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.

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 providing a safe environment on our campus. We ask all community members to be observant and report any safety related concerns to MSU Security.

The Annual Security Report provides a detailed summary of Minot State University’s efforts to keep our campus safe. The information in the Annual Security Report provides details regarding on-campus criminal activity for each of the last three years. It also provides a listing of safety related campus policies and community resources available to students and employees.

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

CAMPUS SECURITY HOTLINE

From a campus phone: HELP (4357)
Direct line: 701-500-2423
Minot Police Department: 911

Minot State University is a tobacco free campus.
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Quick Reference Contact Information

CAMPUS SECURITY
From a campus phone HELP (4357)
Direct Line 701-500-2423
Minot Central Dispatch 911
Police (Non-Emergency) 701-852-0111
Fire (Administrative) 701-857-4740
Ambulance (Administrative) 701-852-2251
Facilities Management 701-858-3210
Director, MSU Security 701-858-4016
Student Affairs 701-858-3299
Student Life/Housing 701-858-3363
Student Health Center 701-858-3371

Title IX Office 701-858-3447
Cook Hall 701-858-3701
C.P. Lura Hall 701-858-3901
Crane Hall 701-858-4501
Dakota Hall 701-858-3501
McCulloch Hall 701-858-3601
Trinity Hospital 701-857-5000
Domestic Violence Crisis Center
Office 701-852-2258
24 Hour 701-857-2200
Rape Crisis Line 701-857-2500
Section 1: 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 six full-time and four part-time officers. Campus Security officers are not licensed police officers and do not possess the power of arrest as defined by the 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 citizen’s arrests when necessary for the safety of the campus community.

Primary Law Enforcement Agency
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 notification and response to all crimes, emergencies, or requests for service to campus. Minot State Security also works with the Ward County Sheriff’s Department and other state and 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. We ask that all campus community members report any criminal activity to the Office of Safety and Security by calling 701-500-2423 or the Minot Police Department - 701-858-0111 (Emergency 911).

Crime Prevention and Personal Safety
Minot State University places a high priority on the personal safety of its students and employees. 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 officers patrol campus routinely by a marked vehicle and patrol on foot. The Office of Safety and Security provides security for events on and off campus, Including events sponsored by non-University groups.

Minot State University has 386 cameras located strategically in public places to monitor interiors of buildings and exterior areas such as parking lots and walkways.

In addition to existing security provisions on Campus such as electronic door 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 and/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 the Minot State Security cell at 701-500-2423.

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

Safety Education Programs
MSU Security participates in ongoing safety education and crime prevention of the campus community. Safety related talks are given regarding crime prevention, campus crime statistics, 24/7 Safe Walk program for students, faculty, and staff, campus security procedures and practices including personal safety and the safety of others. Groups presented to include:
- Crossroads Program Personnel
- ASTEP
- New Student Orientation
Off-Campus Student Organizations
Minot State University currently does not have any officially recognized student organizations with off-campus housing such as Fraternities or Sororities.

Section 2: 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 had not 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 IHEs to make their campus security policies available to the public. The act also requires the collection, reporting, and submission of statistics to the Department of Education annually and the publication and advertisement of 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:

- 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.
- 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.
- 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.
- Disclose missing student notification procedures that pertain to students residing in any on-campus student housing facilities.
- 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.
• Submit the collected crime and fire statistics to the Department of Education by October 1.
• Inform prospective students and employees about the availability of the Annual Fire Safety Report.

**Clergy Act - Annual Security Report**
The key to preventing crime is awareness, which is best achieved through education. The Annual Security Report contains important information to help students and employees keep Minot State University a safe place to learn and work.

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 Annual Security Report can be found at MinotStateU.edu/safety/documents/annual-security-report.pdf. Additional safety and security information can be found at MinotStateU.edu/safety.

**Established Clergy Reportable Geography**
According to The Handbook for Campus Safety and Security Reporting (Handbook), which explains the Department of Education’s requirements under the *Clergy 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 (University Heights)
• 1432 7th St NW (Campus Heights)

Minot State’s reportable geography includes all the above listed addresses, including public property directly adjacent including the sidewalk on the opposite side of the street.

**Crime Statistics**
The *Clergy 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:
  o Larceny-Theft
  o Simple Assault
  o 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:  
• Annual letters are sent 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 Campus Security Authorities (CSAs) is sent out annually requesting 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.  

Preparation and Disclosure of Crime Statistics  
Minot State University Security is responsible for preparing and disclosing crime statistics in compliance with the Clery Act. MSU Security collects and prepares criminal statistical information for inclusion in Minot State’s Annual Security Report (ASR) annually.  

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. Clery reporting covers the preceding (3) calendar years.  

How are statistics compiled?  
Once statistics are gathered, Campus Security cross-references the statistics for accuracy. Incident reports are reviewed and classified to determine if the incident is Clery reportable. Documentation of all received statistics, request letters, and other official reports or correspondence related to crime statistics are retained.  

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 over the previous (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:

- Campus Police or Campus Security – 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)
- 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
- An official (defined as “any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”) who has significant responsibility for student and campus activities.

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. A CSA is required to pass information regarding criminal activity in a timely manner to Campus Security. It is the responsibility of Campus Security to investigate further and add the reported offense to the crime log.

Crime reports can be made to the following individuals who have been designated by Minot State University as Campus Security Authorities (CSAs) due to their significant responsibility over students and student activities on campus:

- **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

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)
- Campus Security Officer (701-500-2423)
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 confidential inclusion in the annual crime statistics.

Section 3: 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:

- **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).

- **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.”

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

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
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.

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
- Sexual Assault (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 that person, 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
Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
Statutory Rape
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 sex offense. If there is no knowledge of the intent of the perpetrator, the incident will 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.

Violence Against Women Act
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:
- The length of the relationship
- The type of relationship
- 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.
## Section 4: Crime Statistics

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

Calendar Years 2019-2021

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).

<table>
<thead>
<tr>
<th>OFFENSES</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
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<tbody>
<tr>
<td></td>
<td>On Campus Property</td>
<td>Public Property</td>
<td>Non-Campus</td>
</tr>
<tr>
<td>Criminal Homicide</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Murder &amp; Nonnegligent Manslaughter</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>Manslaughter by Negligence</td>
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<td>0</td>
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<tr>
<td>Sexual Assault (Sex Offenses)</td>
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<td></td>
</tr>
<tr>
<td>Rape</td>
<td>1</td>
<td>1</td>
<td>0</td>
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<tr>
<td>Fondling</td>
<td>0</td>
<td>1</td>
<td>0</td>
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<tr>
<td>Incest</td>
<td>0</td>
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<tr>
<td>Statutory Rape</td>
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<td>0</td>
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<tr>
<td>Robbery</td>
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<tr>
<td>Aggravated Assault</td>
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<tr>
<td>Burglary</td>
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<tr>
<td>Motor Vehicle Theft</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
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</tbody>
</table>

**VAWA OFFENSES**

| Domestic Violence                | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
|Dating Violence                   | 0    | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
|Stalking                          | 0    | 3    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |

**ARRESTS**

| Weapons Violations               | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
|Drug Abuse Violations             | 0    | 2    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
|Liquor Law Violations             | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |

**REFERRALS**

| Weapons Violations               | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
|Drug Abuse Violations             | 1    | 1    | 0    | 1    | 1    | 0    | 2    | 2    | 0    | 0    |
|Liquor Law Violations             | 7    | 7    | 0    | 10   | 10   | 0    | 3    | 3    | 0    | 0    |

**HATE CRIMES***

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

**None of the crimes reported during the 2019-2021 reporting period qualify as Hate Crimes according to Clery Act definition.**

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, 2019 and December 31, 2021.

