



---

**Annual Security and  
Fire Safety Report  
2018**

# 2019-2020 Parking Map

♿ Handicap Parking  
 □ Free Parking

■ Student (S) Parking  
 ■ Employee (E) Parking  
 ■ Both Student & Employee (S/E) Parking

- |                                 |                        |
|---------------------------------|------------------------|
| 1. Administration               | 14. Lura Manor         |
| 2. Amphitheater                 | 15. McCulloch Hall     |
| 3. Campus Heights               | 16. Memorial Hall      |
| 4. Cook Hall                    | 17. Model Hall         |
| 5. Crane Hall                   | 18. Observatory        |
| 6. Cyril Moore Science Center   | 19. Old Main           |
| 7. Dakota Hall                  | 20. Pioneer Hall       |
| 8. Dome                         | 21. South Warehouse    |
| 9. Facilities Management North  | 22. Student Center     |
| 10. Facilities Management South | 23. Swain Hall         |
| 11. Gordon B. Olson Library     | 24. University Heights |
| 12. Hartnett Hall               | 25. Wellness Center    |
| 13. Herbert M. Parker Stadium   |                        |





The Office of Safety and Security welcomes you to Minot State University. We are committed to ensuring a safe and secure campus environment for all students, faculty and staff. Our contact number is 701-500-2423.

Minot State University places a high priority on creating a safe learning and working environment for the campus community. Our office works closely with state and local law enforcement agencies and other community safety groups to ensure we are proactive in reducing crime on our campus. We ask all community members to be observant and report any safety related issues to our department.

The Annual Security Report provides a detailed summary of Minot State University's efforts to keep our campus as safe as possible. The information in the Annual Security Report provides detailed information regarding safety on the campus of Minot State University for the last three years. It also provides a listing of safety related community resources available to students and employees both on and off campus.

If you have any questions or suggestions regarding this publication, please contact the Office of Safety and Security at 701-500-2423.

Sincerely,  
Gary Orluck  
Director, Campus Safety and Security

<b>CAMPUS SECURITY HOTLINE</b>	
From a campus phone: <b>HELP (4357)</b>	
Direct line: <b>701-500-2423</b>	
Minot Police Department: <b>911</b>	

Minot State University is a tobacco free campus. 

# Table of Contents

<b>Campus Map</b> .....	2	Consensual Relationships .....	22
<b>Message from the Office of Safety and Security</b> .....	3	Sex/Gender-Biased Misconduct/Violence .....	23
<b>Table of Contents</b> .....	4	Reporting Sexual Discrimination.....	25
<b>Quick Reference Contact Information</b> .....	5	Reporting.....	26
<b>Office of Safety and Security</b> .....	6	Amnesty .....	28
<b>The Clery Act</b> .....	6	Responding to Reports.....	28
Compliance with the <i>Clery Act</i> .....	6	Investigations .....	30
Campus Safety Information .....	7	Appeal Process .....	30
Established <i>Clery</i> Reportable Geography .....	8	Retaliation .....	31
Crime Statistics.....	8	Discipline/Sanctions.....	31
Daily Crime and Fire Log .....	9	Sanction Considerations .....	33
Campus Security Authorities.....	9	Resources .....	33
<b>Preparation and Disclosure of Crime Statistics</b> .....	10	Prevention, Education, and Training.....	33
<b>Criminal Offenses and Definitions</b> .....	10	Vendors/Contractors on the MSU Campus .....	33
<b>Violence Against Women Act (VAWA)</b>		Coordinating with Other Campuses.....	34
<b>Crime Definitions</b> .....	13	Clery Act Reporting .....	34
<b>Campus Crime Statistics</b> .....	14	Federal Timely Warning Reporting Obligations .	35
<b>Emergency Blue Lights Map</b> .....	15	<b>Be an Active Bystander</b> .....	35
<b>Reporting Procedures</b> .....	16	<b>Prevention and Awareness Programs</b> .....	36
<b>Communication About Campus Crime</b> .....	17	<b>Sex Offender Registry</b> .....	37
Timely Warning.....	17	<b>Alcohol, Drugs, and Tobacco on Campus</b> .....	38
Safety Alert.....	17	Drug Free Campus Policy .....	38
Notification Procedure.....	17	Where to Turn for Help.....	45
Disclosure to Victims.....	18	Violation Sanctions for Students.....	46
<b>Access to and Security of Campus Facilities</b> .....	19	<b>Emergency Response and Evacuation</b> .....	46
<b>Missing Student Policy</b> .....	19	Emergency Response Plan .....	46
Procedure.....	19	Emergency Notification System.....	47
Student Contact Information .....	19	Emergency Phone List.....	49
Student Notification of This Policy.....	19	General Evacuation Tips.....	49
<b>Sexual Harassment, Discrimination</b>		<b>Annual Fire Safety Report</b> .....	50
<b>and Sexual Misconduct Policy</b> .....	19	Fire Hazards.....	50
Purpose .....	19	Fire Drills and Inspections.....	50
Policy Statement/Overview .....	20	Fire Procedures .....	51
Definitions.....	20	<b>Fire Statistics</b> .....	52
Admissions/Financial Aid .....	22		
Athletics .....	22		
Employment.....	22		

# Quick Reference Contact Information

## CAMPUS SECURITY

From a campus phone .....	HELP (4357)	Cook Hall .....	701-858-3701
Direct Line .....	701-500-2423	C.P. Lura Hall .....	701-858-3901
Minot Emergency (Police, Fire, Ambulance) .....	911	Crane Hall .....	701-858-4501
Police (Non-Emergency) .....	701-852-0111	Dakota Hall .....	701-858-3501
Fire (Administrative) .....	701-857-4740	McCulloch Hall.....	701-858-3601
Ambulance (Administrative) .....	701-857-2251	Trinity Hospital.....	701-857-5000
Facilities Management.....	701-858-3210	Emergency.....	911
Director of Safety and Security .....	701-858-4016	Domestic Violence Crisis Center	
Student Affairs .....	701-858-3299	Office .....	701-852-2258
Student Life/Housing .....	701-858-3363	24 Hour Crisis Line .....	701-857-2200
Student Development Center .....	701-858-3371	Rape Crisis Line .....	701-857-2500
Student Health Center .....	701-858-3371	UND Center for Family Medicine .....	701-858-6700
Title IX Office .....	701-858-3447		



## **OFFICE OF SAFETY AND SECURITY**

The Office of Safety and Security at Minot State University is recognized as the primary campus department responsible for providing security services for students, faculty, staff and campus visitors. The department is comprised of seven full-time and three part-time officers. Campus Security officers are not licensed police officers and do not possess the power of arrest as defined by North Dakota Century Code, MSU Security Officers have been granted the authority by the University President to enforce University policy, consistent with federal, state or local law. MSU Security Officers may make citizens arrests when necessary for the safety of the campus community.

The Minot Police Department is the primary law enforcement agency responsible for sworn police services for Minot State University. Minot State University and the Minot Police Department have developed a Memorandum of Understanding that provides for immediate response to all crimes, emergencies, or requests for service to campus. On occasion, Minot State Security works with the Ward County Sheriff's Department and other local agencies.

It is the policy of Minot State University to report all criminal activity to the Minot Police Department. All crimes reported to the Office of Safety and Security will be forwarded to the Minot Police Department. It is also the University's position that all campus community members are responsible for reporting any criminal activity to the Office of Safety and Security by calling **701-500-2423** or to the Minot Police Department -701-858-0111 (Emergency 911).

MSU educates new students regarding safe campus practices through the New Student Orientation Program. Topics discussed include services provided by MSU Security and an overview of campus emergency systems.

MSU Security patrols campus routinely by a marked vehicle and by foot. The Office of Safety and Security also provides security for events on and off campus, including events sponsored by non-University groups. In addition to existing security provisions on

campus such as access devices and security cameras, 24 Blue Light emergency call stations have been installed at strategic locations. These stations contain video surveillance, external loud speakers for emergency announcements, and direct communication with Minot PD or MSU Security.

MSU Safe Walk is available to all students, faculty, and staff who would like to be escorted to and from campus locations. MSU Safe Walk is available 24/7 by calling MSU Security at 701-500-2423.

More information about the Office of Safety and Security, along with contact information, an anonymous tip form, CSA Reporting form and emergency guidelines, can be found at: [MinotStateU.edu/safety](http://MinotStateU.edu/safety).

## **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 *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.

The *Clery Act* requires all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses. 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.

### **Compliance with the *Clery Act***

The *Clery Act* requires Minot State University (MSU) 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 Minot State to collect, report, and submit statistics to the Department of Education annually and publish and advertise the availability of the Annual Security Report to all students and employees.

The *Clery Act* was amended in 2008 by adding several safety-related and security related requirements to the Higher Education Act of 1965. To be in full compliance with the law:

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 past three 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 Minot State Office of Safety and Security must also keep a detailed public crime log of all crimes reported to them in the past 60 days. Crime logs must be kept for seven years. 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. Minot State must also report liquor and drug law violations and illegal weapons possession and any resulting arrest or disciplinary action.
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. A fire log documenting any fires is open to public inspection. The fire log is published in the Annual Fire Safety Report along with policy statements and 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 by October 1.
7. Inform prospective students and employees about the availability of the Annual Fire Safety Report.

## Campus Safety Information

Minot State University places a high priority on the personal safety of its students and employees. The following pages contain 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.

The key to preventing crime is awareness, which is best achieved through education. At Minot State University, campus security officers, residence life staff, students, staff, and others help students take responsibility for their own safety. Minot State University is committed to education of all students as we increase awareness and seek to end all forms of sexual assault, sexual harassment, relationship abuse, and stalking. This commitment begins as soon as students arrive on campus in meetings with resident assistants and throughout the academic year in regular programs presented on campus by various offices.

The *Clery Act* also states that “Campus Security Authorities” (CSA) are required to report a variety of campus related crimes to MSU Security. Faculty student group advisors are considered Campus Security Authorities because they fall under “significant responsibility for student and campus activities.” They are thereby required to contact MSU Security regarding all criminal incidents that are reported to them. However, faculty members who do not have any responsibility for student and campus activity beyond the classroom do not meet the CSA criteria.

All students and employees of Minot State University annually receive an e-mail that describes the availability of the Annual Security Report and provides its website

address. Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. The Minot State *Clery* Report can be found at [MinotStateU.edu/safety/documents/annual-security-report.pdf](http://MinotStateU.edu/safety/documents/annual-security-report.pdf). Additional safety and security information can be found at [MinotStateU.edu/safety](http://MinotStateU.edu/safety).

## Established *Clery* Reportable Geography

According to The Handbook for Campus Safety and Security Reporting (Handbook), which explains the Department of Education's requirements under the *Clery Act*, the reportable geography of Minot State University includes the following locations:

- 500 W University Ave (Main Campus) – includes all Campus Buildings and Residence Halls
- 1428 7th St NW (Campus Heights physical address)
- 815 6th St NW (old Mu Sigma Tau Fraternity House)
- 816 10th Ave NW (Beaver Suites Apartments)
- 11th Ave NW/N Broadway (First Lutheran Cemetery)
- 321 University Ave W (old Augustana Church location)
- 316 11th Ave NW (Bishop Ryan, 3rd tier parking used for students)
- 501 Lincoln Ave (Old Ramstad Lot)
- 13th Street SE and E Burdick Expressway (Corbett Field – MSU Baseball)
- 2501 W Burdick Expressway (Maysa Arena – MSU Club Hockey)
- 2400 14th Avenue SW (Souris Valley Golf Course – MSU Golf)
- 1705 3rd St SE (North Hill Sertoma Softball Complex – MSU Softball)
- 301 (West End) and 601 (East End) 16th Ave SE (South Hill Softball Complex – MSU Softball)
- 605 US-83 Bypass (Jack Hoeven Baseball Complex – MSU Baseball)
- 8401 County Highway 15, Burlington, ND (Wildwood Golf Course – MSU Cross Country)

Minot State's reportable geography includes all the above-listed addresses, including public property directly adjacent (including, for example, the sidewalk on the

campus side of University Ave, the street, and the sidewalk on the opposite side of the street).

## Crime Statistics

The *Clery Act* requires campuses to report a specific set of crimes that are reported to Campus Security Authorities (CSAs). These crimes include:

- Homicide
  - Murder
  - Manslaughter by Negligence
  - Nonnegligent Manslaughter
- Sex Offenses
  - Rape
  - Fondling
  - Incest
  - Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Hate Crimes
  - Any of the above listed crimes, if there is an element of bias
  - Any of the following crimes, if there is an element of bias:
    - Larceny-Theft
    - Simple Assault
    - Intimidation
    - Destruction/Damage/Vandalism of Property
- Violence Against Women Act (VAWA) Offenses
  - Dating Violence
  - Domestic Violence
  - Stalking
- Arrests/Disciplinary Referrals
  - Weapons Law Violations
  - Drug Abuse Violations
  - Liquor Law Violations

## Where do our statistics come from?

Statistics are gathered in the following ways:

- Letters are sent out once annually to Minot PD and Minot FD requesting statistics related to *Clery* crimes and fire incidents.

- Internal records are kept with Campus Security in Report Exec software and on the Daily Crime and Fire Log.
- An email to all CSAs is sent out annually to request any statistics gathered by CSAs that have not already been reported to Campus Security.
- Special requests and cross-referencing will be done with other offices and individuals on campus to ensure that statistics are accurate.

## Daily Crime and Fire Log

Minot State University is required under *Clery* to maintain a Daily Crime and Fire Log. This Log documents the following information regarding ALL crimes that have occurred within MSU's *Clery* reportable geography the past (60) days:

- Incident report number
- Type of incident
- Location
- Date/time the incident occurred
- Date/time reported to MSU (Campus Security/CSA)
- Incident disposition

The log must be updated within (2) business days of a crime being reported to Campus Security. The only exceptions are if the disclosure is prohibited by law, or if the disclosure would jeopardize the confidentiality of the victim. Incident dispositions must be updated whenever there is a change within (60) days after the crime is reported. Changes in dispositions after (60) days do not need to be updated.

## Campus Security Authorities

A Campus Security Authority (CSA) is an **individual, who by virtue of their University responsibilities and under the Clery Act, is designated to receive and report criminal incidents to the Minot State University Office of Safety and Security** so that they may be included and published in the University's Annual Security Report. According to the *Clery Handbook*, a Campus Security Authority (CSA) is someone whose job responsibilities include one or more of the following (4) groups:

1. Campus Police or Campus Security

2. Individual(s) who have responsibility for campus security, but do not constitute a campus police department or campus security department (examples include those who provide security at a campus parking kiosk, monitor access into a campus facility, act as event security, or those who escort students after dark)
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. An official of an institution who has significant responsibility for student and campus activities, including (but not limited to) student housing, student discipline, and campus judicial proceedings. An official is defined as "any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."

CSAs are only considered CSAs when their duties/responsibilities cause them to fall within one (or more) of these categories. CSAs also must realize that their responsibility under *Clery* does not require them to determine authoritatively whether a crime took place. They simply must pass along (in a timely manner) to Campus Security any incident reported to them. It is the responsibility of Campus Security to investigate further and add the reported offense to the crime log.

### Exemption for Pastoral and Professional Counselors

Although pastoral and professional counselors may have significant responsibility for student and campus activities, they are not considered CSAs under *Clery*:

- **Pastoral counselor:** A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and if functioning within the scope of that recognition as a pastoral counselor.
- **Professional counselor:** A person whose official responsibilities include providing mental health counseling to members of the institution's community, and who is functioning within the scope of the counselor's license or certification.

Counselors are only exempt when fulfilling their duties as counselors. A counselor may be considered a CSA if, while not acting as a counselor, a crime is reported to them. Reports made to counselors can be kept confidential. However, campus professional and pastoral counselors are encouraged, when they deem it appropriate, to inform persons being counseled of the procedures to report a crime on a voluntary basis for inclusion in the annual crime statistics.

