

VALLEY CITY STATE UNIVERSITY
**2026 CAMPUS SECURITY AND
FIRE SAFETY REPORT**
INCLUDING: ALCOHOL AND DRUG PROGRAM



VALLEY CITY
STATE UNIVERSITY

Published October 1, 2026

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.

Included in this document:

PART I	7
V916 Campus Security Policy	7
Purpose	7
Scope	7
Responsibilities	7
Timely Warnings	7
V916 Campus Security Procedure	8
Purpose	8
Procedure	8
Physical Security	8
After Hours Entry	8
IMPORTANT PHONE NUMBERS	10
The Jeanne Clery Disclosure of Campus Crimes	11
CRIME/EMERGENCY REPORTING AND UNIVERSITY RESPONSE	14
Reporting Crimes and Other Emergencies	14
Crime reports can be made to the following preferred receivers of reports for the purpose of making timely warning reports and the annual statistical disclosure. The following have been designated by Valley City State University as Campus Security Authorities (CSAs) due to their significant responsibility over students and student activities on campus:	16
Response to Reports	16
RESPONSIBILITIES OF THE VCSU COMMUNITY FOR THEIR OWN PERSONAL SAFETY AND SECURITY AND THE SAFETY AND SECURITY OF OTHERS	16
Limited Voluntary Confidential Reporting	17
STATISTICAL DISCLOSURE OF REPORTED INCIDENTS	18
OFF-CAMPUS CRIME	18
MONITORING AND RECORDING CRIMINAL ACTIVITY AT NON-CAMPUS LOCATIONS OF STUDENT ORGANIZATIONS	18

SECURITY OF AND ACCESS TO CAMPUS FACILITIES	18
SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES	19
TIMELY WARNING NOTICES	20
PREPARATION OF ANNUAL DISCLOSURE OF CRIME STATISTICS & CLERY COMPLIANCE	21
Specific Information about Classifying Crime Statistics	22
Clery Act Reporting	22
Geography Definitions from the Clery Act	22
EMERGENCY RESPONSE AND EVACUATION PROCEDURES	23
Emergency Preparedness	23
Emergency Response	23
Emergency Evacuation Procedures	23
Emergency Notification System (ENS) Testing and Registration	28
VCSU EMERGENCY NOTIFICATION	29
PART II	30
VALLEY CITY STATE UNIVERSITY ALCOHOL AND DRUG PROGRAM	30
Parental Notification Policy	32
ALCOHOL AND OTHER DRUGS (AOD) EDUCATION AND OUTREACH	34
HAZING POLICY AND REPORTING	35
Violence Against Women Act (VAWA) Reauthorization	36
SEXUAL HARRASMENT AND MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS	36
Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking	36
Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking	38
Bystander Intervention and Prevention Programs	41
Definition of Bystander Intervention	41
VCSU Green Dot Program	42
Recognizing Risk and Action Strategies: The Three Ds	42
Situations Warranting Intervention	42
Hazing Awareness and Prevention Training	43
Emergency Response and Reporting	43
Ongoing Crime Prevention Programming	43

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs	43
Involvement of Law Enforcement and Campus Authorities	44
Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking	44
Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported.....	45
Disciplinary Proceedings and the Criminal Process	45
Rights of Victims.....	45
Reporting Procedures	46
Educational Programs.....	46
Facilitated Anonymous Reporting through the Counseling Center	46
Employee Assistance Program.....	46
Assistance for Victims - Rights & Options.....	47
Rights of Victims and the Institution's Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution	47
Supportive Measures Available for Victims.....	49
Confidentiality.....	50
On-and Off-campus Services for Victims.....	50
Adjudication of Violations	51
Student and Employee Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking	52
Investigation of Reports of Sexual Misconduct Not Covered Under Title IX Grievance Process (Student Sexual Misconduct Policy).....	53
Interim Measures and Supportive Measures Overview.....	55
Types of Interim and Supportive Measures.....	55
Informal Resolution for Sexual Misconduct Grievance Process.....	57
Election for Formal Resolution	57
Formal Resolution for Sexual Misconduct Grievance Process	58
Appeal Process	59
Appeals with the Title IX Appeals Officer	60
Title IX Student and Employee Grievance Process (includes cases of Sexual Assault, Dating Violence, Domestic Violence, and Stalking).....	60
Notice of Allegations for Title IX Grievance Process.....	61
Dismissal of a Formal Complaint for Title IX Grievance Process	62

Consolidation of Formal Complaints for Title IX Grievance Process	62
Investigation of Formal Complaint for Title IX Grievance Process	62
Live Hearings for Title IX Grievance Process	63
Determination Regarding Responsibility for Title IX Grievance Process	63
Appeals for Title IX Grievance Process	64
Informal Resolution Under Title IX Grievance Process	64
University-initiated Range of Supportive Measures	65
Sanctions for Sexual Misconduct and Title IX Grievance Processes	65
NOTIFICATION OF VICTIMS OF CRIMES OF VIOLENCE	68
SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION	68
Employment of Sex Offenders	68
Enrollment of Sex Offender	68
Public Access to Sex Offender Information	69
SEX OFFENDERS' NOTIFICATION AND LINK TO NORTH DAKOTA SEX OFFENDERS' WEBSITE	69
Sexual Harassment Policy	69
FIREARMS & WEAPONS POLICY	69
EMERGENCY MEDICAL RESPONSE PROCEDURES	70
CRIME PREVENTION, FIRE SAFETY, AND SAFETY AWARENESS PROGRAMMING	70
PART III	72
CAMPUS FIRE SAFETY	72
Fire Safety Systems in Residential Facilities	73
Valley City State University Annual Fire Safety Report	73
NORTH DAKOTA HAZING LAW	75
DEFINITIONS	75
CRIME DEFINITIONS	75
Official Notification Procedures for Missing Persons	86
Emergency Contact Information Designation	87
Campus Communication Regarding Missing Students	87

Message from the President

Dear VCSU Campus Community,

The safety and well-being of our students, faculty, staff, and visitors is an important responsibility we all share at Valley City State University. As we make our Annual Campus Security and Fire Safety Report available, I encourage you to take a few minutes to review the information and resources included in the report.

The report includes campus crime statistics, fire safety information, and the policies and procedures VCSU has in place to help maintain a safe and supportive campus environment. It also reflects our commitment to transparency with our campus community and to being prepared to respond when concerns or emergencies arise.

Creating a safe campus takes all of us. I encourage each member of our campus community to be aware of your surroundings, become familiar with available resources, report concerns when they arise, and continue to look out for one another. These individual actions contribute to the welcoming and supportive environment we value at VCSU.

I also want to recognize and thank our Campus Safety Office, Student Affairs, Residence Life, and the many others across VCSU who support campus safety and our campus's well-being. Their collaborative efforts, along with the care and responsibility demonstrated by our entire campus community, help make VCSU a safe and welcoming place to live, learn, work, and grow. Together, we will continue to support a campus community where everyone feels safe, valued, and supported.

Thank you for doing your part to support a safe and caring VCSU community.

Sincerely,

A handwritten signature in cursive script that reads "Allen Burgad".

Dr. Allen Burgad
Interim President
Valley City State University

PART I

V916 Campus Security Policy

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.

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.

Responsibilities

- A. Building Security: responsible for maintaining a nightly log of all activities/incidents.
- B. Safety Coordinator: supervise Building Security and oversee all security related activities. Report all security incidents to the appropriate campus official. Maintain a record of all security incidents. Investigate all incidents of theft, vandalism, etc. that are not handled by the police. Submit a yearly report of campus security incidents to the Vice President for Business Affairs on or about July 1. Respond to all emergencies 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. Director for Facilities Services: review reports dealing with facilities damage and breakdowns, taking appropriate action. Respond to emergencies involving facilities as required.
- E. 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.

Timely Warnings

In order to keep the campus informed about safety and security issues, VCSU will alert the entire 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 person(s). 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 the campus Emergency Notification System.

V916 Campus Security Procedure

Purpose

To operationalize Valley City State University's policy 916 Campus Security.

Procedure

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. Building Security 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. Building Security 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, Building Security will be available. If any unusual conditions are noted, Building Security 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.

After Hours Entry

Access to facilities during other than operating hours will be controlled by Building Security and the Heating Plant staff. Each division will determine whether or not it wants its area open 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 requested and approved through OneStop by a faculty member. The students will report to the Heating Plant and present a Student ID card to the person on duty. The student's name will be compared to an approved entry list sent by Facilities Services Management. The student ID may later be checked by Building Security 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 if they do not have permission to be in the building after hours. It will be up to the discretion of Building Security 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 Building Security 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.