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)
- 1432 7th St NW (University Heights physical address)
- 816 10th Ave NW (Beaver Slides 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 (Mayfa Arena - MSU Club Hockey)
- 2400 14th Avenue SW (Souris Valley Golf Course - MSU Golf)
- 1703 3rd St SE (North Hill 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)
- 6401 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.*
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:

- Campus Security Direct line – 701-500-2423 Available - 24/7
- Campus Phone – Dial 4357 (HELP) Available 24/7

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.

Crimes may be reported to Minot Central Dispatch (911). Information regarding crimes reported to Minot Central Dispatch will be forwarded to MSU Security through provisions in the Memorandum of Understanding between Minot State University and the Minot Police Department.

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) contains a link to a Campus Security Authority (CSA) Report Form: (https://www.minotstateu.edu/safety/csa-report-form.shtml). 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 (https://www.minotstateu.edu/safety/tip-form.shtml) which anyone can use to anonymously report crimes, or leave contact information if they would like a response from MSU Security.

All CSA Report forms or anonymous tip forms are directed to the MSU Security Director’s email account. This email account is monitored daily and if needed, an immediate response is initiated depending on the nature of the notification. The nature of the notification will dictate the response by MSU Security to include Timely Notifications, Safety Alerts, or an immediate response by MSU Security officers.

If you are the victim or witness 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. Crimes reported to Minot PD, or other law enforcement agencies, are subject to that agency’s policies and procedures regarding release of information.

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, 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 immediately.
Section 5: Emergency Procedures

Campus Community Emergency Notification
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 Assurance NM system and the Minot State University Blue Light external speaker system.

AssuranceNM
The North Dakota University System utilizes the AssuranceNM emergency notification system to efficiently communicate important emergency information. The service is composed of an automated voice, email, and text message system that allows notification of large numbers of people in a relatively short period of time. The system offers three group selection options:
- Students Only
- Employees Only
- Students and Employees

All employees are required to enroll and update their contact information in the AssuranceNM system in order to obtain their Campus Connection email account and during annual payroll elections.

Students are required to enter their emergency contact information in the AssuranceNM system when they initially claim their Campus Connection email account. Reminders to update the emergency contact information in Campus Connection are automatically sent by the system every 90 days to ensure emergency contact information is current.

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

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 two (2) categories of notifications that can be sent out related to numerous different emergency or other safety-affecting situations. Minot State University will release information as soon as is practically possible. There may be instances where all known information regarding an incident is not released due to sensitive issues and/or possible interference with an official investigation. Classifications for these notifications are Timely Warnings and Safety Alerts. The Director of Public Information, or designee, will notify the Minot area community of any campus incidents that affect public safety or is of community interest through established news release protocols.

Timely Warning
A Timely Warning is an emergency message designed to inform the campus community of a serious or continuing threat affecting personal safety and security. The purpose of the Timely Warning is to aid in the prevention of similar occurrences and will always maintain confidentiality of victims.

In compliance with the Clery Act, Minot State University will utilize the following criteria in determining the issuance of a Timely Warning to employees and students.
Timely Warnings will be initiated, when appropriate, if information is received regarding the 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
- Suspect information (if available)
- Safety instructions

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

- Date and time or timeframe of the incident
- A brief description of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes
- Suspect description(s) when deemed appropriate and if there is sufficient detail
- Police/Public Safety agency contact information
- Other information as deemed appropriate by the Director of Security or designee

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)
- Considered by the institution to represent a serious or continuing threat to students and employees
- A Timely Warning may be issued for threats to persons or property

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 Officer (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.
- In-person communication when applicable

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.

MSU Security Officers will attempt to notify campus visitors of a Timely Warning issued by Minot State University. Notification may be made in-person or referring the visitor to official news sources.

Please note – Information regarding a crime that is reported to a pastor or a professional counselor is not required to be reported to Campus Security. In these cases, a Timely Warning will not be issued by the University.

**Campus Facilities - Access and Security**

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 a 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.

Minot State Security Officers lock all interior and exterior doors of non-residential buildings by 10:30 p.m. nightly. Security officers patrol the exterior and interior of each building throughout the night.
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.

Guests must register with the appropriate housing staff. All student rooms in residence halls are equipped with dead bolt locks or other security hardware and all student room windows have locking devices.

**Maintenance of Campus Facilities**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. MSU Security regularly patrols the campus and reports malfunctioning and other unsafe physical conditions to Facilities Management for correction. Other members are encouraged to report equipment problems to Facilities Management.

**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 that 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**

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

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:

- Notify the President.
- Notify the Minot Police Dept. within 24 hours after determining that the student is missing. 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.
- Notify the individual identified by the missing student as the emergency contact within 24 hours of making the determination that the student is missing.
- Determine the status of the missing student

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 will only be accessible to authorized campus officials, such as Student Affairs and Security personnel, as well as law enforcement.

**Student Notification of this Policy**

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

**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: [Offender Search](minotstateu.edu)

The link is also available on the MSU Security website: [MSU - Other Resources](minotstateu.edu)

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.

**Section 6: Title IX Sexual Misconduct**

**Title IX - Sexual Misconduct Policy**

THIS POLICY SEEKS TO COMBINE AND IMPLEMENT THE LEGAL, REGULATORY, AND POLICY REQUIREMENTS REGARDING SEXUAL HARASSMENT CONTAINED WITHIN:


North Dakota University System Policy 520. Title IX-Sexual Harassment

North Dakota Century Code Chapter 14-02.4

North Dakota Century Code Chapter 12.1-20

North Dakota Century Code Chapter 15-10-56 (3)(a)

North Dakota Century Code Chapter 44-04

**POLICY STATEMENT**

Minot State University adheres to all federal, state, and local civil rights laws prohibiting sex-based harassment in employment and education. The University does not discriminate in its admissions practices (except as permitted by law), in its employment practices, or in its educational programs or activities on the basis of sex/gender. As a recipient of federal financial assistance for education activities, the University is required by Title IX of the Education...
Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex/gender. Sex includes sex, sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or parenting status.

