an alcohol- and drug-free workplace program that balances respect for individuals with the need to maintain an alcohol- and drug-free environment.

UND encourages employees to voluntarily seek help with drug and alcohol problems.

### Covered Individuals

Any individual who conducts business for the institution, is applying for a job or is conducting business on UND's property is covered by its alcohol and drug policy. UND's policy applies to, but is not limited to, students, employees, off-campus employees, contractors, volunteers, interns and job applicants.

### Applicability

UND's alcohol and drug policy is intended to apply whenever anyone is representing or conducting business for the university. This includes all working hours, on call, paid standby and while on university property.

### Prohibited Behavior

It is a violation of UND's alcohol and drug policy to unlawfully manufacture, use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs, controlled substances or intoxicants, including medical marijuana. Moreover, it is a violation of policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action, which may include dismissal, will be taken if job performance deteriorates, a loss of license occurs (in a position where a license is required), and/or accidents occur.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription, except medical marijuana. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of their job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., use sick leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

### Notification of Convictions

Any employee convicted of violating a criminal alcohol or drug statute in the workplace, or one which affects their job responsibilities must inform their department chair or supervisor of such conviction (including pleas of guilty and nolo contendere) within five calendar days of the conviction occurring. Failure to inform the supervisor or department head will subject the individual to disciplinary action up to and including dismissal for the first offense. Under the Drug-Free Workplace Act of 1988 involving employees on federal grants or contracts, UND, through the Vice President for Research and Economic Development, is required to notify the appropriate federal contracting officer within 10 days of receiving notice of such a conviction.

### Consequences

One of the goals of UND's alcohol- and drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If an individual violates the policy, the consequences can be serious even if the employee begins a treatment program.

In the case of applicants, if they violate the alcohol and drug policy, the offer of employment can be withdrawn.



Individuals suspected of violating either alcohol or drug policy may be referred to authorities for investigation. Conviction of either state or federal alcohol or drug statutes may subject a student or an employee to disciplinary action.

### **Assistance**

UND recognizes that alcohol and drug abuse and addiction are treatable illnesses, and realizes early intervention and support improves the success of rehabilitation. To support its employees, UND:

1. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem;
2. Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help;
3. Offers all benefited employees and their immediate family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP); and
4. Allows the use of accrued paid leave while seeking treatment for alcohol and drug problems.

Treatment for substance use disorders (e.g., alcohol dependence, alcohol abuse, alcoholism, drug abuse, etc.) may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Supervisors should refer students to UND Health and Wellness for information pertaining to alcohol and drug use/abuse assistance programs.

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### **Confidentiality**

All information received by the organization through the drug-free workplace program is confidential communication. NDCC section 44-04-18.1 provides: "Any record of a public employee's medical treatment or use of an employee assistance program is not to become part of that employee's personnel record and is confidential and may not be released without the written consent of the employee."

Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

### **Shared Responsibility**

A safe and productive alcohol- and drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play. Employees are not to report to work or be permitted to work while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or drugs.

In addition, employees are encouraged to:

1. Be concerned about working in a safe environment;
2. Not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or drugs;
3. Support fellow workers in seeking help;
4. Use the Employee Assistance Program; and
5. Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

1. Remind employees of UND's alcohol and drug policy;
2. Observe employee performance;
3. Investigate reports of dangerous practices;
4. Document negative changes and problems in performance;
5. Counsel employees as to expected performance improvement;
6. Refer benefited employees to the Employee Assistance Program;
7. Suggest non-benefited employees seek help through a community assistance program; and
8. Clearly state consequences of policy violations.

### **Communication**

Communicating UND's alcohol and drug policy to all individuals is critical to its success. To ensure all employees are aware of their role in supporting UND's alcohol- and drug-free workplace, all employees will receive a summary of the alcohol and drug policy and a Web link to access the complete policy document during the annual notification of policies.

Various University departments are responsible for developing marketing, communications, advertising, and educational campaigns designed to promote the responsible use of alcohol.

UND will make all good faith efforts to have and to maintain an alcohol- and drug-free workplace.

### **Alcohol Exception**

Per State Board of Higher Education (SBHE) policy 918, alcoholic beverages are prohibited upon land or in buildings owned by UND unless the president approves an exception for its use. All exceptions are subject to applicable state and local laws and ordinances.

If approved, alcohol must be provided and served by a licensed alcohol vendor. The vendor must meet State of North Dakota insurance requirements. The responsible party (sponsor, coordinator, or entity responsible for event) is accountable for making all arrangements with the alcohol vendor and must complete an event approval request form in advance of the activity. For more information, contact Risk Management or the Office of Safety.

For more information about the exception process, contact the Office of the President or the vice president who oversees the department requesting the exception.

### **Annual Exception by Location**

Annual exceptions are applicable to venues that are utilized for several events throughout the fiscal year (e.g., North Dakota Museum of Art and Gorecki Alumni Center). Annual exceptions may be requested at any time by completing an alcohol exception form; however, venues are strongly encouraged to submit the request prior to the start of each fiscal year. UND's fiscal year runs July to June.

Venues with an annual exception must have the responsible party complete the single event exception if there is a potential for UND students under the age of 21 to be the primary audience in attendance for an event.

Events at the Memorial Union follow additional procedures.

### **Single Event Exception**

Single exceptions are applicable for single events, in a specific location and on a specific date. To seek an exception, an alcohol exception form must be completed by the responsible party at least three weeks prior to the event.

#### **Single Event Exception (For Events at Which UND Students Under the Age of 21 May be the Primary Audience)**

Exceptions of this nature must be submitted by a UND or affiliate employee representing a University department/affiliate or a faculty, staff or alumni advisor of a recognized student organization. Exceptions will only be considered for events under the following circumstances:

1. The event must include non-alcoholic beverages and appropriate amounts and types of food (e.g. heavy appetizers or a meal). All food must be provided by University Catering.
2. Alcohol must be provided and served by a licensed alcohol vendor. The vendor must meet State of North Dakota insurance requirements.
3. The event must be a private, invitation only event.
4. The event cannot include an after-meal component (e.g. dance, games, etc.) involving the service of alcohol. The service of alcohol must conclude at the end of the meal or food service.
5. A social prior to the meal or food service involving alcohol cannot last longer than 60 minutes.

### **Exception Review Process**

Exception requests are reviewed by Risk Management, Public Safety, Student Affairs, and the respective vice president prior to being sent to the president for final review and action. At any point in time, additional information may be requested to inform the decision-making process.

Whether approved or denied, a statement indicating the action taken by the president is sent to the requesting responsible party. Copies are also sent to the reviewers.

### **Alcohol Advertising Permission**

The advertising and/or promotion of alcohol on campus may be permitted by UND, pursuant to a statement of permission signed by the Vice President for Marketing & Communications or designee.

Entities wishing to use businesses whose primary product or services relates to liquor, or whose business requires patrons to be 21 years of age or older to enter as a listed sponsor, advertiser, etc. in on-campus materials must petition the Vice President for Marketing & Communications. The petition must describe the nature of the advertising, and the date(s) and place(s) where the advertising of alcoholic beverages will take place. Furthermore, decision-making on the approval or denial of alcohol advertising will be based on student participation. The Division Marketing & Communications will craft guidelines that will address alcohol advertising at events where students may be in attendance.

Permission may be granted for a single advertising occurrence or for advertising occurring periodically during a period of not more than one year.

Recognized student organizations, the UND Student Government and the Association of Residence Halls will not be permitted to advertise and/or promote alcohol. The Dakota Student, a student publication subject to SBHE policy 507 regarding student publications, is exempt from the UND alcohol advertising and/or promotion policy.

Lease agreements between UND and entities leasing UND land and/or property should be reviewed at the time of initial agreement or at the time of renewal to include verbiage restricting the advertising and/or promotion of alcohol on campus by lessees.

For more information or to request permission to advertise alcohol on campus, contact the Division of Marketing & Communications.

### **Student Use of Alcohol and Drugs**

#### **Student Alcohol and Drug Policy**

UND enforces federal and state alcohol and drug laws, and prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use, or sale of alcoholic beverages, controlled substances, and illegal drugs, including medical marijuana. The impairment by alcohol or drugs of any student while participating in an academic function, or as an employee when reporting for work or engaging in work – during normal work hours or other times when required to be at work – is also prohibited. UND students are required to abide by all federal and state laws, local ordinances, State Board of Higher Education policies, and other related requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs.

### ***Marijuana Use***

Use or possession of marijuana, including medical marijuana used or possessed under Chapter 19-24 of the North Dakota Century Code is strictly prohibited on campus. Any such use or possession is a violation of the Code of Student Life. Alcohol-Free Opportunities Students are encouraged to take advantage of alcohol-free programming on- and off-campus.

### ***Student Housing***

The use and possession of illegal drugs or medical marijuana is prohibited in all university housing. Alcohol and alcohol containers are not allowed in any of the University's residence halls or University Place. University Apartment residents and their guests who choose to consume alcohol must be twenty-one or older and must act responsibly while doing so.

### ***Domestic and International Field Trips / Study Abroad / Overseas Programs***

Students participating in domestic field trips or academic programs, or visiting foreign countries to attend field trips or academic programs abroad are reminded that they may be subject to arrest and legal sanctions for alcohol or drug offenses under the laws and regulations of that particular state, country or institution in addition to the sanctions described in the Code of Student Life and those adopted by the Office of International Programs.

### ***On-Campus Employment***

Students employed on-campus are considered University employees while working and should reference the Employee Use of alcohol and drugs section for additional information.

### ***Alcohol Use/Abuse Education***

The University educates students about potentially life-threatening consequences of alcohol use/abuse, and calls on student leaders, administration, faculty, and staff to serve as role models and promote good decision making regarding the risks and consequences surrounding alcohol use/abuse.

UND programs such as the Wellness & Health Promotion Team Program and the University Counseling Center (UCC) Prime for Life and BASICS are intended to increase awareness of issues related to substance abuse and other issues impacting the health, well-being and academic success of students.

The UCC functions to assist students by anticipating and intervening in situations where substance use/abuse may negatively influence student performance in the University and surrounding community. Individual and group counseling, alcohol use assessment, referral for further evaluation and treatment, and educational programming are important components of this service.

Students who are concerned about their own alcohol use and/or about that of others are encouraged to contact UCC. When appropriate, students may be referred to off-campus medical providers.

### ***Medical Amnesty Act and Overdose Prevention and Immunity***

The safety of health of students is a primary concern at the University of North Dakota. As such, any student can seek assistance from the University Police for themselves or others who are intoxicated or drug impaired.

NDCC section 5-01-08(6) provides that an individual, under the age of 21, is immune from criminal prosecution if that individual:

1. Contacts law enforcement or emergency medical services to report another individual under the age of 21 in need of medical assistance due to alcohol consumption, provides assistance to that individual until assistance arrives, and remains on the scene; or
2. Is in need of medical assistance and cooperates with medical assistance and law enforcement personnel on the scene.

It further provides that the maximum number of individuals who may be immune for any one occurrence is five.

NDCC chapter 19-03.1 provides that an individual is immune from criminal prosecution if that individual:

1. Contacts law enforcement or emergency medical services and reports that the individual was or that another individual was in need of emergency medical assistance due to a drug overdose, and
2. The overdosed individual must have been in need of emergency medical services.

It further provides that the maximum number of individuals who may be immune for any one occurrence is three.

Individuals contacting law enforcement or emergency medical services in either situation must cooperate with medical assistance and law enforcement personnel on the scene. If they do not, their protection under these laws is jeopardized.

While neither the student who is impaired or the student(s) assisting the impaired student are exempt from facing disciplinary action under the Code of Student Life, all efforts made by students to positively impact the health and safety of others will be taken into consideration and may lessen possible disciplinary outcomes.

The amnesty does not apply to other prohibited conduct, including but not limited to, assault, violence, property damage, or the distribution of dangerous substances, whether legal or illegal.

### ***Drug Use/Abuse Education***

The University educates students about potentially life-threatening consequences of drug or alcohol use/abuse, and calls on student leaders, administration, faculty, and staff to serve as role models and promote good decision making regarding the risks and consequences surrounding drug or alcohol use/abuse.

UND programs such as the Wellness & Health Promotion Team Program and the University Counseling Center (UCC)



Prime for Life and BASICS are intended to increase awareness of issues related to substance abuse and other issues impacting the health, well-being and academic success of students.

The UCC functions to assist students by anticipating and intervening in situations where substance use/abuse may negatively influence student performance in the University, community and environment. Individual and group counseling, drug use assessment, referral for further evaluation and treatment, and educational programming are important components of this service.

Students who are concerned about their own drug or alcohol use and/or about that of others are encouraged to contact UCC. When appropriate, students may be referred to private counselors.

### ***Disciplinary Actions***

The University responds to reports of the illegal use of substances through its discipline system.

Students in violation of UND's alcohol and drug policy will face disciplinary actions as noted in the Code of Student Life. The Code of Student Life applies to conduct that occurs on University premises and University-sponsored activities, and to off-campus conduct that adversely affects the University Community and/or the pursuit of its objectives. Additionally, University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both criminal law and the Code of Student Life (that is, if both possible violations result from the same factual situation).

### ***Parental Notification***

In accordance with a 1998 amendment to FERPA, UND school officials have the discretion to notify parents or guardians of students who, at the time of disclosure, are under the age of 21, and have violated any federal, state, or local laws, or violated any rule or policy of the institution governing the use or possession of alcohol or controlled substance. Attempt at parental notification may be made:

1. After the finding of a second alcohol offense and any subsequent alcohol offense; or after the finding of a first alcohol offense if the violation is more serious, such as but not limited to, driving under the influence of alcohol or in conjunction with another violation, especially one involving violence or property damage;
2. For any drug offense; or
3. During a medical emergency involving a student.

Exceptions to parental notification may be made based on circumstances as determined by school officials with legitimate educational interest.

### ***Recognized Student Organizations***

Recognized student organizations are those groups that have completed the process for becoming a recognized student organization and have open membership, in keeping with the UND Equal Opportunity Policy. These groups include national honorary organizations, fraternities and sororities, and all other affiliated and non-affiliated organizations. "Fraternities"

and "sororities" refer to chapters of national Greek organizations which have received approval for inclusion in the fraternal system at UND from the Interfraternity Council or Panhellenic Council at UND.

UND Student Government is the representational body of the entire student population, and the Association of Residence Halls (ARH) is the representational body for all students living in UND Residence Halls. However, Student Government and ARH and its standing committees are held to the same procedural and operational standards as are other units of the University.

Recognized student organizations and the UND Student Government are required to abide by local ordinances and state law, as well as SBHE and University policies/procedures regarding the consumption or possession of alcoholic beverages both on- and off-campus.

1. No University funds, including those raised by a recognized student organization, may be used either directly or indirectly for the purchase of alcoholic beverages.
2. Recognized student organizations may not sell alcoholic beverages.
3. If a recognized student organization is sponsoring an event involving alcoholic beverages, the student organization is responsible for verification of the ages of its guests and will be held responsible for ensuring that alcoholic beverages are legally dispensed.
4. At a recognized student organization sponsored event involving alcoholic beverages, the cost of alcoholic beverages may not be included in any admission, meal, or entertainment charge.
5. Recognized student organizations may not collect a cover charge, donation, or admission fee, which entitles a guest to alcoholic beverages.
6. Recognized student organizations may not utilize alcoholic beverages as contest prizes.
7. Recognized student organizations may not participate in any activity or promotion or accept goods or funds from an establishment whose primary business function is the selling of alcoholic beverages. The student organization may not enter into an agreement with said establishment as regards to the sale or distribution of alcoholic beverages. This shall include, but is not limited to, any of the following arrangements:
  - a. The student organization sells or otherwise shares in the profit from sales of alcohol or serves as a co-sponsor of an event involving alcohol with an establishment whose primary business is the selling of alcoholic beverages.
  - b. The student organization advertises or distributes advertising for programs or activities sponsored by an establishment whose primary business function is the selling of alcoholic beverages.
  - c. The student organization receives free or discounted room rental rates, or other goods or services, in exchange for holding an event with alcohol, or meeting a bar receipt minimum.

## Employee Use of Alcohol and Drugs

### ***Employee Alcohol and Drug Policy***

UND enforces federal and state alcohol and drug laws, and prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use, or sale of alcoholic beverages, controlled substances, and illegal drugs, including medical marijuana. The impairment by alcohol or drugs of any employee while participating in an academic function, or of employees when reporting for work or engaging in work – during normal work hours or other times when required to be at work – is also prohibited. UND employees are required to abide by all federal and state laws, local ordinances, SBHE policies, and other related requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs.

All employees are expected and required to report to work in an appropriate condition to carry out their responsibilities. In particular:

1. While performing work for the University, operating any University vehicle, or conducting University business, faculty and staff are prohibited from using, being under the influence of, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia and medical marijuana). Any illegal drugs or drug paraphernalia found on University property will be turned over to University Police and may result in criminal prosecution.
2. Employees are prohibited from being impaired or under the influence of alcohol and/or legal drugs, including prescription medication, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or others, or creates an unnecessary risk for the University. If taking necessary medication could compromise workplace safety or affect work performance, the employee is responsible for communicating with their supervisor to evaluate temporary job modification/re-assignment during the course of the treatment.
3. Any employee who is convicted of unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or other criminal drug statute in the workplace, or receives a conviction that affects their job responsibilities is required to notify their department head no later than five working days after such conviction. Failure to notify the appropriate University official(s) of a drug-related conviction shall be grounds for disciplinary action up to and including dismissal.

Any employee violating this policy is subject to discipline up to and including dismissal. Employees in the workplace suspected of violating either alcohol or drug statutes may be referred to criminal authorities for prosecution and sanctions.

Together with UND's alcohol and drug policy, campus departments may have additional policies and procedures in place that employees must follow. These UND departments include, but are not limited to, Aerospace, Athletics and EERC. These department documents must be reviewed by

General Counsel and approved by the President prior to implementation and enforcement.

### ***Suspicion of Alcohol or Drug Use***

An employee who suspects that a colleague or co-worker is impaired by alcohol or drug use on the job should contact their department head or supervisor immediately. An employee who suspects a supervisor or department head is impaired by alcohol or drug use should contact the next level of supervision or administration.

Behaviors which may suggest alcohol/drug abuse include (but are not limited to) the following:

1. Repeated accidents (on- or off-campus);
2. Repeated illness absences;
3. Chronic lateness or early departures;
4. Significantly diminished task performance (with no other explanation); and
5. Odor of alcohol, slurred speech, unsteady gait, disorientation, paranoia, hallucinations, and other physical signs of impaired function, not caused by a known medical condition.

For drug descriptions, methods of abuse, and various effects on the body and mind, review the Drug Enforcement Administration's Drug Fact Sheets in the Related Information section of this document.

If a department chair, supervisor, or administrator has been contacted or suspects that an individual is under the influence of drugs or alcohol, they should:

1. Assess the situation and call for assistance if necessary. If assistance is needed, notify the University Police Department if on campus, or the local police department, if not on campus;
2. Not touch the employee;
3. Document observations and other relevant information fully;
4. Prohibit the individual from continuing to work and from driving;
5. Not leave the impaired employee alone;
6. Handle information confidentially; and
7. Consult with Human Resources staff.

### ***An Incident of Intoxication or Impairment***

If an employee appears to be intoxicated or otherwise drug-impaired, a supervisor should not touch the employee, unless contact is necessary to protect them. If safety concerns are present, the supervisor should contact University Police (or local police department for off-campus incidents) for assistance. If possible, the employee should not be left alone unless the supervisor feels threatened. Supervisors should not allow the employee to continue working or to drive home. The supervisor will ask the employee if they have been drinking alcohol or taking any drugs and document the employee's answer.

If the employee states that they have not been drinking alcohol or taking any drugs, the employee will be asked to submit to a blood and/or urine test to disprove the suspicions. If there

has been a critical incident that jeopardizes the safety of any individual, the employee will be required to submit to a blood and/or urine test. The supervisor or Human Resources representative must call the University Police Department to determine how the employee should be transported to a facility for testing. The supervisor and a representative from Human Resources or other designated official will accompany the employee to an approved facility for testing. Upon completion of the testing, a copy of the results will be provided to the supervisor.

If a person admits to being under the influence of alcohol or drugs, alcohol/drug testing of the individual may not be necessary. If an employee refuses testing, the employee may be disciplined as if the testing had been positive. The supervisor will offer to contact a friend or relative of the employee to drive them home, or to obtain transportation for the employee. If the employee refuses such assistance, the supervisor should call University Police and advise them that the employee, who is believed to be impaired, is leaving the workplace.

### Observations

In proving that an employee was under the influence, the supervisor's observations of the employee's behavior, not a test, are the key elements in the university's case. The supervisor must be able to testify, in detail, to what they saw that indicated that the employee was under the influence. A supervisor that testifies that the employee "seemed intoxicated" merely states a conclusion which is unsupported by any factual evidence. The supervisor must be able to provide information about the employee's actions that lead to the conclusion that the employee was under the influence, such as "the employee was staggering and had slurred speech or had a strong odor of alcohol on their breath." When feasible, it may be helpful to have another supervisor observe the behavior.

### Documentation

Documentation of the incident in which the employee exhibited drunken or drugged behavior is critical to protecting the credibility of the supervisor. If the employee challenges any disciplinary action taken, the supervisor may be called upon to testify months after the incident occurred. The supervisor can avoid having to recall the incident from memory if an account of the incident is written down immediately after it occurs. Those notes should be copied. One copy should be given to the appropriate vice president and the other copy should be retained by the reporting supervisor.

### Confidentiality

Supervisors should treat an employee's alcohol or drug problem confidentially. Only those management personnel who have a need to know about the incident should be informed. If only a few people know of an employee's alleged substance abuse, the employer is better able to defend against allegations that the information was handled indiscreetly and will avoid embarrassing the employee.

### After the Incident

1. After the immediate "crisis" has been handled, consultation with Human Resources should occur.

2. The employee will be immediately placed on paid administrative leave for a minimum of the remainder of their workday.
3. The supervisor will encourage a benefited employee to seek assistance from the Employee Assistance Program, or a personal health care provider for all other employees.
4. If the employee is found to be under the influence of alcohol or drugs, they will be subject to disciplinary actions up to and including dismissal. Any employee suspected to be under the influence of alcohol or drugs who refuses to submit to a blood and/or urine test will be subject to disciplinary actions up to and including dismissal, as if the employee had tested positive.
5. Sick leave, vacation, or provisions of FMLA can be used by employees to seek supervised rehabilitation services through a licensed care provider.
6. If the employee is not found to be under the influence of alcohol or drugs, they may still be subject to disciplinary action up to and including dismissal for any job performance issues that may have occurred.
7. The disciplinary process will follow NDUS Human Resource Policy 25.

### ***Substance Abuse Counseling, Treatment, and Referral***

The Employee Assistance Program (EAP) provides a variety of services, including alcohol and drug dependence services, to all benefited employees and their immediate family members (spouse and/or dependent children living in the same household as the employee or dependent children attending a college or university). The use of EAP services is confidential unless the employee signs to release information to specific people for a specific purpose. Release of information may be requested to support a disability accommodation request or leave of absence for Family Medical Leave Act or use of extended sick leave.

### ***Reporting Requirements and Records Retention***

A department chair or supervisor who has disciplined an employee for alcohol- or drug-related problems or who has knowledge of an alcohol- or drug-related conviction must notify the appropriate vice president in whose area the employee is employed. The following information will be retained: employee's name, department, date and type of offense, date and type of action taken, and any follow-up or aftercare required.

Supervisors or department heads who are notified of an employee's criminal alcohol and/or drug conviction will immediately inform Human Resources for staff, Academic Affairs for faculty, and the Dean's Office, School of Medicine and Health Sciences, for medical school academic staff and faculty. Notification to a federal contacting agency will be through the UND Grants Administration Office. The institution will take appropriate disciplinary action, up to and including dismissal, based on conviction within 30 days of notification. Other agencies may be notified if it is required under agency rules and procedures.



Disciplinary reports on staff shall be submitted to the department head, vice president, and Human Resources which shall be the official repository of these data. Disciplinary reports on faculty shall be placed in their official personnel file with copies to their dean, department head, vice president or staff equivalent. Referral data for evaluation, treatment, or aftercare that are non-disciplinary or contain medical information shall be retained by EAP.

### ***Off-Campus Activities / Domestic or International Field Trips / Study Abroad / Overseas Programs***

Employees are expected to uphold the standard promulgated by this policy and to act in a way that demonstrates the principle of “freedom with responsibility” by behaving in a responsible manner around alcohol and illegal drugs.

UND strongly discourages faculty from hosting off-campus activities where alcohol is served, or providing alcohol or purchasing alcohol for students participating in domestic or international field trips or study abroad programs. Employees are not permitted to purchase alcohol using University or program funds.

Employees must maintain their ability to respond to and report critical incidents and are expected to be able to perform duties as assigned.

Employees accompanying students in foreign countries are reminded that they and their students may be subject to arrest and legal sanctions for drug and alcohol offenses under the laws and regulations of that particular country or institution in addition to the sanctions described in this policy.

## **Legal Sanctions**

The state and city classification of offenses and the sanctions for violating specific alcohol or drug statutes are as follows.

Under NDCC section 5-01-08, Individuals Under Twenty-one Years of Age Prohibited from Using Alcoholic Beverages or Entering Licensed Premises – Penalty, violations are as follows:

1. Except as permitted in this section and section 5-02-06, an individual under twenty-one years of age may not manufacture or attempt to manufacture, purchase or attempt to purchase, consume or have recently consumed other than during a religious service, be under the influence of, be in possession of, or furnish money to any individual for the purchase of an alcoholic beverage.
2. An individual under twenty-one years of age may not enter any licensed premises where alcoholic beverages are being sold or displayed, except:
  - a. A restaurant if accompanied by a parent or legal guardian;
  - b. In accordance with section 5-02-06;
  - c. If the individual is an independent contractor or the independent contractor's employee engaged in contract work and is not engaged in selling, dispensing, delivering, or consuming alcoholic beverages;
  - d. If the individual is a law enforcement officer or

other public official who enters the premises in the performance of official duty; or

- e. If the individual enters the premises for training, education, or research purposes under the supervision of an individual twenty-one or more years of age with prior notification of the local licensing authority.
3. An individual who violates this section is guilty of an infraction. For a violation of subsection 1 or 2, the court also may sentence a violator to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44. For a second or subsequent violation of subsection 1 or 2, the court also shall sentence a violator to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44.
4. The court, under this section, may refer the individual to an outpatient addiction facility licensed by the department of health and human services for evaluation and appropriate counseling or treatment.
5. The offense of consumption occurs in the county of consumption or the county where the offender is arrested.
6. An individual under twenty-one years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene, or was the individual in need of medical assistance and cooperated with medical assistance and law enforcement personnel on the scene. The maximum number of individuals who may be immune for any one occurrence is five individuals.