## **PREPARATION AND DISCLOSURE OF CRIME STATISTICS**

Minot State University Security is responsible for preparing and disclosing crime statistics in compliance with the *Clery Act*. The *Clery Act* is federal law that requires the disclosure of certain crime statistics so students, employees, and families can be informed about the safety of college campuses. MSU Security collects and prepares criminal statistical information for inclusion in Minot State's Annual Security Report (ASR). MSU Security records statistics continuously throughout the year. Supplemental statistics are obtained annually by written notice from Campus Security authorities, other MSU departments, and local law enforcement agencies. Relevant crime data received from these agencies are included in Minot State's submission to the Department of Education, as well as distributed and posted on campus. *Clery* reporting covers the preceding (3) calendar years.

### **Where do our statistics come from?**

Crime statistics are gathered in the following ways:

- Internal records are kept with Campus Security in Report Exec and on the Daily Crime and Fire Log.
- Letters are sent out once annually to Minot PD and Minot FD for statistics related to *Clery*.
- An email to all CSAs is sent out once annually to request any statistics gathered by CSAs that have not already been reported to Campus Security.
- Cross-referencing will be done with certain other offices and individuals on campus to ensure that statistics are accurate.

### **How are statistics compiled?**

Once statistics are gathered, Campus Security cross-references the statistics for accuracy. Incident reports are reviewed and classified to verify that the incident is *Clery* reportable. Documentation of all received statistics, request letters, and anything else related to the crime statistics are retained.

## **CRIMINAL OFFENSES AND DEFINITIONS**

### **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. Simple assaults are excluded.

### **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.

### **Bias**

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

Bias types and definitions:

- a. Race Bias: A preformed negative opinion or attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- b. Gender Bias: A preformed negative opinion or attitude toward a person or a group of persons based on their actual or perceived gender, e.g. male or female.
  - Gender: Term used synonymously with sex to denote whether a newborn is male or female at birth, e.g., "it's a boy" or "it's a girl."
- c. Gender Identity Bias: A preformed negative opinion or attitude toward a person or group of

persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

- Gender Identity: A person's internal sense of being male, female, or a combination of both; that internal sense of a person's gender may be different from the person's gender as assigned by birth.
  - Gender Non-conforming: Describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup.
  - Transgender: Of or relating to a person who identifies as a different gender from their gender as assigned at birth.
- d. Religious Bias: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- e. Sexual Orientation Bias: A preformed negative opinion or attitude toward a person or a group of persons based on their actual or perceived sexual orientation.
- f. Ethnicity/National Origin Bias: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- g. Disability Bias: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### **Burglary**

The unlawful entry of a structure to commit a felony or a theft. Forcible entry, unlawful entry with no force, and attempted forcible entry are all included.

### **Consent**

1. Words or actions showing a clear, knowing and voluntary agreement to engage in mutually agreed upon sexual act; or
2. An affirmative decision given by clear actions or words.
3. Consent may not be inferred from:
  - Silence, passivity, or lack of active resistance alone.
  - A current or previous dating or sexual relationship.

**NOTE:** It is important to obtain explicit consent from any sexual partner and not to make assumptions. If confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, it is essential that each participant stops and verbally expresses a willingness to continue. Consent to one form of sexual act does not imply consent to other forms of sexual act(s).

### **Criminal Homicide**

- a. Murder and Nonnegligent Manslaughter: The willful (nonnegligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to: (1) the killing of a felon by a law enforcement officer in the line of duty; or (2) the killing of a felon, during the commission of a felony, by a private citizen.
- b. Manslaughter by Negligence: The killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities are not included in the category Manslaughter by Negligence.

### **Drug Law Violations**

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. 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 Crimes**

Criminal offenses committed against a person or property which is motivated, in whole or in part, by the offender's bias. Hate crimes include any offense in the following two groups:

### **Group A**

- Murder and Nonnegligent Manslaughter
- Forcible Sex Offenses
- Non-forcible Sex Offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

### **Group B**

- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

## **Intimidation**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

## **Larceny-Theft**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

## **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. Federal violations are excluded.

## **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes,

and farming equipment are specifically excluded from this category.

## **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 (Sex Offenses)**

- Rape  
The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Fondling  
The touching of the private body parts of another person for sexual gratification without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental or physical incapacity.
- Incest  
Non-forcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
- Statutory Rape  
Non-forcible sexual intercourse with a person who is under the statutory age of consent.

## **Date Rape Drugs**

If determined through investigation that a case involved the administration of a date-rape drug in an unsuccessful attempt to incapacitate and sexually assault the victim, and it is believed that the perpetrator's intent was to commit a sex offense, the incident should be classified as a forcible sex offense. If there is no knowledge of the intent of the perpetrator, the incident should be classified as an aggravated assault.

## **Simple Assault**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the

victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

### **Vandalism**

To willfully or maliciously destroy, injure, disfigure, or deface and public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

### **Weapons Law Violations**

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.

## **VIOLENCE AGAINST WOMEN ACT** **(VAWA) CRIME DEFINITIONS**

### **Domestic Violence**

Domestic violence can be defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

### **Dating Violence**

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship.
2. The type of relationship.
3. The frequency of interaction between the persons involved in the relationship.

### **Stalking**

Stalking can be defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

# Clery Crime Statistics for Minot State University - Main Campus (500 University Avenue West)

## Calendar Years 2016-2018

The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on weapons, drugs, and liquor law violations represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f).

OFFENSES	2016				2017				2018			
	On Campus Property Residence Hall*	Total On-Campus	Public Property	Non-Campus	On Campus Property Residence Hall*	Total On-Campus	Public Property	Non-Campus	On Campus Property Residence Hall*	Total On-Campus	Public Property	Non-Campus
<b>Criminal Homicide</b>												
Murder & Nonnegligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sexual Assault (Sex Offenses)</b>												
Rape	0	0	0	0	1	1	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	1	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	2	0	0	0	1	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES**</b>												
Domestic Violence	0	0	0	0	1	2	1	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	1	1	0	0
Stalking	0	1	0	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>												
Weapons Violations	1	1	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	3	5	0	0	0	0	0	0	0	6	0	0
Liquor Law Violations	6	6	0	0	9	9	0	0	1	1	0	0
<b>REFERRALS</b>												
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	4	4	0	0	2	2	0	0
Liquor Law Violations	5	5	0	0	15	15	0	0	14	14	0	0
<b>HATE CRIMES***</b>												
Simple Assault	**None of the crimes reported during the 2016-2018 reporting period qualify as Hate Crimes according to Clery Act definition.**											
Larceny/Theft												
Intimidation												
Destruction/Damage/Vandalism of Property												

These statistics are for incidents that occurred anywhere on the Minot State University campus located at 500 W University Ave, or the adjacent public property. These statistics reflect incidents that occurred within Minot State University's reportable geography between January 1, 2016 and December 31, 2018. Minot State University is also responsible for reporting crime statistics, due to student access and use or proximity to campus, regarding the following addresses:

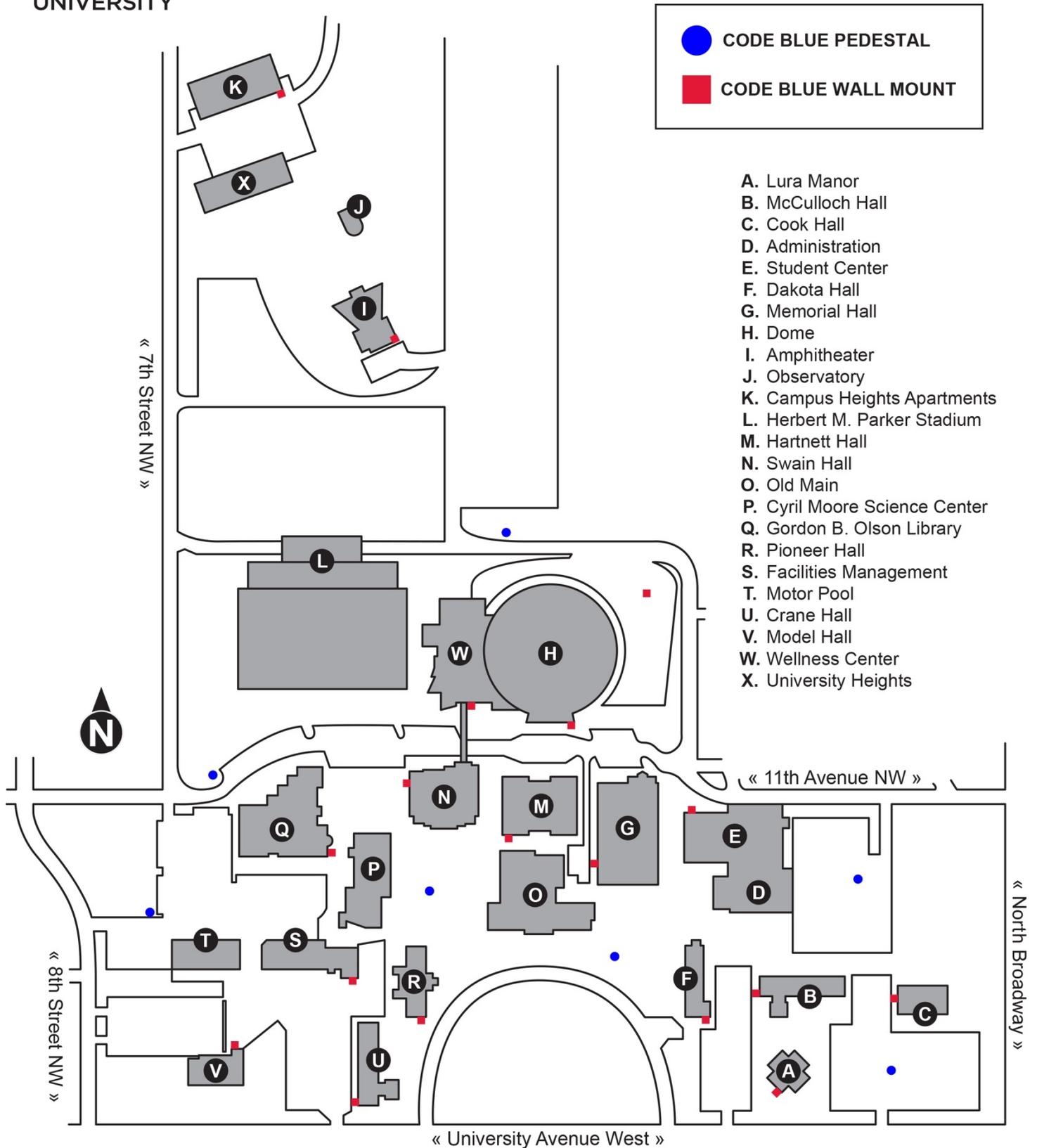
- 1428 7th St NW (Campus Heights physical address)
- 816 10th Ave NW (Beaver Suites Apartments)
- 11th Ave NW/N Broadway (First Lutheran Cemetery)
- 321 University Ave W (Augustana Church, parking lot used for students)
- 316 11th Ave NW (Bishop Ryan, 3rd tier parking used for students)
- 501 Lincoln Ave (Old Ramstad Lot, used for student parking)
- 13th Street SE and E Burdick Expressway (Corbett Field - MSU Baseball)
- 2501 W Burdick Expressway (Maysa Arena - MSU Club Hockey)
- 2400 14th Avenue SW (Souris Valley Golf Course - MSU Golf)
- 1705 3rd St SE (North Hill Sertoma Softball Complex - MSU Softball)
- 301 (West End) and 601 (East End) 16th Ave SE (South Hill Softball Complex - MSU Softball)
- 605 US-83 Bypass (Jack Hoeven Baseball Complex - MSU Baseball)
- 8401 County Highway 15, Burlington, ND (Wildwood Golf Course - MSU Cross Country)

\*Campus residence crimes are included in the Campus Crime number.

\*\*These statistics are required due to the Violence Against Women Act (VAWA) reauthorization that was signed into law in March of 2013.

\*\*\*Hate Crimes are crimes that manifest evidence of prejudice based on race, sexual orientation, ethnicity, gender or disability. If a hate crime occurred, it would be linked to a reportable crime category in the above chart, and would be coded appropriately in the Hate Crime column. This is true of incidents that occurred in residence halls as well.

# Emergency Blue Lights Map



## **REPORTING PROCEDURES**

Prompt and accurate reporting of criminal offenses aids in providing timely responses and timely warning notices to the community when appropriate and assists in compiling accurate crime statistics. Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents in a timely manner to Campus Security or local law enforcement.

Minot State University Security can be contacted in the following ways to report a crime:

- Direct line - 701-500-2423
- Campus Phone – Dial 4357 (HELP)

Walk-in reporting is always welcome, by visiting the Director of Safety and Security, or any MSU Campus Security Officer. Campus Security is physically located in the Plant Services South building west of Pioneer Hall.

Blue Light emergency notification stations are also in various locations across campus for the purposes of contacting emergency services in the event of an emergency, and to contact MSU Campus Security for information and/or crime reporting. The RED button on the Blue Light units places a direct call to a 911 dispatcher and initiates an immediate emergency response. The BLACK button places a call to the MSU Security Hotline.

The MSU Security web page ([MinotStateU.edu/safety](http://MinotStateU.edu/safety)) contains a link to a Campus Security Authority (CSA) Report Form. The CSA report form is a convenient way to notify MSU Security of any crimes. There is also a link to an anonymous tip form which anyone can anonymously report crimes, or also leave contact information if they would like a response from Security.

Crime reports can also be made to the following individuals who have been designated by Minot State University as Campus Security Authorities (CSAs):

- President** (or designee) – 701-858-3300
- Vice President of Student Affairs** (or designee)  
701-858-3299

**Vice President of Academic Affairs** (or designee)  
701-858-3310

**Title IX Coordinator** (or designee) – 701-858-3447

**Athletic Director** (or designee) – 701-858-3042

**Student Center Director** (or designee)  
701-858-3364

**Wellness Center Director** (or designee)  
701-858-3485

**Residence Life Director/Coordinator** (or designee)  
701-858-3363

These individuals have been designated by Minot State University to act as Campus Security Authorities due to their significant responsibility over students and student activities on campus. Other individuals on campus that would be considered a CSA due to their responsibilities and/or duties involving student life would include, but are not limited to, the following:

- Faculty advisors to student organizations
- Student Activities Coordinator (701-858-3987)
- Housing personnel (Residence Hall directors, resident assistants, apartment managers)
- Head coaches and assistant coaches
- Athletic trainers
- Deputy Title IX Coordinators
  - Director of Human Resources (701-858-4610)
  - Assistant Athletic Director for Compliance and Student Life (701-858-3040)
  - VP for Student Affairs (701-858-3299)
  - Director of Safety and Security (701-858-4016)

If you are the victim of a crime, and do not wish to pursue action within the college or criminal justice systems, you should still consider making a confidential report. With your permission, the Director of Security may file a report that documents the details of your incident without revealing your identity. With this information, the University can keep accurate records of incidents and better identify crime trends.

Confidential reports can also be made on the MSU Security webpage by utilizing the Anonymous Tip Form or CSA Reporting form.

For on-campus emergencies, dial 911, and if possible, contact Campus Security at 701-500-2423. Blue Light emergency call stations provide a direct link to 911 operators at Minot Police Department Central Dispatch. Central Dispatch (Minot Police Department), which will initiate an immediate emergency response.

MSU Security will assist any individual who wishes to file a complaint with the Minot Police Department. If MSU Security becomes aware that a crime has been committed the information will be forwarded to the Minot Police Department in a timely manner.