The University also prohibits retaliation against any person opposing sexual harassment or participating in any investigation or complaint process internal or external to the institution. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sexual harassment, which are prohibited under Title IX and by University policy.

Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities and/or benefits of any member of the University community on the basis of sex is in violation of the Sexual Harassment Policy.

Any person may report sex-based harassment (whether or not the person reporting is the person alleged to have experienced the conduct), in person, by mail, by telephone, by video, or by email, using the contact information listed for the Title IX Coordinator (below). A report may be made at any time (including during non-business hours).

Questions regarding Title IX, including its application and/or concerns about noncompliance, should be directed to the Title IX Coordinator, Lisa Dooley, Ed.D.

Lisa Dooley, Ed.D., Title IX Coordinator Office of Title IX
Memorial Hall, 4th Floor, Room 412
500 University Ave W., Minot, ND 58707 (701) 858-3447
Email: lisa.dooley@ndus.edu • Web: https://www.minotstateu.edu/title9/index.shtml

Glossary

Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Complainant means an individual who is alleged to be the victim of conduct which could, after investigation, constitute sexual harassment.

Complaint (formal) means a document filed/signed by a Complainant or signed by the Title IX Coordinator (or designee) alleging sexual harassment based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the recipient investigate the allegation. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the University’s education program or activity.

Confidential Resource means an employee who is not a Mandated Reporter of notice of sexual harassment and/or retaliation (irrespective of Clery Act Campus Security Authority status).

Education Program or Activity means locations, events, or circumstances where University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by University.

Final Determination means a conclusion, by the preponderance of the evidence, whether the alleged conduct occurred and if so, whether it did or did not violate policy.
Finding means a conclusion by the preponderance of the evidence that the conduct did or did not occur as alleged. Formal Grievance Process means a method of formal resolution to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45 and State Board of Higher Education Policy 520.

Hearing Decision-maker or Panel refers to those who have decision-making and sanctioning authority within the Recipient’s Formal Grievance process.

Investigator means the person or persons charged by the University with gathering facts about an alleged violation of this policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

Mandated Reporter means an employee of University who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator (or designee).

Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

Official with Authority (OWA) means an employee of University explicitly vested with the responsibility to implement corrective measures for harassment and/or retaliation on behalf of University.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

Resolution means the result of an informal or Formal Grievance Process.

Sanction means a consequence imposed on a Respondent who is found to have violated this policy.

Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence.

Title IX Coordinator is the official designated by University to ensure compliance with Title IX and the University’s Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

Rationale for Policy
The University is committed to providing a workplace and educational environment, as well as other bene- fits, programs, and activities that are free from sexual harassment and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment and retaliation. The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

Applicable Scope
The core purpose of this policy is the prohibition of sex-based harassment, including sexual harassment, sexual assault, stalking, dating violence or domestic violence and sexual exploitation. When an alleged violation of this
policy is reported, the allegations are subject to resolution as determined by the Title IX Coordinator (or designee), and as detailed below.

When the Respondent is a member of the University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the University community. This community includes, but is not limited to, students, student organizations, faculty, administrators, and staff. The policy will handle a complaint of sexual harassment by a third party with supportive measures, trespass, timely warnings, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders, and community remedies. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

**Title IX Coordinator**
The Title IX Coordinator oversees implementation of the University’s policy on sexual harassment. The Title IX Coordinator has the primary responsibility for coordinating University’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment and retaliation prohibited under this policy.

The Title IX Coordinator (or designee) manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator (or designee) oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator (or designee), contact the University’s President. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator (or designee).

Reports of misconduct committed by the Title IX Coordinator (or designee) should be reported to the University’s President. Reports of misconduct committed by any other Title IX Team member should be reported to the Title IX Coordinator (or designee).

**Administrative Contact Information**
Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Lisa Dooley, Ed.D., Title IX Coordinator Office of Title IX
Memorial Hall, 4th Floor, Room 412
500 University Ave W., Minot, ND 58707 (701) 858-3447
Email: lisa.dooley@ndus.edu • Web: https://www.minotstateu.edu/title9/index.shtml

The University has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing sex-based harassment and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to: The Office for Civil Rights/Chicago
U.S. Department of Education, Citigroup Center
500 W Madison Street, Suite 1475, Chicago, IL 60661
Telephone: (312) 730-1560, FAX: (312) 730-1576 • TDD: (800) 877-8339
Email: OCR.Chicago@ed.gov • Web: ed.gov/ocr
Notice/Complaints of Sexual Harassment and/or Retaliation

Notice or complaints of sexual harassment, and/or retaliation may be made using any of the following options:

File a complaint with, or give verbal notice to, the Title IX Coordinator (or designee), or deputy/deputies. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator (or designee) or any other official listed.

Report online, using the reporting form posted at https://www.minotstateu.edu/title9/incident-reporting.shtml. Anonymous reports are accepted but can give rise to a need to investigate. The University tries to provide supportive measures to all Complainants, which may not be possible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the University respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the University to discuss and/or provide supportive measures.

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator (or designee) alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s). A complaint may be filed with the Title IX Coordinator (or designee) in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator (or designee) will contact the Complainant to ensure that it is filed correctly.

Expectations Regarding Unethical Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty member and student or supervisor and employee). These relationships may, in reality, be less consensual than perceived by the individual whose position confers power or authority. Similarly, the relationship may also be viewed in different ways by each of the parties, particularly in retrospect. Circumstances may change, and conduct that was once welcome may, at some point in the relationship, become unwelcome. Even when both parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. Minot State 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. However, for the personal protection of members of this community, relationships in which power differentials are inherent (e.g., faculty-student, staff-student) are generally discouraged. They may also violate standards of professionalism and/or professional ethics.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must bring these relationships to the timely attention of their supervisor and/or the Title IX Coordinator. The existence of this type of relationship will likely result in removing the supervisory or evaluative responsibilities from the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When an affected relationship existed prior to adoption of this policy, the duty to notify the appropriate supervisor still pertains.

While no relationships are prohibited by this policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee. The Title IX Coordinator will determine whether to refer violations of this provision to Human Resources for resolution, or to pursue resolution under this Policy, based on the circumstances of the allegation.
Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University’s education program or activity, including measures designed to protect the safety of all parties or the University’s educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator (or designee) promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already. The Title IX Coordinator (or designee) works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented. The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University’s ability to provide the supportive measures.

The University will act to ensure as minimal an academic impact on the parties as possible. The University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Student financial aid counseling
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator (or designee)

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

Emergency Removal

The University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator (or designee) in conjunction with the Behavioral Intervention Team [BIT] using its standard objective violence risk assessment procedures.
In all cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to meet with the Title IX Coordinator (or designee) prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator (or designee) determines it is equitable to do so.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator (or designee) for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator (or designee) has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include suspension, expulsion, or termination.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator (or designee), these actions could include, but are not limited to: removing a student from a residence hall, restricting a student’s or employee’s access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student’s participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator (or designee), alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

There is no further appeal process for emergency removal decisions following the meeting with the Title IX Coordinator.