The state and city classification of offenses and the sanctions for Under NDCC section 5-01-08.1, Misrepresentation of Age – Penalty, any person who misrepresents or misstates that person's age or the age of any other person or who misrepresents that person's age through presentation of any document purporting to show that person to be of legal age to purchase alcoholic beverages is guilty of a class B misdemeanor.

Under NDCC section 5-01-09, Delivery to Certain Persons Unlawful, violations are as follows:

1. Any individual knowingly delivering alcoholic beverages to an individual under twenty-one years of age, except as allowed under section 5-02-06, or to an incompetent or an obviously intoxicated individual is guilty of a class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2.
2. An individual under twenty-one years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance

until assistance arrived and remained on the scene and cooperated with medical assistance and law enforcement personnel on the scene, or was the individual in need of medical assistance. The maximum number of individuals that may be immune for any one occurrence is five individuals.

3. If an individual is convicted of this section for delivering alcoholic beverages to an individual under twenty-one years of age, the court shall consider the following in mitigation:
  - a. After consuming the alcohol, the underage individual was in need of medical assistance as a result of consuming alcohol; and
  - b. Within twelve hours after the underage individual consumed the alcohol, the defendant contacted law enforcement or emergency medical personnel to report that the underage individual was in need of medical assistance as a result of consuming alcohol.

Under Grand Forks City Code section 9-0113, Minor in Possession of or Consuming Alcoholic Beverages, violations are as follows:

1. It is unlawful for any person under the age of twenty-one years to consume alcoholic beverages as defined in NDCC § 5-01-01 except as part of a recognized religious service. The term "consume" in this section shall also include consumed, consuming, and consumption.
2. This offense shall be presumed to have occurred within the city limits if actual consumption occurs within the city or the individual having consumed alcoholic beverages is arrested within the city limits.
3. It is unlawful for any person under the age of twenty-one years to be in possession of alcoholic beverages as defined in NDCC § 5-01-01 except as otherwise permitted in Grand Forks City Code section 21-0228.
4. For the purposes of this section, a person is not twenty-one years of age until 8:00 a.m. on that person's twenty-first birthday.
5. This section does not apply to a person under the age of twenty-one years who purchases, attempts to purchase, or possesses alcoholic beverages while under the direct supervision of the police department, city health department, or city attorney's office for training, education, research, or enforcement purposes.

Under Grand Forks City Code section 9-0114, Minor Purchasing/Attempting to Purchase Alcoholic Beverages, violations are as follows:

1. It is unlawful for any person under the age of twenty-one years to purchase or attempt to purchase alcoholic beverages as defined in N.D.C.C. § 5-01-01.
2. For the purposes of this section, a person is not twenty-one years of age until 8:00 a.m. on that person's twenty-first birthday.
3. This section does not apply to a person under the age of twenty-one years who purchases, attempts to purchase, or possesses alcoholic beverages while under the direct supervision of the police department, city health department, or city attorney's office for training, education, research, or enforcement purposes.

Under Grand Forks City Code section 9-0115, Purchase or Procurement of Alcoholic Beverages for Minors Prohibited, it is unlawful for any person to purchase or procure for any person under the age of twenty-one years any alcoholic beverage or to furnish or deliver such alcoholic beverage to any such person.

Under Grand Forks City Code section 9-0116, Furnishing Money for Purchase of Alcoholic Beverages for Minors, violations are as follows:

1. It is unlawful for any person under the age of twenty-one years to furnish money to any other person for the purpose of purchasing alcoholic beverages as defined in NDCC § 5-01-01 for any person under the age of twenty-one years.
2. For the purposes of this section, a person is not twenty-one years of age until 8:00 a.m. on that person's twenty-first birthday.
3. This section does not apply to a person under the age of twenty-one years who purchases, attempts to purchase, or possesses alcoholic beverages while under the direct supervision of the police department, city health department, or city attorney's office for training, education, research, or enforcement purposes.

Under Grand Forks City Code section 9-0117, Minor on Licensed Premises, violations are as follows:

1. It is unlawful for any person under the age of twenty-one years to enter any licensed premises where alcoholic beverages as defined by N.D.C.C. § 5-01-01 are being sold or displayed except under the conditions permitted in section 21-0228 of the Grand Forks City Code.
2. For the purposes of this section, a person is not twenty-one years of age until 8:00 a.m. on that person's twenty-first birthday.
3. This section does not apply to a person under the age of twenty-one years who purchases, attempts to purchase, or possesses alcoholic beverages while under the direct supervision of the police department, city health department, or city attorney's office for training, education, research, or enforcement purposes.

Under Grand Forks City Code section 9-0118, False Statement or Identification, violations are as follows:

1. It is unlawful for any person under the age of twenty-one years to make any false statement or to furnish, present, or exhibit any false or fictitious registration card or other document or evidence for the purpose of gaining admission to any place where the person's presence is prohibited.
2. For the purposes of this section, a person is not twenty-one years of age until 8:00 a.m. on that person's twenty-first birthday.

Under Grand Forks City Code section 9-0219, Consumption of Alcoholic Beverages Prohibited on Public Streets or Alleys, it shall be unlawful for any person to consume any alcoholic beverages, or to serve, sell, or possess an open container which contains alcoholic beverages, upon any public right-of-way, street, alley, highway or public sidewalk within the city, except

when such public right-of-way, street, alley, highway, or public sidewalk, or portion thereof, is included within an area for which the city council has granted authorization. A passenger on a licensed commercial pedal car, as defined at Grand Forks City Code section 21-1601(2), while the passenger is upon said commercial pedal car may not be charged with a violation of this City Code section 9-0219.

Under NDCC section 19-03.1-23, Prohibited Acts A – Unclassified Offenses – Penalties, violations are as follows:

1. Except as authorized by this chapter, it is unlawful for a person to willfully, as defined in section 12.1-02-02, manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance, or to deliver, distribute, or dispense a controlled substance by means of the internet, but a person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. A person who violates this subsection with respect to:
  - a. A controlled substance classified in schedule I or II which is a narcotic drug, or methamphetamine, is guilty of a class B felony.
  - b. Any other controlled substance classified in schedule I, II, or III, or a controlled substance analog, except marijuana or tetrahydrocannabinol is guilty of a class B felony.
  - c. Marijuana, tetrahydrocannabinol, or a substance classified in schedule IV, is guilty of a class C felony.
  - d. A substance classified in schedule V, is guilty of a class A misdemeanor.
2. A prior misdemeanor conviction under subsection 7 or a prior conviction under subsection 3 or 4 of section 19-03.4-03 may not be considered a prior offense under subsection 1.
3. Except as authorized by this chapter, it is unlawful for any person to willfully, as defined in section 12.1-02-02, create, deliver, distribute, or dispense a counterfeit substance by means of the internet or any other means, or possess with intent to deliver, a counterfeit substance by means of the internet or any other means, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. Any person who violates this subsection with respect to:
  - a. A counterfeit substance classified in schedule I, II, or III, is guilty of a class B felony.
  - b. A counterfeit substance classified in schedule IV, is guilty of a class C felony.
  - c. A counterfeit substance classified in schedule V, is guilty of a class A misdemeanor.
4. A person at least eighteen years of age who solicits, induces, intimidates, employs, hires, or uses a person under eighteen years of age to aid or assist in the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance for the purpose of receiving consideration or payment for the manufacture or delivery of any controlled substance is guilty of a class B felony. It is not a defense to a violation of this subsection that the defendant did not know the age of a person protected under this subsection.
5. Except for a prior conviction equivalent to a misdemeanor violation of subsection 7 or a prior conviction under subsection 3 or 4 of section 19-03.4-03, a violation of this title or a law of another state or the federal government which is equivalent to an offense with respect to the manufacture, delivery, or intent to deliver a controlled substance under this title committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsection 1. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.
6. It is unlawful for a person to willfully, as defined in section 12.1-02-02:
  - a. Serve as an agent, intermediary, or other entity that causes the internet to be used to bring together a buyer and seller to engage in the delivery, distribution, or dispensing of a controlled substance in a manner not authorized by this chapter; or
  - b. Offer to fill or refill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire. A person who violates this subsection is guilty of a class C felony.
7.
  - a. It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess a controlled substance or a controlled substance analog unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.
  - b. Except as otherwise provided in this subsection, any person who violates this subsection is guilty of a class A misdemeanor for the first offense under this subsection and a class C felony for a second or subsequent offense under this subsection.
  - c. If, at the time of the offense the person is in or on the real property comprising a public or private elementary or secondary school or a public career and technical education school, the person is guilty of a class B felony, unless the offense involves marijuana or tetrahydrocannabinol.
  - d. A person who violates this subsection by possessing:
    - (1) Marijuana:
      - (a) In an amount of less than one-half ounce [14.175 grams] is guilty of an infraction.
      - (b) At least one-half ounce [14.175 grams] but not more than 500 grams of marijuana is guilty of a class B misdemeanor.
      - (c) More than 500 grams of marijuana is guilty of a class A misdemeanor.
    - (2) Tetrahydrocannabinol:
      - (a) In an amount less than two grams is guilty of an infraction.
      - (b) At least two grams but not more than six grams of tetrahydrocannabinol is guilty of a class B misdemeanor.

- (c) More than six grams of tetrahydrocannabinol is guilty of a class A misdemeanor.
- e. If an individual is sentenced to the legal and physical custody of the department of corrections and rehabilitation under this subsection, the department may place the individual in a drug and alcohol treatment program designated by the department. Upon the successful completion of the drug and alcohol treatment program, the department shall release the individual from imprisonment to begin any court-ordered period of probation.
- f. If the individual is not subject to any court-ordered probation, the court shall order the individual to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.
- g. Probation under this subsection may include placement in another facility, treatment program, drug court, mental health court, or veterans treatment docket. If an individual is placed in another facility or treatment program upon release from imprisonment, the remainder of the sentence must be considered as time spent in custody.
- h. An individual incarcerated under this subsection as a result of a second probation revocation is not eligible for release from imprisonment upon the successful completion of treatment.
- i. A person who violates this subsection regarding possession of five or fewer capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or controlled substance analog is guilty of a class A misdemeanor.
- 8. Except as provided by section 19-03.1-45, a court may order a person who violates this chapter or chapter 19-03.4 to undergo a drug addiction evaluation by a licensed addiction counselor. The evaluation must indicate the prospects for rehabilitation and whether addiction treatment is required. If ordered, the evaluation must be submitted to the court before imposing punishment for a felony violation or a misdemeanor violation.
- 9. If a person pleads guilty or is found guilty of a first offense regarding possession of one ounce [28.35 grams] or less of marijuana or two grams or less of tetrahydrocannabinol and a judgment of guilt is entered, a court, upon motion, shall seal the court record of that conviction if the person is not subsequently convicted within two years of a further violation of this chapter. Once sealed, the court record may not be opened even by order of the court.
- 10. Upon successful completion of a drug court program, mental health court program, or veterans treatment docket, a person who has been convicted of a felony under this section and sentenced to drug court, mental health court, or veterans treatment docket is deemed to have been convicted of a misdemeanor.
- 11. If a person convicted of a misdemeanor under this section is sentenced to drug court, mental health court, or veterans treatment docket and successfully completes a drug court program, mental health court, or veterans treatment docket, the court shall dismiss the case and seal the file in accordance with section 12.1-32-07.2.

- 12. If an individual under the age of twenty-one pleads guilty or is found guilty of a first offense regarding possession of one-half ounce [14.175 grams] or less of marijuana, the court also may sentence the individual to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44. For a second or subsequent offense regarding possession of one-half ounce [14.175 grams] or less of marijuana, the court also shall sentence the individual to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44.

Under NDCC section 19-03.4-03, Unlawful Possession of Drug Paraphernalia – Penalty:

- 1. A person may not use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of chapter 19-03.1. A person violating this subsection is guilty of a class C felony if the drug paraphernalia is used, or possessed with intent to be used, to manufacture, compound, convert, produce, process, prepare, test, or analyze a controlled substance, other than marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of chapter 19-03.1.
- 2. A person may not use or possess with the intent to use drug paraphernalia to inject, ingest, inhale, or otherwise induce into the human body a controlled substance, other than marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of chapter 19-03.1. A person violating this subsection is guilty of a class A misdemeanor. If a person previously has been convicted of an offense under this title, other than an offense related to marijuana or tetrahydrocannabinol, or an equivalent offense from another court in the United States, a violation of this subsection is a class C felony.
- 3. A person may not use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, or repack marijuana or tetrahydrocannabinol in violation of chapter 19-03.1. A person violating this subsection is guilty of a class A misdemeanor.
- 4. A person may not use or possess with the intent to use drug paraphernalia to ingest, inhale, or otherwise introduce into the human body marijuana or tetrahydrocannabinol or possess with the intent to use drug paraphernalia to store or contain marijuana or tetrahydrocannabinol in violation of chapter 19-03.1. A person violating this subsection is guilty of an infraction.
- 5. A person sentenced to the legal and physical custody of the department of corrections and rehabilitation under this section may be placed in a drug and alcohol treatment program as designated by the department. Upon the successful completion of the drug and alcohol treatment program, the department shall release the person from



imprisonment to begin any court-ordered period of probation. If the person is not subject to court-ordered probation, the court may order the person to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.

6. Probation under this section may include placement in another facility, treatment program, or drug court. If the person is placed in another facility or treatment program upon release from imprisonment, the remainder of the sentence must be considered as time spent in custody.

Under NDCC section 19-03.1-22.3, Ingesting a Controlled Substance – Venue for Violation – Penalty, violations are as follows:

1. Except as provided in subsection 2, a person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance, unless the substance was obtained directly from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, is guilty of a class A misdemeanor. This subsection does not apply to ingesting, inhaling, injecting, or otherwise taking into the body marijuana or tetrahydrocannabinol.
2. A person who is under twenty-one years of age and intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance that is marijuana or tetrahydrocannabinol, unless the substance was medical marijuana obtained in accordance with chapter 19-24.1, is guilty of a class B misdemeanor.
3. The venue for a violation of this section exists in either the jurisdiction in which the controlled substance was ingested, inhaled, injected, or otherwise taken into the body or the jurisdiction in which the controlled substance was detected in the body of the accused.

Under NDCC section 19-03.1-22.5, Controlled Substance Analog Use – Venue for Violation – Penalty, violations are as follows:

1. The use of controlled substance analog includes the ingestion, inhalation, absorption, or any other method of taking the controlled substance analog into the body. An individual who intentionally uses a controlled substance analog is guilty of a class A misdemeanor for a first offense and a class C felony for a second or subsequent offense, unless the individual obtains the analog directly from a practitioner or pursuant to a valid prescription or order of a practitioner.
2. The venue for a violation under this section exists in the jurisdiction in which the substance was used or in which the substance was detected.

Under NDCC section 12.1-32-01, Classification of Offenses – Penalties, state offenses are divided into seven classes which are denominated and subject to maximum penalties, as follows:

1. Class AA felony: up to life imprisonment without parole;
2. Class A felony: up to 20 years imprisonment, \$20,000 fine, or both;

3. Class B felony: up to 10 years imprisonment, \$20,000 fine, or both;
4. Class C felony: up to 5 years imprisonment, \$10,000 fine, or both;
5. Class A misdemeanor: up to 360 days imprisonment, \$3,000 fine, or both;
6. Class B misdemeanor: up to 30 days imprisonment, \$1,500 fine, or both; or
7. Infraction: up to a \$1,000 fine. Any person convicted of an infraction who, within one year before commission of the infraction of which the person was convicted, has been convicted previously at least twice of the same offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint must specify the offense is a misdemeanor.

Federal trafficking penalties are provided under the Drug Enforcement Administration.

The violation of any offense may lead to disciplinary action by the University, as well as criminal prosecution. Disciplinary and appeal procedures for faculty are found in the Faculty Handbook, for staff in the Staff Personnel Policy Manual, in State Board of Higher Education policy 608.2 for employees excluded from the broadbanding system who are not faculty.

Federal statutes are available as printed in the August 16, 1990, Federal Register as part of the final regulations for the Drug-Free Schools and Communities Act 1990.

## Institutional Response

All members of the campus community may refer individuals in violation of UND's alcohol and drug policy and applicable laws to the appropriate student conduct administrator, supervisor, campus official and/or University Police Department (UPD). Duly appointed administrative personnel who receive information pertaining to violations of this policy will initiate an institutional response. UPD is a resource that all members may use to report an individual in violation of this policy.

UND is responsible for preparing and disclosing alcohol- and drug-related statistics in compliance with the Jeanne Clery Act, 20 U.S.C. Section 1092. This federal mandate requires the disclosure of certain alcohol and drug statistics in addition to crime statistics so current and potential families, students, and employees can be knowledgeable about the safety of college campuses. The complete Annual Security and Fire Safety Report can be found online.

## Substance Abuse Education Programs

UND has a vested interest in the health and well-being of its students and employees. Providing students and employees access to substance abuse education materials promotes a healthy campus community, and meets requirements set by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

The University of North Dakota (UND) recognizes substance abuse as a treatable condition and offers programs and services for employees and students with substance dependency problems. The programs provide services related to substance use and abuse including dissemination of informational materials, educational programs, counseling services, and referrals.

### **Code of Student Life**

UND expects its students to comply with federal and state laws, local ordinances, and the *Code of Student Life (Code)* related to alcohol and other drugs. Continued or abusive use of alcohol and other drugs has health consequences. Violations of UND's alcohol and drug policy will be addressed by the University through the Code for students.

### **Counseling Center**

The UND Counseling Center (UCC), utilizing prevention models (e.g., BASICS) as well as intervention models, assists students by anticipating and intervening in situations where substance abuse may negatively influence student performance in the community and environment. Individual and group counseling, alcohol and other drug use assessment, referral for further evaluation and treatment, and educational programming are important components of this service. Contact: University Counseling Center: <http://UND.edu/health-wellness/counseling-center>, 701-777-2127.

To be responsive to students' needs, the UCC website has been expanded to include six mental health screenings: depression, anxiety, eating disorders, substance abuse, bipolar disorder, and post-traumatic stress disorder. These screenings can be done privately, and the website may be accessed 24 hours a day, 7 days a week. There is no cost for the screenings or for counseling services at the UCC. All screenings are anonymous. No personal records are kept; only aggregate data for management of the site is collected. Contact: University Counseling Center: <http://UND.edu/health-wellness/counseling-center/self-help-assessment.cfm>, 701-777-2127.

Additional substance abuse prevention resources may be found on the University Counseling Center's website.

### **Online Alcohol Education for Incoming Students**

As part of UND's commitment to foster a safe, welcoming, and respectful campus environment where all students can be successful, the University requires all incoming undergraduate students to complete an online education program. Incoming students must complete the online education prior to the tenth day of class or are subject to a registration hold being placed on their Campus Connection account. Contact: Wellness & Health Promotion: <http://UND.edu/health-wellness/outreach>, 701-777-9355.

### **Peer Educators**

Peer educators serve as members of UND's Wellness & Health Promotion Team. These individuals connect with students through presentations, programs, and outreach initiatives to support students in obtaining their personal health and academic goals. Peer educators are trained to facilitate on- and off-campus presentations for alcohol, drugs, sexual health, general health, mental health, nutrition, and physical activity. Contact: Wellness & Health Promotion Peer Educators: [UND.edu/health-wellness/outreach/presentationrequest](http://UND.edu/health-wellness/outreach/presentationrequest), 701-777-9355.

### **Prime for Life**

Prime for Life is an interactive, intervention-based program designed to investigate the role alcohol and/or other drugs play in the student's life. This program focuses on several issues related to the realities of chemical use or abuse. The program encourages each student to investigate his or her own opinions and attitudes about using mind altering substances in our culture in general and within the campus culture in particular. Contact: University Counseling Center: 701-777-2127.

Additional substance abuse prevention resources may be found on UCC's website: <http://UND.edu/health-wellness/counseling-center>.

### **Employee Assistance Program**

Employees have access to the Employee Assistance Program (EAP), a free, confidential assessment/counseling/referral service staffed by trained professionals who can help employees and their family members evaluate problems and take positive action to resolve them. Contact The Village Business Institute EAP: <https://campus.UND.edu/human-resources/employees/benefits/eap.html>, 800-627-8220.

### **University Police Department**

UPD uses both a proactive and reactive approach to addressing the problems of underage drinking and drunk driving. Using a proactive approach, police officers go to various segments of the University community and provide educational programs regarding the problems associated with alcohol abuse and misuse and its relationship to crimes such as drunk driving. In a reactive approach, UPD officers arrest drunk drivers and cite violators for minor in consumption and minor in possession of alcohol. Contact: University Police Department: <https://campus.UND.edu/safety/police/index.html>, 701-777-3491.

## Preventing Sexual Violence

The University of North Dakota (UND) prohibits dating violence, domestic violence, sexual assault, stalking, and other forms of sexual violence and engages in prevention efforts to reduce the occurrence of these behaviors.

UND's programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. These programs include comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

The University's policy for addressing sexual misconduct is set forth in UND's Titles IX Sexual Misconduct and its Sexual Misconduct policies. These policies and related procedures include information on employee reporting obligations, how UND responds to a report, the grievance procedure (including possible sanctions and remedies), and supportive measures.

### **Prevention Efforts & Awareness Programs**

UND is committed to creating a safe living, learning, and working environment for all members of the campus community. To support this, UND offers a variety of prevention education programming for students and employees.

UND develops educational prevention programs concerning dating violence, domestic violence, sexual assault, and stalking. Involved students, employees, and community members provide information and promote discussion on interpersonal abuse and violence issues. CVIC at UND, Equal Opportunity & Title IX Office, Community Standards & Care Network, Housing & Residence Life, Committee on Sexual Violence Prevention and Response, and University Police Department (UPD) support the educational programs by providing input and personnel to accomplish this task.

### **Community Violence Intervention Center Relationship**

CVIC at UND is a partnership between UND and the Community Violence Intervention Center (CVIC) to provide prevention education and confidential support services to the UND community.

The vision of CVIC is to build a violence-free community by working together to promote human dignity, justice, and peace. CVIC offers a holistic approach to violence prevention that provides a long-term safety net for those impacted by violence and proactive prevention efforts through education, treatment, and collaborative work for peace involving the entire community. Several campus departments work collaboratively with CVIC to provide educational programming and services on topics of violence prevention, including dating violence, domestic violence, sexual assault, and stalking to UND students and employees.

### **On-Line Prevention Education**

As part of UND's primary prevention and awareness program, first-year students are required to participate in on-line new student education programs. These programs address sexual violence and substance abuse prevention. All other students receive access to refresher courses covering similar information. The refresher courses reinforce critical lessons from the required programs that new students complete, specifically about intervening in high-risk situations.

Employees participate in on-line prevention education during their new employee on-boarding process as part of the institution's primary prevention and awareness program. Employees are also required to participate in annual on-line education to learn about their reporting obligations, how to support someone who has experienced sexual violence, and how to access available campus resources.

### **Prevention and Awareness Programming**

Additional ongoing prevention and awareness campaigns and education are available through Equal Opportunity & Title IX Office, Housing & Residence Life Office, CVIC at UND, Human Resources, Community Standards & Care Network, the Committee on Sexual Violence Prevention and Response, and/or CVIC. A summary of signature annual prevention programming is below. Other prevention programs and educational activities are offered throughout the year.

### **Clothesline Project**

The annual Clothesline Project, sponsored by CVIC at UND, is a visual display of shirts with written messages and illustrations that graphically demonstrate the impact of violence. These shirts are created by survivors of violence, their families and/or friends. This display exposes attendees to the effects of violence. Viewing this project provides an opportunity for a higher understanding of the effects of violence and the need for social responsibility and compassion for others. This display allows attendees to bear witness to the survivors as well as victims of violence while helping with the healing process for

people who have lost a loved one or are survivors of violence. The Project educates the UND community, documents the experiences of those impacted by violence, and raises society's awareness of the extent of the problem of violence within North Dakota.

### **Take Back the Night Rally**

This rally, sponsored by CVIC at UND, coincides annually with the Clothesline Project and is an educational program about stopping violence in our community. It is open to students, employees, and the community.

### **Housing & Residence Life Training**

The University provides annual training to Housing & Residence Life staff on topics including CSA responsibilities, sexual violence prevention and response, crime prevention, healthy relationships, and bystander intervention.

### **UND Student-Athlete Training**

UND Athletics, led by CVIC at UND, provides trainings on topics including healthy and unhealthy relationships, sexual assault awareness and prevention, bystander intervention, and how to support peers to all UND student-athletes. This training occurs annually and as requested.

### **UND Fraternity & Sorority Life**

UND Fraternity & Sorority Life, led by CVIC at UND, provides trainings to Greek chapters on topics including sexual assault awareness and prevention, bystander intervention, healthy and unhealthy relationships, and how to support peers. These trainings are provided to chapters that submit a request to CVIC at UND. A frequently requested training is Sexual Assault Awareness & Prevention Jeopardy.

### **Eat Your Heart Out: Valentines Day Dinner**

This is an annual free dinner for students hosted by CVIC at UND. The event is set up as a "date night" and students are able to attend with a guest, such as a dating partner or friend. The evening focuses on discussion amongst students regarding healthy relationships while enjoying a free meal. It includes interactive activities for students to complete together, information about love languages, and signs of healthy relationships.

### **CVIC at UND Bingo**

CVIC at UND hosts various bingo events that focus on topics including self-care, sexual assault awareness and prevention, and healthy and unhealthy relationships. This serves as an engaging way to provide prevention education to students. These events occur throughout the year.

### **Additional Prevention Programming by CVIC at UND**

Throughout the year, CVIC at UND also provides collaborative opportunities with student groups for additional programming, such as Paint & Learn, Jeopardy, and Cover the Cruiser, and participates in tabling events focused on awareness. CVIC at UND provides education on topics including healthy/unhealthy relationships and preventing dating/domestic violence, sexual assault, and stalking to student groups, campus departments, and in classrooms as requested. In addition, CVIC at UND engages with student

interns, known as Prevention Peers, to assist with developing and updating programming, workshop information, and social media; identifying issues that impact college students; and presenting programming.

### **Prevention Programming by Equal Opportunity & Title IX Office**

In addition to the above training, the Equal Opportunity & Title IX Office provides live annual training to first-year students in law school, medical school, and the Army ROTC programs on sexual violence prevention and response. Additional trainings given regularly include bystander intervention training for medical students, professional boundaries training for graduate students, and, upon request, prevention and response training to faculty in specific academic departments. To ensure a proactive approach to training, every division in the University is contacted throughout a three-year cycle with an offer to provide live training on topics including bystander intervention, support, and prevention.