## **COMMUNICATION ABOUT CAMPUS CRIME**

Determining whether an emergency affecting campus exists, and the content of an emergency notification, will primarily be the responsibility of the Office of Safety and Security, along with the Vice President of Administration and Finance. Minot State University currently has (2) categories of notifications that can be sent out related to numerous different emergency or other safety-affecting situations. Classifications for these notifications are Timely Warnings and Safety Alerts.

### **Timely Warning**

In compliance with *Clery*, Minot State University will utilize the following criteria in determining the issuance of a Timely Warning to employees and students.

Commission of the following types of crimes:

- Arson
- Burglary
- Robbery
- Aggravated Assault
- Criminal Homicide
- Motor Vehicle Theft
- Sex Offenses
- Any other crime as deemed necessary

The Timely Warning may include, but is not limited to, the following information:

- Type of crime

- Location of occurrence
- Suspect information (if available)
- Safety instructions

Timely Warnings will be issued for any *Clery*-reportable crime committed within Minot State's *Clery*-reportable geography that are:

- Reported to a Campus Security Authority or local police agency (provided the local police agency notifies Minot State of the report); and
- Considered by the institution to represent a serious or continuing threat to students and employees.

The Office of Safety and Security, in conjunction with the Vice President of Administration and Finance, will determine (on a case-by-case basis) whether a reported crime presents a serious or continuing threat to students and employees.

### **Safety Alert**

A Safety Alert will be issued when an event or set of circumstances exist on or near campus that pose (or could potentially pose) a threat to the health or safety of the campus community. A Safety Alert may include a *Clery*-reportable crime if it occurred within a close geographical proximity to the MSU campus, but not within Minot State's *Clery*-reportable geography.

Safety Alerts may include, but are not limited to: information regarding suspicious people, sex offenders on or near campus, suspected criminal activity on or near campus, severe weather, hazardous material incidents, or any other situation affecting the safety of campus residents.

If warranted, a Safety Alert may be issued for a *Clery Act* crime that occurred at a previous point in time and was not reported to MSU Security in a timely manner.

### **Notification Procedure**

The decision to issue a Timely Warning or Safety Alert will normally be made by the Director of Security (or designee) after consultation with the Vice President of Administration and Finance, or other member of the

President's Staff. The Director of Security will be authorized to issue a Timely Warning or Safety Alert in a situation when members of the President's Staff are unavailable.

Decisions to issue a Timely Warning or Safety Alert are made on a case-by-case basis considering the nature and circumstances of the crime and the threat posed to the campus community. Content of the Timely Warning or Safety Alert will depend on the nature of the threat, information available, and the risk of compromising a law enforcement investigation.

A Timely Warning/Safety Alert will be prepared and forwarded to the Public Information Office (PIO) if time allows. The PIO will review the content and suggest changes if needed. The Timely Warning/Safety Alert will be disseminated to all employees and students by one or a combination of the following methods:

- Assurance Emergency Alert System
- Campus email/campus announcements
- Minot State University official website
- Official Minot State University social media sites
- Public Access Channel 19 (MSU Channel)
- Local media
- Targeted communication – posters, letters, group meetings etc.

News media inquiries should be directed to the Public Information Office when available. The Director of Security will assist with news media inquiries as needed.

### **Disclosure to Victims**

MSU adheres to standard disciplinary procedures when students are involved in any violent crime or non-forcible sex offense. MSU will, upon written request, disclose to the victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by MSU against the student who is the perpetrator of the crime or offense. If the victim is deceased as a result of the crime MSU will provide the results of the disciplinary hearing to the victim's next of kin, if so requested. In an incident of violence, the victim may be informed verbally of the outcome of a hearing by the Vice President of

Student Affairs or designee. The records of deceased students may 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.

## **ACCESS TO AND SECURITY OF CAMPUS FACILITIES**

To maintain the security of Minot State University facilities, all access device holders (including employees, and students and personnel living in on-campus housing) follow established security standards.

The term "access device" refers to keys, fobs, or computerized access cards, and any other present or future device used on any approved access system at Minot State.

All access device requests are submitted online or in writing to the Director of Facilities and are signed for by the requesting individual. All access devices are property of MSU and can be confiscated at any time.

Facilities Management and Information Technology have the authority to change, add to, or alter any MSU approved and installed access system. This includes the installation of hasp or padlock or privately supplied locking devices. These devices will be removed and the department or individual responsible will be charged for all costs incurred.

All residence hall entrance doors are locked 24 hours a day and only students who are residents of the hall have access. Both on-campus and off-campus guests that are not residents of that specific building must be escorted through the residence hall by a resident. Overnight guests in the halls must be of the same sex as the resident and guests must register with the appropriate housing staff. All student rooms in residence halls are equipped with dead bolt locks or other security hardware. All windows have locking devices.

# **MISSING STUDENT POLICY**

## **Policy**

This policy, with its accompanying procedures, establishes a framework for cooperation among members of the University community aimed at locating and assisting currently enrolled students who are reported missing. A student shall be deemed missing when he or she is absent from the University and/or has been reported missing by another individual without any known reason. All reports of missing students shall be directed to the Student Affairs Office and Minot State University Security. All students shall have the opportunity to identify an individual to be contacted by the University in case a student is determined to be missing. If a missing student is under 18 years of age, the Student Affairs Office is required to notify the parent or guardian of the missing student not later than 24 hours after the determination by the Student Affairs Office that the student is missing. The Vice President for Student Affairs shall have the responsibility to make the provisions of this policy and the procedures set forth below available to students.

## **Procedure**

1. Anyone who suspects a student may be missing should notify one (or all) of the following offices immediately:
  - VP for Student Affairs, 701-858-3299
  - Director of Safety and Security, 701-858-4016
  - Campus Security, 701-500-2423
  - Director of Residence Life, 701-858-3993
2. When a student is reported missing the Student Affairs Office shall initiate an investigation to determine the validity of the missing person report. If the report proves to be valid the Student Affairs Office shall:
  - a. Notify the President.
  - b. Notify the Minot Police Dept. within 24 hours after determining that the student is missing.
  - c. If the missing student is under the age of 18, notify the student's custodial parent or guardian as contained in the records of the University within 24 hours of the determination that the student is missing.

- d. Notify the individual identified by the missing student as the emergency contact within 24 hours of making the determination that the student is missing.
    - e. Determine the status of the missing student.
  3. The Vice President for Student Affairs shall initiate whatever action he or she deems appropriate under the circumstances in the best interest of the missing student to include contacting faculty personnel or others who may possess helpful information.

## **Student Contact Information**

Students are given the opportunity to confidentially designate emergency contact information at registration. This information is part of the University registration and is protected under FERPA. This information is accessible by the Student Affairs Office and MSU Security.

- Students are given the opportunity to confidentially register emergency contact information, including the opportunity to designate an emergency contact. This information will only be accessible to authorized campus officials, such as Student Affairs and Security personnel, as well as law enforcement. Emergency contact information may not be disclosed outside of a missing person investigation.

## **Student Notification of this Policy**

- Included on the MSU Housing office website
- Discussed at initial semester Housing meetings
- Included in the annual Campus Security Report
- Sent to students by University email
- Included in the annual online version of the Student Handbook

# **SEXUAL HARASSMENT, DISCRIMINATION, AND SEXUAL MISCONDUCT POLICY**

## **Purpose**

To establish Minot State University's policy prohibiting sex/gender-based discrimination, harassment, misconduct, relationship violence, and retaliation related to reports of such conduct. These procedures apply to

complaints alleging all forms of sex/gender-based discrimination against employees, students, and third parties. These apply to all University programs and activities, including those conducted off-campus and in Minot State University's graduate schools.

## **Policy Statement/Overview**

Minot State University strives to provide an educational environment where all members of the campus community are expected to conduct themselves in a manner that enhances the well-being of the community. Members of the University community, guests, and visitors have the right to be free from all forms of sex/gender-based harassment, discrimination, and misconduct ("Prohibited Conduct"). This policy covers student, faculty, and staff-related matters of Prohibited Conduct, regardless of whether the alleged conduct occurred on or off campus, and regardless of whether the alleged Responding Party is a student, faculty member, staff member, or third party. Examples include acts of sex/gender-based violence (including sexual assault and rape), any harassment based on sex or gender, domestic violence, dating violence, and stalking.

Minot State University will not tolerate incidents of sex/gender-based harassment, discrimination, or misconduct occurring on or off campus, where relevant, whether there is a hostile environment on campus, or in an off-campus education program or activity.

If the off-campus misconduct did not occur within the context of a University program or activity, the University will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus, or in an off-campus education program or activity.

When such an allegation is reported to an appropriate Minot State University official, protective and interim measures will be used. Such measures are to reasonably ensure such conduct ends, the conduct is not repeated, and the effects on the Reporting Party and community are remedied. Measures by the University may include serious sanctions (up to and including termination,

suspension, or expulsion, if circumstances warrant) when a Responding Party is found to have violated this policy. Students and employees who retaliate against individuals who report Prohibited Conduct may be subject to disciplinary action.

Employees are required, and students and are strongly encouraged, to report any and all incidents of sex/gender-based discrimination, harassment, or misconduct to the Minot State University Office of Safety and Security, Title IX Coordinator, or any Deputy Title IX Coordinator. When an allegation of misconduct is brought to an appropriate University official, Minot State University will respond promptly, equitably, and thoroughly.

This policy is written to address the many issues and varying aspects of sex/gender-based discrimination. While there are many laws, regulations, policies, and other such sources written for the purpose of preventing or responding to sex/gender-based discrimination, the explanation that it takes to satisfy and comply with all of the standards and requirements is a somewhat difficult task. The amount of information in this manual may seem overwhelming, so we've attempted to organize it so the reader may easily find and understand the particular aspect that is relevant. If the answer sought does not seem readily available, or needs further clarification, please contact the Title IX office.

## **Definitions**

**Campus Security Authority (CSA).** Any University employee whose responsibilities fall under any of the following conditions:

- a. A campus security department of an institution
- b. Any individual or individuals who have responsibility for campus security but who do not constitute a campus security department
- c. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses
- d. An official of an institution who has significant responsibility for student and campus activities,

including, but not limited to, student housing, student discipline, and campus judicial proceedings.

An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

CSAs are required by the Clery Act to report certain crimes for statistical purposes.

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

**Consent.** Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. (Further discussion of consent and North Dakota law is found in the section of "sex/gender-based misconduct/violence.")

**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. The existence of such a relationship will be based on the length and type of relationship and the frequency of interaction with the persons involved in the relationship. It is important to recognize that emotional, verbal, and economic abuse are part of the web of dating violence and can exist without the presence of physical abuse.

**Domestic Violence.** Crimes of violence committed against a victim by: (i) a current or former spouse; (ii) a person with whom the victim shares a child; (iii) a person who is, or has, cohabitated with the victim as a spouse; (iv) a person similarly situated to a spouse of the victim; or (v) any other person against whom the victim is protected under domestic and family violence laws. It is important to recognize that emotional, verbal, and economic abuse are part of the web of domestic violence and can exist without the presence of physical abuse.

**False Complaint.** A false complaint is an allegation made maliciously, and/or with knowledge that the allegations

are wholly or substantially untrue.

**Force.** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent. (Further discussion of force is found in the section of "sex/gender-based misconduct/violence.")

**Gender Based Harassment.** Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the University's education or work programs or activities.

**Preponderance of the Evidence.** Preponderance of the Evidence is the standard by which a determination will be made regarding violations of this policy. It means the decision will be based on whether it is more likely than not that the discrimination occurred.

**Regular Employee.** A regular employee is a staff or faculty member who is appointed to a continuing position and receiving benefits.

**Reporting Party.** The Reporting Party is defined as a person who reports being the victim of sex/gender-based discrimination.

**Responding Party.** A Responding Party is defined as a person alleged to have committed sex/gender-based discrimination.

**Responsible Employee.** A responsible employee is obligated to report cases of sex/gender-based discrimination of which they become aware. All regular staff and faculty members are responsible employees.

**Sexual Discrimination.** Sexual discrimination includes any action or decision that would limit a person's

participation in an MSU program based on that person's sex, gender, or gender orientation.

**Stalking.** Stalking is a course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment.

## Admissions/Financial Aid

No person shall be discriminated against because of sex, gender, or gender-orientation during the application and admissions processes, or the awarding of financial aid.

## Athletics

The MSU Athletic Department realizes that gender equity is a key component in a successful athletics program. Since the inception of Title IX, there is the misconception that gender equity is simply meeting one of the three prongs of the Three-Part Test:

1. Provide participation opportunities for women and men that are substantially proportionate to their respective rates of enrollment as full-time undergraduate students.
2. Demonstrate a history and continuing practice of program expansion for the underrepresented sex.
3. Fully and effectively accommodate the interests and abilities of the underrepresented sex.

Beyond these prongs, gender equity stretches through every program and every student-athlete. It is our goal to provide equitable opportunities for ALL student-athletes to succeed, through various avenues, such as participation, scholarships, and other benefits. These avenues include (but are not limited to) the following:

- provision of equipment and supplies;
- scheduling;
- travel;
- tutoring;
- coaching;
- locker rooms;
- facilities;
- medical and training facilities and services;

- publicity;
- recruiting; and
- support services.

Within the Athletics Department, the Gender Equity and Diversity Committee plans to evaluate the Gender Equity Plan on an ongoing basis to ensure progress is made and other issues that may surface are identified and addressed.

## Employment

MSU prohibits discrimination on the basis of sex or gender when making decisions regarding employment unless a bona fide occupational qualification exists (BFOQ). This includes (but is not limited to) decisions for hiring, promotion, transfers, and salary administration. A BFOQ would exist if the duties of the position reasonably necessitate the choice of one sex or gender over the other.

All regular staff and faculty are considered Responsible Employees and are obligated to report cases of sex/gender-based discrimination of which they are aware. As an agent of the University, once an employee knows of the incident, then the University knows of the incident. Employees must report such cases to the Title IX office, and that office will coordinate the University's response. Employees outside of the Title IX office are not to investigate such cases.

## Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. Each of the parties, particularly in retrospect, may also view the relationship in different ways. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. The University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. For the personal protection of members of this community, relationships in which

power differentials are inherent (such as faculty-student, staff-student, and administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to either remove the employee from the supervisory or evaluative responsibilities, or shift the other party out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes resident advisors and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

### **Sex/Gender-Based Misconduct/Violence**

Sex/gender-based misconduct, whether involving violence or not, is a form of discrimination that is prohibited by this policy. Misconduct offenses include, but are not limited to, the following:

1. Sexual Harassment,
2. Non-Consensual Sexual Contact (or attempts to commit same),
3. Non-Consensual Sexual Intercourse (or attempts to commit same),
4. Sexual Exploitation, and
5. Other offenses when based on sex, gender, or gender-orientation.

#### **1. SEXUAL HARASSMENT** is:

- a. unwelcome, gender-based verbal or physical conduct that is,
- b. sufficiently severe, persistent or pervasive that it,
- c. unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational program and/or activities, and is

- d. based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sex/gender-based violence; intimate partner violence, stalking; gender-based bullying.

#### **2. NON-CONSENSUAL SEXUAL CONTACT** is:

- a. any intentional sexual touching,
- b. however slight,
- c. with any object,
- d. by a man or a woman upon a man or a woman,
- e. that is without consent and/or by force.

Examples include: intentional contact with the breasts, buttock, mouth, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

#### **3. NON-CONSENSUAL SEXUAL INTERCOURSE** is:

- a. any sexual intercourse
- b. however slight,
- c. with any object,
- d. by a man or a woman upon a man or a woman,
- e. that is without consent and/or by force.