**Timeframe**

All allegations are acted upon promptly by the University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There may be exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in University procedures will be delayed, the University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

**Privacy**

Every effort is made by the University to preserve the privacy of reports. The University will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of harassment, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.
The University reserves the right to designate which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to FERPA. Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Division of Student Affairs, University Campus Security, and the Threat Assessment Team. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties’ rights and privacy.

The University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so. Confidentiality and mandated reporting are addressed more specifically below.

**Jurisdiction of the University**

This policy applies to the education program and activities of the University, to conduct that takes place on the campus or on property owned or controlled by the University, at University-sponsored events, or in buildings owned or controlled by the University’s recognized student organizations. The Respondent must be a member of University’s community in order for this policy to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to University’s educational program. The recipient may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator (or designee) determines that the conduct affects a substantial University Interest. Regardless of where the conduct occurred, the Recipient will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity.

A substantial University interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, tribal, or federal law;
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests or mission of the University.

If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator (or designee) will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus security if the individual would like to file a police report.

Further, even when the Respondent is not a member of the University’s community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator (or designee).

In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator (or designee) can assist the Complainant by liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution’s policies.
Similarly, the Title IX Coordinator (or designee) may be able to advocate for a student or employee Complainant who experiences harassment in an externship, study abroad program, or other environment external to University where sexual harassment policies and procedures of the facilitating or host organization may give recourse to the Complainant.

**Reporting Time Limits**
There is no time limitation on providing notice/complaints to the Title IX Coordinator (or designee). However, if the Respondent is no longer subject to the University’s jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, a change in policy) is at the discretion of the Title IX Coordinator (or designee), who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

**Online Harassment and Misconduct**
The policies of the University are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the University’s education program and activities or use University networks, technology, or equipment.

While the University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the University, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip, sharing inappropriate content via Snapchat or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the University community.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the University’s control (e.g., not on University networks, websites, or between University email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the University only when such speech is made in an employee’s official or work-related capacity.

**Nondiscrimination Policy**
The University adheres to all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education.

Minot State University does not engage in discrimination or harassment against any person because of race, color, religion or creed, sex, gender, gender identity, pregnancy, national or ethnic origin, disability, age, ancestry,
marital status, sexual orientation, veteran status, political beliefs or affiliations, or information protected by the Genetic Information Nondiscrimination Act ("GINA"); and complies with all federal and state non-discrimination, equal opportunity and affirmative action laws, orders and regulations, including remaining compliant and consistent with the Civil Rights Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, and Title IX of the Education Amendments of 1972. This policy on non-discrimination applies to admissions, enrollment, scholarships, loan programs, participation in University activities, employment, and access to participation in, and treatment in all University programs and activities. The University prohibits retaliation against any individual or group who exercises its rights or responsibilities protected under the provisions of state law, federal law and/or University policy. Employees or students who violate this policy may face disciplinary action up to and including separation from the University. Third parties who commit discrimination or harassment may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

Questions, comments, or complaints regarding sexual harassment may be directed to the Title IX Office. All other forms of discrimination (e.g. racial) or harassment may be directed to the Vice President for Student Affairs or the Director of Human Resources, as appropriate. Complaints may also be filed with the U.S. Department of Education, Office for Civil Rights.

When brought to the attention of the University, any such discrimination will be promptly and fairly addressed and remedied by the University according to the appropriate grievance process.

Sexual Harassment
The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the North Dakota Century Code Chapter 14-02.4 regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

The University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

1) **Quid Pro Quo:**
   a) an employee of the recipient,
   b) conditions the provision of an aid, benefit, or service of the University,
   c) on an individual’s participation in unwelcome sexual conduct; and/or

2) **Sexual Harassment:**
   a) unwelcome conduct,
   b) determined by a reasonable person to be so severe, and
   c) pervasive, and
   d) objectively offensive
   e) that it effectively denies a person equal access to the University’s education program or activity.

Whether conduct is unwelcome is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.
3) Sexual assault, defined as:
   I. Sex offenses:
      a) Rape:
         i. Penetration, no matter how slight,
         ii. of the vagina or anus with any body part or object, or
         iii. oral penetration by a sex organ of the Respondent,
         iv. without the consent of the Complainant.
      b) Fondling:
         i. The touching of the private body parts of another person (buttocks, groin, breasts),
         ii. for the purpose of sexual gratification,
         iii. without the consent of the Complainant, including instances in which the Complainant is
            incapable of giving consent because of age or because of temporary or permanent mental
            incapacity.
   II. Sex Offenses:
      a) Incest:
         i. Sexual intercourse,
         ii. between persons who are related to each other within the degrees wherein marriage is
            prohibited by North Dakota law (NDCC § 12.1-20-11).
      b) Statutory Rape:
         i. Sexual intercourse,
         ii. with a person who is under the statutory age of consent, which is 18 years of age.

4) Dating Violence, defined as:
   a) violence,
   b) committed by the Respondent,
   c) who is or has been in a romantic or intimate relationship with the Complainant. The existence of such a
      relationship shall be determined by considering the length of the relationship, the type of relationship, and
      the frequency of interaction between the Complainant and Respondent.

5) Domestic Violence, defined as:
   a) violence,
   b) committed by the Respondent who is
   c) a current or former spouse or intimate partner of the Complainant, or
   d) a person with whom the Complainant shares a child in common, or
   e) cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
   f) similarly situated to a spouse of the Complainant, or
   g) any person whose acts the Complainant is protected by the domestic or family violence laws of North
      Dakota (NDCC § 14-07.1).

   To categorize an incident as Domestic Violence, the relationship between the Respondent and the
   Complainant must be more than just two people living together as roommates. The people cohabitating
   must be current or former spouses or intimate partner.

6) Stalking, defined as:
   a) engaging in a course of conduct,
   b) directed at a specific person,
   c) that would cause a reasonable person to fear for the person’s safety, or
   d) the safety of others; or
   e) Suffer substantial emotional distress.
For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property; reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant; substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

As used in the offenses above, the following definitions and understandings apply:
Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual; however, non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, 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.