### ***How to be an Active Bystander***

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. UND promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help.

Below is a list of some ways to be an active bystander:

- 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 for support in health, counseling, or with legal assistance.

If you or someone else is in immediate danger, dial 9-1-1.

### ***Risk Reduction Tips***

College campuses can provide a sense of security — a feeling that everyone knows each other and watches out for one another. There are perpetrators who take advantage of this feeling of safety and security to commit acts of sexual violence.

Steps can be taken to increase safety on college campuses. As bystanders, students and employees can prevent crimes like sexual assault from occurring. When it comes to personal safety, there are steps you can take as well, and some of those tips are outlined below. No tips can absolutely guarantee safety — sexual violence can happen to anyone, and it's not the only crime that can occur on a college campus. It's important to remember that if you are sexually assaulted on campus, it is not your fault — help and support are available.



### Increasing On-campus Safety

The following tips may reduce your risk for many different types of crimes, including sexual violence.

- **Know your resources.** Who should you contact if you or a friend or coworker needs help? Where should you go? Locate resources such as Student Health Services (students), the University Counseling Center (students), CVIC at UND (students and employees), the Village EAP (benefitted employees), UPD (all), Equal Opportunity & Title IX (all), and local sexual assault service provider such as CVIC. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.
- **Stay alert.** When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking UPD for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.
- **Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.
- **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends but give people time to earn your trust before relying on them.
- **Think about a back-up plan.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your residence or a friend's memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- **Be secure.** Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

### Safety in Social Settings

It's possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

- **Make a plan.** If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- **Protect your drink.** Don't leave your drink unattended and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
- **Know your limits.** Keep track of how many drinks you've had and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.

- **It's okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.
- **Be a good friend.** Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.

### Feeling Safe After an Assault

If you have experienced sexual assault, there are steps you can take to feel safer.

- **Make use of on-campus resources.** Colleges often provide a host of services to students for free, including security escorts, health centers, psychological services, and sexual assault services. At UND, these resources include CVIC at UND (students and employees), Student Health Services (students), University Counseling Center (students), the Village EAP (benefitted employees), and UPD (all).
- **Request a schedule or housing change.** If you have classes with the perpetrator or live in the same building, you can request a change from the Equal Opportunity & Title IX Office. Federal laws, such as the Campus SaVE Act, require colleges to honor these requests.
- **Access off-campus support services.** If you are concerned about anonymity, you can seek out resources located off campus in the community, like a local sexual assault service provider or domestic violence shelter such as CVIC, CAWS North Dakota, or RAINN.
- **Seek a civil restraining order or protection order.** Disorderly conduct restraining orders and protection orders are legal documents signed by a judge that prohibit an individual from certain types of contact with the person who is awarded the order. An individual who violates the terms of the restraining order or protection order can face criminal charges. CVIC at UND can assist in filing a disorderly conduct restraining order or protection order.
- **Create a safety plan.** If you are concerned for your ongoing safety, it can be worthwhile to create a safety plan. Safety planning is about finding ways to be safe in the present while planning for your future safety as well.

### Title IX Sexual Misconduct

The University of North Dakota (UND/University) prohibits sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking that occurs within or in connection with a UND program or activity and is against a person in the United States. UND prohibits retaliation by its employees and students against a person who exercises their rights or responsibilities under any provision of state or federal law, including Title IX and the Violence Against Women Reauthorization Act (VAWA), or this policy.

Employees or students who violate this policy may face disciplinary action up to and including suspension, expulsion or termination. Third parties who commit sexual misconduct

may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

UND utilizes procedures that provide prompt, fair, and impartial investigation and resolution of cases of sexual misconduct. UND is committed to providing supportive measures; appropriate grievance procedures; and prevention education for campus community members.

### ***Jurisdictional Statement***

This policy applies to reports of sexual misconduct, as defined by this policy, which occur within or in connection with a University education program or activity and against a person in the United States.

The University's Sexual Misconduct Policy applies to reports of sexual misconduct occurring outside the scope of Title IX. The University's Discrimination and Harassment Policy applies to reports of discrimination based upon sex, sexual orientation, gender identity, pregnancy, parental status, and other protected classes.

### ***If you Have Experienced Sexual Violence***

If you have experienced sexual violence, there are several options available to assist you. Only you can decide what plan of action is right for you. However, you may consider each of the following:

1. Getting to a safe place.
2. Avoiding the destruction of evidence by bathing, douching, changing clothes, or cleaning up in any way. Preserve evidence in a paper bag for possible future action. Also, keep copies of emails, text messages, and voice messages.
3. Pursuing medical treatment. Post-assault medical care can be performed at a local emergency room. Many hospitals have a specialized examiner who can complete an exam for victims of sexual violence. Such an exam can help the victim receive an appropriate medical assessment and treatment and can preserve evidence for possible future action.
4. Pursuing counseling services with appropriate agencies (e.g., UCC, EAP, CVIC (on- or off-campus), or private providers). Calling someone that is known and trusted, such as a friend or counselor, and discussing with this person the assault can help to evaluate the trauma to sort out next steps.
5. Making a police report. You can initiate a campus and/or criminal complaint. You may obtain assistance from campus authorities in this notification.
6. Making a report to a campus security authority (CSA), Title IX coordinator, deputy Title IX coordinator, or designated officials under Title IX.
7. Making an anonymous report. An anonymous report to the police notifies them that an act of sexual violence has occurred but gives no names or identification.

### ***Title IX Coordinator***

The Title IX coordinator is charged with:

1. Monitoring the University's compliance with Title IX;

2. Ensuring appropriate education and training;
3. Coordinating the University's investigation, response, and resolution of all reports under this policy; and
4. Ensuring UND responds
  - a. Promptly and supportively to people alleged to be victims of sexual misconduct,
  - b. Resolves allegations of sexual misconduct promptly and accurately under a predictably fair grievance process that provides due process protections to alleged victims and alleged perpetrators, and
  - c. Effectively implements remedies for victims.

The Title IX coordinator is available to meet with any student, employee, or third party to discuss this policy or the accompanying procedures. The University has also designated deputy Title IX coordinators who may assist the Title IX coordinator in the discharge of these responsibilities. The Title IX coordinator and deputy Title IX coordinators receive appropriate training to discharge their responsibilities.

The Title IX coordinator may designate a deputy Title IX coordinator or other appropriately trained individual to carry out any of the tasks or functions described in this document. When this procedure refers to Title IX coordinator, it is presumed to mean Title IX coordinator or designee.

A list of deputy Title IX coordinators can be found on the Equal Opportunity & Title IX website.

Inquiries regarding UND's equal opportunity and nondiscrimination policies, including Title IX, Title VI, Title VII, ADA and Section 504 of the Rehabilitation Act may be addressed to:

Assistant Vice President, Equal Opportunity & Title IX  
 Title IX/ADA Coordinator  
 University of North Dakota  
 Twamley Hall  
 264 Centennial Drive Stop 7097  
 Grand Forks, ND 58202-7097  
 Phone: 701.777.4171  
 Email: [UND.eo.titleix@UND.edu](mailto:UND.eo.titleix@UND.edu)  
 Website: <https://campus.UND.edu/equal-opportunity/>

A complaint or concern regarding discrimination or harassment may also be addressed to:

Assistant Secretary for Civil Rights  
 Office for Civil Rights  
 U.S. Department of Education  
 400 Maryland Avenue, SW  
 Washington, DC 20202-1100  
 Phone: 800.421.3481  
 Email: [OCR@ed.gov](mailto:OCR@ed.gov)

In accordance with Title IX, UND notifies applicants for admission and employment, students, and employees of the name or title, office address, email address and telephone number of the Title IX coordinator. This information is prominently displayed on UND's website and in each handbook or catalog made available to the foregoing individuals.

## **Responding to Reports of Title IX Sexual Misconduct**

Whether or not a formal complaint is filed, UND will respond promptly and without deliberate indifference when the Title IX coordinator or a deputy Title IX coordinator receives a report or otherwise has notice of sexual misconduct prohibited by this policy.

### **Presumption of Not Responsible**

The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on UND.

### **Actual Knowledge of Sexual Misconduct**

UND has actual knowledge of sexual misconduct when an official with authority to take corrective action receives notice of sexual misconduct or allegations of sexual misconduct. The official with authority is obligated to report the known information to the Title IX coordinator as soon as possible.

Whether or not a formal complaint is filed, UND will respond promptly and without deliberate indifference when UND has actual knowledge of sexual harassment (as defined by Title IX) within its educational program or activity in the United States.

### **Bias and Conflict of Interest**

The Title IX coordinator, deputy Title IX coordinators, investigators, decision-makers, and all individuals who facilitate informal resolution processes, will be free from bias and conflict of interest. Examples of bias and conflict of interest include but are not limited to, personal animosity, illegal prejudice, and personal or financial stake in the outcome. Bias can relate to sex, race, ethnicity, sexual orientation, gender identity, religion, disability, national origin or other characteristics.

If a party believes any of the above individuals has a bias or conflict of interest that prevents them from serving impartially in the grievance process, the party may challenge that person's participation in the grievance process as provided in the procedures for Title IX Sexual Misconduct Response.

### **Exempt Records**

Pursuant to N.D.C.C. §44-04-18.28, any record at the University that is related to a complaint or investigation under Title IX and contains personally identifiable information about a party to the complaint is an exempt record under North Dakota's open records and meetings law. Except as otherwise specifically provided by law (i.e. FERPA), an exempt record is a record that is neither required by law to be open to the public, nor is confidential, but may be open at the discretion of the public entity. For purposes of that exemption, "personally identifiable information" means information that directly identifies an individual, and information that, alone or in combination with other information, is linked or linkable to an individual and would allow a reasonable person who lacks knowledge of the relevant circumstances to identify the individual."

### **Confidentiality**

Notwithstanding Chapter 44-04 of the North Dakota Century Code, pursuant to Title IX, the identity of any individual who has made a report or formal complaint of sex discrimination or sexual misconduct; the identity of any complainant, respondent or witness; and the content of any investigation, hearing or judicial proceeding arising thereunder, shall be confidential.

Confidentiality also exists in the context of laws that protect certain relationships, including with medical and clinic care providers (and those who provide administrative services related to the provision of medical and clinic care), mental health providers, counselors, employees of domestic violence or sexual assault programs, and ordained clergy, all of whom may engage in confidential communications under North Dakota law. UND has designated individuals who have privileged communications as "confidential employees." When information is shared by an individual with a confidential employee or a community professional with the same legal protections, the confidential employee and/or community professional cannot reveal the information to any third party except when an applicable law, professional standard or a court order requires or permits disclosure of such information.

UND will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

UND employees who are not confidential employees and do not play a role in Title IX grievance procedures will only share information related to a report of sexual misconduct with the Title IX coordinator. The information will only be further shared, as necessary, with the limited circle of University employees who participate in the grievance procedures, such as by providing supportive measures, facilitating a grievance process or informal resolution, or as otherwise included in the Procedures for Title IX Sexual Misconduct Response.

### **Confidential Resources**

Consistent with the definition of confidential employees and licensed community professionals, there are a number of resources within the University and Grand Forks communities where students and employees can obtain confidential counseling and support. These resources include:

University Counseling Center (for students)  
McCannel Hall Room 200  
701.777.2127  
<https://UND.edu/student-life/counseling-center/>

Student Health Services (for students)  
McCannel Hall Room 100  
701.777.4500  
<https://UND.edu/student-life/student-health/>



CVIC at UND (for all)  
 Twamley Hall, Room 102  
 Campus Confidential Advisor: 701.777.6550  
 Main Office: 701.746.0405  
 24/7 Crisis Line: 701.746.8900 or 866.746.8900  
<https://UND.edu/student-life/violence/cvic.html> or <http://cviconline.org>

Employee Assistance Program (for employees)  
 800.627.8220  
<http://VillageEAP.com>

The above resources may assist in providing referrals to local confidential resources for UND students and employees who reside in other locations.

### Supportive Measures

Supportive measures may be offered to the complainant and the respondent regardless of whether a complainant files a formal complaint under this policy. If a formal complaint is filed, supportive measures will continue to be available to the complainant and respondent after the conclusion of the grievance process, as appropriate, whether there was a finding of responsibility or non-responsibility. The Title IX coordinator or deputy Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include 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, increased security and monitoring of certain areas of campus, and other similar measures. Supportive measures to the complainant or respondent will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures. Supportive measures may not restrict any party's rights under the United States Constitution. The University will not provide supportive measures that are clearly unreasonable in light of the known circumstances.

Individuals are encouraged to report to the Title IX coordinator any concerns about the failure of another to abide by any restrictions imposed through supportive measure(s) such as mutual no-contact orders. In the event of an immediate health or safety concern, individuals should contact 911 immediately. Disciplinary action may be taken for failing to abide by certain supportive measure(s).

### Amnesty

In order to encourage complainants and witnesses to make reports of prohibited conduct and for all parties and witnesses to fully participate in the investigation, the University will not pursue disciplinary action against students or employees for disclosure of personal consumption of alcohol or other drugs (underage or illegal) or other minor offenses, where the disclosure is made in connection with a good faith report or investigation of prohibited conduct and the personal consumption did not place the health or safety of any other

person at risk. The University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

### Employee Reporting Obligations

Specific employee reporting obligations are listed below. Sharing disclosures, reports or other known information about alleged sexual misconduct with the Title IX coordinator allows the University to meet its state and federal obligations and to appropriately address any sexual misconduct. Sharing such information with the Title IX coordinator also provides the University with the best opportunity to offer appropriate supportive measures to assist a complainant, assess any health or safety risk posed by the alleged sexual misconduct, and take immediate and appropriate steps to respond to the report.

Employees shall not dissuade an individual from reporting possible sexual misconduct. Employees with required reporting obligations should inform the individual of their reporting obligations as soon as it is reasonably known that the individual may disclose information about sexual misconduct.

Employees are not required to make reports of sexual misconduct when such a report would be prohibited by law.

### Confidential Employees

A confidential employee will not disclose information about sexual misconduct to the University's Title IX Coordinator, or others, in a way that identifies the involved individuals without the reporting party's permission (subject to the exceptions set forth in Confidentiality section of this policy).

Confidential employees must explain to any person who informs the confidential employee of conduct that reasonably may constitute sexual misconduct:

- The employee's status as confidential under Title IX and this Policy, including when the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sexual misconduct;
- How to contact the Title IX Coordinator and how to make a complaint; and
- That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate informal resolution process or investigation.

### Sexual Misconduct Involving Students

#### Regular/Benefitted and Temporary Employees

All employees, except confidential employees while acting within their confidential role and student employees, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual misconduct against students.

#### Student Employees

Students employed as Resident Assistants, Community Assistants, Resident Managers, Athletics Camp Coaches, Undergraduate Instructors, and Graduate Assistants, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual misconduct against students.



All other student employees are encouraged, but not required, to report suspected or potential sexual misconduct against students to the Title IX Coordinator.

### **Sexual Misconduct in the Workplace**

Employees are strongly encouraged, but not required, to contact the Title IX Coordinator when they have been subject to conduct that reasonably may constitute sexual misconduct in the workplace. The Title IX Coordinator can provide information about supportive measures and resolution options.

### **Supervisors and Managers, Benefitted/Regular and Temporary**

All supervisors and/or managers, including department chairs, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual misconduct occurring in the workplace.

### **Non-Supervisory Employees, Benefitted/Regular and Temporary**

When employees who are not supervisors or managers become aware of suspected or potential sexual misconduct occurring in the workplace, they are encouraged to provide the Complainant with the Title IX Coordinator's contact information and information about how to make a complaint of sexual misconduct. Non-supervisory employees are encouraged, but not required, to report information about suspected or potential sexual misconduct in the workplace to the Title IX coordinator.

### **Student Employees**

Student employees are encouraged but not required to report information about suspected or potential sexual misconduct in the workplace to the EO/Title IX office. However, they may still have reporting obligations as detailed in the preceding section. (Sexual Misconduct Involving Students).

### **Clery Act Reporting**

Individuals designated as campus security authorities under the Clery Act have separate and additional reporting requirements under the Act.

Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information as appropriate when issuing timely warnings to the University community.

### **Training**

All University employees who have obligations to report sexual misconduct (See Employee Reporting Obligations, above) are required to complete annual training regarding how to respond

to and report information about sexual misconduct.

All individuals involved in the grievance process, including, but not necessarily limited to, the Title IX Coordinator, 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 education program or activity;
- How to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision-makers must also receive training on the following areas:

- Any technology to be used at a hearing;
- Issues of relevance for 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.

Advisors assigned by the University will receive training regarding their role in the process. Advisors are not expected or required to have any specific level of training or experience.

All training materials used to train the foregoing individuals will be made available to the public by posting on the Equal Opportunity & Title IX website.

Individuals who have not completed training as required by this policy shall not investigate, adjudicate, or otherwise be involved in the grievance procedures associated with this policy.

### ***Non-Retaliation for Filing or Participating in a Sexual Misconduct Complaint***

Neither the University nor any employee, student, or affiliate may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 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 the Title IX Sexual Misconduct Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex misconduct, but arise out of the same facts or circumstances as a report or complaint of sexual misconduct, or a report or formal complaint of sexual misconduct, for the purpose of interfering with any right or privilege secured by the Title IX Sexual Misconduct Policy, constitutes retaliation.

Any complaint of retaliation shall be investigated as provided in the Procedures for Title IX Sexual Misconduct Response.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy. Charging an individual with a policy violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation prohibited by this Policy. However, a determination regarding responsibility alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### ***Prohibition against False Statements***

UND prohibits knowingly making false statements or knowingly submitting false information during the Title IX Sexual Misconduct grievance process. Doing so will subject the party making the knowingly false statement to disciplinary action.

### ***Record Keeping***

The University shall retain, for a period of seven years, records of:

- Each sexual misconduct 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;
- In each instance, the University will document that the basis for its response to a report or complaint was not deliberately indifferent. Any informal resolution and the result therefrom;
- Any other actions, including supportive measures, taken in response to a report or formal complaint of sexual misconduct, or, if supportive measures were not provided, an explanation of why such a response was not clearly unreasonable in light of the known circumstances; and
- All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, which the institution must make available on its website.

### ***Reporting Sexual Misconduct***

The University encourages anyone who experiences sexual misconduct to report the incident to the University. Any person may report sexual misconduct (whether or not the person making the report is the victim of the alleged behavior). The report may be made in any of the following ways:

- In person: Equal Opportunity & Title IX Office, Twamley Hall, Grand Forks, ND
- By mail: 264 Centennial Drive Stop 7097, Grand Forks, ND 58202
- By email: [UND.EO.TitleIX@UND.edu](mailto:UND.EO.TitleIX@UND.edu)
- By using the on-line EO/Title IX report
- By any other means that results in the Title IX Coordinator receiving the report, regardless of the time of day.

### ***Reporting to Law Enforcement***

A complainant who wishes to pursue criminal action in addition to, or instead of, making a report under these procedures should contact law enforcement directly:

- 911 (for emergencies)
- University Police: 701.777.3491 (for non-emergencies) or anonymous crime report

- Grand Forks Police Department: 701.787.8000 (for non-emergencies)

A report to the police can empower the complainant by exercising their legal rights and can aid in the protection of others. UND staff will assist the complainant in notifying the police if requested. The police will then advise the complainant of the legal process.

- On-campus investigation is typically conducted by UPD. UPD has both an administrative role and a law enforcement role.
- Off-campus cases are usually investigated by the Grand Forks Police or other law enforcement agency. When an investigation or legal proceeding occurs off-campus, services are still available through the University.

A complainant may choose to file a police report immediately or at a later date. There may be consequences to waiting to file a police report. Early reports may improve the preparation of a viable prosecution. Filing a police report immediately following the incident does not force the complainant to file charges and prosecute the respondent. However, it does aid in the preservation of valuable evidence if the complainant decides to pursue charges at a later date.

The State's Attorney makes all decisions regarding the prosecution of alleged crimes reported to law enforcement.

### ***Filing a Formal Complaint***

To request that UND investigate a report of sexual misconduct, or to engage in informal resolution processes, the complainant must file a formal complaint with the Title IX coordinator or a deputy Title IX coordinator. The formal complaint must be a written or digital document that identifies the complainant and respondent, provides a method to contact the complainant, and contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint. This complaint may be filed with the Title IX coordinator in person, by mail, or by electronic means using any of the contact information below:

- In person: Equal Opportunity & Title IX Office, Twamley Hall, Grand Forks, ND
- By mail: 264 Centennial Drive Stop 7097, Grand Forks, ND 58202
- By email: [UND.EO.TitleIX@UND.edu](mailto:UND.EO.TitleIX@UND.edu)
- On-line: by submitting the digital formal complaint form supplied by the Title IX coordinator

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of UND.

The Title IX coordinator has discretion to sign a formal complaint when the complainant does not do so. The Title IX coordinator may take circumstances into account such as whether there are allegations of a pattern of misconduct, threats, violence, use of weapons, or similar factors. When the Title IX coordinator signs the formal complaint, the Title IX coordinator is not a complainant or otherwise a party to the complaint.

### ***If Complainant Declines to File Formal Complaint***

When the complainant declines to file a formal complaint, UND will seek to honor the preferences of the complainant whenever possible. However, the Title IX coordinator may determine that the totality of the known circumstances indicate there is a risk to the safety of the campus community if a grievance process is not initiated. In that case, the Title IX coordinator may sign a formal complaint. In such circumstances, the Title IX coordinator is not the complainant.

In such cases, the Title IX coordinator will advise the complainant that UND intends to proceed with a grievance process, but that the complainant is not required to participate in the grievance process or in any other actions undertaken by UND. If the complainant declines to participate in the grievance process, the University's ability to meaningfully investigate and respond may be limited. The Title IX coordinator will make reasonable efforts to protect the privacy of the complainant. However, actions that may be required as part of the grievance process will involve speaking with the respondent and others who may have relevant information, in which case the complainant's identity may be disclosed.

### ***Responding to Reports and Formal Complaints***

The specific procedures for responding to reports and formal complaints of Title IX sexual misconduct are contained in the Procedures for Title IX Sexual Misconduct Response.

Supportive measures will be offered to the complainant and respondent before or after the filing of a formal complaint or where no formal complaint has been filed if the parties' identities are known to the University.

During the grievance process, the University will treat the complainant and respondent equitably. The University will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

The University will objectively evaluate all relevant evidence, including both exculpatory and inculpatory evidence, and ensure that credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The parties have equitable opportunities to appeal the determination regarding responsibility after a hearing or any mandatory or permissive dismissal of a formal complaint.

### ***Standard of Evidence to Determine Responsibility***

The University applies the preponderance of the evidence standard when determining whether this policy has been violated. Preponderance of the evidence means that it is more likely than not that a policy violation occurred.

### ***Disciplinary Sanctions and Remedies***

Any disciplinary sanctions or remedies become effective when the determination regarding responsibility is final. Details regarding sanctions and remedies are found in the Procedures for Title IX Sexual Misconduct Response.

### ***Non-Punitive Response***

The University may respond to conduct that does not meet the definition of a policy violation by taking non-punitive action designed to promote a welcoming, inclusive, and safe environment.

### ***Time Frame for Completion of Grievance Process***

UND will carry out the grievance process in a reasonable and timely manner. The length of time necessary to complete a fair and thorough process will vary depending upon the complexity of the facts, including the number of witnesses and volume of information provided by the parties; a request by law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of witnesses; to account for University breaks or vacations; or for other legitimate reasons.

UND aims to issue a determination regarding responsibility within 120 calendar days of receiving a formal complaint. If the parties choose an informal resolution process, UND aims to complete the process within 30 days of the date the parties agreed to use informal resolution. However, temporary delays or extensions of the time frames will be offered for good cause, 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. The investigator(s) or Title IX coordinator will notify the parties in writing of any delays and provide an explanation for the delay.

### ***Consolidation of Complaints Involving Multiple Parties***

Complaints as to allegations of sexual misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances, may be consolidated as determined to be appropriate by the Title IX coordinator.

### ***Involving Multiple Policies***

Grievances or complaints filed through other University, SBHE or NDUS policies may have as a component to the grievance a complaint under the Title IX Sexual Misconduct Policy. If the Title IX coordinator determines that the policies and procedures applicable to all grievances/complaints can be followed, the grievances or complaints may be administered as one process. If the Title IX coordinator determines that the policies and procedures applicable to the grievances or complaints conflict with each other and the conflict cannot be resolved, separate processes may be required. The Title IX coordinator and the office(s) under which any concurrent grievances or complaints have been filed will collaborate, as appropriate, in the investigation and resolution of the complaints.

If a complaint made under the Title IX Sexual Misconduct Policy also contains an allegation of a violation of another policy, the sexual misconduct grievance procedures will be followed to make a determination of responsibility under the Title IX Sexual Misconduct Policy. Decisions regarding responsibility for alleged violations of other policies will be based upon that policy and the associated procedures.

If a determination of responsibility under the Title IX Sexual Misconduct Policy has been issued, the University has discretion whether to proceed with a determination of responsibility under the other involved policy.

Some conduct may be prohibited by more than one policy. While a complaint may allege that conduct violates multiple policies, a respondent will not receive multiple disciplinary actions for the same conduct. For example, a respondent may be charged with violations of the Discrimination and Harassment Policy and the Title IX Sexual Misconduct Policy for one incident. If found responsible, the respondent will not receive duplicate disciplinary actions for conduct that violates both policies.

## Responding to Reports of Title IX Sexual Misconduct

The University of North Dakota (University/UND) uses this procedure to respond to reports of sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence and stalking, which occur within or in connection with a University program or activity and against a person in the United States. UND adopts this procedure with a commitment to comply with Title IX of the Education Amendments of 1972.

The University's procedures for addressing sexual misconduct occurring outside the scope of Title IX are set forth in UND's Procedures for Responding to Reports of Sexual Misconduct. The University's procedure for addressing reports of discrimination based on sex, sexual orientation, gender identity, and pregnancy/parenting status is set forth in UND's Discrimination and Harassment Policy.

The Title IX coordinator may designate a deputy Title IX coordinator or other appropriately trained individual to carry out any of the tasks or functions described in this document. When this procedure refers to Title IX coordinator, it is presumed to mean Title IX coordinator or designee.