Intercourse includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

**4. SEXUAL EXPLOITATION** occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- a. Invasion of sexual privacy;
- b. Prostituting another student;

- c. Non-consensual digital, video or audio-recording of nudity or sexual activity;
- d. Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- e. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- f. Engaging in voyeurism;
- g. Knowingly transmitting an STD or HIV to another person;
- h. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals.

**5. OTHER MISCONDUCT OFFENSES** include:

- a. Sex/gender-based threatening or intimidation, causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- b. Sex/gender-based discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender;
- c. Sex/gender-based hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- d. Sex/gender-based bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.
- e. Sex/gender-based violence between those in an intimate relationship with each other;
- f. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community or the safety of any of the immediate family of members of the community

\* Misconduct offenses that are not sex/gender-based, therefore not falling under Title IX policy, will be referred to the [Student Conduct Policy](#) (for student) or [Faculty Handbook](#) (for faculty).

To better understand these examples of misconduct, the following points/discussions of consent and force are provided:

1. Consent is an informed decision made freely and actively by all parties. Relying solely upon nonverbal communication can lead to miscommunication. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during a sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue.

Individuals should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Conduct will be considered "without consent" if no clear consent, verbal or nonverbal, is given. The perspective of a reasonable person will be the basis for determining whether a Responding Party knew, or reasonably should have known, whether consent was given. However, being intoxicated or incapacitated does not diminish one's responsibility to obtain consent and will not be an excuse for sex/gender-based misconduct.

In some situations, an individual may not be able to freely consent. Examples include, but are not limited to, when an individual is incapacitated due to alcohol or other drugs, scared, physically forced, passed out, asleep, unconscious, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined. The perspective of a reasonable person will be the basis for determining whether a Responding Party knew, or reasonably should have known, whether a Reporting Party was capable of providing consent.

2. In order to give effective consent, one must be of legal age. According to the North Dakota Century Code:
  - a. The "age of consent" is 18 years old in North Dakota.
  - b. A person under the age of 15 cannot legally consent to sexual activity under any circumstances.
  - c. A person between the ages of 15-17 is legally able to consent to sexual activity if the partner is less than three years older. For example, a 16-year-old can legally consent to engage in sexual activity with a partner who is 18 years old, but not a partner who is 19 years old.
  - d. For more detailed information, please see Chapter 12. 1 - 20 of the North Dakota Century Code.
3. **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent. ("Have sex with me or I'll hit you." "Okay, don't hit me. I'll do what you want.").

**Coercion** is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Seductive behavior** might occur when the matter of consent or boundaries is unclear; it is an issue of persuasion. However, one must be very careful when attempting to persuade the other party to participate in sexual activity. The mere fact that one must be persuaded may indicate that some degree of non-consent is present.

There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of

force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

## Reporting Sexual Discrimination

The Office of Civil Rights (OCR) requires that certain employees on campus be deemed Responsible Employees. All regular University employees (faculty, staff, and administrators) have an obligation to report actual or suspected discrimination or harassment to the Title IX Office, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, meaning they are not required to report actual or suspected discrimination or harassment to appropriate University officials, thereby offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for a Reporting Party to report crimes and policy violations and these resources will take action when the Reporting Party reports victimization to them. The following describes the two reporting options at University:

## Confidential Resources and Reporting

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, meaning they are not required to report actual or suspected Prohibited Conduct to other University officials, thereby offering options and advice without any obligation to inform an outside agency or individual unless a Reporting Party has requested information to be shared. The following are confidential reporting options:

- Campus professional counselors assigned to the Student Development Center
- Campus health service providers
- Off-campus:
  - Licensed Professional Counselors
  - Domestic Violence Crisis Center counselors

- The Village Family Services (for employees as our Employee Assistance Program provider)
- On- or off-campus members of the clergy/chaplains

The University will seek to balance a complainant's request for anonymity or not to participate in an investigation with its broader obligation to campus safety. **In cases indicating pattern, predation, threats, weapons, and/or violence, Minot State University may be unable to honor a request for confidentiality.** If the complainant asks that their name not be disclosed to the Responding Party, or that no investigation be pursued, it may limit the scope of the University's response.

Other factors may include the seriousness of the alleged conduct, the age of the individual, whether there have been other complaints or reports against the alleged, and the rights of the accused individual to receive information about the accuser and the allegations if sanctions resulted. If a report of an alleged violation of this policy is made to a resource other than the confidential resources listed above, action must be taken and confidentiality cannot be guaranteed.

## Reporting

The University's primary concern is the safety of its students, faculty and staff, and to encourage reporting of Prohibited Conduct. All University employees have a duty to report actual or suspected Prohibited Conduct to appropriate officials, though there are some limited exceptions for those that fall under "confidential reporting." A Reporting Party may want to consider carefully whether they share personally identifiable details with employees who have a duty to report, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Title IX Coordinator(s). To be clear, employees with a duty to report must share all details of the reports they receive.

Failure of a non-confidential employee, as described in this section, to report an incident of sex/gender-based discrimination of which they become aware, is a violation of University policy and is subject to disciplinary action ranging from a warning up to and including termination of employment.

### 1. Reporting Party may request confidentiality.

If a Reporting Party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the Reporting Party may make such request to the Title IX Coordinator and/or Deputy Title IX Coordinator(s), who will evaluate that request in order to ensure the safety of the campus, in compliance with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the University may be unable to honor a request for confidentiality. In cases where a Reporting Party requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim support and measures to a Reporting Party and the community but will not otherwise pursue formal action.

### 2. Reporting Party will have their complaints promptly and thoroughly investigated.

A Reporting Party has the right and can expect to have complaints taken seriously by the University when reported, and to have those incidents investigated thoroughly and properly resolved through the procedures set forth below. The University will promptly act on any complaint or notice of violation of this Policy when received by Minot Police Department, MSU Campus Safety and Security, Title IX Coordinator or any Deputy Title IX Coordinator, subject to Reporting Party's request for confidentiality. The University will not discipline a student who makes a good faith report of Prohibited Conduct. Nevertheless, MSU will respond to each report of potential violations of this policy. MSU never assumes a violation of this policy has occurred based solely on an allegation. MSU will respond with the necessary inquiry and or investigation to determine whether the alleged violation has occurred. MSU's response will take into account the totality of all evidence available from all relevant sources. The outcome of an allegation will be determined based on the preponderance of the evidence. This means that violations of this policy will be based on whether it is more likely than not that the discrimination occurred.

**3. Minot State University will conduct an investigation that will be separate from a criminal investigation; though communication with law enforcement will be maintained.**

In campus disciplinary proceedings, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable. MSU's responsibility to enforce this policy is not part of the criminal judicial system. A provision notifying complainants that they may pursue a complaint with the University and the police simultaneously; that the University may need to briefly suspend the fact-finding aspect of a Title IX investigation at the request of law enforcement while the law enforcement agency is in the process of gathering evidence; that the University will maintain regular contact with law enforcement to determine when it may begin its investigation; that the University will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, or sooner if the University determines that the evidence gathering process will be lengthy or delayed; and the University will not delay its investigation until the ultimate outcome of the criminal investigation. However, the University reserves the right to implement appropriate interim measures during any law enforcement agency's investigative period when the University has temporarily deferred its investigation, to assist and protect the safety of the complainant(s) and the campus community and to prevent retaliation.

MSU's response to a report will be more effective if the report is made soon after the incident. In cases where the alleged perpetrator (Responding Party) is no longer affiliated with the MSU campus, MSU will provide support for the Reporting Party, and will attempt to investigate for the purpose of sanctioning the Responding Party. However, the more time passes after the incident, the more difficult it may be for MSU to respond.

All reports of sex/gender-based discrimination are formal reports regardless of the method used.

Reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigator(s), witnesses, and the Responding Party. The circle of people with this knowledge will be kept as tight as possible to preserve both the Reporting Party's and Responding Party's rights and privacy.

Anonymous reports can be made by Reporting Party and/or third parties using the online reporting form posted at [MinotStateU.edu/title9/incident-reporting.shtml](https://www.minotstateu.edu/title9/incident-reporting.shtml). Note that these anonymous reports may prompt a need for the institution to investigate.

Anonymous reports can be made by Reporting Party and/or third parties using the online reporting form. Note that these anonymous reports may prompt a need for the institution to investigate.

Reports to the Title IX Coordinator and/or Deputy Title IX Coordinators can be made via email, phone, or in person at the contact information below:



**Lisa Dooley**  
Title IX Coordinator  
Title IX Office  
Memorial Hall, 4th floor  
Room 412  
701-858-3447  
[titleix@MinotStateU.edu](mailto:titleix@MinotStateU.edu)



**Kevin Harmon**  
Deputy Title IX Coordinator for Students  
Vice President, Student Affairs Administration, 1st floor  
701-858-3410  
[kevin.harmon@MinotStateU.edu](mailto:kevin.harmon@MinotStateU.edu)



**Jermaine Rolle**  
Deputy Title IX Coordinator for Athletics  
Associate Director of Athletics for Compliance and Student Life  
Dome, 2nd floor East, Room 236E  
701-858-3040  
[jermaine.rolle@MinotStateU.edu](mailto:jermaine.rolle@MinotStateU.edu)

**Gary Orluck**

Deputy Title IX Coordinator for Security  
 Director, Campus Safety and Security Plant Services  
 701-858-4016  
[gary.orkluck@MinotStateu.edu](mailto:gary.orkluck@MinotStateu.edu)

**Marc Wachtfogel, Ph.D.**

Deputy Title IX Coordinator for Human Resources  
 Director, Human Resources Administration, 2nd floor  
 500 University Ave W.  
 Minot, ND 58707  
 701-858-4610  
[marc.wachtfogel@MinotStateU.edu](mailto:marc.wachtfogel@MinotStateU.edu)

**Responding to Reports****Initial Remedies/Interim Measures**

The University will take prompt and effective steps to end the sex/gender-based harassment, assault and violence; eliminate any hostile environment; prevent its recurrence; and remedy the discriminatory effects on the victims and others as appropriate. The University reserves the right to take whatever measures it deems necessary in response to an allegation of sex/gender-based discrimination in order to protect a person's rights and personal safety. When warranted by the circumstances surrounding a complaint of sex/gender-based misconduct, the University may implement protective measures until its investigation is concluded. Violation of these interim measures may be considered grounds for additional complaints of sex/gender-based misconduct or as retaliation for the ongoing investigation of the misconduct. Requests can be made by the Reporting Party for such interim measures to minimize any potential burdens. Possible interim measures include, but are not limited to:

- a. Providing an escort to the Reporting Party so they may move safely on campus;
- b. Providing counseling services;
- c. Providing academic support services;
- d. Issuing a no-contact order to the parties, which prohibits any contact between them;
- e. Moving the Reporting Party and/or Responding Party to different on-campus housing;
- f. Altering the class schedule of the parties so they do not attend the same classes or administratively removing involved parties from course(s) upon request without penalty;
- g. Interim suspension from campus for the Responding Party pending a case resolution;
- h. Reporting the matter to the local law enforcement.

Mediation is prohibited in cases of sex/gender-based assault, and in cases involving a student complaining of sex/gender-based harassment against an employee in a position of authority over the student. Mediation is a negotiated resolution between two parties; therefore, placing a Reporting Party and Responding Party in the same space to address the situation can put the Reporting Party at risk for future abuse. However, mediation may be used only if the parties voluntarily agree to do so. The Reporting Party will not be required

**Amnesty**

The health and safety of students, faculty and staff is of primary concern at Minot State University. As such, individuals who feel they have been the victim of, who may have witnessed, or who have information regarding conduct prohibited under this policy are encouraged to report the matter despite the potential involvement of prohibited drugs and/or alcohol. The Title IX Office will not pursue any disciplinary matters related to prohibited substances, and will instead focus the potential investigation on the prohibited sex/gender-based harassment, discrimination, and/or misconduct.

Any student can also seek assistance from campus security in times of need for themselves or others who may be intoxicated or drug-impaired. While neither the student who is impaired nor the student(s) assisting the impaired student are fully exempt from facing disciplinary action under the Minot State University Code of Student Conduct, 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.

to resolve the problem directly with the Responding Party. Either party may choose to end the mediation process anytime.

Sex/gender-based discrimination may occur a number of different ways, so MSU's response may not always be the same for each case. Upon receipt of a report of sex/gender-based discrimination, the Title IX Coordinator (or designee) will:

- a. Interview the Reporting Party to clarify the details of the report;
- b. Determine whether the issue is addressed by the Sex/Gender Harassment, Discrimination and Misconduct policy;
- c. Provide information regarding support services to the Reporting Party;
- d. Coordinate initial remedies/protective measures appropriate to the case;
- e. Conduct an inquiry to address the issue by communicating with interested parties to resolve an issue not requiring disciplinary sanctions;
- f. Assign an investigator(s) in cases where an individual or a group of individuals are alleged to have violated this policy and potential disciplinary sanctions will be considered;
- g. Provide notices to the Reporting Party(s) and the Responding Party(s) of the allegation and pending investigation;
- h. Follow-up with all investigations and ensure timely compliance with procedures outlined below.

## Investigations

Investigations will be prompt, equitable, and thorough. Investigations will be conducted fairly and impartially ensuring that both the Reporting Party(s) and Responding Party(s) have an equal opportunity to present all relevant information, documentation, evidence, and witnesses to the incident. The University will not allow conflicts of interest (real or reasonably perceived) by those investigating or adjudicating complaints.

Both the Reporting Party and Responding Party have the right to decline to participate in an investigation and in appeals. During the investigation, the Reporting Party,

the Responding Party, and all other witnesses have the equal right to legal representation, though such representation is not required, nor will it be provided by the University. Any restrictions on the lawyers'/representatives' ability to speak or otherwise participate will be applied equally to both parties. Participants not choosing legal representation may have a support person be with them during the interview, however this support person may not be a person who is likely to be interviewed as part of the investigation. Involved parties will have similar and time access to information being considered in the process.

After considering and analyzing all relevant facts and information, the investigator(s) will decide whether a violation of this policy occurred and will provide a report to the Title IX Coordinator. In deciding whether a violation occurred, the investigator(s) will use the "preponderance of the evidence" standard. At a minimum, the report will contain:

- a. The allegation(s) and the applicable portion of policy implicated;
- b. Any relevant background or history;
- c. A summary of the facts and analysis;
- d. Conclusion/finding.

The Title IX Coordinator will review the report. In cases where a violation was found by the investigator, the matter will be forwarded to either the Vice President of Student Affairs or the Director of Human Resources for consideration of possible discipline or sanction.

Once the matter is resolved (meaning that remedies and/or sanctions have been determined), the Title IX Coordinator will provide notices of the outcome to the Reporting and Responding Party(s). The Reporting and Responding Party(s) are afforded regular updates regarding the case status throughout the investigation.

## False Complaint

Minot State University will discipline any person who knowingly makes a false complaint or otherwise knowingly provides false information in connection with a Title IX investigation. This does not apply to complaints

or statements made in good faith that were ultimately found unsubstantiated or for which there merely was a non-fault finding in the investigation. Rather, this applies to allegations made maliciously, and/or with knowledge that the allegations are wholly or substantially untrue. Such matters will be forwarded to the appropriate office for sanctioning.

### **Title IX Process**

\*While each case is different, it is the intent of the University to complete the Title IX matter from the initial complaint to the outcome determination within sixty (60) calendar days of the complaint filed. Some cases may require an extension due to investigative processes. The discretion will be that of the Title IX Coordinator. Per federal guidelines, there are no set timelines for stages in a Title IX case, except being designated by the institution and conducted in a prompt, equitable and thorough manner to all involved parties.

**Notice of Allegation to Title IX coordinator.** Reports should be received by the Title IX office as soon as possible following an incident to ensure the best possible opportunity for the University to have access to accurate information. Reports received a year or more after an incident will not be investigated unless both the Reporting Party and Responding Party are still part of the MSU community.