Consent is:
- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previ-ous patterns that may be evidenced.
Incapacitation: A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Other Prohibited Forms of Misconduct
In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, the University additionally prohibits the following offenses as forms of sexual misconduct outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy.
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photo- graphed person’s consent), including the making or posting of revenge pornography.
- Prostituting another person.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection.
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity.
- Misappropriation of another person’s identity on apps, websites, or other venues designed for dating or sexual connection.
- Forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio, or an image that depicts the person’s nudity or sexual activity.
- Knowingly soliciting a minor for sexual activity.
- Engaging in sex trafficking.
- Creation, possession, or dissemination of child pornography.
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person.
**Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator (or designee) and will be promptly investigated. The University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for the University or any member of the University's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charges against an individual for code of conduct violations that do not involve sexual misconduct or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sexual misconduct or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

**Mandated Reporting**

All University employees (faculty, staff, contracted staff, and administrators) are expected to report actual or suspected sexual harassment to appropriate officials immediately, 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 and are not required to report actual or suspected misconduct or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, they should file a formal complaint with the Title IX Coordinator (or designee).

The following sections describe the reporting options at University for a Complainant or third-party (including parents/guardians when appropriate):

**Confidential Resources**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors
- On-campus health service providers and staff
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination
Off-campus (non-employees):
- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order. Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours. University employees who are confidential resources will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

**Mandated Reporters and Formal Notice/Complaints**

All employees of University (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator (or designee) all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors that may violate this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator (or designee).

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from University. Supportive measures may be offered as the result of such disclosures without formal action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment of which they become aware is a violation of University policy and can subject the Mandated Reporter to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

**When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator (or designee),
who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator (or designee) has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator (or designee) may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator’s (or designee) decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Recipients may be compelled to act on alleged employee misconduct irrespective of a Complainant’s wishes.

The Title IX Coordinator (or designee) must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University’s ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator (or designee) executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the University’s ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University’s obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, the University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the University, and to have the incidents investigated and properly resolved through these procedures.

Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.
The University will ensure that a Complainant’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 potential danger.

**False Allegations and Evidence**
Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

**Amnesty for Complainants and Witnesses**
The University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses may be hesitant to report to University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University’s community that Complainants choose to report misconduct to University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the University maintains a policy of offering parties and witnesses’ amnesty from minor policy violations — such as underage consumption of alcohol or the use of illicit drugs — related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

**Prevention and Education**
University is committed to the prevention of sexual harassment, dating/domestic violence, 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.

- **Students**
  Every University student must complete this training each academic year. All Incoming first-year students will receive primary prevention and awareness programming as part of their orientation. Returning students will
receive ongoing training each academic year. Failure to complete the required training will result in a hold that prevents all registration activity being placed on the student account until the training is complete.

- **Employees**
  Every University employee must complete this training each academic year. All new employees will receive primary prevention and awareness programming as part of their orientation. Returning employees will receive ongoing training each academic year. University employees who fail to complete required training by the stated deadline may be subject to appropriate disciplinary action (i.e. a letter of reprimand placed in their personnel file).

This training, by its nature, addresses issues of sexual harassment, misconduct, and violence. The University understands that the training may trigger an emotional response, especially if you have experienced or been impacted by these issues or behaviors. If you have concerns, questions, or would like additional information regarding the training, please contact the Title IX office.

**Federal Statistical Reporting Obligations**
Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):
- All “primary crimes,” which include homicide, sexual assault, robbery,agrivated assault, burglary, motor vehicle theft, and arson;
- Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft,
simple assault, intimidation, or destruction/damage/vandalism of property;
- VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations,
and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be passed along to campus security regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

**Resolution Process for Alleged Violations of this Policy**
**Overview**
The University will act on any formal or informal notice/complaint of violation of the policy that is received by the Title IX Coordinator (or designee) by applying these procedures.

The procedures below apply to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrators, or faculty members.

All other allegations of misconduct unrelated to Title IX will be addressed through procedures elaborated below.

**Notice/Complaint**
Upon receipt of a complaint or notice to the Title IX Coordinator (or designee) of an alleged violation of the Policy, the University initiates a prompt initial assessment to determine next steps taken.

The University will initiate at least one of three responses:
- Offering supportive measures because the Complainant does not want to proceed formally; and/or
- An informal resolution; and/or
- A Formal Grievance Process including an investigation and a hearing.
The investigation and grievance process will determine whether or not the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or misconduct, their potential recurrence, or their effects.

**Initial Assessment**

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator (or designee) engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator (or designee), or designee seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired. If they do not wish to do so, the Title IX Coordinator (or designee) determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator (or designee) assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator (or designee) reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator (or designee) works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator (or designee) works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
- If a supportive and remedial response is preferred, the Title IX Coordinator (or designee) works with the Complainant to identify their desired supportive measures and then seeks to facilitate implementation, if appropriate. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
- If an informal resolution option is preferred, the Title IX Coordinator (or designee) assesses whether informal resolution of the complaint is permissible, and may seek to determine if the Respondent is also willing to engage in informal resolution.
- If a Formal Grievance Process is preferred, the Title IX Coordinator (or designee) determines if the misconduct alleged falls within the scope of Title IX:
  - If it does, the Title IX Coordinator (or designee) will initiate the formal investigation and grievance process, directing the investigation to address:
    - an incident, and/or
    - a pattern of alleged misconduct, and/or
    - a culture/climate issue, based on the nature of the complaint
  - If it does not, the Title IX Coordinator (or designee) determines that Title IX does not apply (and will dismiss that aspect of the complaint, if any), assesses which policies may apply, and will refer the matter accordingly (i.e. Student Conduct Policy; Human Resource Policy; Academic Affairs Policy).

Please note that dismissing a complaint under Title IX is just procedural, and does not limit Minot State University’s authority to address a complaint with an appropriate process and remedies.

**Violence Risk Assessment**

In some cases, the Title IX Coordinator (or designee) may determine that a Violence Risk Assessment (VRA) should be conducted by the Behavioral Intervention Team (BIT) as part of the initial assessment. A VRA can aid in critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety
• Whether the Title IX Coordinator (or designee) should pursue/sign a formal complaint absent a willing/able Complainant
• Whether to put the investigation on the footing of incident and/or pattern and/or climate;
• To help identify potential predatory conduct and/or grooming behaviors
• Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful
• Whether to permit a voluntary withdrawal from the University by the Respondent;
• Whether to impose transcript notation or communicate with a transfer Recipient about a Respondent
• Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
• Whether a Clery Act Timely Warning/Trespass order/Persona non-grata is needed

Threat assessment is the process of evaluating the legitimacy of the threat of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by the BIT team members. A VRA authorized by the Title IX Coordinator (or designee) should occur in collaboration with the BIT. Where a VRA is required by the Title IX Coordinator (or designee), a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process. A VRA is not a psychological or mental health assessment. A VRA assesses the legitimate risk of violence, often with a focus on targeted/predatory escalations, and is supported by research.

**Dismissal (34 CFR Part 106.45)**
The University must dismiss a formal complaint under Title IX or any allegations therein if, at any time during the investigation or hearing, it is determined that:

• The conduct alleged in the formal complaint would not constitute sexual harassment as defined in this Policy, even if proved; and/or the conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations); and/or the conduct did not occur against a person in the United States; and/or
• At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient.