### Actual Knowledge of Title IX Sexual Misconduct

Whether or not a formal complaint is filed, UND will respond promptly and without deliberate indifference when UND has actual knowledge of sexual harassment (as defined by Title IX) within its educational program or activity in the United States. Responding to Reports of Title IX Sexual Misconduct Upon actual knowledge of sexual misconduct, the Title IX coordinator will contact the complainant, if the complainant's identity is known, and:

1. Offer and coordinate supportive measures, as appropriate, for the complainant, if the complainant is known;
2. Inform the complainant, if known, that supportive measures are available with or without the initiation of grievance procedures;
3. Inform the complainant of on-campus and community resources related to health, counseling, mental health, victim advocacy, legal assistance, visa and immigration, student financial aid, and other related services available for complainants;
4. Notify the complainant, or the person who reported the conduct if the complainant is unknown, of the grievance procedures and informal resolution process, if available and appropriate;
5. If grievance procedures have been initiated, offer and coordinate supportive measures, as appropriate, for the respondent;
6. If a complaint is made, notify the respondent of the grievance procedures and informal resolution process, if available and appropriate;
7. In response to a complaint, initiate grievance procedures or an informal resolution process, if available and appropriate; and
8. If initiating a complaint, the Title IX Coordinator will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

The Title IX coordinator will attempt to contact the complainant to discuss supportive measures, but UND may be limited in its ability to respond further when:

1. The respondent is unknown, or their name is not disclosed;
2. The respondent is not affiliated with UND; or
3. The report is made anonymously.

The University may also be limited in its ability to respond when the complainant is not identified.

### Supportive Measures

Supportive measures may be offered to the complainant and the respondent regardless of whether a complainant files a formal complaint under this policy. If a formal complaint is filed, supportive measures will continue to be available to the complainant and respondent after the conclusion of the grievance process, as appropriate, whether there was a finding of responsibility or non-responsibility. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include 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, increased security and monitoring of certain areas of campus, and other similar measures. Supportive measures to the complainant or respondent will remain confidential to the extent that maintaining such confidentiality would not impair the ability



of the University to provide supportive measures. Supportive measures may not restrict any party's rights under the United States Constitution. The University will not provide supportive measures that are clearly unreasonable in light of the known circumstances.

### **Modification of Supportive Measures**

UND may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process, or UND may continue them beyond that point.

The complainant and respondent may also request modification or reversal of the decision to provide, deny, modify, or terminate supportive measures applicable to them. An initial request must be made in writing to the Title IX coordinator within five calendar days after the University has notified the party of implementation of the supportive measure or denial of a request for supportive measures. The parties may also request additional modification or termination of a supportive measure applicable to them at any time if circumstances change materially. Decisions to modify or terminate supportive measures will not be made retroactively.

An impartial employee, other than the person who made the challenged decision, will be designated to determine if modification or termination of a supportive measure is appropriate.

### **Administrative Leave - Employees**

A student or non-student employee respondent may be placed on paid or unpaid administrative leave while the grievance process is pending when the University has received information which indicates that the respondent's continued presence on campus or engagement in the workplace will likely have a serious effect on the physical, mental, or emotional health, safety, or well-being of another person; when physical safety is seriously threatened; when the ability of the University to carry out its operations is threatened or impaired; or where the Title IX coordinator concludes that other supportive measures (such as a temporary transfer) are not feasible to appropriately address concerns. In these or other appropriate circumstances, a complainant may also be placed on paid or unpaid administrative leave. The decision to put an employee on administrative leave may be made at any point in the grievance process.

Nothing in this section may be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

### **Student Emergency Restrictions and/or Conditions**

The University may place emergency restrictions and/or other conditions upon a student, provided that the institution 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 Title IX sexual misconduct justifies removal. The respondent will be given notice and an opportunity to challenge the decision immediately following implementation of the restrictions and/or conditions. See the Code of Student Life for the emergency restrictions and/or conditions process.

Nothing in this section may be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

### **Requests for Accommodations or Adjustments**

If a party or other participant requires a disability, religious, pregnancy or other accommodation/adjustment to participate in any part of the process described herein, they may make that request to the Equal Opportunity & Title IX Office.

### **Challenges for Bias or Conflict of Interest**

The Title IX coordinator, deputy Title IX coordinators, investigators, decision-makers, and any individuals who facilitate an informal resolution process will be free of bias and conflict of interest. If a party believes any of the above individuals have a bias or conflict of interest that would prevent them from serving impartially, the party may challenge that person's participation in the grievance process. Any challenge must be made as soon as possible after the party learns of a potential bias or conflict of interest.

The party must make the challenge in writing to the Title IX coordinator and state the reasons the individual is believed to hold a bias or conflict of interest. The Title IX coordinator will review the challenge and may request additional information before making a determination. If the Title IX coordinator determines that the individual cannot serve impartially, the Title IX coordinator will appoint another appropriate individual to serve in that role.

If the challenge is regarding the Title IX coordinator, a deputy Title IX coordinator will review the challenge and make a determination.

### **Consultation with Title IX Coordinator**

The Title IX coordinator may consult with investigators and hearing officers/decision-makers on a limited basis to ensure compliance with relevant policies, procedures, laws, and regulations.

### **Grievance Process for Formal Complaints Filing a Formal Complaint**

To request that UND investigate a report of Title IX sexual misconduct, or to engage in informal resolution processes, the complainant must file a formal complaint with the Title IX coordinator. The formal complaint must be a written or digital document that identifies the complainant and respondent, provides a method to contact the complainant, and contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint. This complaint may be filed with the Title IX coordinator in person, by mail, or by electronic means using any of the contact information below:

- In person: Equal Opportunity & Title IX Office, Twamley Hall, Grand Forks, ND
- By mail: 264 Centennial Drive Stop 7097, Grand Forks, ND 58202
- By email: [UND.EO.TitleIX@UND.edu](mailto:UND.EO.TitleIX@UND.edu)
- On-line: by submitting the digital formal complaint form, provided by the Title IX coordinator

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of UND.

The Title IX coordinator has discretion to sign a formal complaint when the complainant does not do so. The Title IX coordinator may take circumstances into account such as whether there are allegations of a pattern of misconduct, threats, violence, use of weapons, or similar factors. When the Title IX coordinator signs the formal complaint, the Title IX coordinator is not a complainant or otherwise a party to the complaint.

All formal complaints will be investigated, unless subject to mandatory dismissal (See Dismissals, below).

### **Standard of Evidence to Determine Responsibility**

The University applies the preponderance of the evidence standard when determining whether the Title IX Sexual Misconduct policy has been violated. Preponderance of the evidence means that it is more likely than not that a policy violation occurred.

### **Notice of Allegations**

When a formal complaint is received, the Title IX coordinator will provide a written notice to the known parties that will include a copy of the Title IX Sexual Misconduct Policy and these procedures and notice of:

1. The grievance procedure, including the availability of an informal resolution process;
2. The allegations of sexual misconduct known at the time, including sufficient details to allow the respondent to prepare a response, including but not limited to:
  - a. The names of the parties;
  - b. The conduct allegedly constituting sexual misconduct; and
  - c. The date and location of the alleged conduct.
- d. This notice will be provided with sufficient time for the respondent to prepare a response before the initial interview.
3. The respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance procedure.
4. Prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision-maker.
5. The parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence. The statement will also indicate that if the party does not have an advisor of choice, UND will appoint an advisor to ask all questions of parties and witnesses at the hearing.
6. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and an investigative report that accurately summarizes this evidence.
7. UND prohibits knowingly making false statements or knowingly submitting false information during the grievance procedure.
8. The identity of the investigator(s).

9. Retaliation is prohibited.

10. Instructions to the parties to preserve any potentially relevant evidence in any format.

11. The availability of supportive measures.

If during the course of the grievance process, additional allegations are added to the investigation which were not included in the initial notice, UND will provide notice of the additional allegations to the parties.

### **Advisors**

The complainant and respondent will be allowed to select an advisor of their choice to assist them during the proceedings, including the hearing. The advisor may be any person, including an attorney. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a formal complaint under these procedures. The advisor's role is to provide support, guidance, and advice, and to ask questions on the party's behalf during the hearing.

Only the advisor is allowed to ask questions directed to the other party and any witnesses on behalf of their party during the hearing. If a party chooses not to participate in the hearing, their chosen advisor may be present and may ask questions on the party's behalf.

If a party does not choose an advisor or does not otherwise have an advisor present at the hearing, UND will provide the party with an advisor free of charge. The UND-appointed advisor's role is limited to asking questions at the hearing, as identified by the party, and if requested, reading opening and/or closing statements written by the party. A party who does not have a chosen advisor should notify the Title IX coordinator as soon as possible so that an advisor can be assigned. If neither the party nor their advisor is present at the hearing, UND will appoint an advisor who will ask any questions identified by the party.

Advisors are not expected or required to have particular training or experience. Advisors appointed by UND will be provided with access to appropriate training to understand the grievance process and their role in the hearing. When UND provides advisors to both parties, UND will endeavor to seek parity of advisors.

UND does not require that advisors be lawyers providing legal counsel. An advisor's questioning "on behalf of that party" is satisfied when the advisor poses questions on a party's behalf, which means the advisor will relay a party's own questions to the other party or witness according to these procedures.

### **Parties' Participation in Grievance Process**

Neither party is required to participate in the grievance process. The decision-maker will not draw any adverse inference from a decision by either of the parties not to participate. However, if a party or witness declines to participate in the investigation, the determination of whether a policy violation occurred will be made without consideration of the evidence that person could have provided.

If a party does not participate in the investigation but provides testimony or evidence at the hearing that includes new information, the hearing may be temporarily paused to allow the other party appropriate time to prepare to respond to the new information or to allow for additional investigation.

The parties will have the same opportunity to discuss the allegations or to gather or present relevant evidence. They also have the same opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. However, the parties may not discuss the allegations or gather evidence in a manner that constitutes retaliation, intimidation, harassment, or defamation.

### Formal Investigation

UND is required to investigate every formal complaint unless the complaint is subject to dismissal, as described below under Dismissals, or the parties agree to an informal resolution. The Title IX coordinator may investigate, assist, advise, or designate one or more investigators to investigate any complaint of Title IX sexual misconduct. Investigators may be University employees or external investigators. All investigators will receive annual training in accordance with UND's Title IX Sexual Misconduct Policy.

The investigation is a neutral fact-gathering process. The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on UND.

### Notice of Proceedings

A party whose participation is invited or expected to participate in an investigative interview, hearing, or other meeting will be given written notice of the date, time, location, participation, and purpose of the meeting, with sufficient time to prepare. The parties' chosen advisors may be present at all hearings, investigative interviews, or other meetings.

In accordance with the Violence Against Women Act (VAWA), in formal complaints related to allegations of sexual assault, domestic violence, dating violence, and/or stalking, the Title IX coordinator or investigator will ensure that both parties receive timely notice of all meetings in which either party may be present. (For example, the complainant will receive timely notice that a meeting has been scheduled with the respondent.) Notice shall include the date on which the meeting will take place. Receiving notice of the meeting is not an invitation to attend the meeting.

### Coordination with Law Enforcement

If known, the investigator(s) or Title IX coordinator will contact any law enforcement agency that is conducting its own investigation to inform that agency that a University investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. At the request of law

enforcement, the Title IX coordinator may delay the University investigation temporarily so as not to interfere with the criminal investigation process.

### Evidence

The grievance process does not utilize established federal or state court rules of evidence. However, the following provisions shall apply throughout the grievance process, including the investigation, any hearing, and a determination regarding responsibility.

- **Relevance.** Evidence is relevant if it tends to make a material fact more or less probable and assists the decision-maker in making a decision. During the investigative process, the investigator shall determine what offered evidence is relevant. During the hearing and/or appeal process, the decision-maker shall determine what offered evidence is relevant. If a party disagrees with the investigator or decision-maker's decision(s) about relevance, the party may make that argument in the written response to the investigative report or to the decision-maker at any hearing held. Only relevant evidence will be considered by the decision-maker in determining if a policy violation occurred.
- **Confidential or Privileged Evidence.** UND will 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. UND will 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.
- **Prior Sexual History.** Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

### Inspection of Evidence

The investigator will provide to each party and the party's advisor, if any, all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which UND does not intend to rely in reaching a determination regarding responsibility. This includes inculpatory and exculpatory evidence, whether obtained from a party or other source. The evidence will be sent in electronic format or a hard copy, where possible. If a piece of evidence cannot readily be shared with the parties simultaneously, or the Title IX coordinator determines that providing the evidence to the parties directly is otherwise inappropriate, the investigative report will contain an accurate description of the evidence. The parties and their advisors will then have an equal opportunity to access the evidence individually.

The parties will have ten calendar days to review the evidence and submit a written response, if desired. The investigator will consider any written response prior to completing the investigative report. The investigator will then conduct any additional investigation deemed necessary by the investigator or Title IX coordinator. If additional investigation is conducted, any additional evidence gathered will be given to the parties and they will have an additional ten calendar days to review the evidence and provide a written response. This evidence will be available at any hearing and each party may refer to the evidence at the hearing, including for questioning parties and witnesses.

### **Investigative Report**

The investigator will create an investigative report that fairly summarizes the relevant evidence and, at least ten calendar days prior to a hearing (if a hearing is held) or other time of determination regarding responsibility, send to each party and the party's chosen advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. If a party disagrees with the investigator's determination about relevance, the party can make that argument in the party's written response to the investigative report and to the decision-maker at any hearing held.

### **Non-Disclosure of Evidence and Investigative Report**

Complainants, respondents, and their advisors are prohibited from copying, sharing, or disseminating the investigative report and evidence obtained solely through the grievance procedures except (1) to consult with family members, confidential resources or advisors, or to otherwise prepare for or participate in the grievance procedure; or (2) as required by law.

The non-disclosure obligation does not restrict or prevent a complainant, respondent or advisor from obtaining and presenting evidence, including by speaking to witnesses, subject to the Policy's prohibitions on retaliation. Further, the non-disclosure obligation does not prevent a complainant or respondent from speaking truthfully with others about their own experiences.

University personnel involved in the investigation, including the Title IX coordinator, investigators, and hearing officers, are similarly bound by strict confidentiality obligations. They are not permitted to disclose any evidence, information, or investigative reports to parties or individuals outside of the University's grievance procedure, unless required by law.

Failure to comply with the non-disclosure obligation may result in sanctions or disciplinary action as determined by the University. Sanctions may include warnings, educational measures, or more severe measures, as deemed appropriate by the University.

### **Hearing**

Unless the parties voluntarily agree to informal resolution, a live hearing will be conducted no sooner than ten calendar days following the delivery of the investigative report to the parties. The live hearing will be held in front of a decision-

maker chosen by UND. The decision-maker may be a UND employee or an external decision-maker but will not be the investigator or Title IX coordinator. UND will choose a decision-maker who has received training as described in the Title IX Sexual Misconduct Policy and is free from conflicts or bias.

UND aims to hold the hearing within 30 days of the investigative report being distributed to the parties. However, we understand that scheduling conflicts may arise. The parties (if attending the hearing) and their advisors are obligated to make themselves reasonably available so as not to cause undue delay. If a hearing date is not mutually agreed upon within 30 days of distribution of the report, the Title IX coordinator may make further inquiries as to whether good cause for a delay exists. If the Title IX coordinator finds that good cause for a delay does not exist, the Title IX coordinator has discretion to choose a hearing date(s).

This section is a summary of the procedural rules for hearings. More detailed procedural rules and other helpful guidance will be provided to the parties prior to a hearing.

At the request of either party or at the discretion of the University, the hearing will be conducted with the parties, advisors, witnesses and decision-maker(s) participating virtually with technology enabling the decision-maker and parties to simultaneously see and hear, or otherwise assess the credibility of, the party or witness answering questions. At the discretion of the University, hearings may also be conducted with some, but not all, participants appearing virtually, so long as the parties, advisors, witnesses and decision-maker(s) are able to simultaneously see and hear, or otherwise perceive, each other.

All evidence obtained by the investigator as part of the investigative process and not subject to exclusion under this Policy will be made available to the parties and the decision-maker at the hearing. UND will create an audio or audiovisual recording, or transcript, of the hearing and make it available to the parties for inspection and review.

Hearings are attended by the parties, their advisors, the decision-maker(s), and witnesses as called by the parties and/or the decision-maker. Witnesses may be sequestered before and after their testimony. The University may allow additional attendees for safety and logistical purposes, University legal counsel, and/or for training purposes.

### **Witnesses**

Only witnesses who are included on the witness lists exchanged at or after the pre-hearing conference (see below) will be allowed to present testimony at the hearing. All witnesses who are included in the investigative report will be included on the witness list. At the pre-hearing conference, the parties may identify any witnesses they request to call who are not in the report. Witnesses who were suggested to the investigator but not interviewed or not included in the investigative report will be included on the witness list upon request. Additional investigation may be necessary prior to the



hearing. In that case, an updated investigative report will be provided to the parties at least ten calendar days prior to the hearing.

Witnesses who were not identified during the investigation or who refused to be interviewed during the investigation will not be included on the witness list unless good cause is shown to the decision-maker to explain why the witness should be allowed. The decision-maker has discretion to determine what constitutes good cause. The decision to not disclose a witness until the pre-hearing conference, even though the party was or reasonably should have been aware that the witness had relevant information to share, shall not constitute good cause for a late disclosure. Additional investigation may be necessary before a newly disclosed witness is added to the witness list. In that case, an updated investigative report will be provided to the parties at least ten calendar days prior to the hearing.

### **Documentary Evidence**

Only documentary evidence (documents, texts, photos, videos, etc.) that was provided to the investigator during the investigation shall be presented at the hearing. If the parties become aware of newly discovered evidence between the conclusion of the investigation and the pre-hearing conference, they must present the evidence to the decision-maker at the pre-conference hearing. The decision-maker will allow the evidence to be presented at the hearing if good cause is shown to explain how the evidence was recently discovered. The decision-maker shall have discretion to determine what constitutes good cause. Additional investigation may be necessary and the hearing may be delayed if newly discovered evidence is allowed. Both parties will receive copies of any allowed newly discovered evidence at least three calendar days prior to the hearing.

### **Pre-Hearing Conference**

A pre-hearing conference will be scheduled for the decision-maker and each party and their chosen advisor, if any, at least five calendar days prior to the hearing. The following topics will be discussed:

- Overview and purpose of the hearing;
- The witnesses each party intends to call;
- Whether there is good cause to allow any new or previously undisclosed witnesses to provide testimony at the hearing;
- Whether there is good cause to allow any new or previously undisclosed evidence to be presented at the hearing;
- Whether the hearing will be held virtually or in person;
- If the hearing will be held in person, whether either of the parties requests the hearing be held with the parties in separate rooms;
- The formal rules of process, procedure, decorum, and/or technical rules of evidence; and
- Whether the parties have a chosen advisor to be present at the hearing.

The parties will be encouraged to present their questions to the decision-maker prior to the hearing.

Each party must provide their list of witnesses to be called at the hearing to the decision-maker prior to or at the conference.

The decision-maker will exchange the parties' witness lists after the conference.

### **Advisors at Hearing**

Advisors must be present at the hearing whether or not the parties participate in the hearing. A party who decides not to participate in the hearing may still direct their advisor to conduct questioning on their behalf. If a party does not have an advisor at the hearing, UND will provide an advisor free of charge. The UND-appointed advisor's role will be to question the parties and witnesses, as directed by the party. If a party does not participate in the hearing and does not have a chosen advisor, the UND-appointed advisor will ask the party's predetermined questions at the hearing, if any questions have been provided.

A party's chosen advisor may prepare and present the party's opening and closing statements, if requested by the party. A UND-appointed advisor will read the party's prepared opening and/or closing statements, if requested by the party. A UND-appointed advisor will not prepare questions or opening and closing statements on behalf of the party.

### **Presentation of Witnesses and Evidence**

The purpose of the hearing is not to reintroduce or question each piece of relevant evidence gathered during the investigation. The hearing is an opportunity for the parties to clarify information, ask new questions, and probe credibility of the witnesses and the other party.

During a hearing, the parties may present relevant evidence to the decision-maker. The hearing begins with an opportunity for each party or their advisor to make an opening statement. The decision-maker and the parties' advisors will then ask questions of the parties and witnesses. The decision-maker will question each party or witness first, followed by the advisors. Each party's advisor may ask questions of the other party and any witnesses, including follow-up questions and questions challenging credibility. The questions must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.

Only relevant questions may be asked of a party or witness. The decision-maker must determine the relevance of each question before the party or witness may answer. If the decision-maker determines a question is not relevant, the decision-maker will explain why. The question will not be answered or, if it was already answered, the answer will not be considered by the decision-maker in reaching the determination of responsibility.

If new or surprising information is presented at the hearing, at the request of either party, the decision-maker will allow a pause in the hearing to allow the party to prepare to respond to the new information or to allow for additional investigation. The decision-maker has discretion to determine the length of the temporary pause.

The decision-maker is obligated to objectively evaluate all relevant evidence. The parties may make an argument to the decision-maker regarding what they believe to be relevant evidence and the persuasiveness of relevant evidence.

It is requested, but not required, that the questions each party intends to ask be submitted in advance to permit the decision-maker to rule on the relevance of questions.

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 question. This includes, but is not limited to, opinions and statements in 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 postings. 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. The decision-maker 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.

The investigator may be called as a witness by the parties' advisors or the decision-maker. Questions directed to the investigator are limited to information gathered and decisions made during the investigation.

The hearing will conclude with an opportunity for each party or their advisor to present a closing statement explaining their requested hearing determination and any sanctions, if appropriate.

### Hearing Decorum

Decision-makers may implement rules to ensure hearing decorum, such as requiring respectful treatment, specifying any objection process, governing timing of hearing and length of breaks, etc. The parties will receive copies of the procedural rules at the pre-hearing conference.

### Determination Regarding Responsibility

The decision-maker will issue a written determination regarding responsibility within 30 calendar days from the conclusion of the hearing. However, additional time will be allowed for good cause. The decision-maker will inform the parties in writing of the delay and the reason for the delay. The determination will apply the preponderance of evidence standard to the relevant facts gathered during the investigation and heard at the live hearing. The written determination must include:

1. Identification of the allegations potentially constituting sexual misconduct as defined in this policy.
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notification to the parties, interviews with the parties, and witnesses, site visits, methods used to gather other evidence and hearings held;
3. Findings supporting the determination.
4. Conclusions regarding the application of UND's policy or policies;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;

6. Any disciplinary sanction the University imposes on the respondent, and whether remedies designed to restore or preserve equal access to UND's education program or activity will be provided by the University to the complainant; and
7. UND's procedures and permissible bases for the complainant and respondent to appeal.

The written determination will be provided to the parties simultaneously. The determination regarding responsibility becomes final and any sanctions or remedies become effective:

1. If an appeal of the determination regarding responsibility (policy appeal) is filed, on the date that UND provides the parties with the written determination of the result of that appeal; or
2. If an appeal of the determination regarding responsibility (policy appeal) is not filed, on the day after the time for appeal expires.

Note that an additional appeal is available if a disciplinary sanction of suspension or expulsion of a student is imposed (state law appeal). This additional appeal does not extend the date upon which the determination regarding responsibility becomes final. (See Appeals, below, and Disciplinary Sanctions and Remedies, below, for more information.)

### Disciplinary Sanctions and Remedies

Any disciplinary sanctions or remedies become effective when the determination regarding responsibility is final. (See Determination Regarding Responsibility, above.) In cases where student suspension or expulsion is imposed, an additional appeal is available for one year. This additional appeal does not extend the date upon which the sanction becomes effective.

Remedies provided to the complainant after the conclusion of the grievance process on a finding of responsibility must be designed to restore or preserve the complainant's equal access to the education program or activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. Examples of remedies include continuation of supportive measures, no-contact directives, academic accommodations or academic support services, counseling services and residence accommodations. The Title IX coordinator will be responsible for implementing any remedies provided by the written determination.

### Sanctions for Students

If a student is found in violation of the Title IX Sexual Misconduct Policy, the student is subject to any, and all, sanctions imposed through the student conduct process, as described in the Code of Student Life and below.

### Status Sanctions

1. Written Reprimand. Written reprimand refers to official censure of a student's conduct in violation of a regulation of the University community. A written reprimand indicates no ongoing status change for the student.
2. Warning Probation. Warning probation indicates that further violations of the Title IX sexual misconduct policy

and/or Code of Student Life may result in more severe disciplinary action. Warning probation is imposed in conjunction with other sanctions for the period of time that other sanctions are pending. Upon completion of all pending sanctions or one calendar year, whichever comes first, the student is automatically removed from warning probation.

3. Conduct Probation. Conduct probation indicates that further violations of the Title IX sexual misconduct policy and/or the Code of Student Life may result in suspension from the University. Conduct probation is imposed for a period of not more than one year and the student is removed from conduct probation automatically when the imposed period expires.

### **Restrictions or Educational Activities Sanctions**

The decision-maker may impose additional sanctions. Such sanctions may include, but are not limited, to:

- No Contact Directive. A directive to refrain from any intentional contact, direct, or indirect, with one or more designated persons or group(s) through any means, including personal contact, e-mail, telephone, or through third parties. Failure to adhere to a no contact directive may result in further disciplinary action.
- Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations; services; or events.
- University housing transfer, restricted access within university housing, restricted access to dining services, and removal and/or ban from university housing and/or dining services for a specified period of time.
- Restitution for cleaning, replacing, or restoring a specific area or thing when loss or damage was a result of the student's disciplinary violation.
- Referral for an assessment to a mental health provider.
- Mandated participation in one or more campus or community activities, lectures, service, and/or workshops.

In student conduct processes involving student organizations, the SCA or hearing panel may impose sanctions that include but are not limited to:

- Restrictions on activities involving the recruitment of new members.
- Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations, services, or events.
- Restitution for cleaning, replacing, or restoring a specific area or thing when loss or damage was a result of the organization's disciplinary violation.
- Mandated participation in special activities or campus events.
- Restrictions on, or suspension of, requesting funds from the Student Organization Funding Agency.
- Restrictions on, or suspension of, practices related to the solicitation of funds on campus for the support of organized activities.

### **Suspension**

Suspension is a withdrawal of enrollment privileges and a ban from campus owned, leased, or controlled property and university events and activities. Student organizations that are suspended from the University will have their recognition as a student organization revoked.

Suspension may be imposed as the result of the student conduct suspension process. Suspension may be imposed in conjunction with other sanctions.

Suspension will generally be for at least the remainder of the semester in which the sanction is imposed and result in the cancelation of registration of the student. Suspension may be imposed for a specific period, up to five years, an indefinite amount of time, or permanently. If an indefinite suspension is imposed, it will be in place for a minimum of five years.

A permanent suspension is referred to as an expulsion.

Conditions to be met prior to reinstatement may be included with a fixed-term or indefinite suspension.

### **Enhanced Sanctions for Bias-Motivated Violations**

A student found in violation of the Code may receive more severe or enhanced sanctions up to, and including, suspension if the violation is determined to be motivated by bias.