**Title IX Eligibility Determined.** Once a report is received, the Title IX Coordinator or designee will contact the Reporting Party to schedule a time to clarify issues pertaining to the report. Depending upon the Reporting Party's desire and availability, the Title IX Coordinator (or designee) will then meet with the Reporting Party.

**Initial Remedies.** When warranted by the circumstances surrounding a complaint of sex/gender-based misconduct, the University may implement interim protective measures until its investigation is concluded.

**Notification of Investigation.** The Title IX coordinator or designee will issue letters notifying the Reporting Party and the Responding Party of the University's intention to

investigate the case. The Notification of Investigation letter will identify the following: a procedure for promptly and effectively notifying both Reporting Party and Responding Party of the initiation of an investigation; the potential policy violation(s) at issue; the right to participate in the investigation; the timeframe for responding; and that the investigation may proceed without the participating of either party.

**Assignment to Investigation Team.** If the decision is made to commence an investigation, the Title IX coordinator will appoint an investigator(s) to conduct the investigation (typically utilizing a team of two investigators).

**Investigations.** Investigations will be conducted fairly and impartially ensuring that both the Reporting Party(s) and Responding Party(s) have an equal opportunity to present all relevant information, documentation, evidence, and witnesses to the incident.

**Notice of Outcome.** The Title IX Coordinator or designee will issue letters notifying the Reporting Party and the Responding Party of the investigation's determination.

**Notice of Implementation of Remedies/Sanctions.** Once a sanction or responsive actions are determined it will be effective immediately.

### **Appeal Process**

**Notice of Appeal.** Appeals must be in writing and sent to the Title IX Coordinator's office within four (4) business days when the sanction does not involve student suspension, expulsion, or dismissal from student, faculty, or staff employment.

Additional specified timelines include the following:

- a. Within twenty (20) calendar days for faculty when the sanction is dismissal from employment. (SBHE 605.4)
- b. Within five (5) working days for staff when the sanction is dismissal from employment. (NDUS HR Policy 27.2)
- c. Within one (1) year for students when the sanction includes suspension or expulsion. (SBHE 514)

All involved parties are allowed to participate equally in the appeal process. Appeal timelines are based on the date of the Notification of Outcome letter. Appeals of the outcome may be made by either the Reporting Party(s) or Responding Party(s).

Appeals are not intended to be full investigations of the original complaint or an opportunity for an appellate body to substitute their judgement for that of the assigned investigators. Instead, appeals may be requested to the Title IX coordinator in the following circumstances:

- a. Procedural error that significantly impacted the case outcome;
- b. New evidence that was not available during the investigation that would likely change the outcome;  
or
- c. Sanction that is substantially disproportionate to the severity of the violation.

When the appeal is based on new evidence, the Title IX coordinator will return the case to the original assigned investigator(s) for reconsideration. The investigator(s) will supplement the previous investigation, which may include recalling witnesses, and issue a revised report. The Title IX coordinator, Deputy Title IX coordinators, and/or Title IX investigators not directly involved in the case will review the revised report to determine if the original finding should stand or be reversed.

When the appeal is based on a procedural error or a sanction substantially disproportionate to the severity of the violation, the Title IX coordinator, Deputy Title IX coordinators and/or Title IX investigators not directly involved in the case will review the appeal to determine if the original finding should stand, be modified, or be reversed.

The appeals process shall be deferential to the original decision-making body, reversing the case finding only when there is clear error and modifying the sanction only when it is found to be substantially disproportionate to the severity of the violation. The original decision and sanction are presumed to have been determined

reasonably and appropriately. Therefore, the burden is on the appealing party to show clear reasoning for a reversal of finding or modification of sanction.

At the discretion of the Title IX coordinator and Deputy Title IX coordinators, implementation of sanctions may be stayed pending review of an appeal.

**Notice of Final Determination.** Once the final result of an appeal is determined, notices of the appeal outcome will be sent to the Reporting Party and the Responding Party. This will be the final decision on the matter.

## Retaliation

It is a violation of University policy and state law to retaliate against any person reporting or filing a complaint of sex/gender-based harassment, discrimination, or misconduct. Such conduct is inconsistent with University policy and may be prohibited by law.

"Retaliation" is defined as any adverse action taken against a person making a complaint of prohibited conduct or against any person involved or participating in the investigation of any such allegation. Report alleged acts of retaliation to the Title IX coordinator, and Deputy Title IX coordinator(s).

## Discipline/Sanctions

Not all forms of sex/gender-based discrimination will be deemed to be equally serious offenses, and the University reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The University will consider the concerns and rights of both the Reporting Party and the Responding Party. The following lists of sanctions may be imposed upon current members of the campus community found to have violated this policy.

Sanctions for current students may include, but are not limited to:

1. **Verbal Warning:** Responding Party may be verbally warned that such conduct is not acceptable under University standards and that

similar future conduct will result in further, more severe sanctions.

2. **Educational Intervention:** Requiring the Responding Party to participate in online and/or physical classes addressing issues such as intimate partner violence, stalking, and sex/gender-based violence. This may include facilitating a program, creating educational posters regarding institutional policies and student conduct, and writing a paper.
3. **Referral for Assessment or Counseling:** Requiring the Responding Party to meet with a staff member of the Minot State University Counseling Services to have an assessment of their mental health and lifestyle choices. The Minot State University Counseling Services may also recommend further evaluation and participation in counseling services. May be on or off campus health/counseling center.
4. **Community Restitution:** Requiring the Responding Party to perform a certain number of service hours either on campus or in the community. It is not appropriate to send the Responding Party to an office that regularly works with victim/survivors such as a counseling center, women's center, student health, or domestic violence/sexual assault office.
5. **Probation:** A status that indicates either serious misconduct not warranting suspension, expulsion, or removal of institutional privileges, or repetition of misconduct after a warning has been imposed.
6. **Residential Reassignment:** Removes the Responding Party from current residence and reassigns to a new residence. Specific restrictions on access to one's previous residence may be imposed.
7. **Changes in Academic Schedule:** Requiring the Responding Party to make changes in class schedule to ensure that no classes are shared with the victim(s)/survivor(s).
8. **Removal of University Privileges:** Restrictions on the Responding Party's access to certain locations, functions, organizations, teams, and/or activities;

does not preclude the student from continuing their academic program.

9. **Termination of Residency:** Loss of on-campus housing, without refund, and/or dining privileges, permanently or for a specified period of time.
10. **Restitution/Fines:** The Responding Party may be fined for violations of the policies and procedures outlined by the institution. The individual may be required to make a payment to the institution and/or another person or group for damages incurred as a result of the violation.
11. **Removal or Non-Renewal of Scholarships:** Institutionally-administered scholarships may be cancelled or not renewed to students that have violated the student code of conduct.
12. **Withholding of Degree:** The institution maintains the right to withhold the awarding of a degree otherwise earned until the completion of any imposed sanctions.
13. **Suspension:** A temporary separation from the institution that involves denial of all student privileges, including entrance to campus premises, and may include conditions for reinstatement, such as successful completion of a counseling or treatment program. A suspension may be imposed if counseling or treatment is not successfully completed.
14. **Expulsion:** A permanent separation from institution that involves denial of all student privileges, including entrance to the institution premises and matriculation.

Sanctions for current University employees include:

1. Warning (Written or Verbal)
2. Performance Improvement Plan
3. Required Counseling
4. Required Training or Education
5. Demotion
6. Reduction in Pay
7. Loss of intended pay increase
8. Suspension with pay
9. Suspension without pay
10. Termination

## Sanction Considerations

- A. Any person found responsible for non-consensual or forced sexual contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion (student) or a written warning to termination (employee), depending on the severity of the incident, and taking into account any previous disciplinary violations.
- B. Any person found responsible for non-consensual or forced sex/gender-based intercourse will likely face a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).
- C. Any person found responsible for sex/gender-based exploitation or sex/gender-based harassment will likely receive a recommended sanction ranging from warning to expulsion or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.
- D. Anyone not a student or an employee found responsible for non-consensual or forced sex/gender-based contact, intercourse, exploitation, or harassment can expect a sanction proportional to the findings/conclusions of the University, including temporary or permanent prohibition from campus and Minot State University events. Minot State University also reserves the right to report a non-student or non-employee to law enforcement for conduct that violates the North Dakota Century Code.
- E. In cases where sex/gender-based harassment, assault, or violence is found to have occurred, the University will determine appropriate, enforceable sanctions reasonably calculated to stop the harassment and prevent its recurrence; and the University will not negotiate a settlement with the employee or student for lesser actions that would not be reasonably calculated to end the sex/gender-based harassment, assault and violence; eliminate the hostile environment; prevent its recurrence; and remedy the discriminatory effects on the complainant and others as appropriate.

\*The decision-making body reserves the right to broaden or lessen any range of recommended

sanctions in the case of serious mitigating circumstances or egregiously offensive behavior.

## Resources

The following are some of the many of the resources available on campus and in the community. While some support options are confidential as noted below, others have a responsibility to reports to the University as Responsible Employees.

### **Minot Police Department:**

- 911 for emergencies.
- 701-852-0111 (non-emergency)

**Campus Safety and Security:** 701-500-2423

**Domestic Violence Crisis Center:** 701-857-2200\*

**MSU Student Health Center:** 701-858-3371

**Trinity Hospital:** 701-857-5000

**MSU Counseling Services:** 701-858-3371\*

**MSU Campus Ministry:** 701-690-4034\*

**Title IX Coordinator:** 701-858-3447

\*Confidential support services

## Prevention, Education, and Training

Minot State University is committed to the prevention of sex/gender-based misconduct, intimate partner abuse, and stalking through educational and awareness programs. Prevention and education programs include an overview of the University's policy and procedures; relevant definitions, including prohibited conduct; the impact of alcohol and illegal drug use; effective consent; safe and positive options for bystander intervention; and information about risk reduction, resources, and reporting options.

Incoming first-year students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive ongoing training on a periodic basis.

## Vendors/Contractors on the MSU Campus

Minot State University recognizes that anyone working on our campus is protected by our policy on sex/gender-based discrimination. MSU respects the efforts of other employers to prevent and remedy sex/gender-based

discrimination. When an incident occurs that involves parties from MSU and other employers working on the MSU campus, MSU will work in collaboration with the other employer to resolve the matter. In this section the terms Reporting Party and Responding Party refer to individuals who are not employed by MSU and do not have any connection to the campus except for their employment with a vendor or contractor working on the campus.

When the Reporting Party is employed by a vendor/contractor, and the Responding Party is part of the MSU community, MSU's Office of Title IX Compliance will serve as the liaison for the interaction between the vendor/contractor and MSU. If an investigation is necessary, MSU will conduct the investigation independent of the vendor/contractor's procedures; however, MSU will seek to collaborate and work with the vendor/contractor.

When the Responding Party is employed by a vendor/contractor, and the Reporting Party is part of the MSU community, MSU will contact the vendor/contractor to provide a report of the incident. MSU will investigate the incident and provide the final report to the vendor/contractor for appropriate disciplinary action. If the vendor/contractor intends to conduct an investigation as well, MSU will seek to conduct the investigation jointly, though MSU's final report/conclusion will be independent of that of the vendor/contractor.

When the Reporting Party and the Responding Party are both employed by the same vendor/contractor, the vendor/contractors will address the issue using their own policies and procedures; however, they will communicate with the Title IX Coordinator for informational purposes.

When the Reporting Party and the Responding Party are employed by different vendors/contractors, the vendors/contractors will work together to resolve the issue; however, they will communicate with the Title IX Coordinator for informational purposes.

### **Coordinating with Other Campuses**

Minot State University recognizes that visitors to our campus are protected by our policy on sex/gender-based

discrimination. Minot State University respects the efforts of other educational institutions to prevent and remedy sex/gender-based discrimination. When an incident occurs that involves parties from Minot State University and other campuses, MSU will work in collaboration with the other campus to resolve the matter.

When the Reporting Party is from another campus, and the Responding Party is part of the MSU community, MSU's Title IX office will serve as the liaison for the interaction between the two campuses. If an investigation is necessary, MSU will conduct its investigation independent of the other institution's procedures, however, MSU will seek to collaborate and work with the other institution.

When the Responding Party is from another campus, and the Reporting Party is part of the MSU community, MSU will contact the Title IX office or other appropriate administrative office to provide a report of the incident. MSU does not intend to investigate responding parties who are not associated with MSU but will support the other campus in its efforts to investigate the incident.

When the Reporting Party and the Responding Party are both from another campus, but the incident occurred on the MSU campus, MSU will contact the Title IX office or other appropriate administrative office to provide a report of the incident. MSU will support the other campus in its efforts to investigate the incident.

### **Clery Act Reporting**

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("*Clery Act*"). All personally identifiable information can be kept confidential, but statistical information must be reported to Campus Security regarding the type of incident and its general location (e.g., on or off campus, but no addresses are given or reported) for publication in the University's Annual Security and Fire Safety Report. This report helps

to provide the community with a clear picture of the extent and nature of campus crimes in order to ensure greater community safety.

Mandated federal reporters, also known as Campus Security Authorities (CSA), may include (but are not limited to) the following: student affairs staff, campus safety and security, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, time, location of the incident, and the incident details. This reporting allows for anonymous reporting if the Reporting Party wishes to remain anonymous.

### **Federal Timely Warning Reporting Obligations**

Victims of sex/gender-based misconduct should be aware that University officials must issue timely warnings for incidents reported to them that pose a serious or ongoing threat to students and employees. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the threat/danger.

#### **BE AN ACTIVE BYSTANDER!**

*If you think someone is at risk for sexual assault, consider it an emergency and get involved. Don't wait for someone else to act.*

### **What You Can Do to Help Stop Sexual Violence**

- Sexual contact requires mutual consent.  
An incapacitated person (for example, a person who is intoxicated by drugs or alcohol) is incapable of giving consent.
- No one deserves to be sexually assaulted, stalked or victimized in any way.
- Don't engage in any behavior that may be considered dating/domestic violence, sexual assault, stalking or any other form of violence.

- Never use force, coercion, threats, alcohol or other drugs to engage in sexual activity.
- Take responsibility for your actions.
- Avoid alcohol and other drugs.
- Remember "no" means "No!" and "stop" means "Stop!"
- Report incidents of violence (including coercion) to law enforcement and campus authorities.
- Discuss dating/domestic violence, sexual assault and stalking with friends—speak out against violence and clear up misconceptions.
- Don't mistake submission or silence for consent.

### **What You Can Do to Help Minimize Your Risk of Becoming a Victim**

- Be aware. Does your partner: Threaten to hurt you or your children? Say it's your fault if he or she hits you and then promises it won't happen again (but it does)? Put you down in public? Force you to have sex when you don't want to? Follow you? Send you unwanted messages and gifts?
- Be assertive. Speak up.
- Stay sober and watch out for dates and/or anyone who tries to get you drunk or high.
- Clearly communicate limits to partners, friends, and acquaintances.
- Never leave a party with someone you don't know well and trust.
- Trust your feelings; if it feels wrong, it probably is.
- Learn all you can and talk with your friends. Help them stay safe.
- Report incidents of violence to law enforcement and campus authorities.

### **What You Can Do if You are a Victim, in General**

- Go to a safe place as soon as possible.
- Preserve evidence by refraining from showering, brushing teeth, urinating, eating, drinking, and changing clothes. Sexual assault evidence collection exams can be done up to (5) days post-assault, even if you have showered or done any of the other things listed above.
- Report the incident to Campus Safety and Security or local law enforcement.

- Report the incident to the Title IX Coordinator.
- Call a domestic violence, sexual assault or stalking hotline.
- Call a friend or family member for help.
- Know that you are not at fault. You did not cause the abuse to occur and you are not responsible for someone else's violent behavior.