The University may dismiss a formal complaint under Title IX or any allegations therein if, at any time during the investigation or hearing:

• A Complainant notifies the Title IX Coordinator (or designee) in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or the Respondent is no longer enrolled in or employed by the recipient; or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.
Counterclaims
The University is obligated to ensure that the grievance process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator (or designee). When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

Right to an Advisor
The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available. This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally). The University may permit parties to have more than one Advisor upon special request to the Title IX Coordinator (or designee). The decision to grant this request is at the sole discretion of the Title IX Coordinator (or designee) and will be granted equitably to all parties.

Advisors
The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community.

The Title IX Coordinator (or designee) will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the University, the Advisor will be trained and be familiar with the University’s resolution process.

If the parties choose an Advisor from outside the University pool, the Advisor may not have been trained and may not be familiar with University policies and procedures. Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

Advisors in Hearings
Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties’ Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party’s Advisor will not conduct cross-examination, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.
**Advisor’s Role**
The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The University cannot guarantee equality in Advisors, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

**Pre-Interview Meetings**
Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and University’s policies and procedures.

**Advisor Violations of University Policy**
All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials in a meeting or interview unless invited to (e.g., asking procedural questions).

The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented, possibly including removing the Advisor from the meeting. Subsequently, the Title IX Coordinator (or designee) will determine how to address the Advisor’s non-compliance and future role.

**Sharing Information with the Advisor**
The University expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The University also provides a consent form that authorizes the University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator (or designee) or provide similar documentation demonstrating consent to a release of information to the Advisor before the University is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, the University will comply with that request.
Privacy of Records Shared with Advisor
Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the Recipient’s privacy expectations.

Expectations of an Advisor
The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned, but may change scheduled meetings to accommodate an Advisor’s inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Expectations of the Parties with Respect to Advisors
A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout, with the exception that a party cannot dismiss an Advisor who was appointed the University except in the case of bias or conflict of interest. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators.

The parties are expected to provide timely notice to the Title IX Coordinator (or designee) if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator (or designee) of the identity of their hearing Advisor at least two (2) business days before the hearing.

Resolution Processes
Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. The University encourages parties to discuss this with their Advisors before doing so.

Informal Resolution
Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, etc.;
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator (or designee) can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Complainant or Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator (or designee) to so indicate.
It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution. The Title IX Coordinator (or designee) may look to the following factors to assess whether Informal Resolution is appropriate:

- The parties’ amenability to Informal Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties’ motivation to participate;
- Civility of the parties;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Informal Resolution (time, staff, etc.)

The ultimate determination of whether Informal Resolution is available or successful is to be made by the Title IX Coordinator (or designee). The Title IX Coordinator (or designee) maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution are not appealable. Informal Resolution is not permitted when it has been alleged that an employee has harassed a student.

**Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator (or designee) will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator (or designee) will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator (or designee) implements the accepted finding that the Respondent is in violation of University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.
When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or misconduct, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

**Negotiated Resolution**
The Title IX Coordinator (or designee), with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. Negotiated Resolutions are not appealable.

**Grievance Process Pool**
The Formal Grievance Process relies on a pool of administrators to carry out the process.

a. **Pool Member Roles**
Members of the Pool are trained at least annually, and can serve in in the following roles, at the direction of the Title IX Coordinator (or designee):
- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in informal resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

b. **Pool Member Training**
The Title IX Coordinator (or designee), in consultation with the President, appoints the Pool, which acts with independence and impartiality.

The Pool members receive annual based on their respective roles. This training includes, but is not limited to:
- The scope of the Recipient’s Sexual Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the recipient with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
• How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
• How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
• Any technology to be used at a live hearing
• Issues of relevance of questions and evidence
• Issues of relevance to create an investigation report that fairly summarizes relevant evidence
• How to determine appropriate sanctions in reference to all forms of harassment and/or retaliation allegations

Specific training is also provided for Appeal Decisionmakers, intake personnel, Advisors (who are University employees), and Chairs. All Pool members are required to attend these trainings annually. Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are University employees), and Chairs. All Pool members are required to attend these trainings annually.

Formal Grievance Process: Notice of Investigation and Allegations
The Title IX Coordinator (or designee) will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:
• A meaningful summary of all of allegations
• The identity of the involved parties (if known)
• The precise misconduct being alleged
• The date and location of the alleged incident(s) (if known)
• The specific policies implicated
• A description of the applicable procedures
• A statement of the potential sanctions/responsive actions that could result
• A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
• A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
• A statement about the University’s policy on retaliation
• Information about the privacy of the process
• Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
• A statement informing the parties that the University’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
• The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator (or designee) any conflict of interest that the Investigator(s) may have
• An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official University records, or emailed to the
parties’ University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

**Resolution Timeline**

The University will make a good faith effort to complete the resolution process within a 60 to 90 business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator (or designee), who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

**Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator (or designee) appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

**Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator (or designee), Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for Complainants or Respondents generally, or for a specific party.

The Title IX Coordinator (or designee) will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator (or designee) will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator (or designee), concerns should be raised with the University’s president.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual’s status or participation as a Complainant, Respondent, or witness.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

**Investigation Timeline**

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

**Delays in the Investigation Process and Interactions with Law Enforcement**

The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.
The University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the University will implement supportive measures as deemed appropriate.

University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

**Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

**Investigative Report**

The Investigator(s) will write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included.

The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report.

Prior to the conclusion of the investigation, Investigator(s) provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant’s Advisor, and Respondent’s Advisor). The Investigator(s) may elect to respond in writing in the investigation report to the parties’ submitted responses and/or to share the responses between the parties for additional responses.

The Investigator(s) will incorporate relevant elements of the parties’ written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.

The Investigator(s) shares the report with the Title IX Coordinator (or designee) and/or legal counsel for their review and feedback.

The Investigator(s) will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.
Role and Participation of Witnesses in the Investigation
Witnesses (as distinguished from the parties) who are employees of the University are expected to cooperate with and participate in the University’s investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The Investigator(s) will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Recording of Interviews
No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

Evidentiary Considerations in the Investigation
The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

Referral for Hearing
Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator (or designee) will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation—when the final investigation report is transmitted to the parties and the Decision-maker(s)—unless all parties and the Decision-maker(s) agree to an expedited timeline.

The Title IX Coordinator (or designee) will select an appropriate Decision-maker(s) from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate Decision-maker(s) depending on the context of the alleged misconduct.

Hearing Decision-maker Structure
The Recipient will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator (or designee). The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator (or designee).