Bias means behavior motivated by actual or perceived race, color, genetic information, national origin, religion, sexual orientation, gender identity, sex, age, marital status, veteran's status, political belief or affiliation, or physical, mental, or medical disability of another person or group.

### **Sanctions for Employees**

Potential disciplinary sanctions under this policy for staff, faculty, and student employees may include verbal counseling, written warning/letter of reprimand, implementation of an improvement plan, education or training, unpaid suspension, salary reduction, other restrictions or loss of privileges, or termination of employment.

The Title IX Sexual Misconduct Policy and these Procedures govern implementation of staff, faculty, and student employee disciplinary proceedings.

### **Non-Punitive Response**

The University may respond to conduct that does not meet the definition of a policy violation by taking non-punitive action designed to promote a welcoming, inclusive, and safe environment.

### **Dismissal**

When the University receives a formal complaint, the Title IX coordinator will conduct an initial assessment of the formal complaint. There are certain circumstances when the University either is required to or may dismiss a formal complaint or an allegation within the formal complaint. If a complainant's formal complaint is dismissed for any of the below reasons, the complainant may appeal the dismissal decision. See the "Appeals" section for more information.

**Mandatory Dismissal**

If, after initial assessment of a formal complaint, it is determined that the conduct alleged would not constitute sexual harassment as defined by Title IX and this policy, even if proved, then the Title IX coordinator must dismiss the formal complaint for purposes of Title IX.

The Title IX coordinator will also dismiss the formal complaint for purposes of Title IX if the conduct alleged did not occur in UND's education program or activity or the conduct alleged did not occur against a person in the United States.

Alleged conduct that is the subject of a formal complaint that is dismissed under the Title IX Sexual Misconduct Policy may be addressed under other applicable university policies.

**Permissive Dismissal**

The Title IX coordinator may dismiss a formal complaint under the Title IX Sexual Misconduct Policy if, at any time during the investigation or hearing, the following occurs:

1. 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.
2. The respondent is no longer enrolled or employed by UND; or
3. Specific circumstances prevent UND from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the formal complaint.

**Notice of Dismissal**

Upon a dismissal pursuant to this section, UND will send written notice of the dismissal and reasons therefore to the impacted parties simultaneously.

**Appeals****Appeal of Mandatory or Permissive Dismissal**

Both parties have the opportunity to file an appeal of the Title IX coordinator's mandatory or permissive dismissal of a formal complaint or any allegations within the formal complaint. The appeal must be in writing and must set forth the reasons the Title IX coordinator's dismissal was incorrect. The appeal must be filed with the Title IX coordinator within ten calendar days of receiving the notice of dismissal.

Upon notice of the appeal, the Title IX coordinator will provide the written appeal and any supporting information provided by the appealing party to the non-appealing party, who will have ten calendar days to review and submit a written statement in support of or against the appeal. The Title IX coordinator will then provide the appeal documents to the appeal decision-maker. The appeal decision-maker will have ten calendar days to issue a determination. No other appeal is available through the University.

**Appeal of Determination Regarding Responsibility (Policy Appeal)**

Either party may appeal the determination of responsibility only on the following bases:

1. Procedural irregularity that affected the outcome of the grievance process;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the grievance process; and
3. 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 the individual complainant or respondent that affected the outcome of the matter.

Dissatisfaction with the hearing outcome is not a valid basis for appeal.

The appeal must be submitted in writing to the Title IX coordinator within ten calendar days of the date UND provided the written determination of responsibility to the parties. The appeal shall consist of a plain, concise, and complete written statement outlining the ground(s) for appeal and all relevant information to substantiate the ground(s) for the appeal. The appeal should indicate the desired outcome of the appeal.

Upon receipt of the written appeal, the Title IX coordinator will assess the appeal to determine whether it is timely filed. If an appeal is not timely filed, the determination of responsibility becomes final, and any sanctions become effective. If the appeal is timely filed, the Title IX coordinator will provide the written appeal and any supporting information provided by the appealing party to the non-appealing party, who will have ten calendar days to review and submit a written response to the appeal.

The Title IX coordinator will then provide all evidence obtained in the investigation, the investigative report, recording of the hearing, determination regarding responsibility, and all appeal documents submitted by the parties to the appeal decision-maker. The decision-maker at the appeal stage will be free from bias and conflict of interest and will not be the investigator, Title IX coordinator, or the person who made a decision regarding responsibility at the hearing stage.

If the decision-maker finds that valid ground(s) for appeal were presented, the decision-maker may:

1. Modify the decision. The decision-maker may overturn all or some of the decisions regarding violations of the policy;
2. Request additional investigation or a new hearing. The decision-maker may void all or some of the decisions and call for additional investigation or a new hearing on all or some of the issues originally considered; or
3. Uphold the decision.

The decision-maker on appeal will issue a written decision describing the result of the appeal and the rationale for the decision and will provide the written decision simultaneously to both parties.

The decision-maker shall have 30 calendar days after receiving all appeal documents to provide the determination to the parties. Except as described below, no other appeal is available through the University.



**Appeals of Student Suspension or Expulsion (State Law Appeal)**

Pursuant to North Dakota law and SBHE policy, if the decision-maker imposed a disciplinary sanction of suspension or expulsion of a student, the parties may file an appeal in addition to the above appeal. The parties have one year from the date UND provided the written determination of responsibility to the parties, to file an appeal on the following bases:

1. New information;
2. Contradictory information; and
3. Information indicating that the student was not afforded due process.

Information that was available and not provided during the grievance process is not considered new or contradictory information. Bases for appeal that were raised and considered in a previous appeal cannot be raised in this appeal.

The appealing party must submit their appeal to the Title IX coordinator in writing. The reason and rationale for an appeal must be clearly stated within the appeal. The appeal should indicate the desired outcome of the appeal.

Upon receipt of a timely-filed written appeal, the Title IX coordinator will provide the written appeal and any supporting information provided by the appealing party to the non-appealing party, who will have ten calendar days to review and submit a written statement in response to the appeal. The Title IX coordinator will then provide all evidence obtained in the investigation, the investigative report, recording of the hearing, determination regarding responsibility, and all appeal documents provided by the parties to the appeal decision-maker. The decision-maker at the appeal stage will be free from bias and conflict of interest and will not be the investigator, Title IX coordinator, or the person who made a decision regarding responsibility at the hearing stage.

If the decision-maker finds that valid ground(s) for appeal were presented, the decision-maker may:

1. Modify the decision. The decision-maker may overturn all or some of the decisions regarding violations of the policy;
2. Request additional investigation or a new hearing. The decision-maker may void all or some of the decisions and call for additional investigation or a new hearing on all or some of the issues originally considered; or
3. Uphold the decision.

The decision-maker on appeal will issue a written decision describing the result of the appeal and the rationale for the result and will provide the written decision simultaneously to both parties.

The decision-maker shall have 30 calendar days to provide the determination to the parties. This appeal completes the appeal process. No other appeal is available through the University.

**Informal Resolution**

Resolution is a voluntary process for arriving at a full and final resolution of a formal complaint without an investigation or determination regarding a policy violation. An appropriately trained individual, other than the investigator or decision-maker, will facilitate the informal resolution process.

Any statements or information, including admissions of responsibility, disclosed during the informal resolution process concerning the allegations in the complaint will be used solely for the purpose of informal resolution, unless disclosure is required by law.

If the informal resolution process does not result in an agreement between the parties, any details disclosed during the informal resolution process will not be included in the formal investigation and hearing, unless the party who disclosed the information also shares the information during the investigation or hearing.

Information related to the allegations gathered through the informal resolution process may not be shared with any individual. However, any party involved in the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization.

**Availability of Informal Resolution**

Informal resolution is available after a formal complaint has been filed and may be requested by either party at any point before a determination has been made regarding a policy violation.

Not all situations are appropriate for informal resolution. The Title IX coordinator has the discretion to determine whether informal resolution is appropriate. If the Title IX coordinator determines that a situation is not suitable for informal resolution, the Title IX coordinator will advise the parties, as appropriate, of other available support or processes.

Informal resolution is not allowed to resolve allegations that an employee harassed a student.

**Voluntary Process**

Participation in informal resolution is voluntary. All parties must agree to pursue informal resolution and either party may withdraw from the informal process at any time. The parties will be required to sign a written agreement indicating their decision to pursue an informal resolution. UND will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

**Notice to the Parties**

If the parties agree to engage in an informal resolution process, UND will provide to the parties a written notice disclosing:

- The allegations;
- The requirements of the informal resolution process;
- The right of any party to withdraw from the informal resolution process and initiate or resume the grievance procedure;
- The parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an

informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and

- What information UND will maintain and whether and how UND could disclose such information for use in grievance procedures, if grievance procedures are initiated or resumed.

### Method of Informal Resolution

Informal resolutions may include any method of alternative dispute resolution that the Title IX coordinator and the parties determine appropriate. For example, the facilitator may propose solutions; facilitate communication of proposals between the parties; facilitate direct discussions between the parties; or utilize other methods such as formal mediation.

### Impact on Investigative Process

The investigative process will be paused while informal resolution is attempted. If any party declines to participate or withdraws from participation, or the process reaches an impasse, informal resolution will be discontinued. A formal investigation may begin, or resume, at that time, if appropriate.

### Resolution Agreement

Potential terms that may be included in an informal resolution agreement include, but are not limited to:

- Supportive measures;
- Restrictions on contact;
- Disciplinary measures; and
- Restrictions on the respondent's participation in one or more of UND's programs or activities or attendance at specific events, including restrictions UND could have imposed as remedies or disciplinary sanctions had UND determined at the conclusion of the grievance procedures that sexual misconduct occurred.

Informal resolution is intended to provide finality to the complaint. Once resolved, the parties are prohibited from filing another complaint based on the same allegations.

If the parties agree upon an informal resolution, a written agreement will be prepared by the facilitator for the parties' signature. The agreement constitutes a full and final resolution of the complaint. Both parties will be required to abide by the agreement. Failure to comply with any portion of the resolution agreement may be grounds for disciplinary action, as appropriate. Noncompliance with the resolution agreement will not result in reopening of the formal complaint.

### Time Frame for Completion of Grievance Process

UND will carry out the grievance process in a reasonable and timely manner. The length of time necessary to complete a fair and thorough process will vary depending upon the complexity of the facts, including the number of witnesses and volume of information provided by the parties; a request by law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of witnesses; to account for University breaks or vacations; or for other legitimate reasons.

UND aims to issue a determination regarding responsibility within 120 calendar days of receiving a formal complaint. If the parties choose an informal resolution process, UND aims to complete the process within 30 calendar days of the date the parties agreed to use informal resolution. However, temporary delays or extensions of the time frames will be offered for good cause, 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. The investigator(s) or Title IX coordinator will notify the parties in writing of any delays and provide an explanation for the delay.

## Sexual Misconduct

The University of North Dakota (UND) prohibits sexual misconduct, including but not limited to sexual harassment, sexual assault, domestic violence, dating violence, and stalking, by or against a student or employee.

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

Employees or students who violate this policy may face disciplinary action up to and including suspension, expulsion or termination. Third parties who are reported to have committed sexual misconduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

### Jurisdictional Statement

This policy applies to reports of:

- Sexual misconduct within or impacting its education program or activity; and/or
- Sexual misconduct involving a UND student, regardless of the location or context in which it occurred.

The University's policy for addressing sexual harassment, including sexual assault, domestic violence, dating violence, and stalking, which occurs within or in connection with a University education program or activity and against a person in the United States is set forth in UND's Title IX Sexual Misconduct Policy.

The University's policy for addressing discrimination based upon sex, sexual orientation, gender identity, pregnancy, and parental status is set forth in UND's Discrimination and Harassment Policy.

### If you Have Experienced Sexual Violence

If you have experienced sexual violence, there are several options available to assist you. Only you can decide what plan of action is right for you. However, you may consider each of the following:

1. Getting to a safe place.
2. Avoiding the destruction of evidence by bathing, douching, changing clothes, or cleaning up in any way. Preserve evidence in a paper bag for possible future

action. Also, keep copies of emails, text messages, and voice messages.

3. Pursuing medical treatment. Post-assault medical care can be performed at a local emergency room. Many hospitals have a specialized examiner who can complete an exam for victims of sexual violence. Such an exam can help the victim receive an appropriate medical assessment and treatment and can preserve evidence for possible future action.
4. Pursuing counseling services with appropriate agencies (e.g., UCC, EAP, CVIC (on- or off-campus), or private providers). Calling someone that is known and trusted, such as a friend or counselor, and discussing with this person the assault can help to evaluate the trauma to sort out next steps.
5. Making a police report. You can initiate a campus and/or criminal complaint. You may obtain assistance from campus authorities in this notification.
6. Making a report to a campus security authority (CSA), Title IX coordinator, deputy Title IX coordinator, or designated officials under Title IX.
7. Making an anonymous report. An anonymous report to the police notifies them that an act of sexual violence has occurred but gives no names or identification.

### **Title IX Coordinator**

The Title IX coordinator is charged with:

- Monitoring the University's compliance with Title IX;
- Ensuring appropriate education and training;
- Coordinating the University's investigation, response, and resolution of all reports under this policy; and
- Ensuring UND responds
  - Promptly and supportively to people alleged to be victims of sexual misconduct,
  - Resolves allegations of sexual misconduct promptly and accurately under a predictably fair grievance process that provides due process protections to alleged victims and alleged perpetrators, and
  - Effectively implements remedies for victims.

The Title IX coordinator is available to meet with any student, employee, or third party to discuss this policy or the accompanying procedures. The University has also designated deputy Title IX coordinators who may assist the Title IX coordinator in the discharge of these responsibilities. The Title IX coordinator and deputy Title IX coordinators receive appropriate training to discharge their responsibilities.

The Title IX coordinator may designate a deputy Title IX coordinator or other appropriately trained individual to carry out any of the tasks or functions described in this document. When this procedure refers to Title IX coordinator, it is presumed to mean Title IX coordinator or designee.

### **Responding to Reports of Sexual Misconduct**

Whether or not a formal complaint is filed, UND will respond promptly and without deliberate indifference when the Title IX coordinator or a deputy Title IX coordinator receives a report or otherwise has notice of sexual misconduct prohibited by this policy.

### **Presumption of Not Responsible**

The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on UND.

### **Bias and Conflict of Interest**

The Title IX coordinator, deputy Title IX coordinators, investigators, decision-makers, and all individuals who facilitate informal resolution processes, will be free from bias and conflict of interest. Examples of bias and conflict of interest include but are not limited to, personal animosity, illegal prejudice, and personal or financial stake in the outcome. Bias can relate to sex, race, ethnicity, sexual orientation, gender identity, religion, disability, national origin or other characteristics.

If a party believes any of the above individuals has a bias or conflict of interest that prevents them from serving impartially in the grievance process, the party may challenge that person's participation in the grievance process as provided in the procedures for Sexual Misconduct Response.

### **Privacy and Confidentiality**

Privacy and confidentiality have distinct meanings under this policy. Privacy means that information related to a report of sexual misconduct will be shared with a limited circle of University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the University's response to reports of sexual misconduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. With respect to any report under this policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal laws, while balancing the need to gather information to access the report and to take steps to eliminate sexual misconduct, prevent its recurrence, and remedy its effects.

Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under North Dakota law. The University has designated individuals who have the ability to have privileged communications as "confidential employees." When information is shared by an individual with a confidential employee or a community professional with the same legal protections, the confidential employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law, professional standard or a court order requires or permits disclosure of such information.

### **Confidential Resources**

Consistent with the definition of confidential employees and licensed community professionals, there are a number of

resources within the University and Grand Forks communities where students and employees can obtain confidential counseling and support. These resources include:

University Counseling Center (for students)  
McCannel Hall Room 200  
701.777.2127  
<https://UND.edu/student-life/counseling-center/>  
Student Health Services (for students)  
McCannel Hall Room 100  
701.777.4500  
<https://UND.edu/student-life/student-health/>

CVIC at UND (for all)  
Twamley Hall, Room 102  
Campus Confidential Advisor: 701.777.6550  
Main Office: 701.746.0405  
24/7 Crisis Line: 701.746.8900 or 866.746.8900  
<https://UND.edu/student-life/violence/cvic.html> or <http://cviconline.org>

Employee Assistance Program (for employees)  
800.627.8220  
<http://VillageEAP.com>

The above resources may assist in providing referrals to local confidential resources for UND students and employees who reside in other locations.

### Supportive Measures

Supportive measures may be offered to the complainant and the respondent regardless of whether a complainant files a formal complaint under this policy. If a formal complaint is filed, supportive measures will continue to be available to the complainant and respondent after the conclusion of the grievance process, as appropriate, whether there was a finding of responsibility or non-responsibility. The Title IX coordinator or deputy Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include 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, increased security and monitoring of certain areas of campus, and other similar measures. Supportive measures to the complainant or respondent will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures. Supportive measures may not restrict any party's rights under the United States Constitution. The University will not provide supportive measures that are clearly unreasonable in light of the known circumstances.

Individuals are encouraged to report to the Title IX coordinator any concerns about the failure of another to abide by any restrictions imposed through supportive measure(s) such as mutual no-contact orders. In the event of an immediate health or safety concern, individuals should contact 911

immediately. Disciplinary action may be taken for failing to abide by certain supportive measure(s).

### Amnesty

In order to encourage complainants and witnesses to make reports of prohibited conduct and for all parties and witnesses to fully participate in the investigation, the University will not pursue disciplinary action against students or employees for disclosure of personal consumption of alcohol or other drugs (underage or illegal) or other minor offenses, where the disclosure is made in connection with a good faith report or investigation of prohibited conduct and the personal consumption did not place the health or safety of any other person at risk. The University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

### Employee Reporting Obligations

Specific employee reporting obligations are listed below. Sharing disclosures, reports or other known information about alleged sexual misconduct with the Title IX coordinator allows the University to meet its state and federal obligations and to appropriately address any sexual misconduct. Sharing such information with the Title IX coordinator also provides the University with the best opportunity to offer appropriate supportive measures to assist a complainant, assess any health or safety risk posed by the alleged sexual misconduct, and take immediate and appropriate steps to respond to the report.

Employees shall not dissuade an individual from reporting possible sexual misconduct. Employees with required reporting obligations should inform the individual of their reporting obligations as soon as it is reasonably known that the individual may disclose information about sexual misconduct.

Employees are not required to make reports of sexual misconduct when such a report would be prohibited by law.

### Confidential Employees

A confidential employee will not disclose information about sexual misconduct to the University's Title IX Coordinator, or others, in a way that identifies the involved individuals without the reporting party's permission (subject to the exceptions set forth in the Privacy and Confidentiality section of this policy).

Confidential employees must explain to any person who informs the confidential employee of conduct that reasonably may constitute sexual misconduct:

- The employee's status as confidential under this Policy, including when the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sexual misconduct;
- How to contact the Title IX Coordinator and how to make complaint; and
- That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate informal resolution process or investigation.



### **Sexual Misconduct Involving Students Regular/Benefitted and Temporary Employees**

All employees, except confidential employees while acting within their confidential role and student employees, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual misconduct against students.

#### **Student Employees**

Students employed as Resident Assistants, Community Assistants, Resident Managers, Athletics Camp Coaches, Undergraduate Instructors, and Graduate Assistants, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual misconduct against students.

All other student employees are encouraged, but not required, to report suspected or potential sexual misconduct against students to the Title IX Coordinator.

### **Sexual Misconduct in the Workplace**

Employees are strongly encouraged, but not required, to contact the Title IX Coordinator when they have been subject to conduct that reasonably may constitute sexual misconduct in the workplace. The Title IX Coordinator can provide information about supportive measures and resolution options.

#### **Supervisors and Managers**

All supervisors and/or managers, including department chairs, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual misconduct occurring in the workplace.

#### **Non-Supervisory Employees**

When employees who are not supervisors or managers become aware of suspected or potential sexual misconduct occurring in the workplace, they are encouraged, but not required, to provide the Complainant with the Title IX Coordinator's contact information and information about how to make a complaint of sexual misconduct. Non-supervisory employees are also encouraged, but not required, to report information about suspected or potential sexual misconduct in the workplace to the Title IX coordinator.

#### **Student Employees**

Student employees are encouraged but not required to report information about suspected or potential sexual misconduct in the workplace to the EO/Title IX office. However, they may still have reporting obligations as detailed in the preceding section. (Sexual Misconduct Involving Students).

### **Clery Act Reporting**

Individuals designated as campus security authorities under the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (Clery Act) have separate and additional reporting requirements under the Act.

Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying

information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information as appropriate when issuing timely warnings to the University community.

### **Training**

All University employees who have obligations to report sexual misconduct (See Employee Reporting Obligations, above) are required to complete annual training regarding how to respond to and report information about sexual misconduct.

All individuals involved in the grievance process, including, but not necessarily limited to, the Title IX Coordinator, 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 education program or activity;
- How to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision-makers must also receive training on the following areas:

- Any technology to be used at a hearing;
- Issues of relevance for 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.

Advisors assigned by the university will receive training regarding their role in the process. Advisors are not expected or required to have any specific level of training or experience.

All training materials used to train the foregoing individuals will be made available to the public by posting on the Equal Opportunity & Title IX website.

Individuals who have not completed training as required by this policy shall not investigate, adjudicate, or otherwise be involved in the grievance procedures associated with this policy.

### **Non-Retaliation for Filing or Participating in a Sexual Misconduct Complaint**

Neither the University nor any employee, student, or affiliate may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 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 the Sexual Misconduct Policy.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy. Charging an individual with a policy violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation prohibited by this Policy. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Prohibition against False Statements**

UND prohibits knowingly making false statements or knowingly submitting false information during the Sexual Misconduct grievance process. Doing so will subject the party making the knowingly false statement to disciplinary action.

### **Record Keeping**

The University shall retain, for a period of seven years, records of:

- Each sexual misconduct 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;
- In each instance, the University will document that the basis for its response to a report or complaint was not deliberately indifferent;
- Any informal resolution and the result therefrom;
- Any other actions, including supportive measures, taken in response to a report or formal complaint of sexual misconduct, or, if supportive measures were not provided, an explanation of why such a response was not clearly unreasonable in light of the known circumstances; and
- All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, which the institution must make available on its website.

### **Reporting Sexual Misconduct**

The University encourages anyone who experiences sexual misconduct to report the incident to the University. Any person may report sexual misconduct (whether or not the person making the report is the victim of the alleged behavior).

The report may be made in any of the following ways:

- In person: Equal Opportunity & Title IX Office, Twamley Hall, Grand Forks, ND
- By mail: 264 Centennial Drive Stop 7097, Grand Forks, ND 58202
- By email: [UND.EO.TitleIX@UND.edu](mailto:UND.EO.TitleIX@UND.edu)
- By using the on-line EO/Title IX report
- By any other means that results in the Title IX Coordinator receiving the report, regardless of the time of day.

### **Reporting to Law Enforcement**

A complainant who wishes to pursue criminal action in addition to, or instead of, making a report under these procedures should contact law enforcement directly:

- 911 (for emergencies)
- University Police: 701.777.3491 (for non-emergencies) or anonymous crime report

- Grand Forks Police Department: 701.787.8000 (for non-emergencies)

A report to the police can empower the complainant by exercising their legal rights and can aid in the protection of others. UND staff will assist the complainant in notifying the police if requested. The police will then advise the complainant of the legal process.

1. On-campus investigation is typically conducted by UPD. UPD has both an administrative role and a law enforcement role.
2. Off-campus cases are usually investigated by the Grand Forks Police or other law enforcement agency. When an investigation or legal proceeding occurs off-campus, services are still available through the University.

A complainant may choose to file a police report immediately or at a later date. There may be consequences to waiting to file a police report. Early reports may improve the preparation of a viable prosecution. Filing a police report immediately following the incident does not force the complainant to file charges and prosecute the respondent. However, it does aid in the preservation of valuable evidence if the complainant decides to pursue charges at a later date.

The State's Attorney makes all decisions regarding the prosecution of alleged crimes reported to law enforcement.

### **Filing a Formal Complaint**

To request that UND investigate a report of sexual misconduct, or to engage in informal resolution processes, the complainant must file a formal complaint with the Title IX coordinator or a deputy Title IX coordinator. The formal complaint must be a written or digital document that identifies the complainant and respondent, provides a method to contact the complainant, and contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint. This complaint may be filed with the Title IX coordinator in person, by mail, or by electronic means using any of the contact information below:

- In person: Equal Opportunity & Title IX Office, Twamley Hall, Grand Forks, ND
- By mail: 264 Centennial Drive Stop 7097, Grand Forks, ND 58202
- By email: [UND.EO.TitleIX@UND.edu](mailto:UND.EO.TitleIX@UND.edu)
- On-line: by submitting the digital formal complaint form supplied by the Title IX coordinator

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of UND.

The Title IX coordinator has discretion to sign a formal complaint when the complainant does not do so. The Title IX coordinator may take circumstances into account such as whether there are allegations of a pattern of misconduct, threats, violence, use of weapons, or similar factors. When the Title IX coordinator signs the formal complaint, the Title IX coordinator is not a complainant or otherwise a party to the complaint.

### ***If Complainant Declines to File Formal Complaint***

When the complainant declines to file a formal complaint, UND will seek to honor the preferences of the complainant whenever possible. However, the Title IX coordinator may determine that the totality of the known circumstances indicate there is a risk to the safety of the campus community if a grievance process is not initiated. In that case, the Title IX coordinator may sign a formal complaint. In such circumstances, the Title IX coordinator is not the complainant.

In such cases, the Title IX coordinator will advise the complainant that UND intends to proceed with a grievance process, but that the complainant is not required to participate in the grievance process or in any other actions undertaken by UND. If the complainant declines to participate in the grievance process, the University's ability to meaningfully investigate and respond may be limited. The Title IX coordinator will make reasonable efforts to protect the privacy of the complainant. However, actions that may be required as part of the grievance process will involve speaking with the respondent and others who may have relevant information, in which case the complainant's identity may be disclosed.

### ***Responding to Reports and Formal Complaints***

The procedures for responding to reports and formal complaints of Sexual Misconduct Policy violations are contained in the Procedures for Responding to Reports of Sexual Misconduct.

Supportive measures will be offered to the complainant and respondent before or after the filing of a formal complaint or where no formal complaint has been filed when the parties' identities are known. At any time prior to reaching a determination regarding responsibility, the complainant and respondent may agree, in writing, to participate in an informal resolution process.

During the grievance process, the University will treat the complainant and respondent equitably. The University will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

The University will objectively evaluate all relevant evidence, including both exculpatory and inculpatory evidence, and ensure that credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The parties have equitable opportunities to appeal the determination regarding responsibility after a hearing or any mandatory or permissive dismissal of a formal complaint.