Safety

After-hours campus safety is another area Building Security 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. Building Security 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. Building Security will have the authority to require any students involved to produce a student ID card, and/or disperse. If Building Security deems it necessary, a university official or the police will be contacted.

Parking

Building Security will be responsible for issuing after-hours parking tickets to those vehicles in violation of campus parking regulations.

Incidents Involving Students

When students are involved in any incidents on campus, they must produce a student ID card when asked by Building Security. Building Security will record the student's name and student ID 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 Safety Coordinator daily. Incident reports involving students may be referred to the Office of Student Affairs or other appropriate university officials for review and follow-up, consistent with university policies and procedures. Students are required to comply with all lawful instructions given to them by Building Security. 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 Building Security, based on the situation, whether the police, a campus official, or a staff member should be contacted.

Emergencies

Building Security 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. Building Security 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: Call 911 for ambulance response and notify the Heat Plant as soon as possible. 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, Building Security 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 person(s) 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.

IMPORTANT PHONE NUMBERS

CAMPUS

Power Plant/Facilities Services (24 hours)	845-7708
Student Affairs Office.....	845-7300
Counseling Office	845-7427
Kolstoe Front Desk	845-7901
McCoy Front Desk	845-7911
Robertson/Mythaler Front Desk	845-7906
Snoeyenbos Front Desk.....	845-7915

COMMUNITY

Valley City Ambulance.....	911
Valley City Fire Department.....	911
Valley City Police	911
Valley City Police (Non-Emergency)	845-3110
Mercy Hospital.....	845-6400
Rape and Abuse Hot Line	845-0072

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

All reports of criminal or suspicious activity should be made immediately to Facilities Services, the Student Affairs Office, or a campus Residence Life official.

VALLEY CITY STATE UNIVERSITY 2025 ANNUAL SECURITY AND FIRE SAFETY REPORT

Enrollment: The student body is approximately 59% women and 41% men. For the Fall 2025 semester, there were 1,827 students, and about 17% of those students lived in university-owned buildings.

To be successful in providing the highest degree of public safety services on the campus, it is important that community members follow good safety practices and understand that safety is the responsibility of all community members, not just those officially and formally charged with enforcing the laws, policies, and rules. This includes locking your valuables and reporting suspicious/criminal activities. This includes educational programs on campus safety, preventative patrols, incident investigation, crime reporting, fire safety and prevention as well as crime prevention.

This publication is intended to provide information regarding educational programs, safety practices, crime statistics, and policies regarding the reporting of emergencies and campus crime rates. Should you have questions, comments, or suggestions regarding the information contained within this publication or any related public safety policies, procedures, or operations, please feel free to contact the Vice President for Student Affairs at 701-845-7300.

The Jeanne Clery Disclosure of Campus Crimes

Table 1: Crimes Reported (2023-2025)

*This table lists reported crimes by venue and year.

Offense Type	Venue	2023	2024	2025
Criminal Homicide	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
Negligent Manslaughter	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
Sex Offenses – Rape	Campus	0	2	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0

Offense Type	Venue	2023	2024	2025
Sex Offenses – Statutory Rape	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
Sex Offenses – Fondling	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
Sex Offenses – Incest	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
Robbery	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
Aggravated Assault	Campus	0	1	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
Burglary	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
Arson	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
Motor Vehicle Theft	Campus	0	0	0
	Campus Residence	0	0	0

Offense Type	Venue	2023	2024	2025
	Non-Campus	0	0	0
	Public	0	0	0
Hazing	Campus	N/A	N/A	0
	Campus Residence	N/A	N/A	0
	Non-Campus	N/A	N/A	0
	Public	N/A	N/A	0

Table 2: Arrests and Disciplinary Referrals (2023-2025)

*This table shows arrests and disciplinary referrals for violations by venue and year.

Violation Type	Venue	2023	2024	2025
Arrests – Liquor Law	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
Arrests – Drug Violations	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
Arrests – Weapons Possession	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
Disciplinary Action – Liquor Law	Campus	13	13	1
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	19
Disciplinary Action – Drug Violations	Campus	0	0	8
	Campus Residence	0	0	0
	Non-Campus	0	0	0

Violation Type	Venue	2023	2024	2025
	Public	0	0	0
Disciplinary Action– Weapons Possession	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
VAWA – Domestic Violence	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
VAWA – Dating Violence	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0
VAWA – Stalking	Campus	0	0	0
	Campus Residence	0	0	0
	Non-Campus	0	0	0
	Public	0	0	0

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

*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 violations are inclusive of the number of campus residence violations.

CRIME/EMERGENCY REPORTING AND UNIVERSITY RESPONSE

Reporting Crimes and Other Emergencies

Campus community members including students, faculty, staff, visitors, and guests are encouraged to report all criminal actions, emergencies, suspicious behavior, or other public safety related incidents occurring within the University's Clery geography to the VCSU Vice President for Student Affairs or Director for Facilities Services in an accurate, prompt, and timely manner. The University's Clery geography includes:

- On-campus property includes campus residence halls, buildings, and/or facilities.

- All public property, including thoroughfares, streets, sidewalks, and parking facilities, are within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities.

The Valley City Police Department has been designated by VCSU as the official office for campus crime and emergency reporting. VCSU strongly encourages accurate and prompt reporting of all crimes to the VCPD, when the victim of a crime elects to, or is unable to make such a report. Accurate and prompt reporting ensures police can evaluate, consider, and send timely warning notices.

Memorandum of Understanding (MOU) between City of Valley City and Valley City State University.

This Memorandum of Understanding, entered by and between the City of Valley City and Valley City State University, sets forth the parties' understanding of the respective duties and obligations concerning the coordination of law enforcement efforts between the University and the City.

The parties to this Memorandum of Understanding hereby agree as follows:

The Valley City Police Department is the primary law enforcement of all property owned, leased, or under the control of Valley City State University, which in the City of Valley City, and will provide police services on said property.

Valley City State University will notify the Valley City Police Department and request that It Investigate any serious criminal incident or situation which occurs on any property owned, leased, or under control of the University, within the jurisdiction of the City of Valley City. These Incidents will include violent felony offenses, missing person(s), or other situations that may affect the safety of persons on the campus or in the city. Victims of crimes will be encouraged by the University to report all crimes, and the Vice President for Student Affairs department will assist victims in making reports to the police, if requested.

The Valley City Police Department will keep Valley City State University informed of any emergencies which may occur within the City that may affect the safety of the staff, students, and guests, or any property owned, leased or under the control of the University.

When the Valley City Police Department executes a warrant on any property owned, leased or under the control of the University, the Police Department will contact the VCSU Vice President for Student Affairs and request an administrator to accompany the City police officer. In cases where it may not be practical or appropriate to notify University officials ahead of time, notification will take place as soon as possible. Efforts will be made to refrain from interrupting a class to effect an arrest or execute a search warrant. In the event of continuous close pursuit, beginning in the City of Valley City, which continues to the Valley City State University campus. the Valley City Police Department communication unit will notify Valley City State University as soon as practical under the circumstances.

Criminal incidents or incidents off campus can be reported to the local Valley City Police Department. Additionally, as outlined below, the University has also identified a list of primary

campus security authorities (CSA) or preferred receivers of reports to whom crimes or allegations of crimes can be reported.

Crime reports can be made to the following preferred receivers of reports for the purpose of making timely warning reports and the annual statistical disclosure. The following have been designated by Valley City State University as Campus Security Authorities (CSAs) due to their significant responsibility over students and student activities on campus:

Vice President for Student Affairs: 701-845-7300

Director for Safety and Security: 701-845-7710

Director for Residence Life: 701-845-7928

Residence Life (Assistant Director for Residence Life, Resident Hall Director, Assistant Resident Hall Directors, Resident Assistants, Apartment Assistant)

Title IX Coordinator: 701-845-7302

Director for Human Resources: 701-845-7401

Head Coaches and Assistant Coaches

Director of Sports Medicine/Associate Athletic Director: 701-845-7165

Director for the Student Center / Student Activities: 701-845-7120

Staff Supervisors of Student Workers

Student Organization Advisors

Response to Reports

Any reported crimes will be investigated by the Valley City Police Department and may become a matter of public record. Crime victims are given on and off campus resource information as necessary and appropriate. Valley City Police Department works closely with full range of city and county resources to ensure a complete and timely response to all emergency calls. For emergency assistance community members should call 911. When placing an emergency call, remember to stay on the line and wait for the dispatcher to end the call.