## **Other Ways to Combat Sexual Assault**

Talk to friends who have expressed violent feelings or behaviors. Assist them in getting help from a counselor or other professional. Speak up against false comments or jokes about sexual assault and educate people about it.

## **PREVENTION AND AWARENESS**

### **PROGRAMS**

Minot State University periodically offers several prevention and awareness programs throughout the year related to Sexual Assault, Domestic Violence, Personal Safety, and other safety and security related issues.

Minot State University Security presents security information to parents of new students in New Student Orientation sessions. The Title IX Office presents Title IX related information, including information regarding Sexual Assault, Domestic Violence, Stalking, Prevention and Awareness, Reporting, and Resources to students during Transitions orientation sessions, as well as parents during New Student Orientation sessions. Annual training is provided by MSU Security and the Title IX Office prior to the beginning of the Fall semester for Residence Life staff relating to Campus Security and Title IX policies and procedures. CSA Training is also provided for all individuals on campus that are considered CSAs, as well as any other University student or employee that wants to take the training.

The Office of Title IX conducted a campus climate survey in the spring of 2018. The climate check survey is designed to obtain the opinion of MSU students and employees regarding their attitude towards the effort of the University's efforts to prevent sexual violence and the prevalence of sexual violence on campus.

The Minot State University Residence Hall Directors and assistants participated in a focus group to identify dangerous situations and intervene. The group also provided input regarding campus climate relating to sexual violence. Sexual violence prevention and Title IX training was presented to all Residence Life full time and student employees. The training covered prevention techniques as well as Title IX investigation and reporting procedures.

The Sexual Violence Advisory Committee (SVAC) was started to promote community engagement by identifying opportunities to inform and educate the campus community regarding sexual violence issues. The SVAC identified education opportunities to prevent and respond to sexual violence.

T

The Wellness Center presented 18 "Step Up" training seminars in 2018 to various groups on campus regarding the concepts of Bystander Intervention. This program encourages students to be safely proactive in situations where another person is in a potentially dangerous situation.

The Wellness Center sponsored a self-defense workshop for students in January of 2018. The purpose of the course was to teach basic self-defense skills to utilize in case of a physical attack.

The Minot Domestic Violence Crisis Center sponsored a "Walk a Mile in Her Shoes" event at the Minot State University Dome. The goal is to increase public awareness and provide education regarding sexual violence in society.

A "Do-Nut Just Stand There...Intervene" campus event was held in August 2018 at the beginning of the fall semester. The purpose was to encourage individuals witnessing unsafe situations to intervene and protect others.

A campus wide "Take Back the Night" educational event was held in October 2018. The goal of the event is to raise awareness of the issue of sexual violence not only relating to females, but males and the LGBTQ community.

Mandatory Title IX training was completed in the fall of 2018 by students and all Minot State University full and part time employees to include student employees regardless of previous training. Topics covered included bystander awareness, consent, sexual harassment, sexual violence, and proper reporting procedures.

New faculty members were given comprehensive Title IX training in August 2018. The training gave important information regarding the role of all faculty as Responsible Employees who are mandated to report all instances or suspected or actual cases of sexual violence and/or discrimination.

At the beginning of the Fall and Spring semester all new students to Minot State University were presented with information regarding the Title IX program on the Minot State University campus. Awareness and prevention of sexual violence was a significant theme during the training sessions.

The Minot State University Title IX office conducted sexual violence related training to the employees and student mentors working with intellectually disabled students in the Advancing Students Through Education (ASTEP) program. ASTEP program employees were taught how to identify and report any Title IX concerns of ASTEP students on campus.

Minot State University requires all employees who are considered Campus Security Authorities under the *Clery* Act and employees who are considered Responsible Employees under Title IX to participate in training. The purpose of the *Clery* and Title IX training is to ensure all employees understand their role in reporting under the *Clery* and Title IX programs.

24 Blue Light emergency call stations have been installed across campus. These call stations have a user interface consisting of a red emergency button and a black information button. The red button, when pressed, causes large blue strobe lights to flash and makes a direct 911 emergency call to Minot Central Dispatch at the Minot Police Department, which then initiates an immediate emergency response to the location of the call

station being used. Pressing the black information button will connect the user to the campus operator during normal business hours, and then Campus Security after hours. The wall-mounted units also have a camera at face level, and the free-standing pedestal units have both the face level camera and another camera mounted above the unit on an arm. Once the blue light stations are operational, if you see anything suspicious, see someone who already needs assistance, or feel that you need assistance yourself, you should activate the blue light phone by pressing the red emergency button and speak directly with a Minot Police Department dispatcher.

The Minot Police Department also has many ongoing prevention programs available, and they are listed at: <http://www.minotnd.org/443/Crime-Prevention>.

## **SEX OFFENDER REGISTRY**

### **Public Access to Sex Offender Information**

According to Section 1.4 (602.3) of Minot State University Human Resources Policies/Procedures, employment will be denied if an applicant is listed on a sexual offender registry of any state. 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. Follow this link to access the North Dakota Sex Offender website:

<http://www.sexoffender.nd.gov/index.shtml>.

*Unlawful use of the information for purposes of intimidating or harassing another may be a crime and punishable by law. This information is provided in compliance with the North Dakota Offender Registration requirements established by NDCC, section 12.1-32-15.*

# **ALCOHOL, DRUGS, AND TOBACCO**

## **ON CAMPUS**

### **Drug Free Campus Policy**

1. Minot State University recognizes the serious problems created by the use and abuse of alcohol and other drugs. In response to this awareness Minot State University is committed to:
  - establish and enforce clear campus policies regarding the use of alcohol and other drugs
  - educate members of the campus community for the purpose of preventing alcohol and other drug abuse
  - create a campus environment that promotes the individual's responsibility to himself/herself and to the campus community
  - provide resources through counseling and referral services for students who experience alcohol and/or drug problems
2. Students concerned about their own alcohol and drug use or about that of others are encouraged to contact the MSU Student Affairs Office or the University Student Health Center.

### **I. Standards of Conduct**

The University prohibits the use, possession and/or sale of alcoholic beverages in classrooms, laboratories, bathrooms, offices, residence halls, University housing units, athletic facilities, University vehicles, other campus building areas, public campus areas or in outdoor campus areas.

1. An alcoholic beverage is any fluid or solid capable of being converted into a fluid, suitable for human consumption, and having an alcoholic content of more than 1/2 of 1% by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors, and any brewed fermented, or distilled liquor fit for use for beverage purposes or any mixture of the same, and fruit juices.
2. University groups and recognized organizations may not use their funds for the purchase of alcoholic beverages.
3. On-campus parties at which alcoholic beverages are consumed are prohibited.

4. Sale of alcoholic beverages by University groups or recognized student organizations is strictly forbidden. (This is to include any action that can be remotely construed as alcohol sale such as charging admission to parties, passing the hat, selling empty cups, selling tickets, etc.)
5. Alcoholic beverages (such as kegs or cases of beer) may not be used as awards or prizes in connection with events or activities sponsored by University groups or organizations.
6. Alcohol/drugs are not to be represented in any academic or instructional setting or in any campus publication in a manner which would:
  - a. encourage any form of alcohol abuse or place emphasis on quantity and frequency of use.
  - b. portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual, or academic success.
  - c. associate consumption of alcoholic beverages with the performance of tasks that require skilled reactions such as the operation of specialized equipment, motor vehicles, or athletic performance.
7. The use of alcoholic beverages during all public events held on the MSU campus is strictly forbidden except as provided by this subsection.
  - a. This policy does not apply to homes furnished to institution officials, family housing, married student housing, faculty housing or off-campus guest housing.
  - b. Alcoholic beverages may be permitted, subject to applicable state and local laws and ordinances, at events in facilities or upon land owned by the institution pursuant to a permit signed by the institution's chief executive or designee. The permit must describe the nature of the event and the date(s), time(s) and place where consumption of alcoholic beverages is permitted. The permit may be for a single event or for events occurring periodically at the designated place during a period of not more than one year.

The use, consumption, and possessing of any narcotic, dangerous drug, and/or controlled substance by any

student or employee of the University for which said student or employee does not have a legal license or valid prescription is strictly prohibited. The unlicensed distribution or sale of any narcotic, dangerous drug, or controlled substance by any student or employee of the University is strictly prohibited.

When such activity occurs on campus, the University shall initiate appropriate measures, which may include disciplinary action. When such activity occurs off the premises of the campus, the University nevertheless may consider initiating disciplinary action if the University determines that the activity has a substantial adverse effect upon the University or upon individuals of the University community. Violators will be subject to penalties, which may include separation from the University.

## II. The Law

State and Federal law will be regarded as the principal bodies of rules governing the use of alcohol/drugs for MSU students. Each person will be held responsible for his/her own behavior. While laws vary from town to town and state to state, some regulations govern all American citizens. You should be aware of all federal, and local laws, as well as MSU alcohol policy. Ignorance does not eliminate your liability.

### Alcohol

1. The state of North Dakota requires that individuals be at least 21 years of age to buy, possess, and consume alcoholic beverages.
2. It is illegal to give or sell alcohol to an individual under the age of 21.
3. It is illegal to have an open container of alcohol in any vehicle.
4. It is illegal to serve alcohol to an intoxicated person.
5. It is illegal to sell alcohol of any kind without a license or permit.
6. Organizations are not immune from prosecution for a legal violation. The officers of that group are usually the parties cited, but every group member is liable.

7. Driving while intoxicated (.08 blood alcohol content) is a criminal offense.
8. Being intoxicated is not a legal defense for any charge, including assault, rape, vandalism, slander, manslaughter or accident.
9. If an underage person is involved in a drinking/driving crash after leaving a party, the victim(s) of the crash may sue both the person at fault and those who provided the alcohol.

### DUI

**1. What happens to your operator's license if you're stopped?** Under the current law, if you're stopped for DUI, the arresting officer can take your operator's license ON THE SPOT!

If your BAC is .08 percent or more, your license will be suspended under the following guidelines:

- a. First DUI: 91 days suspension.
- b. Second DUI in five years: 364 days
- c. Third DUI in five years: two years

If you refuse to take a BAC test or a preliminary breath test (PBT), your license will be revoked for one to four years, depending on your record of past DUI offenses.

A work driving permit can only be issued to first offenders who have served at least 30 days of the 91 days suspension. Work permits cannot be issued to repeat offenders or to those who have refused to take a BAC or PBT test.

If you drive while your license is suspended, you will serve four consecutive days in jail and be fined up to \$500.

The cost of reinstating your license after a DUI suspension is \$50.

**2. What happens if you're convicted?**

In addition to losing your driver's license, you also face mandatory fines and/or jail sentences:

- a. First conviction: \$250 fine.

- b. Second conviction within five years: \$500 fine and four days in jail or 10 days community service.
- c. Third conviction within five years: \$1,000 fine and 180 days in jail.
- d. Fourth conviction within seven years: \$1,000 fine and 180 days in jail.

All convicted offenders are also required to undergo an alcohol addiction evaluation, and whose proof of evaluation and of completion of recommended treatment before their driver's license can be reinstated.

DUI convictions, refusals to take DUI tests, and driving with a BAC of .08 percent or more in another state apply in North Dakota.

### 3. What happens if you cause death or serious injury?

If you cause serious injury to another while you are driving under the influence, you will spend 1 year in jail in addition to your sentence if you are 18 and over. If you are under 18 years old then you will spend 90 days imprisonment.

### 4. What happens to your insurance?

If you are convicted of DUI, if you refuse to take a BAC or PBT test, or if you are driving with a BAC of .08 percent or more, your annual car insurance rates could double or even triple.

### 5. Enhanced penalty for a minor in a vehicle.

Driving while under the influence of alcohol while being accompanied by a minor will push the offense to a Class A misdemeanor.

## Drugs

1. **Schedule I:** Heroin, LSD, Peyote, Mescaline, Psilocybin (Shrooms), Other Hallucinogens, Methualone (Quaaludes), Pencyclidine (PCP), and MDA.

**To possess:** Maximum penalty: Class C Felony, for which a maximum penalty of five years imprisonment,

a fine of five thousand dollars, or both, may be imposed.

### **To manufacture, sell, deliver (or have intent):**

**Maximum penalty:** Class A felony, for which a maximum penalty of twenty years imprisonment, a fine of ten thousand dollars, or both, may be imposed for narcotics. Class B felony, for which a maximum penalty of ten years imprisonment, a fine of ten thousand dollars, or both, may be imposed for other Schedule I drugs.

2. **Schedule II:** Morphine, Demerol, Codeine, Percodan, Percocet, Fentanyl, Dilaudid, Seconal, Nembutal, Cocaine, Amphetamines, and other opium and opium extracts and narcotics.

### **To possess:**

**Maximum penalty:** Class C Felony, for which a maximum penalty of five years imprisonment, a fine of five thousand dollars, or both, may be imposed.

### **To manufacture, sell, or deliver (or have intent):**

**Maximum penalty:** Class A felony, for which a maximum penalty of twenty years imprisonment, a fine of ten thousand dollars, or both, may be imposed for Schedule II narcotics. Class B felony, for which a maximum penalty of ten years imprisonment, a fine of ten thousand dollars, or both, may be imposed for other Schedule II drugs.

3. **Schedule III:** Certain barbiturates such as amobarbitol and codeine containing medicine such as Fiorinal #3, Doriden, Tylenol #3, Empirim #3, and codeine-based cough suppressants such as Tussionex and Hycomine.

### **To possess:**

**Maximum penalty:** Class C felony, for which a maximum penalty of five years imprisonment, a fine of five thousand dollars, or both, may be imposed.

### **To manufacture, sell, deliver (or have intent):**

**Maximum penalty:** Class B felony, for which a

maximum penalty of ten years imprisonment, a fine of ten thousand dollars, or both, may be imposed.

- 4. Schedule IV:** Barbiturates, narcotics and stimulants including Valium, Talwin, Librium Equantil, Darvon, Darvocet, Pacidyl, Tranzene, Serax, Ionamin (yellow jackets).

**To possess: Maximum penalty:** Class C felony, for which a maximum penalty of five years imprisonment, a fine of five thousand dollars, or both, may be imposed.

- 5. Schedule V:** Compounds that contain very limited amounts of codeine, dihydrocodeine, ethylmorphine, opium and atropine, such as terpine Hydrate with codeine, Robitussin AC.

**To possess: Maximum penalty:** Class C felony, for which a maximum penalty of five years imprisonment, a fine of five thousand dollars, or both, may be imposed.

**To manufacture, sell, deliver (or have intent): Maximum penalty:** Class A misdemeanor, for which a maximum penalty of one year imprisonment, a fine of one thousand dollars, or both may be imposed.

- 6. Schedule VI:** Marijuana, THC, Hashish, Hash Dil, Tetrahydrocannabinol.

**To possess: Maximum penalty:** Class A felony, (100 lbs. or more), for which a maximum penalty of twenty years imprisonment, a fine of ten thousand dollars, or both, may be imposed.

**Except for:** Possession of more than one ounce is a Class B felony, for which a maximum penalty of ten years imprisonment, a fine of ten thousand dollars, or both, may be imposed. Possession of ½ to one ounce is a Class A misdemeanor for which a maximum penalty of one year imprisonment, a fine of two thousand dollars, or both, may be imposed.

Possession of less than ½ ounce is a Class B

misdemeanor for which a maximum penalty of 30 days imprisonment, a fine of one thousand dollars, or both may be imposed. This increases to a Class A misdemeanor if in possession while operating a motor vehicle is automatically a Class A misdemeanor.

**To manufacture, sell, deliver (or have intent):**

**Maximum penalty:** Class B felony, for which a maximum penalty of ten years imprisonment, a fine of ten thousand dollars, or both, may be imposed.