### ***Standard of Evidence to Determine Responsibility***

The University applies the preponderance of the evidence standard when determining whether this policy has been violated. Preponderance of the evidence means that it is more likely than not that a policy violation occurred.

### ***Disciplinary Sanctions and Remedies***

Any disciplinary sanctions or remedies become effective when the determination regarding responsibility is final as defined in the Procedures. Details regarding sanctions and remedies are found in the Procedures for Sexual Misconduct Response, as appropriate.

### ***Non-Punitive Response***

The University may respond to conduct that does not meet the definition of a policy violation by taking non-punitive action designed to promote a welcoming, inclusive, and safe environment.

### ***Time Frame for Completion of Grievance Process***

UND will carry out the grievance process in a reasonable and timely manner. The length of time necessary to complete a fair and thorough process will vary depending upon the complexity of the facts, including the number of witnesses and volume of information provided by the parties; a request by law enforcement for temporary delay to gather evidence for a criminal investigation; the availability of witnesses; University breaks or vacations; or other legitimate reasons.

UND aims to issue a determination regarding responsibility within 120 calendar days of receiving a formal complaint. If the parties choose an informal resolution process, UND aims to complete the process within 30 days of the date the parties agreed to use informal resolution. However, temporary delays or extensions of the time frames will be offered for good cause, 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. The investigator(s) or Title IX coordinator will notify the parties in writing of any delays and provide an explanation for the delay.

### ***Consolidation of Complaints Involving Multiple Parties***

Complaints as to allegations of sexual misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances, may be consolidated as determined to be appropriate by the Title IX coordinator.

### ***Involving Multiple Policies***

Grievances or complaints filed through other University, SBHE or NDUS policies may have as a component to the grievance a complaint under the Sexual Misconduct Policy. If the Title IX coordinator determines that the policies and procedures applicable to all grievances/complaints can be followed, the grievances or complaints may be administered as one process. If the Title IX coordinator determines that the policies and procedures applicable to the grievances or complaints conflict with each other and the conflict cannot be resolved, separate processes may be required. The Title IX coordinator and the office(s) under which any concurrent grievances or complaints have been filed will collaborate, as appropriate, in the investigation and resolution of the complaints.

If a complaint made under the Sexual Misconduct Policy also contains an allegation of a violation of another policy, the sexual misconduct grievance procedures will be followed to make a determination of responsibility under the Sexual Misconduct Policy. Decisions regarding responsibility for alleged violations of other policies will be based upon that policy and the associated procedures.

If a determination of responsibility under the Sexual Misconduct Policy has been issued, the University has discretion whether to proceed with a determination of responsibility under the other involved policy.

Some conduct may be prohibited by more than one policy. While a complaint may allege that conduct violates multiple policies, a respondent will not receive multiple disciplinary actions for the same conduct. For example, a respondent may be charged with violations of the Discrimination and Harassment Policy and the Sexual Misconduct Policy for one incident. If found responsible, the respondent will not receive duplicate disciplinary actions for conduct that violates both policies.

## Responding to Reports of Sexual Misconduct

The University of North Dakota (University/UND) uses this procedure to respond to reports of sexual misconduct as defined in the Sexual Misconduct Policy.

The University's procedure for addressing reports of sexual harassment as defined by Title IX is set forth in UND's Procedures for Responding to Reports of Title IX Sexual Misconduct. The University's procedure for addressing reports of sex-based discrimination is set forth in UND's Discrimination and Harassment Policy.

The Title IX coordinator may designate a deputy Title IX coordinator or other appropriately trained individual to carry out any of the tasks or functions described in this document. When this procedure refers to Title IX coordinator, it is presumed to mean Title IX coordinator or designee.

Whether or not a formal complaint is filed, UND will respond promptly and without deliberate indifference when the Title IX coordinator receives a report or otherwise has notice of sexual misconduct prohibited by the Sexual Misconduct policy. Upon receipt of a report of sexual misconduct, the Title IX coordinator will contact the complainant, if the complainant's identity is known, and:

1. Offer and coordinate supportive measures, as appropriate, for the complainant, if the complainant is known;
2. Inform the complainant, if known, that supportive measures are available with or without the initiation of grievance procedures;
3. Inform the complainant of on-campus and community resources related to health, counseling, mental health, victim advocacy, legal assistance, visa and immigration, student financial aid, and other related services available for complainants;

4. Notify the complainant, or the person who reported the conduct if the complainant is unknown, of the grievance procedures and informal resolution process, if available and appropriate;
5. If grievance procedures have been initiated, offer and coordinate supportive measures, as appropriate, for the respondent;
6. If a complaint is made, notify the respondent of the grievance procedures and informal resolution process, if available and appropriate;
7. In response to a complaint, initiate grievance procedures or an informal resolution process, if available and appropriate; and
8. If initiating a complaint, the Title IX Coordinator will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

The Title IX coordinator will attempt to contact the complainant to discuss supportive measures, but UND may be limited in its ability to respond further when:

1. The respondent is unknown, or their name is not disclosed;
2. The respondent is not affiliated with UND; or
3. The report is made anonymously.

The University may also be limited in its ability to respond when the complainant is not identified.

## Supportive Measures

Supportive measures may be offered to the complainant and the respondent regardless of whether a complainant files a formal complaint under this Policy. If a formal complaint is filed, supportive measures will continue to be available to the complainant and respondent after the conclusion of the grievance process, as appropriate, whether there was a finding of responsibility or non-responsibility. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include 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, increased security and monitoring of certain areas of campus, and other similar measures. Supportive measures to the complainant or respondent will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures. Supportive measures may not restrict any party's rights under the United States Constitution. The University will not provide supportive measures that are clearly unreasonable in light of the known circumstances.



**Modification of Supportive Measures**

UND may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process, or UND may continue them beyond that point.

The complainant and respondent may also request modification or reversal of the decision to provide, deny, modify, or terminate supportive measures applicable to them. An initial request must be made in writing to the Title IX coordinator within five calendar days after the University has notified the party of implementation of the supportive measure or denial of a request for supportive measures. The parties may also request additional modification or termination of a supportive measure applicable to them at any time if circumstances change materially. Decisions to modify or terminate supportive measures will not be made retroactively.

An impartial employee, other than the person who made the challenged decision, will be designated to determine if modification or termination of a supportive measure is appropriate.

**Administrative Leave - Employees**

An employee respondent may be placed on paid or unpaid administrative leave while the grievance process is pending when the University has received information which indicates that the respondent's continued presence on campus or engagement in the workplace will likely have a serious effect on the physical, mental, or emotional health, safety, or well-being of another person; when physical safety is seriously threatened; when the ability of the University to carry out its operations is threatened or impaired; or where the Title IX coordinator concludes that other supportive measures are not feasible to appropriately address concerns. In these or other appropriate circumstances, a complainant may also be placed on paid or unpaid administrative leave. The decision to put an employee on administrative leave may be made at any point in the grievance process.

Nothing in this section may be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

**Student Emergency Restrictions and/or Conditions**

The University may place emergency restrictions and/or other conditions upon a student, provided that the institution 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 misconduct justifies removal. The respondent will be given notice and an opportunity to challenge the decision immediately following the removal. See the Code of Student Life for the emergency restrictions and/or conditions process.

Nothing in this section may be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

**Requests for Accommodations or Adjustments**

If a party or other participant requires a disability, religious, pregnancy or other accommodation/adjustment to participate in any part of the process described herein, they may make that request to the Equal Opportunity & Title IX Office.

**Challenges for Bias or Conflict of Interest**

The Title IX coordinator, deputy Title IX coordinators, investigators, decision-makers, and any individuals who facilitate an informal resolution process will be free of bias and conflict of interest. If a party believes any of the above individuals have a bias or conflict of interest that would prevent them from serving impartially, the party may challenge that person's participation in the grievance process. Any challenge must be made as soon as possible after the party learns of a potential bias or conflict of interest.

The party must make the challenge in writing to the Title IX coordinator and state the reasons the individual is believed to hold a bias or conflict of interest. The Title IX Coordinator will review the challenge and may request additional information before making a determination. If the Title IX coordinator determines that the individual cannot serve impartially, the Title IX coordinator will appoint another appropriate individual to serve in that role.

If the challenge is regarding the Title IX coordinator, a deputy Title IX coordinator will review the challenge and make a determination.

**Consultation with Title IX Coordinator**

The Title IX coordinator may consult with investigators and hearing officers/decision-makers on a limited basis to ensure compliance with relevant policies, procedures, laws, and regulations.

**Grievance Process for Formal Complaints  
Filing a Formal Complaint**

To request that UND investigate a report of sexual misconduct or to engage in informal resolution processes, the complainant must file a formal complaint with the Title IX coordinator. The formal complaint must be a written or digital document that identifies the complainant and respondent, provides a method to contact the complainant, and contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint. This complaint may be filed with the Title IX coordinator in person, by mail, or by electronic means using any of the contact information below:

- In person: Equal Opportunity & Title IX Office, Twamley Hall, Grand Forks, ND
- By mail: 264 Centennial Drive Stop 7097, Grand Forks, ND 58202
- By email: [UND.EO.TitleIX@UND.edu](mailto:UND.EO.TitleIX@UND.edu)
- On-line: by submitting the digital formal complaint form provided by the Title IX coordinator

The Title IX coordinator has discretion to sign a formal complaint when the complainant does not do so. The Title IX coordinator may take circumstances into account such as whether there are allegations of a pattern of misconduct, threats, violence, use of weapons, or similar factors. When the Title IX coordinator signs the formal complaint, the Title IX coordinator is not a complainant or otherwise a party to the complaint.

All formal complaints will be investigated, unless subject to dismissal (See Dismissals, below).

### **Standard of Evidence to Determine Responsibility**

The University applies the preponderance of the evidence standard when determining whether the Sexual Misconduct Policy has been violated. Preponderance of the evidence means that it is more likely than not that a policy violation occurred.

### **Notice of Allegations**

When a formal complaint is received, the Title IX coordinator will provide a written notice to the known parties that will include a copy of the Sexual Misconduct Policy and these procedures and notice of:

1. The grievance procedure, including the availability of an informal resolution process;
2. The allegations of sexual misconduct known at the time, including sufficient details to allow the respondent to prepare a response, including but not limited to:
  - a. The names of the parties;
  - b. The conduct allegedly constituting sexual misconduct; and
  - c. The date and location of the alleged conduct.
- d. This notice will be provided with sufficient time for the respondent to prepare a response before the initial interview.
3. The respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance procedure.
4. Prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision-maker.
5. The parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence. The statement will also indicate that if the party does not have an advisor of choice, UND will appoint an advisor to ask all questions of parties and witnesses at the hearing.
6. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and an investigative report that accurately summarizes this evidence.
7. UND prohibits knowingly making false statements or knowingly submitting false information during the grievance procedure.
8. The identity of the investigator(s).
9. Retaliation is prohibited.
10. Instructions to the parties to preserve any potentially relevant evidence in any format.
11. The availability of supportive measures.

If, during the course of the grievance process, additional allegations are added to the investigation which were not included in the initial notice, UND will provide notice of the additional allegations to the parties.

### **Advisors**

The complainant and respondent will be allowed to select an advisor of their choice to assist them during the proceedings, including the hearing. The advisor may be any person, including an attorney, who is not otherwise a participant in the process. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a formal complaint under these procedures. The advisor's role is to provide support, guidance, and advice, and to ask questions on the party's behalf during the hearing.

Only the advisor is allowed to ask questions directed to the other party and any witnesses on behalf of their party during the hearing. If a party chooses not to participate in the hearing, their chosen advisor may be present and may ask questions on the party's behalf.

If a party does not choose an advisor or does not otherwise have an advisor present at the hearing, UND will provide the party with an advisor free of charge. The UND-appointed advisor's role is limited to asking questions at the hearing, as identified by the party, and if requested, reading opening and/or closing statements written by the party. A party who does not have a chosen advisor should notify the Title IX coordinator as soon as possible so that an advisor can be assigned. If neither the party nor their advisor is present at the hearing, UND will appoint an advisor who will ask any questions identified by the party.

Advisors are not expected or required to have particular training or experience. Advisors appointed by UND will be provided with access to appropriate training to understand the grievance process and their role in the hearing. When UND provides advisors to both parties, UND will endeavor to seek parity of advisors.

UND does not require that advisors be lawyers providing legal counsel. An advisor's questioning "on behalf of that party" is satisfied when the advisor poses questions on a party's behalf, which means the advisor will relay a party's own questions to the other party or witness according to these procedures.

### **Parties' Participation in Grievance Process**

Neither party is required to participate in the grievance process. The decision-maker will not draw any adverse inference from a decision by either of the parties not to participate. However, if a party or witness declines to participate in the investigation, the determination of whether a policy violation occurred will be made without consideration of the evidence that person could have provided.

If a party does not participate in the investigation but provides testimony or evidence at the hearing that includes new information, the hearing may be temporarily paused to allow the other party appropriate time to prepare to respond to the new information or to allow for additional investigation.

The parties will have the same opportunity to discuss the allegations or to gather or present relevant evidence. They also have the same opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. However, the parties may not discuss the allegations or gather evidence in a manner that constitutes retaliation, intimidation, harassment, or defamation.

### Formal Investigation

UND will investigate every formal complaint of sexual misconduct unless the complaint is subject to dismissal, as described below under Dismissals, or the parties agree to an informal resolution. The Title IX coordinator may investigate, assist, advise, or designate one or more investigators to investigate any complaint of sexual misconduct. Investigators may be University employees or external investigators. All investigators will receive annual training in accordance with UND's Sexual Misconduct Policy.

The investigation is a neutral fact-gathering process. The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on UND.

### Notice of Proceedings

A party whose participation is invited or expected to participate in an investigative interview, hearing, or other meeting will be given written notice of the date, time, location, participation, and purpose of the meeting, with sufficient time to prepare. The parties' chosen advisors may be present at all hearings, investigative interviews, or other meetings.

In accordance with the Violence Against Women Act (VAWA), in formal complaints related to allegations of sexual assault, domestic violence, dating violence, and/or stalking, the Title IX coordinator or investigator will ensure that both parties receive timely notice of all meetings in which either party may be present. (For example, the complainant will receive timely notice that a meeting has been scheduled with the respondent.) Notice shall include the date on which the meeting will take place. Receiving notice of the meeting is not an invitation to attend the meeting.

### Coordination with Law Enforcement

If known, the investigator(s) or Title IX coordinator will contact any law enforcement agency that is conducting its own investigation to inform that agency that a University investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. At the request of law enforcement, the Title IX coordinator may delay the University

investigation temporarily so as not to interfere with the criminal investigation process.

### Evidence

The grievance process does not utilize established federal or state court rules of evidence. However, the following provisions shall apply throughout the grievance process, including the investigation, any hearing, and a determination regarding responsibility.

- **Relevance.** Evidence is relevant if it tends to make a material fact more or less probable and assists the decision-maker in making a decision. During the investigative process, the investigator shall determine what offered evidence is relevant. During the hearing and/or appeal process, the decision-maker shall determine what offered evidence is relevant. If a party disagrees with the investigator or decision-maker's decision(s) about relevance, the party may make that argument in the written response to the investigative report or to the decision-maker at any hearing held. Only relevant evidence will be considered by the decision-maker in determining if a policy violation occurred.
- **Confidential or Privileged Evidence.** UND will 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. UND will 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.
- **Prior Sexual History.** Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

### Inspection of Evidence

The investigator will provide to each party and the party's advisor, if any, all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which UND does not intend to rely in reaching a determination regarding responsibility. This includes inculpatory and exculpatory evidence, whether obtained from a party or other source. The evidence will be sent in electronic format or a hard copy, where possible. If a piece of evidence cannot readily be shared with the parties simultaneously, or the Title IX coordinator determines that providing the evidence to the parties directly is otherwise inappropriate, the investigative report will contain an accurate description of the evidence. The parties and their advisors will then have an equal opportunity to access the evidence individually.

The parties will have ten calendar days to review the evidence and submit a written response, if desired. The investigator will consider any written response prior to completing the investigative report. The investigator will then conduct any additional investigation deemed necessary by the investigator or Title IX coordinator. If additional investigation is conducted, any additional evidence gathered will be given to the parties and they will have an additional ten calendar days to review the evidence and provide a written response. This evidence will be available at any hearing and each party may refer to the evidence at the hearing, including for questioning parties and witnesses.

### **Investigative Report**

The investigator will create an investigative report that fairly summarizes the relevant evidence. At least ten calendar days prior to a hearing, the investigator will send to each party and the party's chosen advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. If a party disagrees with the investigator's determination about relevance, the party can make that argument in the party's written response to the investigative report and to the decision-maker at any hearing held.

### **Non-Disclosure of Evidence and Investigative Report**

Complainants, respondents, and their advisors are prohibited from copying, sharing, or disseminating the investigative report and evidence obtained solely through the grievance procedures except (1) to consult with family members, confidential resources or advisors, or to otherwise prepare for or participate in the grievance procedure; or (2) as required by law.

The non-disclosure obligation does not restrict or prevent a complainant, respondent or advisor from obtaining and presenting evidence, including by speaking to witnesses, subject to the Policy's prohibitions on retaliation. Further, the non-disclosure obligation does not prevent a complainant or respondent from speaking truthfully with others about their own experiences.

University personnel involved in the investigation, including the Title IX coordinator, investigators, and hearing officers, are similarly bound by strict confidentiality obligations. They are not permitted to disclose any evidence, information, or investigative reports to parties or individuals outside of the University's grievance procedure, unless required by law.

Failure to comply with the non-disclosure obligation may result in sanctions or disciplinary action as determined by the University. Sanctions may include warnings, educational measures, or more severe measures, as deemed appropriate by the University.

### **Hearing**

Unless the parties voluntarily agree to informal resolution or the complaint is dismissed, a live hearing will be conducted no sooner than ten calendar days following the delivery of the investigative report to the parties. The live hearing will be held in front of a decision-maker chosen by UND. The decision-maker may be a UND employee or an external decision-maker

but will not be the investigator or Title IX coordinator. UND will choose a decision-maker who has received training as described in the Sexual Misconduct Policy and is free from conflicts or bias.

UND aims to hold the hearing within 30 days of the investigative report being distributed to the parties. However, we understand that scheduling conflicts may arise. The parties (if attending the hearing) and their advisors are obligated to make themselves reasonably available so as not to cause undue delay. If a hearing date is not mutually agreed upon within 30 days of distribution of the report, the Title IX coordinator may make further inquiries as to whether good cause for a delay exists. If the Title IX coordinator finds that good cause for a delay does not exist, the Title IX coordinator has discretion to choose a hearing date(s).

This section is a summary of the procedural rules for hearings. More detailed procedural rules and other helpful guidance will be provided to the parties prior to a hearing.

At the request of either party or at the discretion of the University, the hearing will be conducted with the parties, advisors, witnesses, and decision-maker(s) participating virtually with technology enabling the decision-maker and parties to simultaneously see and hear or otherwise access the credibility of the party or witness answering questions. At the discretion of the University, hearings may also be conducted with some, but not all, participants appearing virtually, so long as the parties, advisors, witnesses, and decision-maker(s) are able to simultaneously see and hear, or otherwise perceive, each other.

All evidence obtained by the investigator as part of the investigative process and not otherwise subject to exclusion will be made available to the parties and the decision-maker at the hearing. UND will create an audio or audiovisual recording, or transcript, of the hearing and make it available upon request to the parties for inspection and review.

Hearings are attended by the parties, their advisors, the decision-maker(s), and witnesses as called by the parties and/or the decision-maker. Witnesses may be sequestered before and after their testimony. The University may allow additional attendees for safety and logistical purposes, University legal counsel, and/or for training purposes.

### **Witnesses**

Only witnesses who are included on the witness lists exchanged at or after the pre-hearing conference (see below) will be allowed to present testimony at the hearing. All witnesses who are included in the investigative report will be included on the witness list. At the pre-hearing conference, the parties may identify any witnesses they request to call who are not in the report. Witnesses who were suggested to the investigator but not interviewed or not included in the investigative report will be included on the witness list upon request. Additional investigation may be necessary prior to the hearing. In that case, an updated investigative report will be provided to the parties at least ten calendar days prior to the hearing.



Witnesses who were not identified during the investigation or who refused to be interviewed during the investigation will not be included on the witness list unless good cause is shown to the decision-maker to explain why the witness should be allowed. The decision-maker has discretion to determine what constitutes good cause. The decision to not disclose a witness until the pre-hearing conference, even though the party was or reasonably should have been aware that the witness had relevant information to share, shall not constitute good cause for a late disclosure. Additional investigation may be necessary before a newly disclosed witness is added to the witness list. In that case, an updated investigative report will be provided to the parties at least ten calendar days prior to the hearing.

### **Documentary Evidence**

Only documentary evidence (documents, texts, photos, videos, etc.) that was provided to the investigator during the investigation shall be presented at the hearing. If the parties become aware of newly discovered evidence between the conclusion of the investigation and the pre-hearing conference, they must present the evidence to the decision-maker at the pre-conference hearing. The decision-maker will allow the evidence to be presented at the hearing if good cause is shown to explain how the evidence was recently discovered. The decision-maker shall have discretion to determine what constitutes good cause. Additional investigation may be necessary and the hearing may be delayed if newly discovered evidence is allowed. Both parties will receive copies of any allowed newly discovered evidence at least three calendar days prior to the hearing.

### **Pre-Hearing Conference**

A pre-hearing conference will be scheduled for the decision-maker and each party and their advisor, if any, at least five calendar days prior to the hearing. The following topics will be discussed:

- Overview and purpose of the hearing;
- The witnesses each party intends to call;
- Whether there is good cause to allow any new or previously undisclosed witnesses to provide testimony at the hearing;
- Whether there is good cause to allow any new or previously undisclosed evidence to be presented at the hearing;
- Whether the hearing will be held virtually or in person;
- If the hearing will be held in person, whether either of the parties requests the hearing be held with the parties in separate rooms;
- The formal rules of process, procedure, decorum, and/or technical rules of evidence; and
- Whether the parties have a chosen advisor to be present at the hearing.

The parties will be encouraged to present their questions to the decision-maker prior to the hearing.

Each party must provide their list of witnesses to be called at the hearing to the decision-maker prior to or at the conference. The decision-maker will exchange the parties' witness lists after the conference.

### **Advisors at Hearing**

If a party does not have an advisor at the hearing, UND will provide an advisor free of charge. The UND-appointed advisor's role will be to question the parties and witnesses, as directed by the party. If a party does not participate in the hearing and does not have a chosen advisor, the UND-appointed advisor will ask the party's predetermined questions at the hearing, if any questions have been provided.

A party's chosen advisor may prepare and present the party's opening and closing statements, if requested by the party. A UND-appointed advisor will read the party's prepared opening and/or closing statements, if requested by the party. A UND-appointed advisor will not prepare questions or opening and closing statements on behalf of the party.

### **Presentation of Witnesses and Evidence**

The purpose of the hearing is not to reintroduce or question each piece of relevant evidence gathered during the investigation. The hearing is an opportunity for the parties to clarify information, ask new questions, and probe credibility of the witnesses and the other party.

During a hearing, the parties may present relevant evidence to the decision-maker. The hearing begins with an opportunity for each party or their advisor to make an opening statement. The decision-maker and the parties' advisors will then ask questions of the parties and witnesses. The decision-maker will question each party or witness first, followed by the advisors. Each party's advisor may ask questions of the other party and any witnesses, including follow-up questions and questions challenging credibility. The questions must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.

Only relevant questions may be asked of a party or witness. The decision-maker must determine the relevance of each question before the party or witness may answer. If the decision-maker determines a question is not relevant, the decision-maker will explain why. The question will not be answered or, if it was already answered, the answer will not be considered by the decision-maker in reaching the determination of responsibility.

If new material information is presented at the hearing, at the request of either party, the decision-maker will allow a pause in the hearing to allow the party to prepare to respond to the new information or to allow for additional investigation. The decision-maker has the discretion to determine the length of the temporary pause.

The decision-maker is obligated to objectively evaluate all relevant evidence. The parties may make an argument to the decision-maker regarding what they believe to be relevant evidence and the persuasiveness of relevant evidence.

It is requested, but not required, that the questions each party intends to ask be submitted in advance to permit the decision-maker to rule on the relevance of questions prior to the hearing.

The decision-maker will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer a question. 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 question. This includes, but is not limited to, opinions and statements in 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 postings. The decision-maker will determine the appropriate weight to afford the statements under the circumstances and will do so in a fair and equitable manner.

The investigator may be called as a witness by the parties' advisors or the decision-maker. Questions directed to the investigator are limited to information gathered and decisions made during the investigation.

The hearing will conclude with an opportunity for each party or their advisor to present a closing statement explaining their requested hearing determination and any sanctions, if appropriate.

### Hearing Decorum

Decision-makers may implement rules to ensure hearing decorum, such as requiring respectful treatment, specifying any objection process, governing timing of hearing and length of breaks, etc. The parties will receive copies of the procedural rules at the pre-hearing conference.

### Determination Regarding Responsibility

The decision-maker will issue a written determination regarding responsibility within 30 calendar days from the conclusion of the hearing. However, additional time will be allowed for good cause. The decision-maker will inform the parties in writing of the delay and the reason for the delay. The determination will apply the preponderance of evidence standard to the relevant facts gathered during the investigation and heard at the live hearing. The written determination must include:

1. Identification of the allegations potentially constituting sexual misconduct.
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notification to the parties, interviews with the parties, and witnesses, site visits, methods used to gather other evidence and hearings held;
3. Findings supporting the determination.
4. Conclusions regarding the application of UND's policy or policies;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; and
6. UND's procedures and permissible bases for the complainant and respondent to appeal.

In addition, where the respondent is a student, the determination regarding responsibility will include any disciplinary sanction(s) imposed on the respondent. Where the respondent is an employee, the disciplinary sanction will be imposed as provided in either the staff, faculty, or student employment handbook.

The written determination will be provided to the parties simultaneously. The determination regarding responsibility becomes final and any sanctions or remedies become effective:

1. If an appeal of the determination regarding responsibility (policy appeal) is filed, on the date that UND provides the parties with the written determination of the result of that appeal; or
2. If an appeal of the determination regarding responsibility (policy appeal) is not filed, on the day after the time for appeal expires.

Note that an additional appeal is available if a disciplinary sanction of suspension or expulsion of a student is imposed (state law appeal). This additional appeal does not extend the date upon which the determination regarding responsibility becomes final. (See Appeals, below, and Disciplinary Sanctions and Remedies, below, for more information.)

### Disciplinary Sanctions and Remedies

Any disciplinary sanctions or remedies become effective when the determination regarding responsibility is final. (See Determination Regarding Responsibility, above.) In cases where student suspension or expulsion is imposed, an additional appeal is available for one year. This additional appeal does not extend the date upon which the sanction becomes effective.