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator (or designee) may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.
The Title IX Coordinator (or designee) may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

**Evidentiary Considerations in the Hearing**

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider:

- Incidents not directly related to the possible violation, unless they evidence a pattern
- The character of the parties
- Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent
- Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming the University uses a progressive discipline system. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker(s) renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

**Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator (or designee) or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated.
- A description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator (or designee) at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker(s) on the basis of demonstrated bias. This must be raised with the Title IX Coordinator (or designee) at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party’s or witness’s testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Title IX Coordinator may reschedule the hearing.
• Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator (or designee) if they do not have an Advisor, and the Recipient will appoint one. Each party must have an Advisor present. There are no exceptions.
• A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
• An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker(s) will review during any sanction determination.
• An invitation to contact the Title IX Coordinator (or designee) to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
• Parties cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

**Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator (or designee) at least five (5) business days prior to the hearing.

The Title IX Coordinator (or designee) can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator (or designee) know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

**Pre-Hearing Preparation**

The Chair, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator (or designee), will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless all parties and the Chair assent to the witness’s participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker(s) must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator (or designee) as soon as possible and no later than two (2) days prior to the hearing. Decision-maker(s) will only be removed if the Title IX Coordinator (or designee) concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).
The Title IX Coordinator (or designee) will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator (or designee) as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

**Pre-Hearing Meetings**

The Chair may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions or topics they (the parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator (or designee), or ask either or both to attend pre-hearing meetings. The pre-hearing meeting(s) will not be recorded.

**Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual misconduct, sexual harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the misconduct, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy.

Participants at the hearing will include the Chair, any additional panelists, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, Title IX Coordinator (or designee) may act as the administrative facilitator of the hearing or will designate an individual to act as the facilitator, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.
Joint Hearings
In hearings involving more than one Respondent or Complainants that arise out of the same facts or circumstances, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator (or designee) may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

The Order of the Hearing — Introductions and Explanation of Procedure
The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator (or designee) will review and decide the challenge.

The hearing facilitator may attend to:
- Logistics of rooms for various parties/witnesses as they wait
- Flow of parties/witnesses in and out of the hearing space
- Ensuring recording and/or virtual conferencing technology is working as intended
- Copying and distributing materials to participants, as appropriate, etc.

Investigator Presents the Final Investigation Report
The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations. Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Testimony and Questioning
Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance. The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.
If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator (or designee), and/or preserve them for appeal. If bias is not an issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

Refusal to Submit to Cross-Examination and Inferences
If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. Additionally, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are precluded from admission.

The Decision-maker(s) may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence they deem relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party’s Advisor of choice refuses to comply with the University’s established rules of decorum for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

Recording Hearings
Hearings (but not deliberations) are recorded by the University for the purpose of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator (or designee). No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator (or designee).

Deliberation, Decision-making, and Standard of Proof
The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding.
The preponderance of the evidence standard of proof is used, which means the evidence must show that it is more likely than not that the Respondent committed the conduct as alleged. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the Title IX Coordinator (or designee) and will recommend the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator (or designee), detailing the determination, rationale, the evidence used in support of their determination, the evidence disregarded, credibility assessments, and any sanctions.

This report must be submitted to the Title IX Coordinator (or designee) within two (2) business days of the end of deliberations, unless the Title IX Coordinator (or designee) grants an extension. If an extension is granted, the Title IX Coordinator (or designee) will notify the parties.

**Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator (or designee) will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome will then be reviewed by legal counsel. The Title IX Coordinator (or designee) will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within seven (7) business days of receiving the Decision-maker(s)’ deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the parties’ University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be pre- sumptively delivered.

The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law; any sanctions issued which the University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the University’s educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).
The Notice of Outcome will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

**Sanctions**

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent’s disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the misconduct, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of misconduct, harassment, and/or retaliation
- The need to remedy the effects of the misconduct, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

**Student Sanctions**

The following are sanctions that may be imposed upon students or organizations singly or in combination:

1. **Verbal Warning:** Respondent 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 Respondent to participate in online and/or physical classes addressing issues such as domestic violence, dating violence, stalking, and sex/gender-based violence. This may include facilitating a program, creating educational posters regarding institutional policies and student conduct, and/or writing a paper.
3. **Referral for Assessment or Counseling:** Requiring the Respondent to meet with a staff member of the University Counseling Services to have an assessment of their mental health and lifestyle choices.
4. **Community Restitution:** Requiring the Respondent to perform a certain number of service hours either on campus or in the community.
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:** Removal of the Respondent from current residence and reassignment to a new residence. Specific restrictions on access to one’s previous residence may be imposed.
7. **Changes in Academic Schedule:** Requiring the Respondent to make changes in class schedule to ensure that no classes are shared with the Complainant.
8. **Removal of University Privileges:** Restrictions on the Respondent’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.
11. Restitution/Fines: The Respondent 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.

12. 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.

13. Withholding of Degree: The institution maintains the right to withhold the awarding of a degree otherwise earned until the completion of any imposed sanctions.

14. 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.

15. Expulsion: A permanent separation from institution that involves denial of all student privileges, including entrance to the institution premises and matriculation.

16. Organizational Sanctions: Deactivation, loss of recognition, loss of some or all privileges (including University registration) for a specified period of time.

17. Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

**Employee Sanctions**

Responsive actions for an employee include:

1. Warning (Written or Verbal)
2. Performance Improvement Plan
3. Required Counseling
4. Required Training or Education
5. Probation
6. Demotion
7. Reduction in Pay
8. Loss of annual pay increase
9. Loss of Oversight or Supervisory Responsibility
10. Suspension with pay
11. Suspension without pay
12. Termination
13. Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

**Withdrawal or Resignation While Charges Pending**

Students: If a student has an allegation pending for violation of the Policy, the University may place a hold on a student’s ability to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student.

However, the University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, misconduct, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the University. A hold will be placed on their ability to be readmitted. They may also be barred from University property and/or events.
If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to University unless and until all sanctions have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee. However, the University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or misconduct. The employee who resigns with unresolved allegations pending is not eligible for rehire with the University, and the records retained by the Title IX Coordinator (or designee) will reflect that status.

All University responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter without identifying the former employee as a Respondent in a Title IX case. Per North Dakota Century Code § 44-04-18.28, any record related to a complaint or investigation under Title IX at an institution under the control of the state board of higher education which contains personally identifiable information about a party to the complaint is an exempt record.

**Appeals**

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator (or designee) within five (5) business days of the delivery of the Notice of Outcome when the sanction does not involve student suspension, expulsion, or dismissal from employment.

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

The appeal decision maker(s) will be designated by the Title IX Coordinator (or designee). No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

**Grounds for Appeal**

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. The Title IX Coordinator (or designee), Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied and the parties and their Advisors will be notified in writing of the denial and the rationale.
If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator(or designee), and, when appropriate, the Investigator(s) and/or the original Decision-maker(s). The other party(ies) and their Advisors, the Title IX Coordinator(or designee), and, when appropriate, the Investigator(s) and/or the original Decision-maker(s) will be emailed a copy of the request with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in three (3) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, and the Panel will render a decision in no more than three (3) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties’ University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

**Sanctions Status during the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation. The University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

**Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
The Appeal Chair/Panel may consult with the Title IX Coordinator (or designee) on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration.