If a sexual assault or rape should occur on campus, staff on scene will offer the victim a wide variety of resources and services. This publication contains information about on- and off-campus resources and services and is made available to the VCSU community. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for VCSU.

RESPONSIBILITIES OF THE VCSU COMMUNITY FOR THEIR OWN PERSONAL SAFETY AND SECURITY AND THE SAFETY AND SECURITY OF OTHERS

Members of the VCSU community must assume responsibility for their own personal safety and the security of their personal property and are encouraged to assist others. The following precautions provide guidance:

- Report all suspicious activity immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night.

- Limit alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call Valley City Police Department for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Always carry your keys and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home. **DO NOT PROP INTERIOR OR EXTERIOR DOORS.**
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave serial numbers or owner's recognized numbers, such as driver's license number, on items of value.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

Limited Voluntary Confidential Reporting

VCSU encourages anyone who is the victim or witness to any Title IX violation to promptly report the incident to Title IX Coordinator by email at vcsu.titleix@vcsu.edu or call 701-845-7302. Anonymous reports may be filed for statistical reporting purposes. A student's privacy concerns are weighed against the needs of VCSU to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. In compelling situations, VCSU reserves the right to take reasonable action in response to any crime report, and information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

Confidential Reporting

Students may report incidents confidentially to the following university personnel:

- **Campus Counseling Services** (Director for Counseling and Wellness and VCSU Counselors)
- **Director for Health Services**

When acting in their official capacity, VCSU counselors do **not** submit identifiable reports to designated On-Campus Resources unless the student **specifically requests** such reporting.

Counselors are encouraged, when deemed appropriate, to inform students of their option to voluntarily and confidentially report incidents of crime to the **Valley City Police Department**.

Campus officials not subject to reporting:

- Student Health Services: An employee of an institution whose official responsibilities include providing primary assessment and treatment of minor illnesses and injuries and referral when indicated, practicing within their scope of licensure.
- Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification.

STATISTICAL DISCLOSURE OF REPORTED INCIDENTS

Incidents reported to Valley City Police Department that fall into one of the required reporting classifications as defined by the Clery Act and North Dakota Uniform Crime Reporting (UCR) Act that occur within the University's Clery geography will be disclosed as a statistic in the appropriate crime table within this annual security and fire safety report published by the Vice President for Student Affairs.

OFF-CAMPUS CRIME

If the Valley City Police Department is contacted about criminal activity off-campus involving VCSU students, the police may notify the Vice President for Student Affairs. Students in these cases may be subject to university disciplinary proceedings.

MONITORING AND RECORDING CRIMINAL ACTIVITY AT NON-CAMPUS LOCATIONS OF STUDENT ORGANIZATIONS

VCSU does not currently have any recognized student organizations that own or control non-campus properties.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

Academic and Administrative Buildings

During normal business hours, the VCSU campus is generally open and accessible to students, faculty, staff, and visitors.

Most academic and administrative buildings are open during normal business hours (typically Monday through Friday, from 7am to 10pm, except holidays) and are typically secured during weekends, depending upon class schedules, special event scheduling and community usage. Individuals who wish to access University buildings or property during non-business hours or for special events should contact Facilities Services by calling 701-845-7705. Buildings have individual hours which may vary at different times of the year. In these cases, the building will be secured according to the schedules developed by the department or the individual responsible for the building.

Residence Halls

Access to residence halls is restricted to VCSU students, authorized staff, and guests of residents. The halls are secured by key and lock systems 24 hours a day/7days a week. All guests must be escorted by the resident host at all times. Residence hall professional and student staff enforce campus policies and security measures within the residence halls to achieve a community respectful of individual and group rights and responsibilities.

Academic Break Housing

During the academic year, the University officially closes for Winter and Spring Breaks. The residence halls close with a sign-up protocol for those needing to remain during break times for work, academic, or pre-approved personal reasons. Notices are posted through the University's official calendars, the housing contract, emails, and before each break.

Students are reminded about the break protocols prior to each break and provided paper request forms to complete. Request forms will be announced between 2-3 weeks prior to the beginning of the break. Students without the necessity to remain in the residence halls are reminded to make travel arrangements.

When the residence halls close for break, students are expected to: unplug appropriate appliances, take out all garbage, attend to perishable food, clean out refrigerators and defrost pending residence hall and length of break, close and lock windows, ensure thermostat is set between 68-70 degrees, bedroom doors that are lockable must be closed and locked. Complete closing procedures for each hall are distributed prior to break closing. Residents may leave personal items in their room during all breaks, except summer. VCSU recommends removing personal items like keepsakes, money, and medication to ensure their safety.

Residence hall staff members will conduct inspections during breaks. Any notable items or infractions will be discussed with residents and/or sanctioned accordingly. Any student requesting access to their residence hall or room during breaks when the residence halls are officially closed should present themselves to Residence Life or the staff member on call by using information posted on the residence hall exterior entries. VCSU Student and Residence Life will determine a student's access to their respective space for legitimate reasons and authorize full discretion in determining a student's legitimacy to enter the closed residence hall based on information provided. Staff members will make an appointment and designate a time for the student(s) to enter and exit their residence hall for the needs discussed. If a student needs to modify their stay, they can call the Residence Hall staff member on duty.

SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

VCSU facilities and landscaping are maintained in a manner that minimizes hazardous and unsafe conditions. The following guidelines are used to maximize safety for all and still provide convenient access to buildings:

- Keys are issued to authorized faculty, staff, and students.

- Exterior building doors are prohibited from being propped open when the doors are locked.
- Building evacuation is mandatory for all fire alarms.
- Video security cameras are positioned to monitor exterior doors and parking lots.
- Lighting on campus is periodically evaluated for safety purposes and added as needed.
- Parking lots are illuminated with lighting.
- Campus community members may report hazards directly to Facilities Services through an online service reporting process.
- Facilities Service, Valley City Police Department, Vice President for Student Affairs, and Student Senators conduct an annual safety walk throughout campus to identify improvements for safety. This walk is conducted after sunset.

TIMELY WARNING NOTICES

To keep the campus informed about safety and security issues, VCSU will alert the entire campus community in a manner that is timely, withholds the names of victims as confidential, and will aid in the prevention of similar crimes. Timely warnings may be issued for threats to property as well as for threats to person(s). 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 V1202.01) and will be used as the primary tool for dissemination of timely warnings. In addition, timely warnings may be delivered by campus-wide email and/or voicemail. VCSU may activate the emergency notification system in an emergency. All students are required to participate in the University's emergency notification system. Participants may receive alerts and messages via cell phone, campus phone, home phone, email, and text messaging. VCSU is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

Crimes that occur outside the campus' primary Clery geography, as stipulated or other non-Clery specific crimes, will be evaluated on a case-by-case basis. Information related to these crimes may be distributed to the campus as a Public Safety Notice.

Timely warning notices are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger VCSU community)
- Major incidents of Arson
- Murder/Non-Negligent Manslaughter
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis) Sexual assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information available). In cases involving sexual

assault, which is reported long after the incident occurred, there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a timely warning notice.

- String of burglaries and/or motor vehicle theft

If there is an immediate threat to the health or safety of students or employees occurring on campus, the institution will provide follow-up information via e-mail to the community as soon as possible. Typically, notices are not issued for any incidents reported that are older than ten (10) days from the date of occurrence, as such a delay in reporting has not afforded the University an opportunity to react or respond in a timely manner.

PREPARATION OF ANNUAL DISCLOSURE OF CRIME STATISTICS & CLERY COMPLIANCE

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The Vice President for Student Affairs is primarily responsible for preparing the Annual Security and Fire Safety Report. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: Facilities Services, Residence Life Office, Title IX Office, and Human Resources Department are key offices from which drug, liquor, and weapon offense referral data is obtained along with sexual offenses reported to Counseling Services or Student Health Services.

A written request for statistical information is made at least on an annual basis to Valley City Police Department. Statistical information is not requested from, nor is it provided by, the Counseling Services Office nor Student Health Services, who are performing that function and role as their employment with the University. Counselors and Medical Healthcare Providers are not required by law to provide statistics for this compliance document. Counseling Professionals, and Healthcare Providers, as defined by the Federal law, who act in such capacities, have been advised that, while they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to Valley City Police Department for inclusion in the annual statistics. The Counseling Center counselor may facilitate anonymous reporting.