Remedies provided to the complainant after the conclusion of the grievance process on a finding of responsibility must be designed to restore or preserve the complainant's equal access to the education program or activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. Examples of remedies include continuation of supportive measures, no-contact directives, academic accommodations or academic support services, counseling services and residence accommodations. The Title IX coordinator will be responsible for implementing any remedies provided by the written determination.

### Sanctions for Students

If a student is found in violation of the Sexual Misconduct Policy, the student is subject to any, and all, sanctions imposed through the student conduct process, as described in the Code of Student Life and below.

### Status Sanctions

1. Written Reprimand. Written reprimand refers to official censure of a student's conduct in violation of a regulation of the University community. A written reprimand indicates no ongoing status change for the student.
2. Warning Probation. Warning probation indicates that further violations of the Sexual Misconduct Policy and/or the Code of Student Life may result in more severe

disciplinary action. Warning probation is imposed in conjunction with other sanctions for the period of time that other sanctions are pending. Upon completion of all pending sanctions or one calendar year, whichever comes first, the student is automatically removed from warning probation.

3. **Conduct Probation.** Conduct probation indicates that further violations of the Sexual Misconduct Policy and/or the Code of Student Life may result in suspension. Conduct probation is imposed for a period of not more than one year and the student is removed from conduct probation automatically when the imposed period expires.

### **Restrictions or Educational Activities Sanctions**

The decision-maker may impose additional sanctions. Such sanctions may include, but are not limited, to:

1. **No Contact Directive.** A directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, e-mail, telephone, or through third parties. Failure to adhere to a no contact directive may result in further disciplinary action.
2. **Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations; services; or events.**
3. **University housing transfer, restricted access within university housing, restricted access to dining services, and removal and/or ban from university housing and/or dining services for a specified period of time.**
4. **Restitution for cleaning, replacing, or restoring a specific area or thing when loss or damage was a result of the student's disciplinary violation.**
5. **Referral for an assessment to a mental health provider.**
6. **Mandated participation in one or more campus or community activities, lectures, service, and/or workshops.**

In student conduct processes involving student organizations, the decision-maker may impose sanctions that include but are not limited to:

1. **Restrictions on activities involving the recruitment of new members.**
2. **Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations, services, or events.**
3. **Restitution for cleaning, replacing, or restoring a specific area or thing when loss or damage was a result of the organization's disciplinary violation.**
4. **Mandated participation in special activities or campus events.**
5. **Restrictions on, or suspension of, requesting funds from the Student Organization Funding Agency.**
6. **Restrictions on, or suspension of, practices related to the solicitation of funds on campus for the support of organized activities.**

### **Suspension**

Suspension is a withdrawal of enrollment privileges and a ban from campus owned, leased, or controlled property and university events and activities. Student organizations that are suspended from the University will have their recognition as a student organization revoked.

Suspension may be imposed as the result of the student conduct suspension process. Suspension may be imposed in conjunction with other sanctions.

Suspension will generally be for at least the remainder of the semester in which the sanction is imposed and result in the cancelation of registration of the student. Suspension may be imposed for a specific period, up to five years, an indefinite amount of time, or permanently. If an indefinite suspension is imposed, it will be in place for a minimum of five years. A permanent suspension is referred to as an expulsion. Conditions to be met prior to reinstatement may be included with a fixed-term or indefinite suspension.

### **Enhanced Sanctions for Bias-Motivated Violations**

A student found in violation of the Code of Student Life may receive more severe or enhanced sanctions up to, and including, suspension if the violation is determined to be motivated by bias.

Bias means behavior motivated by actual or perceived race, color, genetic information, national origin, religion, sexual orientation, gender identity, sex, age, marital status, veteran's status, political belief or affiliation, or physical, mental, or medical disability of another person or group.

### **Sanctions for Employees**

Potential disciplinary sanctions under this policy for staff, faculty, and student employees may include verbal counseling, written warning/letter of reprimand, implementation of an improvement plan, education or training, unpaid suspension, salary reduction, other restrictions or loss of privileges, or termination of employment.

Sanctions for staff employees will be implemented in accordance with UND's Staff Handbook, NDUS Human Resource Policies 25 and 27, and any other NDUS, SBHE, or UND policy governing staff disciplinary proceedings, as appropriate.

Sanctions for faculty employees will be implemented in accordance with UND's Faculty Handbook, SBHE Policies 605.3, 605.4, and 612, and any other NDUS, SBHE, or UND policy governing faculty disciplinary proceedings, as appropriate.

Sanctions for student employees will be implemented in accordance with the student employment handbook, as appropriate.

### **Non-Punitive Response**

The University may respond to conduct that does not meet the definition of a policy violation by taking non-punitive action designed to promote a welcoming, inclusive, and safe environment.

### **Dismissals**

When the University receives a formal complaint, the Title IX coordinator will conduct an initial assessment of the formal complaint. There are certain circumstances when

the University either is required to or may dismiss a formal complaint or an allegation within the formal complaint.

If a formal complaint is dismissed for any of the below reasons, the complainant may appeal the Title IX Coordinator's decision. See the "Appeals" section for more information.

#### **Mandatory Dismissal**

If the Title IX coordinator determines that the conduct alleged would not constitute a violation of the Sexual Misconduct Policy, even if proved, then the Title IX coordinator must dismiss the formal complaint. The Title IX coordinator may contact the complainant to gather further information before making this determination.

The Title IX coordinator must dismiss complaints if, at the time of the alleged conduct, the respondent was not subject to the Sexual Misconduct Policy.

The Title IX Coordinator will notify the complainant in writing of a decision to dismiss the complaint and the reason(s) why the complaint does not indicate a potential policy violation. The Title IX Coordinator will also provide the complainant with information about any alternative options for seeking resolution. Alleged conduct that is the subject of a formal complaint that is dismissed under this policy may be referred to other applicable university policies or processes.

If it is determined that the complaint does not allege a potential policy violation, the respondent will not be notified of the complaint and an investigation will not be initiated.

#### **Permissive Dismissal**

The Title IX coordinator may dismiss a formal complaint under this policy at any time during the investigation or hearing if the following occurs:

1. The respondent is no longer affiliated with UND;
2. The 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;
3. The investigation clearly did not support a reasonable belief that a policy violation occurred; or
4. The complainant constructively withdraws the complaint by
  - a. Failing to meet the reasonable timelines set by EO/Title IX staff to facilitate a timely resolution process;
  - b. Without providing good cause for the delay; and
  - c. The complainant's actions have prevented the investigator from gathering sufficient evidence to support a determination regarding whether a policy violation occurred.

#### **Notice of Dismissal**

Upon a dismissal pursuant to this section, UND will send written notice of the dismissal and reasons therefore to the impacted parties simultaneously.

### **Appeals**

#### **Appeal of Mandatory or Permissive Dismissal**

Both parties have the opportunity to file an appeal of the Title IX coordinator's mandatory or permissive dismissal of a formal complaint or any allegations within the formal complaint. The appeal must be in writing and must set forth the reasons the Title IX coordinator's dismissal was incorrect. The appeal must be filed with the Title IX coordinator within ten calendar days of receiving the notice of dismissal.

Upon notice of the appeal, the Title IX coordinator will provide the written appeal and any supporting information provided by the appealing party to the non-appealing party, who will have ten calendar days to review and submit a written statement in support of or against the appeal. The Title IX coordinator will then provide the appeal documents to the appeal decision-maker. The appeal decision-maker will have ten calendar days to issue a determination. No other appeal is available through the University.

#### **Appeal of Determination Regarding Responsibility (Policy Appeal)**

Either party may appeal the determination of responsibility only on the following bases:

1. Procedural irregularity that affected the outcome of the grievance process;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the grievance process; and
3. 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 the individual complainant or respondent that affected the outcome of the matter.

Dissatisfaction with the hearing outcome is not a valid basis for appeal.

The appeal must be submitted in writing to the Title IX coordinator within ten calendar days of the date UND provided the written determination of responsibility to the parties. The appeal shall consist of a plain, concise, and complete written statement outlining the ground(s) for appeal and all relevant information to substantiate the ground(s) for the appeal. The appeal should indicate the desired outcome of the appeal.

Upon receipt of the written appeal, the Title IX coordinator will assess the appeal to determine whether it is timely filed. If an appeal is not timely filed, the determination of responsibility becomes final and any sanctions become effective. If the appeal is timely filed, the Title IX coordinator will provide the written appeal and any supporting information provided by the appealing party to the non-appealing party, who will have ten calendar days to review and submit a written response to the appeal.

The Title IX coordinator will then provide all evidence obtained in the investigation, the investigative report,



recording of the hearing, determination regarding responsibility, and all appeal documents submitted by the parties to the appeal decision-maker. The decision-maker at the appeal stage will be free from bias and conflict of interest and will not be the investigator, Title IX coordinator, or the person who made the decision regarding responsibility at the hearing stage.

If the decision-maker finds that valid ground(s) for appeal were presented, the decision-maker may:

1. Modify the decision. The decision-maker may overturn all or some of the decisions regarding violations of the policy;
2. Request additional investigation or a new hearing. The decision-maker may void all or some of the decisions and call for additional investigation or a new hearing on all or some of the issues originally considered; or
3. Uphold the decision.

The decision-maker on appeal will issue a written decision describing the result of the appeal and the rationale for the decision and will provide the written decision simultaneously to both parties.

The decision-maker shall have 30 calendar days after receiving all appeal documents to provide the determination to the parties. Except as described below, no other appeal is available through the University.

### **Appeals of Student Suspension or Expulsion (State Law Appeal)**

Pursuant to North Dakota law and SBHE policy, if the decision-maker imposed a disciplinary sanction of suspension or expulsion of a student, the parties may file an appeal in addition to the above appeal. The parties have one year from the date UND provided the written determination of responsibility to the parties, to file an appeal on the following bases:

1. New information;
2. Contradictory information; and
3. Information indicating that the student was not afforded due process.

Information that was available and not provided during the grievance process is not considered new or contradictory information. Bases for appeal that were raised and considered in a previous appeal cannot be raised in this appeal.

The appealing party must submit their appeal to the Title IX coordinator in writing. The reason and rationale for an appeal must be clearly stated within the appeal. The appeal should indicate the desired outcome of the appeal.

Upon receipt of a timely-filed written appeal, the Title IX coordinator will provide the written appeal and any supporting information provided by the appealing party to the non-appealing party, who will have ten calendar days to review and submit a written statement in response to the appeal. The Title IX coordinator will then provide all evidence obtained in the investigation, the investigative report, recording of the hearing, determination regarding responsibility, and all appeal

documents provided by the parties to the appeal decision-maker. The decision-maker at the appeal stage will be free from bias and conflict of interest and will not be the investigator, Title IX coordinator, or the person who made the decision regarding responsibility at the hearing stage.

If the decision-maker finds that valid ground(s) for appeal were presented, the decision-maker may:

1. Modify the decision. The decision-maker may overturn all or some of the decisions regarding violations of the policy;
2. Request additional investigation or a new hearing. The decision-maker may void all or some of the decisions and call for additional investigation or a new hearing on all or some of the issues originally considered; or
3. Uphold the decision.

The decision-maker on appeal will issue a written decision describing the result of the appeal and the rationale for the result and will provide the written decision simultaneously to both parties.

The decision-maker shall have 30 calendar days to provide the determination to the parties. This completes the appeal process. No other appeal is available through the University.

### **Appeal of Employee Disciplinary Action**

Staff employees may appeal disciplinary action under NDUS Human Resource Policy 27. The staff personnel board (SPB) appointed to hear the appeal shall be comprised of individuals who receive training on UND's policy and grievance procedures for responding to discrimination and harassment, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The SPB shall hear both sides of the appeal and review the Determination Regarding Responsibility to determine whether there was adequate cause for the institution's disciplinary action. The SPB will not substitute its own judgment for that of the decision-maker in making a determination that the employee was responsible for the policy violation.

Faculty employees may appeal a disciplinary action pursuant to SBHE Policies 605.3 and 605.4 and the UND Faculty Handbook's implementation thereof. The standing committee of faculty rights' (SCoFR) members shall be limited to those who receive training on UND's policy and grievance procedures for responding to discrimination and harassment, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. In considering the grounds for the institution's action, the determination as to whether the respondent's conduct violated the Sexual Misconduct Policy will be presumed to have been reached reasonably and appropriately, by a preponderance of the evidence.

### **Informal Resolution**

Informal resolution is a voluntary process for arriving at a full and final resolution of a formal complaint without an investigation or determination regarding a policy violation. An appropriately trained individual, other than the investigator or decision-maker, will facilitate the informal resolution process.

Any statements or information, including admissions of responsibility, disclosed during the informal resolution process concerning the allegations in the complaint will be used solely for the purpose of informal resolution, unless disclosure is required by law.

If the informal resolution process does not result in an agreement between the parties, any details disclosed during the informal resolution process will not be included in the formal investigation and hearing, unless the party who disclosed the information also shares the information during the investigation or hearing.

Information related to the allegations gathered through the informal resolution process may not be shared with any individual. However, any party involved in the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization.

### **Availability of Informal Resolution**

Informal resolution is available after a formal complaint has been filed and may be requested by either party at any point before a determination has been made regarding a policy violation.

Not all situations are appropriate for informal resolution. The Title IX coordinator has the discretion to determine whether informal resolution is appropriate. If the Title IX coordinator determines that a situation is not suitable for informal resolution, the Title IX coordinator will advise the parties, as appropriate, of other available support or processes.

Informal resolution is not allowed to resolve allegations that an employee harassed a student.

### **Voluntary Process**

Participation in informal resolution is voluntary. All parties must agree to pursue informal resolution and either party may withdraw from the informal process at any time. The parties will be required to sign a written agreement indicating their decision to pursue an informal resolution. UND will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

### **Notice to the Parties**

If the parties agree to engage in an informal resolution process, UND will provide to the parties a written notice disclosing:

- The allegations;
- The requirements of the informal resolution process;
- The right of any party to withdraw from the informal resolution process and initiate or resume the grievance procedure;
- The parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an

informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and

- What information UND will maintain and whether and how UND could disclose such information for use in grievance procedures, if grievance procedures are initiated or resumed.

### **Method of Informal Resolution**

Informal resolutions may include any method of alternative dispute resolution that the Title IX coordinator and the parties determine appropriate. For example, the facilitator may propose solutions; facilitate communication of proposals between the parties; facilitate direct discussions between the parties; or utilize other methods such as formal mediation.

### **Impact on Investigative Process**

The investigative process will be paused while informal resolution is attempted. If any party declines to participate or withdraws from participation, or the process reaches an impasse, informal resolution will be discontinued. A formal investigation may begin, or resume, at that time, if appropriate.

### **Resolution Agreement**

Potential terms that may be included in an informal resolution agreement include, but are not limited to:

1. Supportive measures;
2. Restrictions on contact;
3. Disciplinary measures; and
4. Restrictions on the respondent's participation in one or more of UND's programs or activities or attendance at specific events, including restrictions UND could have imposed as remedies or disciplinary sanctions had UND determined at the conclusion of the grievance procedures that sexual misconduct occurred.

Informal resolution is intended to provide finality to the complaint. Once resolved, the parties are prohibited from filing another complaint based on the same allegations.

If the parties agree upon an informal resolution, a written agreement will be prepared by the facilitator for the parties' signature. The agreement constitutes a full and final resolution of the complaint. Both parties will be required to abide by the agreement. Failure to comply with any portion of the resolution agreement may be grounds for disciplinary action, as appropriate. Noncompliance with the resolution agreement will not result in reopening of the formal complaint.

### **Time Frame for Completion of Grievance Process**

UND will carry out the grievance process in a reasonable and timely manner. The length of time necessary to complete a fair and thorough process will vary depending upon the complexity of the facts, including the number of witnesses and volume of information provided by the parties; a request by law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of witnesses; to account for University breaks or vacations; or for other legitimate reasons.

UND aims to issue a determination regarding responsibility within 120 calendar days of receiving a formal complaint. If the parties choose an informal resolution process, UND aims to complete the process within 30 calendar days of the date the parties agreed to use informal resolution. However, temporary delays or extensions of the time frames will be offered for good cause, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations or adjustments. The investigator(s) or Title IX coordinator will notify the parties in writing of any delays and provide an explanation for the delay.

## Sex Offender Registration

Federal law provides for the tracking of convicted sex offenders. 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.

All registered sex offenders are required to self-report their status to the UND Police Department (UPD) upon employment, enrollment, classification as a UND affiliate, and/or change in registration status. Limitations and restrictions may apply to that employment and/or enrollment. If designated as a registered sex offender after employment or enrollment, the self-reporting must occur within three working days of the designation. False reporting or failure to self-report may result in disciplinary action up to and including termination of employment, removal from University housing, and/or suspension of enrollment.

## Employment and Enrollment of Sex Offenders

Registered sex offenders are not automatically barred from employment or enrollment at UND; however, may be prohibited from living and/or working in or being on University owned/controlled property without proper authority. Limitations and restrictions on employment and enrollment are reviewed on a case-by-case basis by the Department of Public Safety, Human Resources, Academic Affairs, and/or Student Affairs. An employee/student may request a review of limitations/restrictions when a change in registration status occurs.

Initially prohibited areas include, but are not limited to, the University Children's Center; Apartment Community Center; various facilities used by University sponsored, affiliated, or hosted camps/groups; residence halls and apartments; and the living areas of University residence halls, University Place, apartments, or any other living facilities owned or operated by UND. Other locations, events and/or prohibitions may be added at the discretion of the Department of Public Safety in collaboration with Human Resources, Academic Affairs, and/or Student Affairs.

## Employment

Human Resources conducts background checks on faculty, staff, and student employees hired for positions as indicated in the background check policy. Background checks may include a criminal history check/national sex offender registry check.

Registered sex offenders may be prohibited from working in or being on University owned/controlled property without proper authority. 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 or designee must escort them for the entire time that they are working in the prohibited location.

## Enrollment

If/when a sex offender changes their academic program post-enrollment, they must self-report to the UND chief of police and/or the dean of the new college/departments within three business days. Failure to self-report may result in action up to and including suspension.

## Public Access to Sex Offender Information

Registered sex offenders classified as moderate risk or high risk and who are employed with or enrolled at UND will be posted on the UPD website upon confirmed notice from the registered jurisdiction.

The North Dakota Sex Offender website identifying all registered sex offenders in the state of North Dakota is available via Internet pursuant to NDCC Section 12.1-32-15. The North Dakota Office of Attorney General is responsible for maintaining this registry. The Minnesota Level 3 Predatory Offender Information website identifying all Level 3 registered sex offenders in the state of Minnesota is available via Internet pursuant to Minnesota Statute Section 244.052. The Minnesota Department of Corrections is responsible for maintaining this registry.

Unlawful use of the information for purposes of intimidating or harassing another may be a crime and punishable by law.

# Annual Fire Safety Report

The Campus Fire Safety Right-to-Know Act is an amendment to the Higher Education Opportunity Act. This amendment serves to increase campus fire safety awareness across the nation, providing students and their families with the fire safety records of colleges and universities. Signed into law on August 14, 2008, this amendment requires post-secondary institutions to publish fire safety information and statistics, much as is already done with other crime statistics, such as campus theft and assault.

Additionally, the National Student Loan Program requires all eligible Title IV institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The statistics include the number, cause, related injuries and deaths, and property damage associated with each fire. In addition, each institution is required to report fire safety information to the U.S. Department of Education.

Collectively, this information provides prospective and current students information regarding the policies, concerns, and fire safety conditions that are present at the University of North Dakota.

## Portable Electrical Appliances, Smoking and Open Flames in Student Housing

UND regulates portable electric appliances, smoking, and open flames in on-campus housing; and fire safety policies and procedures. See the Residence Hall/University Place policy website, Apartment Community policy website, and the Office of Safety for more information.

The University further reserves the right to direct residents to remove from their room any hazardous materials. The final decision regarding removal of such materials will be made by the director of housing or designee. Items may be confiscated and held in the hall office or by UPD if they violate hall fire safety and/or jeopardize security and community living.

### Portable Electrical Appliances Residence Halls

The storage and use of electric grills, toasters, microwaves, toaster ovens, hotpots, or any other cooking appliance with a heating element is prohibited in rooms or suites. Additionally, space heaters and room air conditioners (window or portable) are not permitted in residence hall rooms.

The following electrical appliances, which must be UL-approved and in good condition, are permitted in student rooms: clocks, desk lamps, hair dryers, flat irons/curling irons, computer equipment, radios, TVs, razors, fans, heating pads, sewing machines, and stereo equipment. Microwaves are only permitted as part of leased microfridges approved by Housing & Residence Life. No more than two electrical appliances can be plugged into any double outlet. However, multiple outlet power strips which are UL-approved and fused are allowed in residence hall rooms with a limit of one per outlet.

### University Place and Apartments

Electrical appliances are allowed. However, students are encouraged to maintain a safe number of appliances plugged in at any one time. Plugging too many appliances, especially heat producing appliances such as toasters, coffee pots, waffle irons, or electric frying pans into the same electrical outlet or circuit could overload circuits, overheat, or cause a fire.

### Open Flames and Flammable Storage Residence Halls and University Place

Candles used for decorative purposes are prohibited. Candles and other devices with open flames, or the ability to smolder, including incense, are prohibited. Flammable liquids, such as propane, gasoline, petroleum-based solvents, paint thinners, and similar flammable materials, may not be stored in residence hall or University Place rooms/suites. The storage or use of charcoal, propane, wood, or camp grills and smokers is prohibited in student rooms/suites. Also, hazardous materials may not be stored in residence halls.

### Apartments

Candles and other devices with open flames, as well as incense, are allowed. However, flammable liquids, such as propane, gasoline, petroleum-based solvents, paint thinners, and similar flammable materials, may not be stored in University apartments.

All barbecue grills must be attended by an adult at all times there are hot coals. Grills must be kept a safe distance away from buildings and vehicles. Hot coals must be doused with water when cooking is complete and are not to be disposed of on the ground or in a garbage dumpster. Only lighter fluids specifically designed for barbecues may be used. Gas grills may not be stored indoors.



## Smoking/Tobacco-Free Campus

University of North Dakota (UND) is a tobacco-free campus. The use of tobacco is prohibited within university buildings, parking structures, walkways, arenas, in university or state fleet vehicles, and on university-owned and controlled property. Tobacco includes any product that contains tobacco, is derived from tobacco or contains nicotine or other similar substances that is intended for human consumption, or is likely to be consumed, whether smoked, heated, inhaled, chewed, absorbed, dissolved, or ingested by any other means. This includes, but is not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, e-cigarettes and other electronic smoking devices. This 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.

Signs identifying UND as a tobacco-free campus can be found throughout university property. Furthermore, in compliance with NDCC subsection 23-12-10.4, UND has placed signs at the entrance to campus buildings identifying UND as a tobacco-free campus.

Smoking and tobacco use are acceptable on public property. Signs and receptacles have been placed on public property to help identify these locations. Receptacles may also be placed on campus property to encourage proper disposal of tobacco products.

### ***Use of Sage, Sweetgrass and Cedar***

Spiritual use of plants such as sage, sweetgrass, cedar, or other herbs in accordance with their well-established manner of use within the American Indian/Alaska Native ceremonial traditions for the purpose of purification and prayer, is permitted on-campus. Those using sage, sweetgrass, or cedar must abide by campus regulations concerning safety.

A member of the university community wishing to use sage, sweetgrass, or cedar smoke for spiritual purposes in a UND residence hall or apartment must contact the housing office or their resident director.

Members of the university community wishing to use sage, sweetgrass, or cedar smoke for spiritual purposes on an on-campus location outside of a residence must contact the Office of Safety.

Members of the university community wishing to use similar items for spiritual or religious purposes should contact the Office of Safety.

### ***Fire Safety Education & Training Programs***

UND promotes campus fire safety on an ongoing basis through various safety education and training programs.

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. The resident assistants, resident directors, and community assistants

receive general fire safety and fire extinguisher training from the Grand Forks Fire Department and UND Office of Safety during fall training. Students receive a general orientation to the fire systems present in the building during the first week of 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.

### ***Reporting a Fire Occurring in an On-Campus University Student Housing Facility***

Individuals discovering a fire at a UND on-campus student housing facility should dial 9-1-1 and activate the fire alarm system. The fire alarm system in buildings on campus, when sounded, will not summon the fire department. They are for alerting occupants of the building only. In addition, on-campus student housing fires should be reported to the Office of Safety.

### ***Fire Drills***

#### **Residence Halls and University Place**

A fire drill is conducted at the beginning of each semester. The fire drills are designed to give students an opportunity to evacuate the residence hall in a non-emergency situation. All residents must leave the building when the alarm sounds for the drill. Failure to do so will result in disciplinary action.

#### **Apartments**

Apartment residents receive information regarding fire safety and evacuation from their resident manager in their welcome packets. Apartment smoke detectors are checked twice a year, and all residents are encouraged to use this time to practice their evacuation procedures.

### ***Fire Alarm System***

#### **Residence Halls**

Each residence hall is equipped with a building fire alarm system, and each student room has a smoke detector. In accordance with North Dakota state law, when the building alarm sounds, all residents are required to leave the building. Residents cannot re-enter a building until permitted by hall staff. The interference with the operation of the smoke detector or any other fire safety equipment will result in disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.

#### **University Place**

University Place is equipped with a building fire alarm system and smoke detectors are installed in all University Place apartments. Smoke detectors in University Place apartments do not require any resident maintenance or battery replacement. In accordance with North Dakota state law, when the building alarm sounds, all residents are required to leave the building. Residents cannot re-enter a building until permitted by hall staff. The interference with the operation of the smoke detector or any other fire safety equipment will result in disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.

### Apartments

All apartments have smoke detectors. The interference with the operation of the smoke detector or any other fire safety equipment will result in disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.

### Suppression System

The following UND housing facilities are equipped with fire suppression systems: Brannon Hall, Johnstone Hall, Fulton Hall, McVey Hall, Smith Hall, Swanson Hall, West Hall, University Place, and Hamline Court Apartments.

A sprinkler system is provided for additional safety in the event of a fire. Residents must be careful not to damage, tamper with, cover, or hang items from the sprinkler heads or an accidental discharge of water may result. In addition, residents may not store personal items within 18 inches of any sprinkler head.

### Fire Safety and Prevention

- Know every regular and emergency exit from the building you are in. Know how to activate the alarm system and what it sounds like. Know the location of fire extinguishers and how to operate them.
- Arrange room contents with fire safety in mind. Maintain clear and unobstructed access to your room door, from both the outside and the inside, at all times.
- Do not overload electrical outlets.
- Do not use broken, frayed, or cracked electrical cords. Do not suspend lamps or lights by their own cords.
- Do not allow excess clutter or flammable materials to accumulate.

