



# **ANNUAL CAMPUS SECURITY REPORT AND FIRE SAFETY REPORT**

*Including: ALCOHOL AND DRUG PROGRAM*

**2015-2016**

# **VALLEY CITY STATE UNIVERSITY 2015-2016**

## **DRUG FREE SCHOOL PROGRAM** **AND CAMPUS SECURITY ACT**

The following information is provided annually in accordance with the *Crime Awareness and Campus Security Act of 1990*, and the *Campus Fire Safety Right-to-Know Act of 2008*. This information is distributed to all current students and employees and is made available for any applicant for enrollment or employment at Valley City State University.

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# IMPORTANT PHONE NUMBERS

## **CAMPUS**

Power Plant/Campus Security (24 hours) .....	845-7708
Student Affairs Office .....	845-7300
Head Resident (Kolstoe, Robertson/Mythaler Halls) .....	845-7124
Head Resident (Snoeyenbos, McCoy Halls) .....	845-7175

## **COMMUNITY**

Valley City Fire Department .....	9-911
Valley City Police .....	9-911
Valley City Ambulance .....	9-911
Mercy Hospital .....	845-6400
Rape and Abuse Hot Line .....	845-0072

Valley City State University is a great place to learn and grow. It is important that each individual realize that a safe campus is everyone's responsibility. Each of us must stay informed and do our part of protect ourselves, our property, our fellow students and employees, and our campus.

All reports of criminal or suspicious activity should be made immediately to Campus Security, the Student Affairs Office or a campus housing official.

# **PART I**

## **1. VCSU 916 CAMPUS SECURITY POLICY**

### **1. PURPOSE**

The purpose of this document is to create a single policy dealing with the issues involved with security on the campus of VCSU. This policy will be in accordance with the North Dakota State Board of Higher Education policy section 916 Campus Security.

### **2. SCOPE**

This policy will address responsibilities, procedures, and documentation of incidents involving campus security. The specific administrative divisions involved are: Facilities Services, Student Services, Auxiliary Services, Academic Affairs, and Business Affairs. Students should be aware of this policy and how it affects them. The policy is intended to satisfy the conditions of reasonable security, balancing the concern for our open academic environment with the need for campus safety and security.

### **3. PROCEDURES**

#### **A. Physical Security**

Physical security involves safeguarding personal and university property against theft or damage. The major method of accomplishing this is to ensure that storage spaces are locked. The night watchman will check each academic building, to ensure that they are locked by 10:00 p.m. on weekdays. Residence halls will be checked at 11:00 p.m. Buildings will remain locked, except during published operating hours, unless prior coordination is made with the Facilities Services Department. As examples, such exceptions may be for programs, special activities, or extended hours for lab use. Written requests for opening buildings should be submitted to the Facilities Services Department at least one week in advance. The night watchman will patrol the campus, both on foot and vehicle. He/she will also patrol inside the buildings to check interior security and HVAC systems. Only the exterior doors and mechanical rooms will be checked in the residence halls. Any problems inside the residence halls will be handled by the housing staff. If assistance is required, the night watchman will be available. If any unusual conditions are noted, the night watchman while checking the residence halls, will notify the on-duty RA. If an RA is not available, either the head resident or an individual listed in Section 4 of this policy will be notified.

#### **B. After Hours Entry**

Access to facilities during other than operating hours will be controlled by the night watchman and the Heating Plant staff. Each division will determine whether or not it wants its area opened for use after hours, and notify the Facilities Services office of its policy. The divisions may also specify guidelines or exceptions to the policy. Examples of these may include a "buddy system" in the labs, or only opening the facility for special programs. Students who wish to

have after hours access must obtain an after hours building entry permit, which will be filled out and signed by a faculty member. The students will report to the Heating Plant and give the permit and present a Student ID card to the person on duty. The carbon copy of the permit will be retained by the students and may later be checked by the night watchman to verify that the student has permission to be in the building after hours. Students in a building at the time it is locked up will be asked to leave at that time, if they do not have a valid permit with them. Faculty or staff may gain entry by showing their staff identification card. It will be up to the discretion of the night watchman as to whether or not a student will be allowed to use the facilities. Any violations of posted rules or improper behavior will be grounds for the night watchman to have the student leave, or to deny access to buildings. Once a student has been admitted, he/she may not let others into the building. Before leaving, all lights and equipment will be turned off, and the area will be left as it was found.

### C. Safety

Campus safety will be another area that the night watchman will monitor. This can be broken down into two basic categories: unsafe conditions and unsafe acts. Unsafe conditions would include any condition that could possibly result in damage to property or injury to individuals. Examples of these conditions include, but are not limited to: fires, loss of electricity/heat, steam leaks inside buildings, downed power lines/trees, etc. The night watchman will report these conditions, or any others that he/she deems unsafe, to the appropriate person responsible. Emergencies will be reported to the local authorities immediately. Unsafe acts are acts perpetrated by students or other individuals on campus that could possibly result in damage to property or injury to individuals. These acts include, but are not limited to, acts which are in violation of campus policy or any law. The night watchman will have the authority to require any students involved to produce a student ID card, and/or disperse. If the night watchman deems it necessary, a university official or the police will be contacted.

### D. Parking

The night watchman will be responsible for issuing parking tickets to those vehicles in violation of campus parking regulations. The stubs will be then turned in to the Facilities Services Office as soon as possible.

### E. Incidents Involving Students

Whenever students are involved in any incidents on campus, they must produce a student ID card when asked by the night watchman. The night watchman will record the student's name and identification number, along with an explanation of the incident. If no student ID is available, another form of identification may be used. This information will be given to the Plant Supervisor daily. Students are required to comply with all lawful instructions given them by the night watchman. These include instructing students to leave an area or disperse, and to confiscate any alcoholic beverages and/or contraband materials. The general policy at VCSU is that the police will be called only if there exists an immediate

threat to the safety of individuals or for the protection of property. This means that problems will be dealt with by campus officials if at all possible. If the situation warrants it, one of the individuals listed in Section 4 of this policy will be contacted. It will be up to the judgment of the night watchman, based on the situation, whether the police, a campus official, or a staff member should be contacted.