Other appeals may be remanded at the discretion of the Title IX Coordinator (or designee) or, in limited circumstances, decided on appeal.

Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).

In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).

The decision to remand to a new Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.

In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

**Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator (or designee) may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator (or designee), certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator (or designee) will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access.

The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University’s ability to provide these services.

**Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions**

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).
Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student’s official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator (or designee).

**Recordkeeping**

The University will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the University’s education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinator (or designee), Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on University’s website.
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
   a) The basis for all conclusions that the response was not deliberately indifferent;
   b) Any measures designed to restore or preserve equal access to the University’s education program or activity; and
   c) If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The University will also maintain any and all records in accordance with state and federal laws.

**Disabilities Accommodations in the Resolution Process**

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University’s resolution process.

Anyone needing such accommodations or support should contact the Director of Disability Services, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator (or designee), determine which accommodations are appropriate and necessary for full participation in the process.

**Revision of this Policy and Procedures**

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, and/or retaliation and will be reviewed and updated annually by the Title IX Coordinator (or designee). The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator (or designee) may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator (or designee) may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.
If state or federal laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent state or federal regulations or court decisions. This document does not create legally enforceable protections beyond the protection of the state and federal laws which frame such policies and codes.

**Section 7: Drug and Alcohol Policy**

**Alcohol, Drugs, and Tobacco on Campus Drug Free Campus Policy**

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

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.

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.

University groups and recognized organizations may not use their funds for the purchase of alcoholic beverages. On-campus parties at which alcoholic beverages are consumed are prohibited. 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.)

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.

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.

The use of alcoholic beverages during all public events held on the MSU campus is strictly forbidden except as provided by this subsection.
This policy does not apply to homes furnished to institution officials, family housing, married student housing, faculty housing or off-campus guest housing.

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.

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**
- The state of North Dakota requires that individuals be at least 21 years of age to buy, possess, and consume alcoholic beverages.
- It is illegal to give or sell alcohol to an individual under the age of 21.
- It is illegal to have an open container of alcohol in any vehicle.
- It is illegal to serve alcohol to an intoxicated person.
- It is illegal to sell alcohol of any kind without a license or permit.
- 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.
- Driving while intoxicated (.08 blood alcohol content) is a criminal offense.
- Being intoxicated is not a legal defense for any charge, including assault, rape, vandalism, slander, manslaughter or accident.
- 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**

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:
- First DUI: 91 days suspension.
- Second DUI in five years: 364 days
- 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.

**What happens if you’re convicted?**

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

- **First conviction**: $250 fine.
- **Second conviction within five years**: $500 fine and four days in jail or 10 days community service.
- **Third conviction within five years**: $1,000 fine and 180 days in jail.
- **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.

**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.

**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.

**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**

**Schedule I:** Heroin, LSD, Peyote, Mescaline, Psilocybin (Shrooms), Other Hallucinogens, Methaualone (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.

**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.

**Schedule III:** Certain barbiturates such as amobarbital and codeine containing medicine such as Fiorinal #3, Doriden, Tylenol #3, Empirin #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.

**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.

**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.

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

2. Mental Effects
   - Impaired judgment of space, time, consequences.
   - Impaired thinking and reasoning process, poor concentration.
   - 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:
   - Alcoholism
   - Damage to brain cells
   - Malnutrition
   - Increased risk of cirrhosis, ulcers, heart disease, heart attack and cancers of the liver, mouth, throat and stomach.
   - Degeneration of muscle and bone
   - Blackouts, memory loss
   - Hallucinations
   - Poor concentration
   - Personality disorders and increased tension, anger, isolation
   - DTs or delirium tremens, shaking and hallucinations due to withdrawal from alcohol

EFFECTS OF DRUGS

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.
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.

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.


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.

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.
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.

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.


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.

MDMA (Ecstasy)
Brief Description: A drug that has stimulant and psychodelic 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.


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.
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.

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.

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.


The NIDA-funded 2007 Monitoring the Future Study showed that 7.1% of 8th graders, 14.0% of 10th graders, and 21.6% policies – 41 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.

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.


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.
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.


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.

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.

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.

Warning — is a discussion of misconduct which becomes a matter of at least temporary record.

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.

Eviction — is the formal removal of a student from University housing.

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.

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.

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.
Section 8: Fire Safety

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 to 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
Fire drills are held once at the beginning of the fall semester for the residence halls to practice vacating the building in an orderly fashion should an emergency occur. Everyone must vacate the building. Exit procedures are posted on each floor.

Campus Security and the Residence Hall Director(s) will conduct all official fire drills. Any policy violations will be reported to the Residence Life Director.

Annual fire inspections are completed by Minot Fire Department. After the inspection, recommendations for improvement are given to Facilities Management for appropriate measures to be taken.

Fire Monitoring and Inspection
All MSU Buildings to include Residence Halls are equipped with smoke detectors and pull stations that are monitored by Simplex and New Vision centralized dispatch. If smoke is detected at the central fire panel located in the Facilities South building will activate an audible alarm. Once the alarm is activated the monitoring station of Simplex or New Vision will contact Minot Central Dispatch and provide the location of the alarm to send the Minot Fire and Police Departments. The monitoring station calls the MSU Security hotline (701)500-2423 to advise the on-duty officer of the activated alarm. MSU Security officers will immediately respond to the location of the alarm to investigate the cause and assist with building evacuation.

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

General Evacuation Tips
- Begin evacuation immediately when an alarm is present
- Check all restrooms and storage rooms to ensure notification
- Refrain from using an elevator
- Assist those with disabilities
- Close all doors upon exiting
- Evacuate in an orderly manner
- Move at least 100 feet from the building and follow all instructions from emergency personnel

Evacuation of Persons With Disabilities
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.
## Fire Statistics

### STUDENT HOUSING FIRE SAFETY SYSTEMS

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### FIRE STATISTICS *

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</tr>
<tr>
<td>Cook Hall</td>
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<td>Crane Hall</td>
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<td>Dakota Hall</td>
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<tr>
<td>Pioneer Hall</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>University Heights</td>
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<td>0</td>
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</tr>
</tbody>
</table>

*These statistics are from January 1, 2019 - December 31, 2021. Fire statistics are included within the Daily Crime/Fire Log*
Availability of the Minot State University Annual Security Report

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


A request for a physical copy can be made by calling 701-500-2423. A copy of the report can also be obtained from the Office of Safety and Security at the Facilities South building located on the west end of campus during normal business hours.

Minot State University Office of Safety and Security
500 University Avenue West, Minot, ND 58707
701-500-2423 • 800-777-0750
MinotStateU.edu/safety