### Fire Evacuation Procedures

#### Students in On-Campus Housing

In the event of a continuous sounding of the fire alarm in the unit, students should proceed as follows:

1. All persons inside a residential or dining facility are required to leave the building immediately.
2. University staff may assist with the evacuation of the building as availability and safety permit.
3. It is the responsibility of all students to familiarize themselves with proper fire and emergency evacuation procedures.
4. Failure to respond to a fire alarm or to staff requests during an evacuation may result in University disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.
5. When an alarm sounds, follow these guidelines:
  - Close room doors and windows.
  - Wear shoes and carry or wear a coat.
  - Leave via the nearest, safest exit, path, or route.
  - Don't panic - move quickly outside the building to at least 50 feet away from the structure and to the designated assembly point and check in with University staff.
6. Do not use elevators as exit routes. Use the closest stairwells.

7. Do not re-enter the building until the alarm is silenced and the "all clear" announcement is given by emergency personnel.
8. If you are on an upper floor, are hearing impaired, have mobility issues, or are unable to escape from your room:
  - Close your door and seal it off with a towel or blanket. Duct tape often works well to seal cracks.
  - Dial 9-1-1 and relay all information pertaining to the fire (i.e., location, floor, room, building, etc.) to the dispatcher. Don't hang up until directed to do so.
  - Hang a bright colored sheet or towel from your window to alert emergency crews to your location.
  - Open your upper window for fresh air if necessary. If smoke enters the room from the outside, CLOSE your window immediately.
  - Wait for rescue. Don't panic, open the door, or prematurely jump from your window.

### Campus Employees

It is important for employees to familiarize themselves with the procedures of fire reporting.

1. Safety of the People. Evacuate people as readily as possible. Close doors to isolate the fire. A person with an ambulatory disability should move to the opposite end of the building near a stairway and away from the fire and wait for firefighters to arrive. Exit strategies should be discussed with supervisors.
2. Send the Alarm. Call the Fire Department, 9-1-1, and relay all information pertaining to the fire (i.e., location, floor, room, building, etc.). If the building is equipped with fire pull boxes, break the glass, and pull the bar.
3. Notify Others in the Area. Use any alarm provided for this purpose. Move out to a safe area to give firefighters a clear field.
4. Assist Campus Police or Firefighters. Relate to them what is burning (i.e., special chemicals, radiation hazards) or any other pertinent information.

### Fire Safety Systems in On-Campus Housing

Nearly 3,000 students live in on-campus housing at the University of North Dakota (residence halls, University Place, and apartments).

Each student-housing facility is equipped with fire detection systems and pull boxes. The fire safety systems report is shown in Figure 3.

### Fire Safety Definitions

On-campus student housing facility is any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

- **Cause of fire** is the factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.
- **Fire** is any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.
- **Fire drill** is a supervised practice of a mandatory evacuation of a building for a fire.
- **Fire-related injury** is any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.
- **Fire-related death** is any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or dies within one year of injuries sustained as a result of the fire.
- **Fire safety system** is any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.
- **Value of property damage** is the estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

### **Fire Log**

UND has tracked fire alarms and fire calls for more than a decade. Figure 4 provides information pertaining to fires that have occurred at University of North Dakota on-campus housing facilities for the 2021, 2022, and 2023 calendar years.

UND maintains — available for public inspection upon request — a fire log, generated through a database system that includes a listing of all fires that occur in an on-campus student housing facility. The report includes the nature, date, time and general location of each fire. The log may be viewed at the Office of Safety, 3851 Campus Road, Grand Forks, ND 58202.

### **Post-Fire Contact Information**

Contact the Grand Forks Fire Department (GFFD) to report fires that have been successfully extinguished in on-campus housing: (701) 746-2566. The GFFD will investigate and generate a report as appropriate. Communication regarding insurance coverage and future fire prevention efforts may be directed to UND's Office of Risk Management and Insurance at (701) 777-3341. When calling, provide as much information as possible about the location, date, time and cause of the fire.

### **Plans for Future Improvements in Fire Safety**

The University of North Dakota continually evaluates its fire protection system in residential facilities. Upgrades to the system occur through replacements or building renovations. The remodeling of Brannon Hall and new construction of McVey and West Halls was completed during the 2022-2023 academic year. These buildings include updated fire suppression systems. Future remodeling and/or construction projects are being evaluated.

### **Additional Fire Safety Resources** **Community Standards & Accessibility for Students** <http://www.UND.edu/student-life/accessibility-for-students/>

#### **Office of Safety**

<http://campus.UND.edu/safety/public-safety/>

- General Fire Safety Information
- Fire Evacuation Maps

#### **Housing & Residence Life**

<http://UND.edu/student-life/housing/>

- Apartment Policies website
- Residence Hall and University Place Policies website

**The following items begin on page 78:**

**Figure 1: Campus Crime Statistics**

**Figure 2: Non-Responding Locations**

**Figure 3: Fire Safety Systems in On-Campus Housing**

**Figure 4: Statistics and Related Information Regarding Fires in Residential Facilities - 2021, 2022, 2023.**

**UND Campus Map: On-campus, Non-campus and Public Property**



Figure 1: Campus Crime Statistics

	On-Campus			On-Campus Residence*			Non-Campus			Public			Unfounded Cases		
	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021
Aggravated Assault	1	1	0	0	1	0	0	2	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Burglary: Total	9	6	4	7	4	0	0	0	1	0	0	0	0	0	0
Burglary - Attempted Forcible Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary - Forcible Burglary	0	2	2	0	1	0	0	0	0	0	0	0	0	0	0
Burglary - Unlawful Entry	9	4	2	7	3	0	0	0	1	0	0	0	0	0	0
Domestic Violence	1	0	4	1	0	3	1	1	0	1	2	0	0	0	0
Dating Violence	0	0	2	0	0	2	0	1	1	0	0	0	0	0	0
Hate Crime - Race	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crime - Sexual Orientation Bias	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Sexual Offense: Total	13	12	4	13	10	3	2	1	0	0	0	0	0	0	0
Sexual Offense - Fondling	4	7	0	4	5	0	0	0	0	0	0	0	0	0	0
Sexual Offense - Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Offense - Rape	9	5	4	9	5	3	2	1	0	0	0	0	0	0	0
Sexual Offense - Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	8	0	0	5	0	0	0	0	0	0	0	1	0	0	0
ARRESTS															
Alcohol	4	19	36	2	13	26	31	4	9	39	22	33	0	0	0
Drugs	6	17	8	5	1	2	0	3	1	9	35	43	0	0	0
Weapons	0	1	0	0	0	0	1	0	1	0	1	0	0	0	0
NON-ARREST CAMPUS REFERRALS															
Alcohol	122	100	97	117	91	89	7	7	3	4	4	6	0	0	0
Drugs	16	15	6	15	13	5	1	2	1	1	0	11	0	0	0
Weapons	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0

In 2021, one report was taken regarding a simple assault characterized by sexual orientation bias at a non campus location.

\*On-Campus Residence crimes are included in the On-Campus numbers.

Figure 2: Non-Responding Locations

North Dakota

UND Center for Family Medicine <sup>1</sup> - Bismarck (2021)

Notes for Figure 2

<sup>1</sup> Indicates a property permanently owned or controlled by UND, and therefore will always be reported in UND's Clery Statistics and affiliated ASR.

Figure 3: Fire Safety Systems in On-Campus Housing

Residential Facilities	Building Fire Alarm	Room Detection	Pull Stations	Connected to Operations Center	Fire Evacuation Maps	Sprinkler	Fire Exting- uisher(s)	Fire- Rated Doors	Fire Drills Conducted
<b>Berkeley Drive Apartments</b> 3702-3820 Berkeley Dr	YES	YES	NO	NO	NO		YES	YES	0
<b>Brannon Hall</b> 446 Stanford Rd	YES	YES	YES	YES	YES	FULL	YES	YES	3
<b>Carleton Court Apartments</b> 550 and 580 Carleton Ct	YES	YES	YES	YES	YES		YES	YES	0
<b>Carleton Court Apartments</b> 540, 560, 570 Carleton Ct	YES	YES	YES	NO	YES		YES	YES	0
<b>Conference Center</b> 2724 University Ave	YES	YES	YES	YES	YES		YES	YES	1
<b>Hamline Court Apartments (2)</b> 1100-1500 Hamline St	YES	YES	YES	YES	YES	FULL	YES	YES	0
<b>Johnstone Hall</b> 3301 University Ave	YES	YES	YES	YES	YES	FULL	YES	YES	2
<b>Loren Swanson Apartment Complex</b> (72 apts/3 buildings) 3600 Campus Rd/3605 Manitoba Ave/110 State St	YES	YES	YES	YES	YES		YES	YES	0
<b>McVey Hall</b> 3570 University Ave	YES	YES	YES	YES	NO	FULL	YES	YES	4
<b>Mount Vernon &amp; Williamsburg Apartments</b> (72 apts/2 buildings) 3711-3719 University Ave/ 205-209 State St	YES	YES	NO	NO	NO		YES	YES	0
<b>Noren Hall</b> 450 Stanford Rd	YES	YES	YES	YES	YES		YES	YES	3

Figure 3 (continued): Fire Safety Systems in On-Campus Housing

Residential Facilities	Building Fire Alarm	Room Detection	Pull Stations	Connected to Operations Center	Fire Evacuation Maps	Sprinkler	Fire Exting-uisher(s)	Fire-Rated Doors	Fire Drills Conducted
Selke Hall 448 Stanford Rd	YES	YES	YES	YES	YES		YES	YES	3
Smith Hall 3333 University Ave	YES	YES	YES	YES	YES	FULL	YES	YES	3
Squires Hall 430 Princeton St	YES	YES	YES	YES	YES	FULL	YES	YES	1
Swanson Hall 211 Cornell St	YES	YES	YES	YES	YES	FULL	YES	YES	3
Tulane Court Town House Apartments 301-427 Tulane Ct	NO	YES	NO	NO	NO		NO	NO	0
University Place 3601 University Ave	YES	YES	YES	YES	YES	FULL	YES	YES	3
Virginia Rose Apartments 3725 University Ave	YES	YES	NO	NO	NO		YES	NO	0
Walsh Hall 3215 5th Ave N	YES	YES	YES	YES	YES	FULL	YES	YES	0
West Hall 3530 University Ave	YES	YES	YES	YES	NO	FULL	YES	YES	2
Y Building Apartments (72 plex) 3904 University Ave	YES	YES	YES	YES	YES		YES	YES	0

**Figure 4:**  
**2021 Statistics and Related Information Regarding Fires in Residential Facilities**

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
<b>Bek Hall</b> 425 Oxford St	0	0	N/A	N/A	N/A	N/A
<b>Berkeley Drive Apartments</b> 3702-3820 Berkeley Dr	0	0	N/A	N/A	N/A	N/A
<b>Brannon Hall</b> 446 Stanford Rd	0	0	N/A	N/A	N/A	N/A
<b>Carleton Court Apartments</b> 550 and 580 Carleton Ct	0	0	N/A	N/A	N/A	N/A
<b>Carleton Court Apartments</b> 540, 560, 570 Carleton Ct	0	0	N/A	N/A	N/A	N/A
<b>Conference Center</b> 2724 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Fulton Hall</b> 3303 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Hamline Court Apartments (2)</b> 1100-1500 Hamline St	0	0	N/A	N/A	N/A	N/A
<b>Hancock Hall</b> 350 Princeton St	0	0	N/A	N/A	N/A	N/A
<b>Johnstone Hall</b> 3301 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Loren Swanson Apartment Complex</b> (72 apts/3 buildings) 3600 Campus Rd/3605 Manitoba Ave/110 State St	1	1	Unintentional Fire / Cooking	0	0	\$3,092.84
<b>McVey Hall</b> 3570 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Mount Vernon &amp; Williamsburg Apartments</b> (72 apts/2 buildings) 3711-3719 University Ave/205-209 State St	0	0	N/A	N/A	N/A	N/A
<b>Noren Hall</b> 450 Stanford Rd	0	0	N/A	N/A	N/A	N/A



**Figure 4:**  
**2021 Statistics and Related Information Regarding Fires in Residential Facilities**

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
<b>Selke Hall</b> 448 Stanford Rd	0	0	N/A	N/A	N/A	N/A
<b>Smith Hall</b> 3333 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Squires Hall</b> 430 Princeton St	0	0	N/A	N/A	N/A	N/A
<b>Swanson Hall</b> 211 Cornell St	0	0	N/A	N/A	N/A	N/A
<b>Tulane Court Town House Apartments</b> 301-427 Tulane Ct	0	0	N/A	N/A	N/A	N/A
<b>University Place</b> 3601 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Virginia Rose Apartments</b> 3725 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Walsh Hall</b> 3215 5th Ave N	0	0	N/A	N/A	N/A	N/A
<b>West Hall</b> 3530 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Y Building Apartments (72 plex)</b> 3904 University Ave	0	0	N/A	N/A	N/A	N/A
<b>500 Tulane</b> 500 Tulane Dr	0	0	N/A	N/A	N/A	N/A
<b>510 Tulane</b> 510 Tulane Dr	0	0	N/A	N/A	N/A	N/A
<b>520 Tulane Drive Apartments</b> 520 Tulane Dr	0	0	N/A	N/A	N/A	N/A
<b>530 Tulane Drive Apartments</b> 530 Tulane Dr	0	0	N/A	N/A	N/A	N/A

**Figure 4:**  
**2022 Statistics and Related Information Regarding Fires in Residential Facilities**

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
<b>Bek Hall</b> 425 Oxford St	0	0	N/A	N/A	N/A	N/A
<b>Berkeley Drive Apartments</b> 3702-3820 Berkeley Dr	1	1	Unintentional Fire / Cooking	0	0	\$470.35
<b>Brannon Hall</b> 446 Stanford Rd	0	0	N/A	N/A	N/A	N/A
<b>Carleton Court Apartments</b> 550 and 580 Carleton Ct	0	0	N/A	N/A	N/A	N/A
<b>Carleton Court Apartments</b> 540, 560, 570 Carleton Ct	1	1	Unintentional Fire / Cooking	0	0	\$9,478.35
<b>Conference Center</b> 2724 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Fulton Hall</b> 3303 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Hamline Court Apartments (2)</b> 1100-1500 Hamline St	0	0	N/A	N/A	N/A	N/A
<b>Hancock Hall</b> 350 Princeton St	0	0	N/A	N/A	N/A	N/A
<b>Johnstone Hall</b> 3301 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Loren Swanson Apartment Complex</b> (72 apts/3 buildings) 3600 Campus Rd/3605 Manitoba Ave/110 State St	0	0	N/A	N/A	N/A	N/A
<b>McVey Hall</b> 3570 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Mount Vernon &amp; Williamsburg Apartments</b> (72 apts/2 buildings) 3711-3719 University Ave/205-209 State St	0	0	N/A	N/A	N/A	N/A
<b>Noren Hall</b> 450 Stanford Rd	0	0	N/A	N/A	N/A	N/A

**Figure 4:**  
**2022 Statistics and Related Information Regarding Fires in Residential Facilities**

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
<b>Selke Hall</b> 448 Stanford Rd	0	0	N/A	N/A	N/A	N/A
<b>Smith Hall</b> 3333 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Squires Hall</b> 430 Princeton St	0	0	N/A	N/A	N/A	N/A
<b>Swanson Hall</b> 211 Cornell St	0	0	N/A	N/A	N/A	N/A
<b>Tulane Court Town House Apartments</b> 301-427 Tulane Ct	0	0	N/A	N/A	N/A	N/A
<b>University Place</b> 3601 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Virginia Rose Apartments</b> 3725 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Walsh Hall</b> 3215 5th Ave N	0	0	N/A	N/A	N/A	N/A
<b>West Hall</b> 3530 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Y Building Apartments (72 plex)</b> 3904 University Ave	0	0	N/A	N/A	N/A	N/A
<b>500 Tulane</b> 500 Tulane Dr	0	0	N/A	N/A	N/A	N/A
<b>510 Tulane</b> 510 Tulane Dr	0	0	N/A	N/A	N/A	N/A
<b>520 Tulane Drive Apartments</b> 520 Tulane Dr	0	0	N/A	N/A	N/A	N/A
<b>530 Tulane Drive Apartments</b> 530 Tulane Dr	0	0	N/A	N/A	N/A	N/A

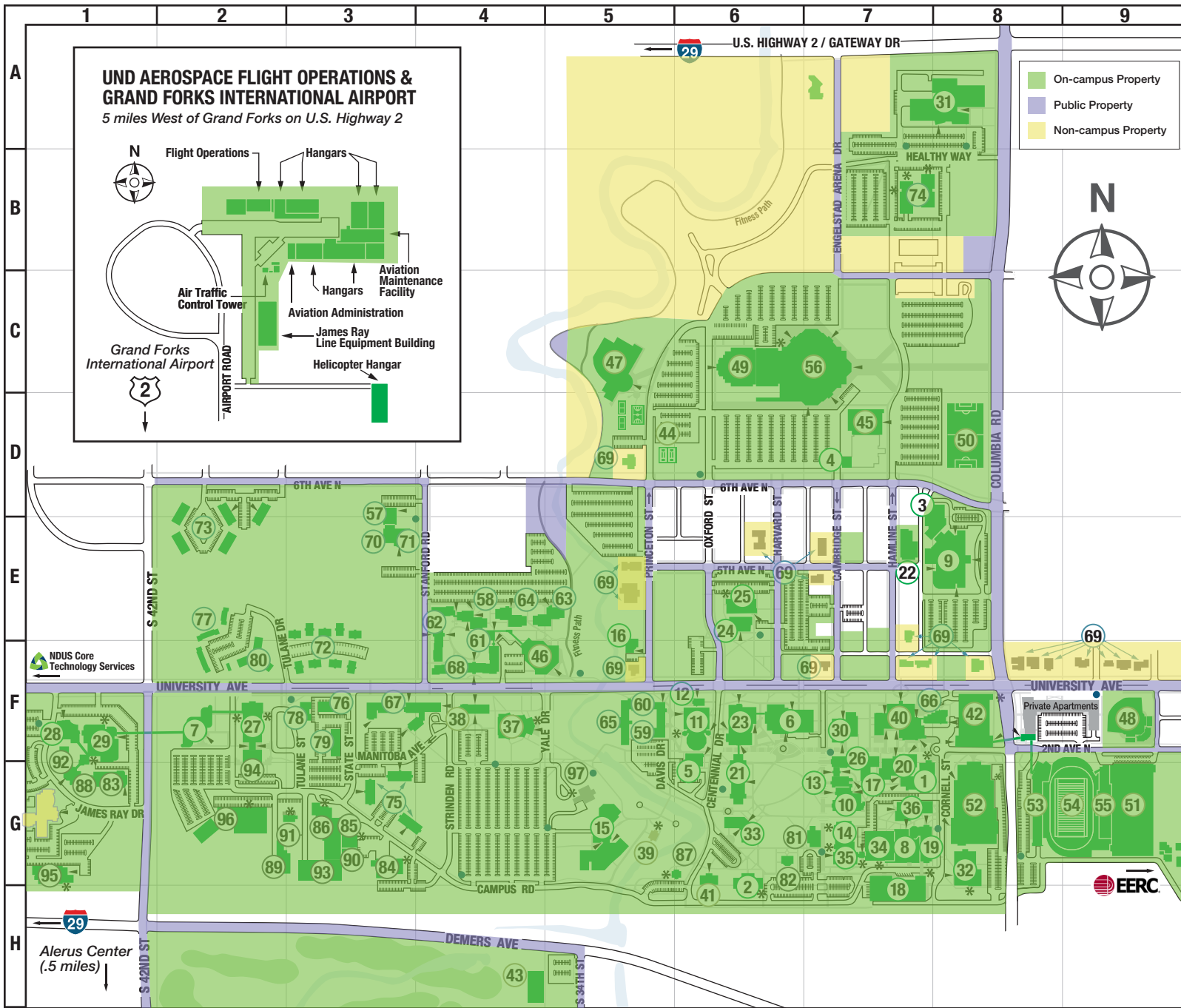
**Figure 4:**  
**2023 Statistics and Related Information Regarding Fires in Residential Facilities**

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
<b>Berkeley Drive Apartments</b> 3702-3820 Berkeley Dr	1	1	Unintentional Fire / Cooking	0	0	\$194,414
<b>Brannon Hall</b> 446 Stanford Rd	0	0	N/A	N/A	N/A	N/A
<b>Carleton Court Apartments</b> 550 and 580 Carleton Ct	0	0	N/A	N/A	N/A	N/A
<b>Carleton Court Apartments</b> 540, 560, 570 Carleton Ct	0	0	N/A	N/A	N/A	N/A
<b>Conference Center</b> 2724 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Hamline Court Apartments (2)</b> 1100-1500 Hamline St	0	0	N/A	N/A	N/A	N/A
<b>Johnstone Hall</b> 3301 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Loren Swanson Apartment Complex</b> (72 apts/3 buildings) 3600 Campus Rd/3605 Manitoba Ave/110 State St	0	0	N/A	N/A	N/A	N/A
<b>McVey Hall</b> 3570 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Mount Vernon &amp; Williamsburg Apartments</b> (72 apts/2 buildings) 3711-3719 University Ave/205-209 State St	0	0	N/A	N/A	N/A	N/A
<b>Noren Hall</b> 450 Stanford Rd	0	0	N/A	N/A	N/A	N/A



**Figure 4:**  
**2023 Statistics and Related Information Regarding Fires in Residential Facilities**

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
<b>Selke Hall</b> 448 Stanford Rd	0	0	N/A	N/A	N/A	N/A
<b>Smith Hall</b> 3333 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Squires Hall</b> 430 Princeton St	0	0	N/A	N/A	N/A	N/A
<b>Swanson Hall</b> 211 Cornell St	0	0	N/A	N/A	N/A	N/A
<b>Tulane Court Town House Apartments</b> 301-427 Tulane Ct	0	0	N/A	N/A	N/A	N/A
<b>University Place</b> 3601 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Virginia Rose Apartments</b> 3725 University Ave	0	0	N/A	N/A	N/A	N/A
<b>Walsh Hall</b> 3215 5th Ave N	0	0	N/A	N/A	N/A	N/A
<b>West Hall</b> 3530 University Ave	1	1	Unintentional Fire / Cooking	0	0	\$500
<b>Y Building Apartments (72 plex)</b> 3904 University Ave	0	0	N/A	N/A	N/A	N/A



## ACADEMIC/SUPPORT SERVICES

1. Abbott Hall, G7
2. Armory, G6
3. Biomedical Research Building, D7
4. BiPed Lab, D7
5. Burtness Theatre, G6
6. Chester Fritz Library, F6
7. Clifford Hall, F2
8. Collaborative Energy Complex, G7
9. Columbia Hall, E8
10. Education Building, G7
11. Gamble Hall, F6
12. Gershman Center, F6
13. Gillette Hall, G7
14. Harrington Hall/Jodsaas Center, G7
15. Hughes Fine Arts Center, G5
16. Indigenous Student Center, E5
17. Ireland Hall, G7
18. Laird Core & Sample Library, H7
19. Leonard Hall, G7
20. McCannell Hall, G7
21. Merrifield Hall, G6  
OPENING SPRING 2025
22. Neuroscience Research Building, E7
23. Nistler Hall, F6
24. Northern Plains Center for Behavioral Research, E6
25. Nursing Building, E6
26. O'Kelly Hall, G7
27. Odegard Hall, F2
28. Robin Hall, F1
29. Ryan Hall, F1
30. School of Law/Law Library, F7
31. School of Medicine & Health Sciences Building, A8
32. Starcher Hall, G8
33. Twamley Hall, G6
34. Upson I, G7
35. Upson II, G7
36. Witmer Hall, G7

## POINTS OF INTEREST

### GENERAL

37. Chester Fritz Auditorium, F4
38. Gorecki Alumni Center, F4
39. Hopper Danley Chapel, G5
40. Memorial Union, F7
41. Museum of Art, G6
42. Parking Ramp, F8
43. Ray Richards Golf Course, H4
44. Tennis Complex, D5
45. University Bookstore, D7
46. Wilkerson Commons, F4
47. Wellness Center, C5

### ATHLETICS

48. Albrecht Field, F9
49. Betty Engelstad Sioux Center, C6
50. Bronson Field, D8
51. Fritz Pollard Athletic Center, G9
52. Hyslop Sports Center, G8
53. Hyslop at Memorial Village, G8  
ATHLETICS OFFICES
54. Memorial Field, G8
55. Nodak Insurance Sports Performance Center, G9  
OPENING SPRING 2025
56. Ralph Engelstad Arena, C6

## HOUSING

### RESIDENCE HALLS/GREEK

57. Housing Office, D3
58. Brannon Hall, E4
59. Fulton Hall, F5
60. Johnstone Hall, F5
61. Landing Zone, E4
62. McVey Hall, E4
63. Noren Hall, E4
64. Selke Hall, E4
65. Smith Hall, F5
66. Swanson Hall, F7
67. University Place, F3
68. West Hall, F4
69. Greek Houses: D5, E5-7, F5, 7-9

### APARTMENTS/CHILD CARE

70. Apt Community Center, E3
71. University Children's Learning Center, E3
72. Berkley Apts, F3
73. Carleton Court Apts, E2
74. Hamline Square Apts, B7
75. Manitoba Ave/State St/ Campus Rd Apts, G3
76. Mt Vernon Apts, F3
77. Tulane Townhouses, E2
78. Virginia Rose Apts, F3
79. Williamsburg Apts, F3
80. 3904 University Ave Apts, F2

## AUXILIARY

81. Babcock Hall, G7
82. Carnegie, G6
83. Center for Innovation, G1
84. Central Foods, G3
85. Central Receiving, G3
86. Facilities Management, G3
87. Gustafson Hall, G6
88. Ina Mae Rude Entrepreneurship Center, G1
89. Mechanical Shop, G2
90. Print & Mail Center, G3
91. Safety/UND Police, G2
92. Skalicky Tech Incubator, F1
93. Steam Plant, G3
94. Streibel Hall, G2
95. Tech Accelerator, G1
96. Transportation, G2
97. University House, G5  
PRESIDENT'S RESIDENCE

# CAMPUS MAP



Landmark



Accessible Entrance  
Powered door.



Accessible Entrance  
No powered door.



Blue Emergency Light  
Police respond when activated.

Accessible parking spaces are marked with proper signage and near the building's accessible entrance.

Visit [UND.edu/parking](https://UND.edu/parking) to view an accessible parking map, and for information on the Passport App, event parking and UND permit zones.

UND UNIVERSITY OF  
NORTH DAKOTA

Updated August 2024