### III. Health Risks

#### EFFECTS OF ALCOHOL ABUSE

##### 1. Physical Effects

- a. Increased heart rate and skin temperature
- b. Loss of simple muscle control leading to slurred speech, poor coordination, etc.
- c. Hangover miseries, fatigue, nausea, headache, etc.

##### 2. Mental Effects

- a. Impaired judgment of space, time, consequences.
- b. Impaired thinking and reasoning process, poor concentration.
- c. Loss of inhibitions: exaggerated feelings of anger, fear, anxiety, etc.

Heavy drinking or frequent drinking over an extended period can have serious consequences such as:

1. Alcoholism
2. Damage to brain cells
3. Malnutrition
4. Increased risk of cirrhosis, ulcers, heart disease, heart attack and cancers of the liver, mouth, throat and stomach.
5. Degeneration of muscle and bone
6. Blackouts, memory loss
7. Hallucinations
8. Poor concentration
9. Personality disorders and increased tension, anger, isolation
10. DTs or delirium tremens, shaking and hallucinations due to withdrawal from alcohol

## **EFFECTS OF DRUGS**

### **1. Club Drugs**

**Brief Description:** Typically used by teenagers and young adults at bars, clubs, concerts, and parties. The most common club drugs include Ecstasy (MDMA), GHB, Rohypnol, ketamine, methamphetamine, and acid (LSD). **Street Names:** XTC, X (MDMA); Special K, Vitamin K (ketamine); liquid ecstasy, soap (GHB); roofies (Rohypnol).

**Effects:** Chronic use of MDMA may lead to changes in brain function. GHB abuse can cause coma and seizures. High doses of ketamine can cause delirium, amnesia, and other problems. Mixed with alcohol, Rohypnol can incapacitate users and cause amnesia.

**Statistics and Trends:** The NIDA-funded 2007 Monitoring the Future Study showed that 0.7% of 8th graders, 0.7% of 10th graders, and 1.0% of 12th graders had abused Rohypnol; 0.7% of 8th graders, 0.6% of 10th graders, and 0.9% of 12th graders had abused GHB; and 1.0% of 8th graders, 0.8% of 10th graders, and 1.3% of 12th graders had abused ketamine at least once in the year prior to their being surveyed. *Source: Monitoring the Future, www.monitoringthefuture.org.*

### **2. COCAINE**

**Brief Description:** A powerfully addictive drug that is snorted, sniffed, injected, or smoked. Crack is cocaine that has been processed from cocaine hydrochloride to a free base for smoking.

**Street Names:** Coke, snow, flake, blow, and many others.

**Effects:** A powerfully addictive drug, cocaine usually makes the user feel euphoric and energetic. Common health effects include heart attacks, respiratory failure, strokes, and seizures. Large amounts can cause bizarre and violent behavior. In rare cases, sudden death can occur on the first use of cocaine or unexpectedly thereafter.

**Statistics and Trends:** In 2006, 6 million Americans age 12 and older had abused cocaine in any form and 1.5 million had abused crack at least once in the year prior to being surveyed. *Source: National Survey on Drug Use and Health, www.samhsa.gov.*

The NIDA-funded 2007 Monitoring the Future Study showed that 2.0% of 8th graders, 3.4% of 10th graders, and 5.2% of 12th graders had abused cocaine in any form and 1.3% of 8th graders, 1.3% of 10th graders, and 1.9% of 12th graders had abused crack at least once in the year prior to being surveyed. *Source: Monitoring the Future, www.monitoringthefuture.org.*

### **3. HEROIN**

**Brief Description:** An addictive drug that is processed from morphine and usually appears as a white or brown powder.

**Street Names:** Smack, H, ska, junk, and many others.

**Effects:** Short-term effects include a surge of euphoria followed by alternately wakeful and drowsy states and cloudy mental functioning. Associated with fatal overdose and — particularly in users who inject the drug — infectious diseases such as HIV/AIDS and hepatitis.

**Statistics and Trends:** In 2006, 560,000 Americans age 12 and older had abused heroin at least once in the year prior to being surveyed. *Source: National Survey on Drug Use and Health, www.samhsa.gov.*

The NIDA-funded 2007 Monitoring the Future Study showed that 0.8% of 8th graders, 0.8% of 10th graders, and 0.9% of 12th graders had abused heroin at least once in the year prior to being surveyed. *Source: www.monitoringthefuture.org.*

### **4. INHALANTS**

**Brief Description:** Breathable chemical vapors that users intentionally inhale because of the chemicals' mind-altering effects. The substances inhaled are

often common household products that contain volatile solvents or aerosols.

**Street Names:** Whippets, poppers, snappers.

**Effects:** Most inhalants produce a rapid high that resembles alcohol intoxication. If sufficient amounts are inhaled, nearly all solvents and gases produce a loss of sensation, and even unconsciousness.

**Statistics and Trends:** The NIDA-funded 2007 Monitoring the Future Study showed that 8.3% of 8th graders, 6.6% of 10th graders, and 3.7% of 12th graders had abused inhalants at least once in the year prior to being surveyed. *Source: Monitoring the Future, www.monitoringthefuture.org.*

## 5. LSD (ACID)

**Brief Description:** One of the strongest mood-changing drugs. It is sold as tablets, capsules, liquid, or on absorbent paper.

**Street Names:** Acid, blotter, and many others.

**Effects:** Unpredictable psychological effects. With large enough doses, users experience delusions and visual hallucinations. Physical effects include increased body temperature, heart rate, and blood pressure; sleeplessness; and loss of appetite.

**Statistics and Trends:** In 2006, 666,000 Americans age 12 and older had abused LSD at least once in the year prior to being surveyed. *Source: National Survey on Drug Use and Health, www.samhsa.gov.*

The NIDA-funded 2007 Monitoring the Future Study showed that 1.1% of 8th graders, 1.9% of 10th graders, and 2.1% of 12th graders had abused LSD at least once in the year prior to being surveyed. *Source: www.monitoringthefuture.org.*

## 6. MARIJUANA

**Brief Description:** The most commonly used illegal drug in the U.S. The main active chemical is THC.

**Street Names:** Pot, ganga, weed, grass, and many others.

**Effects:** Short-term effects include memory and learning problems, distorted perception, and difficulty thinking and solving problems.

**Statistics and Trends:** In 2006, 25 million Americans age 12 and older had abused marijuana at least once in the year prior to being surveyed. *Source: National Survey on Drug Use and Health, www.samhsa.gov.*

The NIDA-funded 2007 Monitoring the Future Study showed that 10.3% of 8th graders, 24.6% of 10th graders, and 31.7% of 12th graders had abused marijuana at least once in the year prior to being surveyed. *Source: www.monitoringthefuture.org.*

## 7. MDMA (ECSTASY)

**Brief Description:** A drug that has stimulant and psychedelic properties. It is taken orally as a capsule or tablet.

**Street Names:** XTC, X, Adam, hug, beans, love drug.

**Effects:** Short-term effects include feelings of mental stimulation, emotional warmth, enhanced sensory perception, and increased physical energy. Adverse health effects can include nausea, chills, sweating, teeth clenching, muscle cramping, and blurred vision.

**Statistics and Trends:** In 2006, 2.1 million Americans age 12 and older had abused MDMA at least once in the year prior to being surveyed. *Source: National Survey on Drug Use and Health, www.samhsa.gov.*

The NIDA-funded 2007 Monitoring the Future Study showed that 1.5% of 8th graders, 3.5% of 10th graders, and 4.5% of 12th graders had abused MDMA at least once in the year prior to being surveyed. *Source: www.monitoringthefuture.org.*

## 8. METHAMPHETAMINE

**Brief Description:** An addictive stimulant that is closely related to amphetamine but has longer lasting and more toxic effects on the central nervous system. It has a high potential for abuse and addiction.

**Street Names:** Speed, meth, chalk, ice, crystal, glass.

**Effects:** Increases wakefulness and physical activity and decreases appetite. Chronic, long-term use can lead to psychotic behavior, hallucinations, and stroke.

**Statistics and Trends:** In 2006, 1.9 million Americans age 12 and older had abused methamphetamine at least once in the year prior to being surveyed.

*Source: National Survey on Drug Use and Health, www.samhsa.gov.*

The NIDA-funded 2007 Monitoring the Future Study showed that 1.1% of 8th graders, 1.6% of 10th graders, and 1.7% of 12th graders had abused methamphetamine at least once in the year prior to being surveyed. *Source: Monitoring the Future, www.monitoringthefuture.org.*

## 9. TOBACCO/NICOTINE

**Brief Description:** One of the most heavily used addictive drugs in the U.S.

**Effects:** Nicotine is highly addictive. The tar in cigarettes increases a smoker's risk of lung cancer, emphysema and bronchial disorders. The carbon monoxide in smoke increases the chance of cardiovascular diseases.

Secondhand smoke causes lung cancer in adults and greatly increases the risk of respiratory illnesses in children.

**Statistics and Trends:** In 2006, nearly 73 million Americans age 12 and older had used a tobacco product at least once in the month prior to being surveyed. *Source: National Survey on Drug Use and Health, www.samhsa.gov.*

The NIDA-funded 2007 Monitoring the Future Study showed that 7.1% of 8th graders, 14.0% of 10th graders, and 21.6% of 12th graders had used cigarettes and 3.2% of 8th graders, 6.1% of 10th graders, and 6.6% of 12th graders had used smokeless tobacco at least once in the month prior to being surveyed. *Source: Monitoring the Future, www.monitoringthefuture.org.*

## 10. PCP/PHENCYCLIDINE

**Brief Description:** Illegally manufactured in labs and sold as tablets, capsules, or colored powder. It can be snorted, smoked, or eaten. Developed in the 1950s as an IV anesthetic, PCP was never approved for human use because of problems during clinical studies, including intensely negative psychological effects.

**Street Names:** Angel dust, ozone, wack, rocket fuel, and many others.

**Effects:** Many PCP users are brought to emergency rooms because of overdose or because of the drug's unpleasant psychological effects. In a hospital or detention setting, people high on PCP often become violent or suicidal.

**Statistics and Trends:** In 2006, 187,000 Americans age 12 and older had abused PCP at least once in the year prior to being surveyed. *Source: National Survey on Drug Use and Health, www.samhsa.gov.*

The NIDA-funded 2007 Monitoring the Future Study does not measure PCP use among 8th and 10th graders but showed that 0.9% of 12th graders had abused PCP at least once in the year prior to being surveyed. *Source: www.monitoringthefuture.org.*

## 11. PRESCRIPTION MEDICATIONS

**Brief Description:** Prescription drugs that are abused or used for nonmedical reasons can alter brain activity and lead to dependence. Commonly abused classes of prescription drugs include opioids (often prescribed to treat pain), central nervous system

depressants (often prescribed to treat anxiety and sleep disorders), and stimulants (prescribed to treat narcolepsy, ADHD, and obesity).

**Street Names:** Commonly used opioids include oxycodone (OxyContin), propoxyphene (Darvon), hydrocodone (Vicodin), hydromorphone (Dilaudid), meperidine (Demerol), and diphenoxylate (Lomotil). Common central nervous system depressants include barbiturates such as pentobarbital sodium (Nembutal), and benzodiazepines such as diazepam (Valium) and alprazolam (Xanax). Stimulants include dextroamphetamine (Dexedrine) and methylphenidate (Ritalin).

**Effects:** Long-term use of opioids or central nervous system depressants can lead to physical dependence and addiction. Taken in high doses, stimulants can lead to compulsive use, paranoia, dangerously high body temperatures, and irregular heartbeat.

**Statistics and Trends:** In 2006, 16.2 million Americans age 12 and older had taken a prescription pain reliever, tranquilizer, stimulant, or sedative for nonmedical purposes at least once in the year prior to being surveyed. *Source: National Survey on Drug Use and Health, www.samhsa.gov.*

The NIDA-funded 2007 Monitoring the Future Study showed that 2.7% of 8th graders, 7.2% of 10th graders, and 9.6% of 12th graders had abused Vicodin and 1.8% of 8th graders, 3.9% of 10th graders, and 5.2% of 12th graders had abused OxyContin for nonmedical purposes at least once in the year prior to being surveyed. *Source: Monitoring the Future, www.monitoringthefuture.org.*

## 12. STEROIDS (ANABOLIC)

**Brief Description:** Mostly synthetic substances similar to the male sex hormone testosterone. Some people, especially athletes, abuse anabolic steroids to enhance performance and appearance. Abuse of anabolic steroids can lead to serious health problems, some of which are irreversible.

**Effects:** Major effects of steroid abuse can occur due to hormone imbalances in the body. In males, adverse effects may include shrinking of the testicles and breast development. In females, adverse effects may include growth of facial hair, menstrual changes, and deepened voice. In teenagers, growth may be halted prematurely and permanently. Other adverse effects can include severe acne, high blood pressure and jaundice. In some rare cases liver and kidney tumors or even cancer may develop.

**Statistics and Trends:** The NIDA-funded 2007 Monitoring the Future Study showed that 0.8% of 8th graders, 1.1% of 10th graders, and 1.4% of 12th graders had abused anabolic steroids at least once in the year prior to being surveyed. *Source: www.monitoringthefuture.org.*

## Where to Turn for Help

Minot State University offers counseling services which can be used for referrals to appropriate support agencies for individuals seeking assistance in drug and alcohol evaluation, intervention, treatment, and aftercare. Students may initiate help for themselves or others by contacting the Student Development and Health Center.

Other agencies in addition to those listed below may be found in the yellow pages of the telephone book under "Alcoholism Treatment" and "Drug Abuse Information and Treatment."

- AL-ANON  
839-6091 or 838-2737  
700 16th Ave SW or 515 5th Ave NW  
Minot, ND 58701
- ALCOHOLICS ANONYMOUS – 515 CLUB  
838-2740, 515 5th Ave NW Minot, ND 58701
- ALCOHOLICS ANONYMOUS – 700 CLUB  
839-6091, 700 16th Ave SW Minot, ND 58701
- ALCOHOL EDUCATION/ALCOHOLIC COUNSELING  
North Central Human Service Center, 857-8500  
1015 S. Broadway, Suite 18 Minot, ND 58701

- EATON AND ASSOCIATES  
839-0474, 1705 4th Ave NW Minot, ND 58703
- GATEWAY COUNSELING CENTER  
Jane A. Hull, 838-4606  
1809 S. Broadway, Suite R Minot, ND 58701
- MAFB MENTAL HEALTH CLINIC  
723-5527, 10 Missile Ave., Minot Air Force Base,  
ND 58705-5000
- PSYCHOLOGICAL SERVICES  
852-9113, 13 1st Ave. SW Minot, ND 58701
- TRINITY MENTAL HEALTH SERVICES  
857-5998, 1900 8th Ave SE Minot, ND 58701
- VILLAGE FAMILY SERVICES  
852-3328, 20 1st St. SW Minot, ND 58701

## Violation Sanctions for Students

Disciplinary action will be adjudicated as outlined in the Student Conduct Policy in the Student Handbook for violation of drugs and alcohol policies. Individual students or organizations found in violation of MSU policy may be subject to one or more of the following disciplinary actions as well as subject to prosecution by the appropriate civil authorities.

1. **Fine** — is the imposition of a monetary penalty. Besides its use as a disciplinary sanction, it may also be used to compensate the University for a monetary loss.
2. **Warning** — is a discussion of misconduct which becomes a matter of at least temporary record.
3. **Probation** — indicates that continued enrollment is conditional upon good behavior during a specified period. It is a matter of temporary record and may include specific restriction of activity.
4. **Eviction** — is the formal removal of a student from University housing.
5. **Suspension** — is a temporary withdrawal of the privilege of enrolling in the University for a specific period. Suspensions may be deferred to allow completion of an academic term, after which it is automatically invoked. During a period of deferment, the suspension may be enacted immediately by the University administration, if additional misconduct occurs.