#### F. Emergencies

The night watchman will immediately report any emergencies encountered by the Heating Plant staff, via two-way radio. The individual on duty will relay this information to the local police or fire department. Other individuals will be notified in accordance with emergency policies. The night watchman will be responsible for immediately investigating all priority-1 alarms received on the Heating Plant monitoring system. He/she will report back to the plant on what was found. Following are some general guidelines

**FIRES:** If alarms have not sounded, the nearest alarm box will be activated. The plant will be contacted via 2-way radio, and the operator on duty will call the fire department. If possible, the building should be searched for trapped individuals. First aid should be rendered if needed, and ambulance contacted. The building doors should be unlocked for fire department access. Facilities Services staff may attempt to fight the fire if possible, but personal safety takes precedence.

**MEDICAL EMERGENCIES:** Contact the plant by radio or call the ambulance if a phone or another individual is nearby. Render first aid as necessary.

**UNLAWFUL ACTS/CRIMES:** Report by radio to the Heating Plant and the operator on duty will call the police. If the incident has already occurred, the Security Officer will assist any injured person, and protect the crime scene. If the incident is in progress, the following things will apply:

1. Call the police if injury to persons or damage to property is involved.
2. Write down descriptions of assailants, witnesses, time, vehicle, etc.
3. Verbally confront the assailants, attempting to stop them.
4. DO NOT physically intervene, unless an individual is in peril of bodily harm.
5. Assist the police as needed.

#### 4. RESPONSIBILITIES

A. Night Watchman: responsible for all things previously in this policy. Additionally, a nightly log will be kept of all activities/incidents.

B. Director of Facilities Services: supervise the night watchman and oversee all security related activities. Report all security incidents to the appropriate campus official. Report incidents involving students or housing to the Vice President of Student Affairs immediately. Maintain a record of all security incidents. Respond to all emergencies as required. Director of Facilities Services: review reports dealing with facilities damage and breakdown, taking appropriate action. Respond to emergencies involving facilities as required.

C. Vice President for Student Affairs: review reports and provide disciplinary action or counseling to students involved in campus incidents. Keep students informed of the campus security policy and how it affects them. Respond to emergencies/incidents involving students as required.

D. Valley City Police Department: reports to the Vice President for Student Affairs all criminal activity occurring on the campus grounds, adjacent areas and at off-campus university sponsored events. Reports criminal activity involving college students in the community that may have an effect on the safety and well being of the campus community.

**2.**

**The Jeanne Clery Disclosure of Campus Crimes**

(crimes reported and arrests/disciplinary referrals for liquor violations, drug related violations, and weapons possessions)\*

<b>CATEGORY</b>	<b>VENUE</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>CRIMES REPORTED</b>				
CRIMINAL HOMICIDE: Murder and Non-Negligent Manslaughter	Campus			
	Campus Residence			
	Non-campus			
	Public			
Negligent Manslaughter	Campus			
	Campus Residence			
	Non-campus			
	Public			
SEX OFFENSES Forcible	Campus	1		
	Campus Residence	1		
	Non-campus			
	Public			
Non-forcible	Campus			
	Campus Residence			
	Non-campus			
	Public			
ROBBERY	Campus			
	Campus Residence			
	Non-campus			
	Public			
AGGRAVATED ASSAULT	Campus			
	Campus Residence			
	Non-campus			
	Public			
BURGLARY	Campus			
	Campus Residence			
	Non-campus			
	Public			
ARSON	Campus			
	Campus Residence			
	Non-campus			
	Public			
MOTOR VEHICLE THEFT				



<b>CATEGORY</b>	<b>VENUE</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
ARRESTS FOR: Liquor law violations	Campus			
	Campus Residence			
	Non-campus			
	Public			
Drug-related violations	Campus	1	1	2
	Campus Residence	1	1	2
	Non-campus			
	Public			
Weapons possession	Campus			
	Campus Residence			
	Non-campus			
	Public			
DISCIPLINARY REFERRALS FOR: Liquor law violations	Campus	38	12	20
	Campus Residence	38	12	20
	Non-campus			
	Public			
Drug-related violations	Campus	6		2
	Campus Residence	6		2
	Non-campus			
	Public			
Weapons Possession	Campus			
	Campus Residence			
	Non-campus			
	Public			
VAWA OFFENSES: Domestic Violence	Campus			
	Campus Residence			
	Non-campus			
	Public			
Dating Violence	Campus			
	Campus Residence			
	Non-campus			
	Public			
Stalking	Campus			
	Campus Residence			
	Non-campus			
	Public			

\*None of the reported crimes or arrests were identified as hate crime related. Hate crimes are crimes that manifest evidence of prejudice based on race, religion, sexual orientation, ethnicity, gender or disability.

\*Campus Residence violations are included in the number of campus violations.

### **3. VCSU AND THE VALLEY CITY POLICE DEPARTMENT**

Valley City State University and the Valley City Police Department have entered into a formal Memorandum of Understanding. The agreement outlines the respective duties and obligations of each organization. Law enforcement procedures on the campus, and crime reporting obligations by both parties are outlined in the document. A copy of the VCSU/VCPD Memorandum of Understanding is available in the Facilities Services Office and the Office of the Vice President for Student Affairs.

### **4. TIMELY WARNINGS**

In order to keep the campus informed about safety and security issues, VCSU will alert the entire campus community in a manner that is timely and will aid in the prevention of specific crimes. Timely warnings may be issued for threats to property as well as for threats to persons. Timely warnings will typically be issued by the Office of the President, the Office of the Vice President for Student Affairs or the Office of Facilities Services. The VCSU campus-wide e-mail system has been declared as an official means of campus communications (Computer and Network Usage Policy 3.2.1) and will be used as the primary tool for dissemination of timely warnings. In addition, timely warnings may be delivered by campus-wide voice mail, bulletin boards and flyers. VCSU may activate the emergency notification system in an emergency. Those participating in the system may receive messages via cell phone, campus phone, home phone, email, and text messaging.