All statistics are gathered, compiled, and reported to the University community via this report, entitled the “Annual Security and Fire Safety Report,” which is published no later than October 1st of each year. VPSA submits the annual crime statistics published in this brochure via a Web-based reporting system to the Department of Education. The statistical information gathered by the Department of Education is available to the public through their website. Table one of the crime statistics satisfies the reporting requirements outlined by the Clery Act.

The Vice President for Student Affairs sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. The email includes a brief summary of the contents of this report. The email also includes the link to the website where the Annual Security and Fire Safety Report (ASFSR)

can be found, and notification that a physical copy may be obtained by making a request to Vice President for Student Affairs, McFarland 209, 101 College Street, Valley City, ND 58072.

Specific Information about Classifying Crime Statistics

The statistics in this brochure are published in accordance with the definitions and many of the standards and guidelines used by the FBI Uniform Crime Reporting (UCR) Handbook, National Incident-Based Reporting System (NIBRS), relevant Federal law (the Clery Act), and applicable State law (North Dakota Century Code).

Clery Act Reporting

For Clery Act reporting purposes, the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons Law violations, the statistics indicate the number of people arrested by law enforcement.

Hate crimes are reported by category of prejudice. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender's bias. For example, a subject assault a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime.

For Clery Act Purposes, Hate Crimes include any of the following offenses that are motivated by the offender's bias: Murder and Non-negligent Manslaughter, Sexual Offenses (rape, fondling, incest, and statutory rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property.

Campus SaVE Act was signed into law on March 7, 2013, as part of the reauthorization of the Violence Against Women Act (VAWA); it covers students and staff of institutions of higher education and amends the Jeanne Clery Act to include new reporting requirements for Domestic Violence, Dating Violence, and Stalking and additional policy statements and training requirements.

Geography Definitions from the Clery Act

On-Campus is *defined as*: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls.

Public Property is *defined* as: All public property, including thoroughfares, streets, sidewalks, and parking facilities, which are within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities. The VCSU crime statistics do not include crimes that occur in privately-owned homes or businesses within or adjacent to the campus boundaries.

On-Campus Student Housing Facility is *defined* as: Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is considered a subset of the On-Campus category.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergency Preparedness

VCSU has adopted an Emergency Policies and Procedures Plan that establishes policies, procedures, and an organizational hierarchy for response to emergencies on campus. The Plan outlines incident priorities, campus organization and the role and operation of VCSU personnel during an emergency. Emergency operations planning at VCSU means preventing, preparing for, responding to, and recovering from any and all emergencies that could affect the University and local community. Emergency preparedness at VCSU is managed by the Emergency Management Team (EMT). The emergency response and evacuation protocols and procedures outlined within this annual report are reflective for both on-campus buildings, facilities, and residence halls.

Emergency Response

The university's departments are responsible for developing emergency response and Business Continuity Plans (BCP) of operations for their areas and staff. The Director for Facilities Services provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported to Valley City Police Department by dialing 701-845-3110 or by dialing 911 for outside emergency responders.

In conjunction with other emergency agencies, the university conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. After-action reviews will be conducted following each test and/or exercise that documents the test/exercise, provides a description for each test/exercise, the date, time, whether the test was announced or unannounced, and an assessment of the lessons learned from the exercise.

Emergency Evacuation Procedures

Evacuation

It is important that regardless of the type or duration of an evacuation, 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 to 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 person(s) 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 staircase 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 by 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 terminology below to understand a campus evacuation:

Classes cancelled: 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 services will be 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 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 an 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 housing director. The campus may provide transportation to shelters or provide 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 for information about evacuations and campus closings. Be sure to stay connected with your student(s) about their plans to evacuate.

Shelter-in-Place/Lockdown

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

Notification

Notification of the need to shelter-in-place/lockdown 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 if possible.
- Remain in place until you are told that it is safe to leave.

Additional Actions

- Close and lock all doors and windows to the outside.
- Do not use elevators.
- 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 in to the Emergency Alert System station on your radio or television for further information. Remain in place until the appropriate university or emergency personnel tells you it is safe to leave.

Employees who do not report to the evacuation assembly location are presumed to be still in the building and possibly in need of emergency rescue. In the event of an actual emergency this information should be relayed to emergency response personnel. The location of the evacuation assembly location should be communicated to new employees during their probationary period.

In the event of a fire drill, all employees should report to the evacuation assembly location as part of the evacuation practice.

Faculty and Staff Responsibilities

- If possible, keep students together in a group during the evacuation and stay with them.
- Account for all students present upon reaching the evacuation assembly location.
- Immediately report any students you believe to be missing to the Valley City Police Department, Fire Department or Vice President for Student Affairs.

Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, access card, etc.) and follow evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest university building quickly. If police or fire department personnel are on the scene, follow their directions.

The University will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the campus community, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

Immediate notification to the campus can be accomplished through a variety of communications methods. Notification will be made by using some or all of the following multi-modal notification methods depending on the type of emergency: University’s Emergency Notification System (ENS)- which contains email, cell phone text, voice message alert; fire alarm (where available); public address systems/outdoor speakers (where available); social media; digital signage (where available), local media, webpage, and/or alert siren for shelter-in-place. If any of these systems fail or the University deems it appropriate, communication may be used to communicate in an emergency in person. Confirmation of the existence of an emergency typically involves the response and assessment by EMT, sometimes in conjunction with campus administrators and other university officials (President, Vice President for

Academic Affairs, Vice President for Student Affairs, and Human Resources), local police and first responders and/or the national weather center.

Follow-up notices/communications will be provided as necessary during an active incident. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the aforementioned communication methods. Additionally, updates regarding a prolonged and ongoing emergency situation such as a health emergency (norovirus, serious illness, pandemic, etc.) can be provided by creating a banner (webpage) at the top of the University's homepage that would contain specific status update information along with links to public health agencies (for example) or other relevant entities.

When the emergency notification system (ENS) is fully activated using email, and cell phone text/voice messaging, University officials will notify campus community members of the emergency situation, its exact location, and will most likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the "shelter-in-place" concept.

How to "Shelter-in-Place"

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

- If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. It should be:
 - An interior room.
 - Above ground level; and
 - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock all windows (tighter seal) and close exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able. VCSU staff will turn off the ventilation as quickly as possible.
- Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list to Facilities Services so they know where you are sheltering. If only students are present, one of the students should be called on the list.
- Turn on a radio or TV and listen for further instructions.
- Make yourself comfortable.

Emergency Notification System (ENS) Testing and Registration

The Emergency Notification System (ENS) will be tested at least each academic semester to ensure that all systems are working properly and that EMT members maintain a working knowledge of the system. These tests will also be educational moments for the campus community to remind them that this system does exist, and that it is a working and functioning system that they can rely upon. In conjunction with at least one of the annual ENS test

notifications, information is shared with the campus community related to the campus' emergency response and evacuation procedures in a campus-wide e-mail from the Campus Safety Officer.

The ENS processes are tested once each semester – including the activation of cell phone, work or home phone, email account, voice mail, test messaging systems. These tests are usually announced tests, but they may be unannounced. Available student cell phone numbers are loaded into the ENS upon their registration for classes.

Students, Faculty and Staff participation is mandatory. Faculty and Staff are required to annually update their emergency notification information:

Log into your NDUS Employee Self Service, Personal Details, my preferences and under “contact details” add your cell-phone number (with area code) by clicking on the + (Add Phone) and click “Save.”

Procedures for Disseminating Emergency Information to the Larger Community

VCSU website (www.vcsu.edu), Public Media (tv, radio, news websites), social media, and flyers posted throughout campus serve as primary distribution systems to disseminate emergency information to the larger community.

VCSU EMERGENCY NOTIFICATION

The official NDUS emergency notification system is 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 and students are required to participate in the 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 Campus Safety are responsible for determining the need for notification, the content of the message and initiation of the system.

Students are encouraged to review their contact information in Campus Connection to ensure they can receive emergency notification messages. The official NDUS emergency notification system is tested at least once each semester.

PART II

VALLEY CITY STATE UNIVERSITY ALCOHOL AND DRUG PROGRAM

In accordance with the federal Drug-Free Workplace Act of 1988, the federal Drug-Free Schools, and Communities Act (DFSCA) of 1989, and State policies on Alcohol and Other Drugs, VCSU prohibits the unlawful or unauthorized possession, use, sale, manufacture, distribution, or dispensation of alcohol and other drugs by employees and students in the workplace or when representing VCSU in a working capacity off campus. Responsible use of alcohol at VCSU related social events (e.g., Alumni Dinner, Holiday Party, etc.) or during designated social hours at conferences, seminars, etc. is exempt. Employee or student violators are subject to disciplinary action, up to and including termination of employment and expulsion.