6. **Expulsion** — is the withdrawal of enrollment privileges with no promise of reinstatement at any time and no opportunity for review for at least one year.
7. **Withholding Transcripts and Grades** — is a refusal by the University to provide transcripts and grades to the student, to other institutions, to employers and to other agencies.

## EMERGENCY RESPONSE AND EVACUATION

This policy statement summarizes the University's emergency response and evacuation procedures, including protocols for emergency notifications in those situations that represent a significant emergency or dangerous situation affecting the health and/or safety of the University community. This policy statement complies with the Emergency Notification requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery*), as amended by the Higher Education Opportunity Act of 2008 and applicable Department of Education regulations.

### Emergency Response Plan

The Minot State University Risk Management/Emergency Operations Committee (EOC) is responsible for the overall direction and planning for emergency situations on campus or those that occur in the local or regional area affecting the campus. Under the direction of the EOC, the University has developed a comprehensive, all-hazards Emergency Operations Plan that outlines steps the University will take to prevent, prepare for, respond to, mitigate, and recover from a full range of likely hazards the University may face. A summary of the University's emergency response procedures is located at [MinotStateU.edu/safety](http://MinotStateU.edu/safety). Included at this web page is detailed information regarding the University's emergency notification policy and how to enroll in the mass notification system to ensure you receive emergency notices on University and personal phones.

To ensure these plans remain current and actionable, the University will conduct an emergency exercise, at a minimum, once yearly. These exercises may include tabletop drills, emergency operations center exercises, or full-scale emergency response exercises and be either announced or unannounced. The University conducts after-action reviews of all emergency management exercises.

## **Emergency Notification System**

The University is committed to ensuring the campus community receives timely, accurate, and useful information in the event of an emergency on campus or in the local area that poses a risk to the health and safety of campus community members. To support this commitment, the University has invested in several forms of communications that allow administrators to distribute notices in the event of a critical incident or dangerous situation. Types of communication include the ND State University System AssuranceNM system and the Minot State University Blue Light external speaker system.

Minot State University will, in the event of an emergency or other situation which requires a notification, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification compromise effort to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

### **Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System**

The MSU Security and/or other campus first responders may become aware of a critical incident or other emergency that potentially affects the health and/or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to MSU Security or upon discovery during patrol or other assignments.

Once first responders confirm the emergency or dangerous situation MSU Security, or other authorized University office, will initiate the emergency notification process.

One of the University's authorized representatives (which includes the Director of University Communications, the Director of Safety and Security, the Operational Supervisor for Security, the Director of Information Technology, the Director of Human Resources, and the Director of the Student Center will determine the content of the notification and initiate the University's emergency notification system. If issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the University may elect to delay issuing an emergency notification. Documentation detailing the information and reasoning behind such a decision will be kept by MSU Security and/or the office/department/official making the decision. As soon as the condition that may compromise efforts is no longer present, the University will issue the emergency notification to the campus community.

### **Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification**

If it is determined that a critical incident or other emergency exists on campus and an emergency notification must be issued, the notification will be sent to the campus community. Emergency notifications may include employees and/or students.

### **Determining the Contents of the Emergency Notification**

MSU Security and the Vice President of Administration and Finance, or designee, will determine the content of an emergency notification. Minot State University currently has (2) categories of notifications that can be released in different emergency situations. Classifications for these notifications are Timely Warnings and Safety Alerts.

### **Timely Warning**

In compliance with *Clery*, Minot State University will utilize the following criteria in determining the issuance of a Timely Warning to employees and students.

Commission of the following types of crimes:

- Arson
- Burglary
- Robbery

- Aggravated Assault
- Criminal Homicide
- Motor Vehicle Theft
- Sex Offenses
- Any other crime as deemed necessary

The Timely Warning may include, but is not limited to, the following information:

- Type of Crime
- Location of Occurrence
- Suspect Information (if available)
- Safety Instructions

Timely Warnings will be issued for any *Clery*-reportable crime committed within Minot State’s *Clery*-reportable geography that are:

- Reported to a Campus Security Authority or local police agency (provided the local police agency notifies Minot State of the report); and
- Considered by the institution to represent a serious or continuing threat to students and employees.

The Office of Safety and Security, in conjunction with the Vice President of Administration and Finance, will determine (on a case-by-case basis) whether a reported crime presents a serious or continuing threat to students and employees.

**Safety Alert**

A Safety Alert will be issued when an event or set of circumstances exist on or near campus that pose (or could potentially pose) a threat to the health or safety of the campus community but does not yet rise to the level of an emergency. A Safety Alert may include a *Clery*-reportable crime if it occurred within a close geographical proximity to the Minot State University campus, but not within Minot State’s *Clery*-reportable geography.

Safety Alerts may include, but are not limited to, information regarding suspicious people, sex offenders on or near campus, or suspected criminal activity on or near campus. A Safety Alert may be issued for a *Clery* Act crime that occurred at a previous point in time and was either not reported to MSU Security, or was not reported

in a timely manner, thereby causing the issuance of a Timely Warning to be impractical.

**Notification Procedures**

Decisions to issue a Timely Warning or Safety Alert are made on a case-by-case basis considering the nature and circumstances of the crime and the threat posed to the campus community. Content of the Timely Warning or Safety Alert will depend on the nature of the threat, information available, and the risk of compromising a law enforcement investigation.

The decision to issue a Timely Warning or Safety Alert will normally be made by the Director of Security (or designee) after consultation with the Vice President of Administration and Finance, or other member of the President’s Staff.

The Director of Security will be authorized to issue a Timely Warning or Safety Alert in a situation when members of the President’s Staff are unavailable.

A Timely Warning or Safety Alert will be prepared and forwarded to the University Communications Office if time allows. The University Communications Office will review the content and suggest changes if needed.

The Timely Warning/Safety Alert/Emergency Notification will be disseminated to all employees and students by one or a combination of the following methods:

- Assurance Emergency Alert System
- Campus email/campus announcements
- Minot State University official website
- Official Minot State University social media sites
- Public Access Channel 19 (MSU Channel)
- Local media
- Targeted communication – posters, letters, group meetings etc.

The University official who puts out the notification will use the following guidelines when determining the contents of the notification:

1. The first message is intended to alert the campus community of the dangerous condition and the actions they should take to safeguard their and their

neighbors' safety. Messages distributed in this stage of a rapidly unfolding critical incident will generally be short, precise, and directive.

2. The second (and other subsequent periodic messages) are intended to Inform the campus community about additional details of the situation. These messages are generally distributed once first responders and the Emergency Operations Center have additional information about the dangerous situation. Depending on how long the emergency lasts, messages in this stage will ideally be sent out hourly, or as needed depending on new information, to update the campus community regarding the incident. Messages may not be sent out as often as desired due to the specific circumstances of the emergency.
3. Finally, once the emergency has ended and first responders have given the "all clear," a final message will be sent out to the campus community signaling that the emergency has subsided, and the campus is back to business as usual. It can also include information as to where more information related to the emergency can be found, as well as information directing individuals to resources.

News media inquiries should be directed to the Public Information Office when available. The Director of Security will assist with news media inquiries as needed.

## Emergency Phone List

You can reach the Minot Police, at 911, directly from a campus phone without having to dial 9 for an outside line first. Be prepared to give your location, name and problem.

<b>Police</b> .....	911 or 701-852-0111
<b>Public Information Office</b> .....	701-858-3298
<b>Facilities Management</b> .....	701-858-3210
<b>CAMPUS SECURITY</b>	
Direct Line .....	701-500-2423
From a campus phone .....	HELP (4357)

Notifying Campus Security and/or local law enforcement of an emergency can also be accomplished by utilizing the Blue Light stations that are available throughout

campus. Pressing the RED button places a call to 911 dispatchers, and the BLACK button contacts Campus Security.

## General Evacuation Tips

To be prepared for an emergency requiring an Immediate evacuation of a building you should:

1. Know at least two ways out of the building.
2. Know the predetermined meeting location for your unit.

When you hear the alarm or are verbally instructed to begin evacuating the building:

1. Try to make sure all members of your department evacuate the area by quickly checking nearby restrooms, storage rooms, etc. as you exit.
2. Use the nearest stairway, not the elevator.
3. Accompany and assist those with disabilities.
4. Shut all doors behind you as you go.
5. Evacuate as quickly as possible but in an orderly manner. Do not push or shove.
6. Once outside, move at least 100 feet from the building or follow the instructions of emergency personnel on the scene. Stay away from building entrances.

The following information provides basic guidelines for the emergency evacuation of individuals with disabilities. For more extensive information please contact the Office of Disability Services.

### Ground Floor

Persons with physical disabilities should exit the building along with other building occupants.

### Above- or Below-Ground Floors

#### *Visually Impaired*

Tell the person with the visual impairment the nature of the emergency and offer to guide the person to the nearest exit. Have the person take your elbow and escort him/her out of the building. As you walk, advise the person of any obstacles. When you reach safety, orient the person to where he/she is and ask if any further assistance is necessary.

### *Hearing Impaired*

Alert the person that there is an emergency by using hand gestures or by turning the light switch on and off. Verbalize or mouth instructions or provide the individual with a short note containing instructions. Offer assistance as you leave the building.

### *Mobility Impaired*

Since elevators should not be used for evacuation, persons with mobility impairments will need assistance evacuating. Individuals who can walk may be able to evacuate themselves. Walk with the person to assist if necessary. Evacuating individuals who are not able to walk is much more complicated. If there is no immediate danger, take the individual to a safe place to await emergency personnel. Whenever possible, someone should remain with the person while another individual exits the building and notifies emergency personnel of the mobility person's exact location.

Only in situations of extreme and immediate danger should you try to evacuate a wheelchair user yourself. The person with the disability is the best authority on how he/she should be moved. Ask before you move someone. While it is best to let professional emergency personnel conduct the evacuation, a person with a mobility impairment can be carried by two people who have interlocked arms to form a "chair" or by carrying the person in a sturdy office chair.

## **ANNUAL FIRE SAFETY REPORT**

Fire safety is another important aspect of campus safety. Through efforts by Facilities Management to keep our campus safe through maintenance and preventative measures, as well as efforts by students, faculty, and staff, our campus has been able to maintain a very low number of fire incidents every year.

### **Fire Hazards**

Fire hazards prohibited on campus:

- a. **Candles/Incense.** Fire regulations prohibit the use of open flames. Therefore, candles and incense are

PROHIBITED in the Residence Halls. No person living in the Residence Halls may have candles (including tarts/wickless candles), candle warmers, or incense in their room, regardless of whether the item has been or will be burned. Violations of this policy will result in \$25/\$50/\$75 fines and the confiscation of the prohibited item(s). Subsequent charges will be determined by the IRHC/Director of Student Life.

- b. **Cooking.** Fire regulations forbid cooking in your room. No electrical cooking appliances, including microwave ovens, are permitted in the residence hall rooms. Cooking facilities are available in designated areas. Microwaves, toasters, and ovens are provided for the residents use. Only residents may use these facilities. Electrical cooking appliances will be confiscated and returned to the student at the end of the term or when he/she is no longer in residence.
- c. **Smoking.** Minot State University is a tobacco free campus. This policy exists protect the health and promote wellness and safety of all students, employees, and the general public. Smoking on University property, indoors or outdoors, or in University vehicles, is prohibited to include residential buildings. A violation of this policy may result in a \$25/\$50/\$75 fine. Subsequent charges to be determined by the Director of Student Life.

### **Fire Drills and Inspections**

Fire drills are held once at the beginning of fall and spring semesters for the residence halls to practice vacating the building in an orderly fashion should an emergency occur. Everyone must vacate the building regardless of whether they are in bed, on the telephone (long distance), etc. Exit procedures are posted on each floor.

Campus Security and the Residence Hall Director(s) will conduct all official fire drills. Any policy violations that are found during this time will be dealt with accordingly. Also, an annual fire inspection is completed by Minot Fire Department and the State Fire Marshal's Office. After the inspection, recommendations for improvement are given to Facilities Management for appropriate measures to be taken.

## Fire Procedures

### Response to Fire or Suspected Fire

1. If a burning odor or smoke is present, pull a fire alarm to activate the fire alarm system and dial 911.
2. If possible, shut off gas in your area.
3. If you can help control the fire without personal danger and have received training, take action with available fire extinguisher or fire hose. If not, leave the area.
4. Never allow the fire to come between you and an exit.
5. Leave the building, checking as you leave to make sure everyone has left the immediate area. Close doors behind you to confine the fire.
6. In an emergency, such as a fire or suspected fire, always dial 911 immediately to initiate an emergency response. When safe to do so, contact one of the following individuals/departments as soon as you are able in the event of a fire or suspected fire:

Director of Facilities  
701-858-3210  
MSU Campus Security  
701-500-2423

### Evacuation Process for Fire Alarms

Try to make sure that all members of your department hear the alarm and evacuate the area by quickly checking the nearby restrooms, copier rooms, storage rooms, etc. as you exit. Use the nearest stairway. Do not use the elevator. If requested, accompany and assist persons with disabilities. Shut all doors behind you as you go. Closed doors can slow the spread of fire and smoke. Evacuate as quickly as possible but in an orderly manner. Do not push or shove.

Once outside, move at least 100 feet from the building. Meet at a predetermined location to account for all members of your unit. Return to the building only when given the "all clear" by police or other proper emergency personnel. Do NOT assume that when the audible alarm ceases it is safe to enter the building. There are many possible reasons for the alarm to stop sounding.

# Fire Statistics

STUDENT HOUSING FIRE SAFETY SYSTEMS						
	Fire Alarm Monitoring Done on Site	Fire Hose Standpipe	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Number of Evacuation Drills Each Calendar Year
Campus Heights	X	X		X	X	1
C.P. Lura Manor	X	X	X	X	X	1
Cook Hall	X	X		X	X	1
Crane Hall	X	X	X	X	X	1
Dakota Hall	X	X		X	X	1
McCulloch Hall	X	X		X	X	1
Pioneer Hall	X	X		X	X	1
University Heights	X			X	X	1

FIRE STATISTICS*	On-Campus		
	2016	2017	2018
Campus Heights	0	0	0
C.P. Lura Manor	0	0	0
Cook Hall	0	0	0
Crane Hall	0	0	0
Dakota Hall	0	0	0
McCulloch Hall	0	0	0
Pioneer Hall	1	0	0
University Heights	0	0	0

2016 FIRE DETAILS	Date Of Fire	Description/Cause of Fire	Number of Injuries Requiring Treatment	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Pioneer Hall Rm #303	4/9/16	Books on Stove Fire	0	0	\$500.00

\*These statistics are from January 1, 2016 - December 31, 2018. Fire statistics are included within the Daily Crime/Fire Log



Office of Safety and Security

We urge members of the University community to use this report as a guide for safe practices on and off-campus.

The Office of Safety and Security sends an e-mail to every enrolled student and current employee on an annual basis to notify that the report is available to be viewed. The e-mail includes a brief summary of the contents of this report and the web address for the Office of Safety and Security webpage, where the Annual Security and Fire Safety Report can be found. The report is available online at: [MinotStateU.edu/safety/documents/annual-security-report.pdf](http://MinotStateU.edu/safety/documents/annual-security-report.pdf).

You may request to have a physical copy mailed to you by calling 701-500-2423. A copy of the report can also be obtained from the Office of Safety and Security at the Plant Services building, located on the west end of campus.

**Minot State University Office of Safety and Security**

**500 University Avenue West, Minot, ND 58707**

**701-500-2423 • 800-777-0750**

[MinotStateU.edu/safety](http://MinotStateU.edu/safety)