### **5. VALLEY CITY STATE UNIVERSITY SEX OFFENSE POLICIES**

#### Definitions

Rape is generally defined as forced sexual intercourse that is perpetrated against the will of the victim. The most prevalent form of rape on college campuses is acquaintance rape. Acquaintance rape is a sexual assault committed by someone the victim knows. Other forms of sexual assault such as sexual battery, which is generally defined as unwanted touching of an intimate part of another person are also violations of the law. Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. A complete University Policy on Sexual harassment is included in the VCSU Student Handbook and the VCSU Policy Manual. For the purpose of reporting sex crimes, Valley City State University will document and report statistics in the categories of “forcible sex offenses” and “non-forcible sex offenses.”

#### Disciplinary Proceedings and the Criminal Process

Campus sexual assault is both a violation of the Student Code of Conduct and a violation of local, state, and federal laws. A sexual assault offense can lead

to two proceedings: 1) a campus disciplinary hearing as outlined in the Student Code of Conduct; and 2) a criminal court case against the assailant. In criminal proceedings, the same laws and penalties apply to sexual assault by a stranger as by an acquaintance of the victim. Because the standard of proof requirements differ between criminal proceedings and campus judicial hearings, a student could be found guilty by a campus hearing body even though charges are not filed in a criminal court. Students are to refer to the [VCSU Student Handbook](#) for complete description of the Student Code of Conduct and the University Judicial Council.

### Rights of Victims

In order to encourage students to report sexual offenses and in order to ensure fairness in the university judicial process, victims of sexual assaults are entitled to the following rights:

1. The right to privacy and the treatment of sensitive information in a confidential manner.
2. The right to be free from campus or community pressure in reporting or not reporting a sexual assault.
3. The right to have a person or persons of choice accompany him/her throughout the disciplinary process.
4. The right to expect a prompt and thorough investigation by law enforcement and/or campus personnel.
5. The right not to have past sexual/relationship history included in judicial proceedings.
6. The right to expect the university to commit reasonable resources to protect the victim from the actions or presence of the perpetrator.
7. The right to expect meaningful support and advocacy from campus and community organizations and agencies.
8. The right to be informed of the results of any disciplinary proceeding of an alleged offender of any crime of violence or sex offense.

### Reporting Procedures

It is very important for students to know that if they are the victim of a sexual assault, there are a number of options available for reporting the incident. By reporting the incident to any of the following parties, you will receive support, encouragement and assistance with the options available to you.

1. Report the assault to campus authorities. The report can be made to any campus counselor, a Resident Assistant, a Head Resident, the Student Affairs Office, or campus security.
2. Report the assault to the police. Reporting the assault is not the same as prosecuting. You can decide later if you want to prosecute.
3. Report the assault to the Valley City Abused Persons Outreach Center.

4. Go to a hospital for treatment of any injuries and for other tests, which can provide important medical evidence. You can have a friend accompany you or meet you there. Reporting to the hospital does not mean you have to press charges.
5. Seek counseling. Regardless of whether or not you press charges, you should consult a trained counselor to help you sort out your options and support you in your decision making.

### Educational Programs

Educational programs and activities that promote awareness of rape, acquaintance rape, and other sex offenses are offered on campus each year. Programs are specifically designed for residence hall staff training and presentations are made in the residence halls and for the general campus population throughout the year. Materials, posters, and brochures are available throughout the campus. The Barnes County Abused Persons Outreach Center provides a half-time Campus Advocate staff member to VCSU. The Campus Advocate provides direct services to victims as well as educational programs and activities for the campus.

## **6. SEX OFFENDERS NOTIFICATION AND LINK TO NORTH DAKOTA SEX OFFENDERS WEBSITE**

The Vice President for Student Affairs regularly reviews a list of registered sex offenders available at the Valley City Police Department. A list of current sex offenders associated with VCSU as faculty, staff or students is on file in the Office of the Vice President for Student Affairs. Interested individuals may view this list during regular business hours, Monday through Friday.

Individuals wishing to learn additional specific information about anyone who appears on the VCSU list may consult the Office of the Attorney General Sex Offenders Website:

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

## 7. CRIME PREVENTION ON CAMPUS

- ◆ Be alert and aware of your surroundings.
- ◆ Don't take your safety for granted.
- ◆ Report to the Facilities Services staff areas of campus that might be dimly lit or obscured by shrubbery or other "sight-blockers." Also report lights that are not working.
- ◆ Lock your vehicle and store valuable items in the trunk. Always check the rear seat for intruders before entering.
- ◆ Lock your residence hall room door when the room isn't occupied and when you retire for the evening. Never loan your residence hall keys, and report lost keys.
- ◆ Report IMMEDIATELY any suspicious persons or activities and make note of physical details regarding the persons or vehicles involved. WHEN IN DOUBT, REPORT IT!
- ◆ It is always good policy to walk or study on campus or anywhere else with a group or with someone you know.
- ◆ Trust your instincts. If you feel uncomfortable in a place or situation, leave.
- ◆ When walking, plan the safest route to your destination, choose well lighted areas, and avoid vacant lots, alleys, or other deserted areas.
- ◆ Carry your purse close to your body and keep a firm grip on it. Carry a wallet in an inside coat or side trouser pocket; not in a rear trouser pocket.
- ◆ Do not leave in plain view valuable items like computers, stereo equipment, clothing, or credit cards. Do not flaunt expensive items or valuables like jewelry.
- ◆ Draw blinds or curtains after dark and/or when dressing.
- ◆ Have your car or residence key in hand as you approach your vehicle or room/house.
- ◆ Use caution when posting to web sites like MySpace, Facebook, or YouTube. Do not post any identifiable information such as your address or phone number.
- ◆ When jogging, vary your route and schedule.
- ◆ Do not prop open any door.
- ◆ Do not put your name or address on your keys.
- ◆ Never hitchhike or pick up hitchhikers. Don't accept rides from strangers.
- ◆ STAY SOBER
- ◆ If you suspect you are being followed by someone on foot, don't panic. Go to the nearest well lighted, populated area. If a car pulls up near you, cross the street or turn in the opposite direction.