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: The University Alcohol Violators Program, The University Code of Student Conduct, Local, State, and Federal sanctions.

Sanctions

Students found to be in violation of any standard of conduct regarding alcohol will be subject to the following sanctions:

1st Offense:

- Attend and complete Alcohol Violators Seminar
- \$200.00 contribution to the Alcohol Education Fund
- Eight hours community service

2nd Offense:

- \$350.00 contribution to the Alcohol Education Fund
- 15 hours community service

- Complete a consultation that includes alcohol use screening and education with a VCSU Clinical Mental Health Counselor.
- Conduct probation for six months.

3rd Offense:

- \$500.00 contribution to Alcohol Education Fund
- Required alcohol evaluation by a substance use and/or an addiction counselor at the student's expense. Results must be submitted to VCSU Counseling Services within two weeks following the evaluation.
- 25 hours community service
- Conduct probation for one year.

OR

- Suspension from the University.

Alcohol violations carry from one year to the next. For example, if you received a violation last year and one this year, it would be your second violation.

All fines collected are applied to substance abuse education programs, speakers, and materials. VCSU reserves the right to assign additional sanctions as deemed necessary or appropriate. The above sanctions are subject to review and change, as necessary.

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 any non-resident of the room present at the party. Residents of party rooms will be assessed an additional \$150 fine.

Sanctions

Students found to be in violation of any standard of conduct regarding illicit drugs will be subject to the following sanctions:

1st Offense:

- Parent or guardian notification
- Conduct probation for six months.
- \$250 contribution to the Substance Abuse Education Fund
- 20 hours of community service
- Complete a consultation that includes drug use screening and education with a VCSU Clinical Mental Health Counselor

2nd Offense:

- Parent or guardian notification
- \$375 contribution to the Substance Abuse Education Fund
- 30 hours of community service
- Required evaluation by a substance use and/or addiction counselor at the student's expense. Results are required to be submitted to VCSU Counseling Services within two weeks following the evaluation along with a follow-up meeting with VCSU Counseling Services
- Conduct probation for one academic year.

OR

- Possible suspension
- Possible removal from housing

3rd Offense:

- Suspension from the University

Parental Notification Policy

The Vice President for Student Affairs has the authority to notify parents or guardians when students under the age of 21 are found to have committed violations of university policies related to the possession, use, or distribution of alcohol or drugs. The notification of parents is warranted in any of the following cases:

- The violation involved harm or threat of harm to person(s) or property.
- The violation involved an arrest in which the student was taken into custody.
- The violation resulted in or could result in the student being suspended from the university and/or dismissed from the residence halls.
- The student has shown a pattern of violations.
- The student who committed the violation became ill and/or required medical intervention as a result of consumption of alcohol or drugs.

When possible, students will be notified that parental notification will take place. Students will be encouraged to discuss the situation with their parents prior to notification. A record of the notification will be kept on file in the student's record.

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 with 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 hall directors 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 university students. Included are guest speakers, programs, promotional materials, and numerous other wellness and prevention 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 several 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 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 several 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.

Counseling Services Offices delivers an alcohol abuse prevention program, CHOICES, to all first-year students each fall semester.

The North Dakota Century Code states 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.

There are also serious legal repercussions for driving under the influence of alcohol. Drivers under the age of 21 with a BAC of .02 or higher will be charged with Driving Under the

Influence. Drivers 21 and over with a BAC of .08 or higher will be charged with Driving Under the Influence.

The use of narcotics and controlled substances without a prescription on university premises, as elsewhere, is illegal. Illegal possession, use, and/or sale of drugs or narcotics by students, employees, or guests constitutes unacceptable and illegal conduct. The Valley City Police Department reports violations of law to the appropriate university department and works in collaboration with state and federal law enforcement and local police, on for enforcing the laws of the State of North Dakota, including laws related to the possession, use, and sale of narcotics and controlled substances.

ALCOHOL AND OTHER DRUGS (AOD) EDUCATION AND OUTREACH

- A student who brings or uses intoxicating liquors, alcoholic beverages or illegal drugs on campus is subject to disciplinary action.
- A student who attends class under the influence of alcohol or illegal drugs is subject to disciplinary action.
- Faculty and staff are justified in contacting appropriate law enforcement authorities and/or campus security in the event a student is under the influence.
- Students who are involved in illegal drug usage, off the premises of the campus, may also face disciplinary action.
- Student organizations and clubs are not allowed to sponsor on-campus or off-campus events at which alcohol or illegal drugs are consumed.
- Sale of alcoholic beverages and/or drugs by student organizations and clubs 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 drink tickets, etc.)
- Alcoholic beverages and/or drugs may not be used as awards or prizes in connection with events or activities sponsored by student organizations and clubs.
- Advertisements for alcohol sales and bars are not allowed to be posted on campus.
- These advertisements will also not be allowed electronically or printed in VCSU publications. There could be an exclusion for community events as determined by the President.
- Disciplinary action, which may include expulsion from the University, shall follow the procedures and regulations for disciplinary action that are found in the VCSU Student Handbook. In addition, such matters may be reported by the University to the appropriate law enforcement authorities.
- Since involvement with drugs may be associated with medical and/or psychological problems, students may be referred to or may refer themselves to counseling or medical services.

Where to Turn for Help:

Students may initiate help for themselves or others by contacting any of the following: On Campus:

1. Counselor 701-845-7427 or 701-845-7472; Counseling Services Office, McFarland 3rd Floor
2. Student Health Services 701-845-7305, Mythaler Hall 119

Community Resources

1. “211” – 24-hour referral and crisis management hotline for North Dakota.
2. “988” – 24-hour Crisis Hotline
3. Alcoholics Anonymous 701-845-3705, 320 2nd Ave SE Valley City, ND 58072

National Numbers

1. The National Drug & Alcohol Hotline: 1-800-711-6375 or 1-800-711-6402

HAZING POLICY AND REPORTING

Pursuant to Section 485(f) of the Higher Education Act, as amended by the Stop Campus Hazing Act, Valley City State University (VCSU) publishes the Campus Hazing Transparency Report to summarize findings concerning student organizations found responsible for violations of University standards of conduct related to hazing. This report is maintained in a prominent location on the University's website and is updated at least twice each year. Information is provided in accordance with federal requirements and does not include personally identifiable information about individual students.

Definition of Hazing

Valley City State University prohibits hazing on the part of individuals and campus organizations. Hazing is an act that endangers the mental or physical health or safety of a student, results in the destruction or removal of public or private property, or causes physical or psychological discomfort, embarrassment, or humiliation for the purpose of initiation or admission into, affiliation with, confirming any form of affiliation with, or continued membership in a student organization, regardless of a student's willingness to participate in the activity.

Reporting Hazing

All members of the VCSU community who have been subjected to, witnessed, or become aware of suspected hazing have the right to make a report to VCSU, local law enforcement, and/or state law enforcement, or to choose not to report. Reports of suspected hazing may be made to:

Vice President for Student Affairs: 701-845-7300

Director for Safety and Security: 701-845-7710

Director for Residence Life: 701-845-7928

Residence Life (Assistant Director for Residence Life, Resident Hall Director, Assistant Resident Hall Directors, Resident Assistants, Apartment Assistant)

Title IX Coordinator: 701-845-7302

Director for Human Resources: 701-845-7401

Head Coaches and Assistant Coaches

Director of Sports Medicine/Associate Athletic Director: 701-845-7165

Director for the Student Center / Student Activities: 701-845-7120
Staff Supervisors of Student Workers
Student Organization Advisors

In emergency situations or when there is an immediate threat to the health or safety of any individual, call 911.

Review and Resolution of Reports

Reports of alleged hazing are reviewed by the Office of Student Affairs and addressed in accordance with applicable University policies and procedures. When appropriate, reports may be referred to the student conduct process for investigation and resolution. Students and student organizations found responsible for hazing may be subject to disciplinary action in accordance with the Student Code of Conduct and other applicable University policies.