## PART II

### 1. VALLEY CITY STATE UNIVERSITY ALCOHOL AND DRUG PROGRAM 2015-2016

Valley City State University, in accordance with the ND State Board of Higher Education Policy 918, prohibits the possession, sale, dispensation, use or consumption of alcoholic beverages upon land, or in buildings owned by the Board or its institutions. Exceptions to the policy are provided for university apartments or as permitted by the approval of the president.

The VCSU Alcohol Policy applies to students while participating in off-campus university sponsored events including university sponsored travel to and from events. Alcoholic beverages and the possession of empty alcoholic beverage containers are prohibited in the residence halls. Residence hall students found to be responsible for hosting events where alcohol violations occur, will be subject to additional sanctions. Hosting is defined as having more than one non-resident in the room or suite at the time of the violation. Behavior while in a state of intoxication that is loud, disruptive, potentially harmful to the health or safety of self or others, or affecting the cleanliness or maintenance of university facilities is considered a violation of the policy.

Students found to be in violation of any standard of conduct regarding alcohol or illicit drugs may be subject to any of the following: 1.) The University Alcohol Violators Program, 2.) The University Code of Student Conduct, 3.) Local, State, and Federal sanctions. Students found to be in violation of any standard of conduct regarding alcohol will be subject to the following sanctions: Sanctions-1st Offense-**\$200** fine, Attend Alcohol Violator's seminar (e-chug/choices), 8 hours of community service; 2nd Offense - **\$350** fine, 15 hours of community service, Possible alcohol evaluation, Conduct probation for 6 months; 3rd Offense-**\$500** fine, Required alcohol evaluation, 25 hours of community service, Conduct probation for 1 calendar year, OR Suspension from the University. University sanctions may also include a written or verbal reprimand, conduct probation, suspension or expulsion. Sanctions including counseling, required educational workshops, referral for evaluation, or rehabilitation, community service, restitution and compensation may be imposed. Campus policy requires that local law enforcement authorities be notified of all violations involving illicit drugs. Students found to be in violation of any standard of conduct regarding illicit drugs will be subject to the following sanctions: Sanctions-1st Offense: Parent Notification, Conduct Probation for six months, **\$250** contribution to the Substance Abuse Education Fund, 20 hours of community service, Complete E-toke program; 2nd Offense: Parent Notification, **\$375** Contribution to the Substance Abuse Education Fund, 30 hours of community service, Conduct probation for one academic year or Possible suspension, Possible removal from housing; 3rd Offense: Suspension from the University. The University Judicial Council may impose fines and require participation in educational programs and activities for violations involving illicit drugs. Legal penalties for alcohol and drug offenses can range from a Class AA Felony which carries a penalty of up to life in prison to

a Class C Felony which carries a penalty of up to five years in prison, a \$5,000 fine or both. Class Misdemeanors carry a penalty of up to one year in prison, a \$2,000 fine or both and Class B Misdemeanors carry a penalty of up to thirty days in prison, a \$1,000 fine or both. For drug offenses, the individual will be charged according to the amount and classification of the controlled substance. A complete description of the University Judicial process can be found in the Student Handbook.

Help for alcohol and drug problems may involve short-term intensive care or long-term counseling. In either case, Valley City State University is prepared to assist students through counseling or through referral for treatment and rehabilitation. A housing staff of resident assistants and head residents are trained in methods of intervention and referral. The university offers personal counseling services through the Student Affairs Division and medical services are provided by the University Health Services. The Valley City and surrounding area offers a wide variety of services. Included are a full-service clinic and hospital, and a regional human service center offering counseling, evaluations, treatment, and after-care. For further information about assistance programs available to students, contact the Office of the Vice President for Student Affairs or the University Counselor.

Valley City State University offers numerous in class and out of class educational opportunities for students to understand the effects of use, and the problems associated with abuse of alcohol and drugs. Academic course offerings in the departments of Health and Physical Education, Education and Psychology, and Human Resources, provide students with a broad background on the physical, emotional, and social aspects of drug and alcohol use. The Student Affairs Division of the university sponsors numerous programs throughout the year in an attempt to heighten the awareness of college students. Included are guest speakers, programs, promotional materials, and numerous other wellness activities. Drug and alcohol abuse can affect a person's physical and emotional health, social life, and employment prospects. The hazards of abuse differ from person to person. However, there are a number of specific health risks that are associated with the use of illicit drugs and the abuse of alcohol.

Consuming too much alcohol at any one time may include the following physical and mental effects: increased heart rate and skin temperature, loss of muscle control leading to slurred speech, poor coordination, impaired judgment, impaired thinking and reasoning processes, loss of inhibitions, and exaggerated feelings of anger, fear, and anxiety. Frequent drinking to intoxication over an extended period of time can result in more serious health risks such as alcoholism, malnutrition, increased risk of cirrhosis, ulcers, heart disease, and personality disorders.

Individuals that abuse drugs face a number of dangerous possibilities including overdose, dependence, ill health, and accidents. Besides the physical and emotional hazards of drug and alcohol abuse, an individual may also experience the legal problems associated with arrest and conviction, the economic problems associated with continued and frequent use, and the personal problems of damaged relationships and unmet goals and plans.