Violence Against Women Act (VAWA) Reauthorization

SEXUAL HARRASMENT AND MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

Valley City State University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the University community. Toward that end, VCSU issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to an University official.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- Domestic Violence
 - I. A Felony or misdemeanor crime of violence committed by—
 - i. a current or former spouse or intimate partner of the victim.
 - ii. a person with whom the victim shares a child in common.
 - iii. a person who is cohabiting with, or has cohabitated with, the victim as a spouse or intimate partner.
 - iv. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

- v. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
 - II. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- Definition of a Crime of Violence: According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:
 - I. An offense that has an element of the use, attempted use, or threatened use of physical force against the person or property of another; or,
 - II. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
- Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - I. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - II. For the purposes of this definition—
 - i. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - ii. Dating violence does not include acts covered under the definition of domestic violence.
 - III. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
 - Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.
- Stalking:
 - I. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - i. Fear for the person's safety or the safety of others; or,
 - ii. Suffer substantial emotional distress.
 - II. For the purposes of this definition—
 - i. *Course of Conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - ii. *Reasonable Person* means a reasonable person under similar circumstances and with similar identities to the victim.
 - iii. *Substantial Emotional Distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - III. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of the Clery Act reporting.

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

- Domestic Violence: North Dakota law (NDCC 12.1-17-01.2) defines domestic violence as:
 - I. For purposes of this section "family or household member" means family or household member as defined in section 14-07.1-01.
 - II. A person is guilty of an offense if that person willfully causes:
 - i. Bodily injury to the actor's family or household member.
 - ii. Substantial bodily injury to the actor's family or household member; or
 - iii. Serious bodily injury to the actor's family or household member.
 - III. The offense is:
 - i. A class B misdemeanor for the first offense under subdivision a of subsection 2 and a class A misdemeanor for a second or subsequent offense under this section or sections 12.1-17-01, 12.1-17-01.1, or 12.1-17-02 involving the commission of domestic violence, as defined in section 14-07.1-01. For purposes of this subdivision, a prior conviction includes a conviction of any assault offense in which a finding of domestic violence was made under a law or ordinance of another state which is equivalent to this section.
 - ii. A class A misdemeanor for an offense under subdivision b of subsection 2 and a class C felony for an offense under subdivision c of subsection 2.

- iii. A class B felony for an offense under subdivision b or c of subsection 2 if the victim is under twelve years of age.
 - IV. A person charged with an offense under this section must be prosecuted in district court.
- Dating Violence: The state of North Dakota does not have a definition of Dating Violence.
- Sexual Assault: The state of North Dakota defines Sexual Assault (NDCC 12.1-20-07) as a person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:
 - I. That person knows or has reasonable cause to believe that the contact is offensive to the other person.
 - II. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person's conduct.
 - III. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct, by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means for the purpose of preventing resistance.
 - IV. The other person is in official custody or detained in a hospital, prison, or other institution and the actor has supervisory or disciplinary authority over that other person.
 - V. The other person is a minor, fifteen years of age or older, and the actor is the other person's parent, guardian, or is otherwise responsible for general supervision of the other person's welfare; or
 - VI. The other person is a minor, fifteen years of age or older, and the actor is an adult.
- The crimes defined under North Dakota law as Gross Sexual Imposition (NDCC 12.1-20-03), Sexual Imposition (12.1-20-04), and Incest (12.1-20-11), and are not included in this definition and are considered separate crimes.
- Further, under Clery and UCR (Uniform Crime Reporting) definitions, the North Dakota Criminal Code sections relating to Gross Sexual Imposition (NDCC 12.1-20-03) and Sexual Imposition (12.1-20-04) are considered rape for the purposes of Clery reporting.
- Stalking: North Dakota law (12.1-17-07.1) defines Stalking:
 - I. As used in this section:
 - i. "Course of conduct" means a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity.
 - ii. "Immediate family" means a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who regularly resides in the household within the prior six months.

- iii. "Stalk" means:
 - a) To engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person and which serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment; or
 - b) The unauthorized tracking of the person's movements or location through the use of a global positioning system or other electronic means that would cause a reasonable person to be frightened, intimidated, or harassed and which serves no legitimate purpose.
 - II. A person may not intentionally stalk another person.
 - III. In any prosecution under this section, it is not a defense that the actor was not given actual notice that the person did not want the actor to contact or follow the person; nor is it a defense that the actor did not intend to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is prima facie evidence that the actor intends to stalk that person.
 - IV. In any prosecution under this section, it is a defense that a private investigator licensed under chapter 43-30, or a peace officer licensed under chapter 12-63 was acting within the scope of employment.
 - V. If a person claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.
 - VI. A person who violates this section is guilty of a class C felony if:
 - i. The person previously has been convicted of violating section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07, or a similar offense from another court in North Dakota, a court of record in the United States, or a tribal court, involving the victim of the stalking.
 - ii. The stalking violates a court order issued under chapter 14-07.1 protecting the victim of the stalking, if the person had notice of the court order; or
 - iii. The person previously has been convicted of violating this section.
 - VII. If subdivision a does not apply, a person who violates this section is guilty of a class A misdemeanor.
- Consent: The state of North Dakota does not explicitly define Consent.
 - I. "Age of Consent" –According to North Dakota Century Code § 12.1-20-01:
 - i. The "age of consent" is 18 years old in North Dakota; A person under the age of 15 cannot legally consent to sexual activity under any circumstances; A person between the ages of 15 – 17 is legally able to consent to sexual activity if the partner is less than three years older. For example, a 16-year-old can legally consent to engage in sexual activity with a partner who is 18 years old, but not a partner who is 19 years old.
 - II. The state does provide descriptors commonly associated with Consent when describing the offenses of Sexual Assault (NDCC 12.1-20-07), Gross Sexual Imposition (NDCC 12.1-20-03), Sexual Imposition (12.1-20-04).

VCSU's Definition of Consent as it Relates to Sexual Activity is as follows:

- Consent: Consent is informed, voluntary, mutual, ongoing, sober. Affirmative verbal and physical agreement to engage in sexual activity must be present. Someone who is incapacitated cannot consent.
 - Incapacitation can be due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the individual from having the capacity to give consent.
- Past consent does not imply future consent.
- Silence, passivity, or an absence of resistance does not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent may not be inferred from a current or previous dating or sexual relationship.
- Consent can be withdrawn at any time; and
- Coercion, force, or threat of either invalidates consent.

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).

VCSU's definition of consent will be used for the purpose of determining whether an act is considered a violation of VCSU policy.

A complete University Policy on Sexual harassment is included in the [VCSU Student Handbook](#) and the [VCSU Policy Manual](#).

For reporting sex crimes, Valley City State University will document and report statistics in the categories of rape, statutory rape, fondling, or incest.

Bystander Intervention and Prevention Programs

Valley City State University (VCSU) is committed to fostering a culture of community accountability dedicated to the prevention and awareness of sexual assault, domestic violence, dating violence, and stalking. VCSU provides mandatory educational programming for incoming students and ongoing awareness campaigns for the campus community that include training on safe and effective bystander intervention.

Definition of Bystander Intervention

Bystander intervention consists of safe and helpful options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, and/or stalking (includes cyber-stalking).

Effective bystander intervention includes:

- Recognizing situations of potential harm.
- Understanding institutional structures and cultural conditions that facilitate violence.
- Overcoming personal, social, or environmental barriers to intervening.
- Identifying safe and effective intervention options.
- Taking active steps to intervene.

VCSU Green Dot Program

VCSU utilizes the **Green Dot** active bystander training program to equip students and employees with the skills necessary to engage in violence prevention without causing further harm.

- **Incoming Students:** Training is provided to all first-year students during the annual Viking Voyage Weekend.
- **Campus Community:** Additional training sessions are scheduled periodically throughout the academic year for students, faculty, and staff.

Recognizing Risk and Action Strategies: The Three Ds

Bystanders play a critical role in campus safety. The campus community are encouraged to watch out for peers, colleagues, and friends by utilizing safe intervention strategies, commonly categorized as the **Three Ds**:

- **Direct:** Check in directly with an individual who appears to be in trouble or in need of assistance (e.g., asking if they are okay) or directly check in with the person doing the harm.
- **Delegate:** Enlist the help of others, such as event staff, law enforcement, or campus authorities, to intervene.
- **Distract:** Create a tactical distraction or diversion to interrupt a potentially risky situation or interaction.

Situations Warranting Intervention

The campus community are advised to actively intervene or seek assistance in situations including, but not limited to:

- When an individual attempts to seclude, hit on, make out with, or engage in sexual activity with a person who is incapacitated.
- When an individual expresses plans to take sexual advantage of another person.
- When an individual discloses experiences of sexual assault, dating violence, domestic violence, or stalking (including cyber-stalking).