## 2. SEXUAL MISCONDUCT AND TITLE IX COMPLIANCE

- 1) INTRODUCTION: Valley City State University (VCSU) strives to create a campus community free from interpersonal abuse including sexual misconduct. In working to achieve this intent, VCSU commits to:
  - a. Taking action to stop sexual misconduct;
  - b. Taking action to remedy its effects by providing advocacy, support and appropriate referral services for recipients of the behavior;
  - c. Taking action to prevent recurrences;
  - d. Educating individuals and promoting discussions on interpersonal abuse and violence; and
  - e. Conducting impartial investigation of all reports/notices of sexual misconduct through fair, equitable and prompt procedures. Investigations will be independent of and separate from law enforcement investigations of criminal activity.
  
- 2) POLICY: This policy is required by federal law and implementation of this policy is guided by the U.S. Department of Education, Office of Civil Rights.
  - a. In accordance with Title IX, VCSU does not discriminate on the basis of sex in VCSU's educational program and activities.
  - b. Sexual misconduct is prohibited in all forms, regardless of intent to harm. Sexual assault, sexual exploitation, coercion and sexual harassment are examples of sexual misconduct, and all are prohibited.
  - c. Also prohibited under Title IX is any rule violated on the basis of the recipient of the behavior's sex/gender which is severe enough to cause discriminatory effect. (Examples of this may include but are not limited to bullying, cyber-bullying, relationship violence, and stalking.)
  
- 3) DEFINITIONS: For the purpose of this policy, the following definitions apply:
  - a. Consent is:
    1. Words or actions showing a clear, knowing and voluntary agreement to engage in mutually agreed upon sexual act; or
    2. An affirmative decision given by clear actions or words.
    3. Consent may not be inferred from:
      - i. Silence, passivity, or lack of active resistance alone.
      - ii. 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 clarifies, verbally, willingness to continue. Consent to one form of sexual act does not imply consent to other forms of sexual act(s).

- b. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- c. Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
- d. Intimidation is implied threats or acts that cause an unreasonable fear of harm in another.
- e. Responsible employees:
  - 1. Those with authority to address and remedy sex and gender-based discrimination and harassment;
  - 2. Those with responsibility to report sexual misconduct to a supervisor, and/or
  - 3. Those who a student would reasonable believe to have such authority or obligation.
- f. Retaliation: Any adverse action taken against a person because of their participation in a protected activity. Retaliation against an individual for allegation of sexual misconduct, supporting a complainant or for assisting in providing information relevant to a claim of sexual misconduct will be treated as another possible instance of harassment or discrimination. Any acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. VCSU is prepared to take appropriate steps to protect individuals who fear that they may have been subjected to retaliation.
- g. Sexual Acts include, but are not limited to the following actions:
  - 1. Sexual intercourse;
  - 2. Sodomy (oral and/or anal);
  - 3. Sexual penetration with any object;
  - 4. Sexual touching of a person’s intimate parts (genitalia, groin, breasts, buttocks, mouth or other bodily orifice or the clothing covering them); or
  - 5. Compelling a person to touch his or her own or another person’s intimate parts.
- h. Sexual Assault: Any sexual act between two or more people to which one

person does not or cannot consent. This includes sexual acts or contacts with others that can involve:

1. Compelling a person to submit to sexual acts or contacts by force, threat of force, or intimidation;
  2. Use of intoxicants to substantially impair the person's power to give consent;
  3. Engaging in such acts when the person suffers from a mental state that renders him or her incapable of understanding the nature of the contact. This includes, but is not limited to, situations when an individual is intoxicated, "high", scared, physically or psychologically pressured or forced, passed out, unconscious, intimidated, coerced, mentally or physically impaired, beaten, isolated, or confined; or
  4. A victim under fifteen (15) years of age. (Do note the age of consent may vary depending on the ages of the individuals involved in the act).
- i. Sexual Exploitation: Taking sexual advantage of another person without consent. Examples include but are not limited to:
1. Causing the incapacitation of another in order to take sexual advantage of the person;
  2. Distributing or publishing sexual information;
  3. Engaging in indecent exposure;
  4. Engaging in voyeurism (the viewing of another for sexual gratification);
  5. Invasion of sexual privacy;
  6. Knowingly exposing another to an STD or HIV;
  7. Prostituting another person; or
  8. Recording, photographing, or relaying sexual sounds or images.
- j. Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or academic achievement;
  2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; or
  3. Such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidation, hostile, or offensive environment.

k. Sexual Misconduct: Any non-consensual behavior of a sexual nature that is committed by force, intimidation, or is otherwise unwelcome that is sufficiently severe, persistent, or pervasive so as to limit a student's ability to participate in or benefit from a VCSU program or activity. Depending on the circumstances, a single incident of sexual misconduct may be sufficient to limit a student's ability to participate in or benefit from a VCSU program or activity.

4) REPORTING/CONFIDENTIALITY: Students are encouraged to report incidents or information related to sexual misconduct as soon as possible. If criminal activity is involved, students are encouraged to contact the Valley City Police Department at (701) 845-3110. VCSU employees who became aware of a complaint or violation of this policy and have the authority to take action on the complaint or violation, shall report the complaint or violation to the Title IX Coordinator:

Dr. Erin Klingenberg  
Director of Counseling Services  
McFarland 424  
701-845-7424  
erin.klingenberg@vcsu.edu

The guiding principle in accepting reports or sexual misconduct is to avoid re-victimizing the recipient of the behavior by forcing them into any plan of action. VCSU will make every attempt to safeguard the privacy of the complainant and/or recipient of the behavior; however, it is important that complainants recognize that VCSU cannot ensure confidentiality in all cases. VCSU must weigh the request for confidentiality against its obligation to protect the safety and security of the entire campus. Depending on the circumstances of the offense (the severity of the offense, the number of victims involved, etc.), VCSU may be required to respond to an incident, even if confidentiality has been requested. Therefore, VCSU employees cannot guarantee absolute confidentiality. Individuals desiring confidentiality should be encouraged to contact one of the following:

Pat Egeberg  
Director of Health Services  
Mythaler 1st Floor  
701-845-7212  
patricia.egeberg@vcsu.edu

Dr. Erin Klingenberg  
Director of Counseling Services  
McFarland 424  
701-845-7424  
erin.klingenberg@vcsu.edu

F-M Rape & Abuse Crisis Center: 701-293-7273 (Available 24 hours)  
www.raccfm.com

- 5) **FORMAL/INFORMAL RESOLUTION:** VCSU offers both formal and informal resolution of sexual misconduct complaints involving VCSU students, faculty or staff. Regardless of the path chosen by the recipient of the behavior, VCSU will conduct an impartial, fair, and prompt investigation into the allegations, and ensure that actions will be taken to prevent similar actions in the future. Typically, investigation/resolution of the complaint will occur within 60 days. The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy. Investigation/resolution of the allegations shall include:
- a. The complainant and the accused having equal opportunities to present relevant witnesses and other evidence;
  - b. Providing both sides with similar and timely access to any information that will be used during the process;
  - c. Equal opportunity to have a support person present, and equal restrictions on how a support person may participate during the process;
  - d. The right of the complainant and the accused to be informed of the outcome of the investigation/resolution, and the right of either party to appeal; and
  - e. The right of the complainant and the accused to receive periodic status updates throughout the investigation/resolution process.
- 6) **FORMAL RESOLUTION:** Formal resolution of sexual misconduct complaints will be resolved as follows:
- a. If the alleged perpetrator is a student, the University will follow the procedure outlined in the VCSU Student Handbook: Code of Student Conduct.
  - b. If the alleged perpetrator is a VCSU employee, the University will follow the applicable policy for the circumstances (Policy V520.03: University Policy on Sexual Harassment).
  - c. All sexual misconduct cases shall use a “preponderance of the evidence” standard; meaning that in order for the accused to be held responsible, the hearing officer must determine that it is more likely than not that the sexual misconduct occurred.
- 7) **INFORMAL RESOLUTION:** Except in cases of sexual assault which always require a formal resolution, complainants may choose to pursue informal resolution of their complaint. Informal resolution is entirely voluntary and the complainant may end informal resolution at any time. Complainants should never attempt to resolve the complaint directly with the accused. In cases of informal resolution, the Title IX Coordinator shall assign a school official with the authority to remedy the alleged violation (e.g. Dean of Student Life, the alleged perpetrator’s supervisor, etc.) to oversee the informal resolution process. Informal resolution provides the complainant with a forum to confront

the accused; to express how the alleged behavior has impacted them and those close to them; and to communicate to the accused and VCSU how this behavior needs to be addressed so that they, or anyone else at VCSU, are not victimized again by the behavior.

- a. In cases where the accused acknowledges their involvement in the sexual misconduct, the school official shall impose an appropriate sanction for the misconduct. If the sanction is agreeable to the parties, the informal resolution is complete, and the sanction is imposed. No appeal is allowed.
  - b. In cases where the accused does not acknowledge responsibility, the school official may impose a sanction warranted by the information gathered during the informal resolution, and any supporting information known to VCSU. The sanction may be appealed either to the Title IX Coordinator, who shall have the final decision on the appropriate sanction.
- 8) **ANONYMOUS COMPLAINTS:** Anonymous complaints will be accepted by Valley City State University. VCSU's ability to investigate and resolve anonymous complaints will be limited if the information contained in the anonymous complaint cannot be verified by independent facts. Anonymous complaints may be filed by any of the following means:
- a. Complete the VCSU Watch anonymous form online:  
[www.vcsu.edu/vcsuwatch](http://www.vcsu.edu/vcsuwatch)
- 9) **INTERIM MEASURES:** When warranted by the circumstances surrounding a complaint of sexual misconduct, VCSU may implement interim measures until its investigation concludes. Violation of these interim measures may be considered grounds for additional complaints of sexual misconduct or as retaliation for the ongoing investigation of sexual misconduct. Potential interim remedies include, but are not limited to:
- a. Providing an escort to the complainant so that he/she may move safely on campus;
  - b. Issuing a no contact order to the parties, prohibiting any contact between them;
  - c. Moving the complainant and/or accused to different on-campus housing;
  - d. Altering the class schedule of the parties so that they do not attend the same classes;
  - e. Providing counseling services; and
  - f. Providing academic support services.

- 10) PREVENTION: VCSU considers both physical surroundings and educational programming in addressing prevention of sexual misconduct. Valley City State University continually reviews and modifies the physical surroundings to foster security and safety, including but not limited to such factors as emergency phones, lighting, and locking procedures. For further safety information, contact Jessica Frerich, Safety Coordinator at (701) 845-7710.
  
- 11) INTERVENTION: The VCSU community actively supports individuals who experience sexual misconduct through a coordinated response system that attends to their physical and emotional well-being. VCSU's disciplinary efforts respect the personal rights of all parties. For further information, see the VCSU Student Handbook: Code of Student Conduct. All reports/notices of sexual assault and sexual misconduct are handled in a manner designed to respect the privacy of the involved individuals, to the extent permitted by law. Incidents are reported to appropriate Departments and agencies in consideration of safety concerns and investigative needs. In addition, VCSU publishes and disseminates annual statistics on incidents of sexual assault in the annual Safety and Security publication (available in printed and online form). <http://www.vcsu.edu/studentservices/>
  
- 12) FALSE COMPLAINTS: Knowingly submitting a false report of sexual misconduct is prohibited. Anyone submitting a false report is subject to disciplinary action.

FOR MORE INFORMATION on sexual assault and sexual assault prevention programs, please contact:

Dr. Erin Klingenberg  
Director of Counseling Services  
McFarland 424  
701-845-7424  
[erin.klingenberg@vcsu.edu](mailto:erin.klingenberg@vcsu.edu)

## **PART III**

### **1. CAMPUS FIRE SAFETY**

#### **Fire Safety in Residence Halls**

Valley City State University maintains five facilities that has a capacity to house approximately 450 students.