- When a community member displays signs of needing support and should be connected to appropriate on- or off-campus health, counseling, or legal resources.

Hazing Awareness and Prevention Training

The institution is currently developing hazing prevention education for first-year students, student organization leaders, and student-athletes. The planned program will include hazing awareness, reporting resources, prevention strategies, and bystander intervention education.

Emergency Response and Reporting

If you or someone else is in **immediate danger**, contact law enforcement immediately. Immediate danger may include situations where a person is yelling at or physically abusing another, and direct intervention is unsafe.

- **Valley City Police Department:** 701-845-3110
- **Emergency:** 911

Ongoing Crime Prevention Programming

The University provides an annual educational campaign for students and employees designed to provide ongoing education and programming around issues of sexual violence – including sexual assault, domestic violence, dating violence, and stalking.

Campaign strategies employed may include face-to-face presentations, online training programs, printed materials, self-defense programming, tabling displays, and related lectures.

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at CHI Mercy Health. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.

The State of North Dakota, which includes VCSU Campus and surrounding area, has established the following reporting options for victims of sexual assault.

- Immediate Investigation
 - I. The victim reports the details of the sexual assault to law enforcement at the time of the forensic medical exam.
- Delayed Investigation
 - II. The victim does not immediately participate with law enforcement at the time of the forensic medical exam.

In accordance with NDCC 43-17-41 health care professionals are required to report sexual assaults to law enforcement. The forensic kit with the victim's name and address may be kept

by the law enforcement agency in the jurisdiction where the sexual assault occurred for a minimum of seven years or until the victim turns twenty-two, whichever occurs later.

If a sexual assault victim does not currently wish to involve police, there is still an option to have the forensic evidence collected in a timely manner. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. By providing victims with the opportunity to preserve evidence, gather information, solidify their support system, and establish rapport with first responders, the campus hopes to create an environment that encourages reporting, even for those victims who initially feel unable, unwilling, or unsure about doing so. If the victim chooses, campus authorities may assist them in notifying and involving law enforcement authorities and campus authorities.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to university adjudicators/investigators or local police.

Involvement of Law Enforcement and Campus Authorities

Although the University strongly encourages all members of its community to report violations of this policy to Valley City Police Department, it is the victim's choice whether to make such a report. Furthermore, victims have the right to decline to notify law enforcement.

Reports can be made to the Valley City Police Department:

Location: 216 2nd Avenue NE, Valley City, ND 58072

Emergency: 911

Non-Emergency: (701) 845-3110

Dispatcher Non-Emergency: (701) 845-8181

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator (McFarland 322B, 701-845-7302, vcsu.titleix@vcsu.edu). The Title IX Coordinator is not a confidential reporting entity and is required to investigate any report.

Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on- and/or off-campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The university will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator (McFarland 322B, 701-845-7302, vcsu.titleix@vcsu.edu). The Title IX Coordinator may collaborate and coordinate with the Vice President for Student Affairs for student cases and the Director of Human Resources for employee cases.

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 differs between criminal proceedings and campus judicial hearings, a student could be found responsible 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 a complete description of the Student Code of Conduct and the University Judicial Council.

Rights of Victims

To encourage students to report sexual offenses and 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.
9. The right to receive accommodation if requested and reasonably available.

Reporting Procedures

It is important for students to know that if they are the victim of a sexual assault, there are several 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 Security Authorities.
2. Report the assault to the police. Reporting the assault is different from prosecuting. You can decide later if you want to prosecute.
3. Report the assault to the Valley City Abused Persons Outreach Center at 701-845-0078- or 24-hour crisis hotline 701-845-0072.
4. Go to CHI Mercy Health Valley City located at 570 Chautauqua Blvd for treatment of any injuries and to undergo additional tests that can provide crucial 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 annually. 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.

Facilitated Anonymous Reporting through the Counseling Center

Mental Health Counselors in the Counseling Services Office are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, VCSU encourages counselors to inform students that they assist in making an anonymous crime report to Valley City Police Department. Students may request the Counseling Center to anonymously report general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the Annual Security and Fire Safety Report.

Employee Assistance Program

VCSU also provides an Employee Assistance Program (EAP) for full-time benefited employees and their household members. The EAP is available to provide services for employees that deal with personal and interpersonal problems, financial concerns, addictions, marital

problems, and other concerns. A wide array of services are available for topics including, but not limited to depression, marital and relationship conflict, stress, grief, anxiety, and more. All full-time employees, regardless of performance, are eligible. The Village Business Institute is the provider for VCSU (1-800-627-8220).

All information relating to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services unless the employee gives their advance written consent. The EAP does not report incidents to any VCSU official unless the employee specifically gives them permission to do so.

Assistance for Victims - Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred.
- information about how the institution will protect the confidentiality of victims and other necessary parties.
- a statement that the institution will provide written notification to students and employees about victim services in the institution and in the community.
- a statement regarding the institution's provisions about options for available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action.

Rights of Victims and the Institution's Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

VCSU complies with North Dakota State law in recognizing orders of protection.

Any person who obtains an order of protection from North Dakota or any reciprocal state should provide a copy to the Vice President for Student Affairs and the Title IX Coordinator. A complainant may then meet with the Vice President for Student Affairs and Title IX Coordinator to develop a Safety Action Plan, which is a plan to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, changing classroom/work site location, or working with Academic Advising on alternative class possibilities, allowing a student to complete assignments from home, allowing an employee to develop a flexible work schedule, etc. The University cannot apply for a legal order of protection, No Contact order, or restraining order for a victim from the applicable jurisdiction(s).

In North Dakota, a victim of domestic violence, dating violence, sexual assault, or stalking has the right to file a petition with the courts requesting protection through Domestic Violence

Protection Orders, Sexual Assault Restraining Orders, Disorderly Conduct Restraining Orders, and/or Out-of-State or Tribal Court Protection Orders, which could include the following:

- An order restraining the abuser from further acts of abuse.
- An order directing the abuser to leave the victim's household/place of residence.
- An order directing the abuser to refrain from stalking or harassing the victim or other designated persons.
- Other protections are based on issues related to cohabitation, residency, employment, and child custody.

Domestic Violence Protection Order (DVPO)

A spouse or former spouse; a family member; a parent; a child; a person related by blood or marriage; a person presently residing with the abusing person or who has resided with that person in the past; a person who has a child in common with the abusing person; persons who are in a dating relationship; or any other person with sufficient relationship to the abusing person as determined by the Judge or Judicial Referee may file a petition with the courts for a DVPO.

Sexual Assault Restraining Order (SARO)

Any adult individual who is a victim of sexual assault; or the parent, stepparent, or guardian of a minor child (under 18 years of age) who the parent, stepparent, or guardian reasonably believes is a victim of sexual assault may file a petition with the courts requesting a (SARO).

Disorderly Conduct Restraining Order (DCRO)

An adult individual who is a victim of disorderly conduct; or an adult individual who is the parent or guardian of a minor who is a victim of disorderly conduct may file a petition with the courts for a DCRO.

"Disorderly conduct" means intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person. For the purposes of this section, disorderly conduct includes human trafficking or attempted human trafficking as defined in this title. Disorderly conduct does not include constitutionally protected activity.

Both DVPOs and SAROs prohibit an offender from having any contact with the victim. Protections can include preventing the offender from entering the victim's home, workplace, or school. Both orders can also be expanded to prevent intimidation/contact from a third party on behalf of the offender, or extend protection to related parties, such as parents, siblings, or children of the victim. A Judge or Judicial Referee will sign the Domestic Violence Protection Order and specify the length. Both Sexual Assault and Disorderly Conduct Restraining Orders may not exceed 2 years.

Valley City Police Department will help put victims who are interested in pursuing a DVPO, SARO, or DCRO in contact with local courts or the local advocacy center. Any student who obtains a protection order from the State of North Dakota or any reciprocal State should provide a copy to the Vice President for Student Affairs.

While not the same as a state-mandated protection order, the University can issue a No Contact Directive. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication, including, but not limited to email, instant messaging, and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A No Contact order may include additional restrictions and terms.

If the Vice President for Student Affairs receives a report that such an institutional No Contact order has been violated, the VPSA will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the No Contact order.

Supportive Measures Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, VCSU will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodation).

At the victim's request, and to the extent of the victim's cooperation and consent, VCSU offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement. Any supportive or protective measures will be maintained as confidential as provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive or protective measures.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation, and/or working situations, or protective measures, a victim should:

- Students: Contact the Title IX Coordinator and/or the Vice President for Student Affairs for assistance.
- Employees/Faculty: Contact the Human Resources Department.