These residence halls include Kolstoe Hall, that meets all current fire safety codes, including an integrated fire alarm and sprinkler system. In addition, VCSU manages 16 student apartment units with individual smoke alarms.

Any fire alarm occurring within a residence hall is automatically transferred to the VCSU Power House which is staffed 24 hours per day, 7 days per week. In the event of an emergency fire incident, students are told to immediately activate the pull station and call 911 to report the fire to local officials.

The current VCSU Residence Hall Handbook provides detailed information about practices and measures that ensure the safety of students residing in campus housing. Highlights include:

1. Each residence hall room is equipped with a smoke detector which is periodically checked by hall staff.
2. Each building has a fire alarm system which is activated by “pull alarms” in the event of a fire incident. When the building alarm sounds, all residents are required to leave the building. Residents cannot re-enter a building until permitted to by hall staff.
3. New evacuation posters have been placed in prominent locations in each residence hall. In addition for fire safety, student response plans for a wide variety of emergencies are included.
4. All fire safety equipment is inspected regularly. At a minimum of once a year, all fire extinguishers are tested and inspected.
5. VCSU conducts fire drills in each residence hall at least once per semester. The drills are announced to the Head Residents and the Resident Assistants. The Valley City Fire Department regularly participates in these drills. In 2012-13 two fire drills were held in VCSU residence halls.
6. The use of toasters, microwaves, hotpots, or any other cooking appliances is prohibited in rooms. Cooking appliances can only be used in kitchenettes. Candles and other devices with open flames, as well as incense, are prohibited.

7. Fire Safety in Student Apartment Units. The units are supplied with smoke alarms as well as fire extinguishers. There are no central fire alarms or sprinkler systems, but each resident is supplied with information regarding fire emergencies and contact information.

8. Fire safety statistics are reviewed and reported on an annual basis, as part of the Department of Education Campus Crime and Security Survey. This includes data on the numbers and causes of any reported fires within a student housing or related facility, the number of injuries related to any reported fire incident, the number of deaths related to a fire incident, and the value of property damage caused by any reported fires. Information for the annual fire safety report is compiled from 'Fire Logs' that are maintained for each building. Facilities Services staff respond to each residence hall fire alarm and reports the incident to the campus Safety Coordinator who maintains the complete Fire Log.

9. Valley City State University now has four residence halls up-to-date with sprinkler systems and digital read out Simplex fire alarm systems.

### **Valley City State University Annual Fire Safety Report**

<b>Year - 2013</b>	<b>McCoy Hall</b>	<b>Robertson/Mythaler Halls</b>	<b>Kolstoe Hall</b>	<b>Student Apts.</b>	<b>Snoeyenbos Hall</b>
<b>Unintentional Fire</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Intentional Fire</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Undetermined Fire</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Deaths related to Fire</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Injuries related to Fire</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Property damage related to Fire</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>



## **2. EVACUATION PROCEDURES**

### **Evacuation**

It is very important that regardless of the type or duration of an evacuation that faculty, staff, students and visitors listen very carefully to the official information and evacuation orders issued from the university administration.

An evacuation may last from a few hours or several days. Individuals should consider where the individual might stay and what items the individual needs. Evacuees should take any medication, textbooks, laptop computers, and personal/important papers when leaving.

### **Building Evacuation**

1. Evacuate a building/area when emergency communications systems indicate to do so or when instructed to do so by local law enforcement, county or city officials, or by appropriate Valley City State University personnel.

2. Remain calm. Your leadership may very well save lives.

3. Aid individuals needing assistance. Anyone who is aware of a hearing or sensory-impaired person in the building should alert that person of the need to evacuate. Report the location of all persons with disabilities to emergency personnel.

- If a student, employee or visitor has a disability or needs assistance evacuating, assist them to an “Area of Rescue Assistance” or Area of Refuge that is away from obvious danger. Then go to the building evacuation assembly point and notify the on-site Emergency Response Officials of the location of the person in the Area of Rescue Assistance.

\*\*The Area of Rescue Assistance is located next to each stair case entrance, unless otherwise instructed.

4. In case of fire, do not use elevators.

5. When evacuating the building/area, proceed to a designated or alternate assembly site and remain there until a designated university personnel instruct you to disburse.

6. Due to weather or other conditions, evacuation may be determined to be more appropriate to other areas. Appropriate emergency or university personnel will announce a move to a different area via emergency communication systems.

7. Never return to an evacuated building/area until an all clear is announced from the appropriate university personnel.

## Campus Evacuation

A widespread emergency may require an evacuation of the entire campus. Examples of such emergencies include floods, fires, and large-scale public health emergencies, such as a pandemic flu event. Remember the below terminology in order to understand a campus evacuation:

**Classes canceled:** A period of time when classes will not take place at VCSU, therefore grading and attendance policies are revoked.

**Voluntary evacuation:** An evacuation order given to VCSU students prior to a large-scale emergency. Classes are officially canceled and the grading and attendance policies are revoked. Students are encouraged to leave campus for a safer location but are not required to do so. Voluntary evacuations do not affect VCSU employees.

**Campus closed/class continuing:** A situation in which only essential personnel are allowed on the campus, but classes will continue using alternative delivery methods.

**Mandatory evacuation:** An evacuation order in which students are required to evacuate the residence halls and leave campus for a safer location. The campus will soon close following a mandatory evacuation and all residence halls will be locked.

**University closed:** All business operations will cease at VCSU. No VCSU faculty, staff, or students will be allowed on campus unless designated as emergency personnel. Entrances will be blocked and all service stopped until the university is once again opened. *VCSU reserves the right to partially open the university for business operations and continue the cancellation of classes if necessary. This will be specified in public announcements.*

**University opened:** When access to campus will open to traffic and VCSU students, faculty, and staff will be allowed on campus. Business operations and education processes will resume where possible. However, classes may or may not resume at this time and residence halls may or may not remain closed. VCSU reserves the right to partially open the university for business operations and continue the cancellation of classes if necessary. This will be specified in public announcements.

All of the above steps will be announced using emergency notification methods.

For VCSU Employees:

Please keep in mind that normal working hours will continue unless otherwise stated in emergency messages. Class cancellations pertain only to students. Employees should be aware of when the campus closes.

For VCSU Students:

If a voluntary evacuation is issued for the campus, you are free to leave campus and go to a safer location. However, you may also remain on campus for the duration of the emergency if you choose. Voluntary evacuations are put into effect so that you have the opportunity to leave campus if you feel unsafe, or if your parents want you to return home. If you choose to remain on campus, VCSU staff will provide general services, such as food and water, to you during the emergency. Your access to the outdoors may be restricted if you choose to stay if hazardous weather occurs.

If a mandatory evacuation is issued for the residence halls, you will be required to evacuate your residence hall until the campus reopens. Your Residence Assistant (RA) will conduct floor meetings to assist you with the mandatory evacuation. You **MUST** check out with your RA before leaving the campus and you must provide them with the location where you will reside off campus as well as contact information. You may not return to campus until you are notified that campus has reopened.

Students who cannot go home should report to the assistant housing director. The campus may provide transportation to shelters, or provided shelter in motels and/or hotels outside the evacuation area.

For Parents of VCSU Students:

Continue to check the campus website at [www.vcsu.edu](http://www.vcsu.edu) for information about evacuations and campus closings. Be sure to keep in touch with your son/daughter about his/her plans to evacuate.

### **Shelter-in-Place**

Shelter-in-Place simply means seeking immediate, temporary shelter inside a building, residence hall, or area. This course of action may need to be taken during an accidental release of toxic chemicals to the outside air or other emergency where the escape route may not be safely secured.

Sheltering-in-Place may be advised for individuals or large groups depending on the situation.

## **Notification**

Notification of the need to shelter-in-place may come through several ways:

- ◆ Severe weather alert sirens.
- ◆ Emergency Alert System media broadcast.
- ◆ Direct observation or sense of dangerous situation.
- ◆ Directly from housing staff or other emergency personnel.
- ◆ The VCSU Emergency Notification System.

## **Emergency Action**

- ◆ Stay calm.
- ◆ Stay inside a building.
- ◆ Seek inside shelter if outside.
- ◆ Seal off openings to your if possible.
- ◆ Remain in place until you are told that it is safe to leave.

## **Additional Actions**

- ◆ Close all doors and windows to the outside.
- ◆ Do not use elevators as they may pump air into or out of the building.
- ◆ If possible, close and/or seal vents and ducts.
- ◆ Do not go outside or attempt to drive unless you are specifically instructed to evacuate.

## **Information Sources**

Tune to the Emergency Alert System station on your radio or television for further information.

Remain in place until appropriate university or emergency personnel tell you it is safe to leave.

## **3. MISSING STUDENT NOTIFICATION POLICY**

### **Policy:**

This policy and the following procedures establish the framework for the university in a reported missing student. If a student is absent for more than 24 hours without any known reason, the student is classified missing. All missing student reports should be directed to the Vice President for Student Affairs. The Vice President for Student Affairs will investigate the situation and determine if the student is indeed missing according to the policy. Students can identify a missing person contact by completing the form below, if the student is under the age of 18, the campus will contact their guardian. This information is confidential, and only for VCSU's use during an emergency. VCSU will also notify the Valley City Police Department within 24 hours of determination.

**Procedure:**

Immediately contact the Vice President for Student Affairs regarding any missing student report (on or off campus).

When a student is reported missing, VCSU/Vice President for Student Affairs shall:

- Investigate to determine if the missing student report is valid.
- Notify the student's emergency contact and Valley City Police Department within 24 hours after determining the student is missing.

The Vice President for Student Affairs will notify the campus emergency response team and Director of Housing. He or she shall initiate whatever action is appropriate for the circumstances including contacting the media and activating the emergency notification systems.

**Posting:**

This policy should be available via the VCSU website, campus security report, and other means. Housing will discuss the policy at housing meetings.

**Contacts:**

**Tisa Mason, Acting Vice President for Student Affairs, (701) 845-7100**  
tisa.mason@vcsu.edu

**Stephanie Roelfsema, Housing Director, (701) 845-7728**  
stephanie.roelfsema@vcsu.edu

**John O'Day, Head Resident, (701) 845-7175**  
john.oday@vcsu.edu

**Kayla Evenson, Head Resident, (701) 845-7124**  
kayla.r.evenson@vcsu.edu

**4. VCSU EMERGENCY NOTIFICATION SYSTEM**

Assurance NM is the emergency notification system used by VCSU to provide timely information and instructions directly to students, faculty and staff during emergencies or urgent situations. Timely notification of events such as natural disasters and acts of violence will empower members of the campus community to take the appropriate steps to protect their safety. All employees are required to participate in the system and students are strongly encouraged to enter their personal contact information in the Assurance NM system.

In the event of an urgent or immediate threat to health or safety, participants will be notified by any or all of the following methods: Cell Phone, Text Message,

E-mail, Office Phone, Home Phone. A team of campus officials consisting of the President, Vice President for Academic Affairs, Vice President for Business Affairs, Vice President for Student Affairs, Director of Marketing and Communications and the Campus Safety Coordinator are responsible for determining the need for notification, the content of the message and initiation of the system.

Students are encouraged to sign-up for Assurance NM by e-mail from the campus safety office and from automatic reminders that appear on CampusConnection. The Assurance NM system is tested at least once each semester.

## **5. VCSU Watch Program**

We, as members of the VCSU Community, are committed to creating a safe environment conducive to learning. The VCSU Watch Program is designed to give students the opportunity to report suspicious or illicit acts while keeping their identity anonymous. To report an incident, visit the VCSU Watch Website: [www.vcsu.edu/vcsuwatch/](http://www.vcsu.edu/vcsuwatch/)





101 College St SW  
Valley City, ND 58072  
[www.vcsu.edu](http://www.vcsu.edu)