If the victim wishes to receive assistance in requesting these accommodations, the victim should contact the Title IX Coordinator and/or VPSA.

Confidentiality

Victims may request that directory information on file with the University be withheld by request. This request can be made by students to the Registrar's Office in person by visiting McFarland Hall 219C, by calling 701-845-7293, or by emailing registrar@vcsu.edu

Employees can contact Human Resources to make a similar request regarding directory information in person at McFarland 211, by calling 701-845-7401, or by emailing human.resources@vcsu.edu

Regardless of whether a victim has opted-out of allowing the University to share "directory information," personally identifiable information (PII) about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know; i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy. Furthermore, if a timely warning notice is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld; this could include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

On-and Off-campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, on or off campus, VCSU will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault or rape should occur on campus, staff on-scene, will offer the victim a wide variety of services. This information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for VCSU.

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

- Rape, Abuse and Incest National Network - <http://www.rainn.org>
- Abused Persons Outreach Center -160 2nd St NW, Valley City, ND 58072 –
 - 701-845-0072- or 24-hour crisis hotline 701-845-0078
- Department of Justice - <https://www.justice.gov/ovw/sexual-assault>

- Department of Education, Office of Civil Rights - <http://www2.ed.gov/about/offices/list/ocr/index.html>
- Student Financial Aid - <https://studentaid.gov>
- Visa and Immigration Services - <https://www.uscis.gov/>

Adjudication of Violations

VCSU's disciplinary process includes a prompt, fair, and impartial investigation, and resolution process completed within reasonably prompt timeframes designated by an institutions policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault, and stalking complaints are trained on the issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The complainant and the respondent will have timely notice for meetings at which the complainant or respondent, or both, may be present.
2. The complainant, the respondent, and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meetings and hearings.
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the complainant or the respondent.
4. The complainant and the respondent will have the same opportunities to have others present during any institutional disciplinary proceeding. The complainant and the respondent each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. VCSU will not limit the choice of advisor or presence for either the complainant or the respondent in any meeting or institutional disciplinary proceeding. An Advisor is someone who acts as an advisor to the Complainant or Respondent involved in an investigation or disciplinary proceeding under VCSU's policies. The Advisor is permitted to be a part of any meetings their student may have. University employees who provide confidential support services (Counseling and Student Health Services) or have an actual or perceived conflict of interest may not serve as Advisors. A student or employee should select as an advisor a person whose schedule allows attendance at the scheduled date and time for any meetings, because delays will not normally be allowed due to the scheduling conflicts of an advisor.
5. The Title IX Coordinator keeps a list of trained Advisors. Although the Parties are not required to select a trained Advisor, because knowledge of the disciplinary process is important to the Advisor's role, it is highly recommended that they do so. The Complainant and Respondent are not obligated to accept the counsel of an Advisor.
6. The complainant and the respondent will be notified simultaneously, in writing, of any initial, interim, and final decision of any disciplinary proceeding; and,

7. Where an appeal or grievance is permitted under the applicable policy, the complainant and the respondent will be notified simultaneously in writing of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal or grievance is filed, the complainant and the respondent will be notified simultaneously in writing of any change to the result prior to the time that it becomes final. The complainant and the respondent will be notified simultaneously in writing of the final result once the appeal is resolved.

If the Victim Does Not Wish to Pursue Resolution

All reported cases of sexual harassment will be referred to the Title IX Coordinator for a preliminary assessment. In cases where the Victim does not wish to become a Complainant, the University has 2 (two) options:

1. VCSU may attempt to resolve the complaint in a manner consistent with the Victim's request. This may include holding the report for action at a later date.
2. VCSU may pursue a judicial hearing against the Respondent named in the investigation. Under these circumstances, VCSU would take into consideration the nature of the assault, the safety of the Victim and the campus community, as well as the previous disciplinary history and previous allegations of sexual misconduct.

Whether or not criminal charges are filed, VCSU or a person may file a complaint under the sexual harassment and grievance procedures outlined in the following section, depending upon the status of the accused (student or employee).

Student and Employee Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Organizational Behavior

Any behavior, patterns of behavior, or information suggesting patterns of behavior that creates or contributes to the creation of hostile environment, retaliation, discrimination, or harassment will be investigated and could result in organizational and/or individual charges.

Any member of the University community may bring allegations against a student group/organization for violation of the Sexual Misconduct and Title IX Compliance Policy. The University will conduct a preliminary investigation into an incident.

An investigation will be conducted to determine if the allegations have merit and have met the threshold (defined below) to move forward with charges. The Title IX Coordinator may confer with the student group/organization's advisor(s), inter/national headquarters and/or other faculty and staff with a relationship to the student group/organization to solicit advice and recommendations regarding the case. Ultimately, the University is responsible for determining if the organization and/or individuals will be charged and the process for adjudication.

Statement on Privacy

The University will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking (to the fullest extent of the law). Additionally, the University will take all reasonable steps to investigate and respond to complaints consistent with any request for privacy or request not to pursue an investigation. However, its ability to do so may be limited based on the nature of the request by the Complainant. If the Victim requests anonymity or requests that the University not pursue an investigation, the University must balance this request in the context of its responsibility to provide a safe environment for all University community members. In cases where the University cannot respect the wishes of the Victim, the University will consult with the Victim and keep them informed about the University's course of action.

If the report of misconduct discloses an immediate threat to the University campus community, where timely notice must be given to protect the health or safety of the community, the University will maintain the privacy of the Victim or Respondent's identities, understanding that in a small community a timely warning notice may make members of the community feel known or singled out.

The University will assess any barriers to proceeding, including retaliation, and in cases where informal or formal resolution will take place, the University will inform the Respondent that Title IX prohibits retaliation, and the University will take strong responsive action to protect the Complainant.

The University has designated individuals to evaluate requests for privacy once the University is aware of alleged sexual violence. That process is coordinated by the Title IX Coordinator.

Investigation of Reports of Sexual Misconduct Not Covered Under Title IX Grievance Process (Student Sexual Misconduct Policy)

The Sexual Misconduct Grievance process will be used in cases where a student engaged in sexual misconduct that does not fall within the sexual harassment definition under Title IX. For allegations where a faculty member or employee engaged in sexual misconduct that does not fall within the sexual harassment definition under Title IX, the Employee Standards of Conduct will be used.

After the Complainant meets with the Title IX Coordinator to learn about their procedural options and what supportive/interim measures are available to them, the Complainant can decide to move forward with an investigation of the reported behavior. For the investigation to proceed the Complainant will need to provide to the University a signed formal complaint.

The University will take prompt action to investigate and adjudicate the complaint. A written notice of investigation will be given to the Complainant and the Respondent informing them of the allegations, resources, and rights in the process at least ten (10) business days prior to the investigation meeting. Investigations will include timely notice of meetings for both the Complainant and the Respondent throughout the process.

During the investigative process, all parties will have an opportunity to review the draft investigative report prior to it going to the Title IX Coordinator. The parties will have ten (10) calendar days to review the draft of the investigative report and submit in writing comments about content, requests for additional meetings with the investigator to conduct further investigation or questions. The draft of the investigative report will be able to be reviewed, however the parties will not be able to take the draft of the investigative report with them during the draft period. This information will be included in the final documents that will be reviewed by the Title IX Coordinator and adjudicator(s), if applicable.

If the student wishes to participate in a police investigation, the University may wait a reasonable amount of time (usually 7 to 10 business days but could be extended at the request of the Valley City Police Department or District Attorney or their designee) to allow the police to conduct initial fact finding and the gathering of evidence in the criminal investigation. The Vice President for Student Affairs may regularly confer on the status of an active investigation to ensure compliance with federal requirements while maintaining the integrity of any active criminal process.

The University will conduct a prompt, fair, impartial investigation in a timely manner designed to provide all parties with resolution. However, there may be times where the process may take longer and the University will communicate on an on-going basis with the parties a realistic timeline, and the circumstances regarding the same. In every investigation conducted under this policy, the burden is on the University—not on the parties—to gather sufficient evidence to reach a fair, impartial determination as to whether sexual misconduct has occurred and, if so, whether a hostile environment has been created that must be redressed.

Investigations will be conducted by one or more of the following: the Title IX Coordinator, a trained Title IX investigator, or a trained Title IX investigator from another North Dakota University System institution. This designee may be an employee of the University, an employee of a NDUS institution, or both. All reasonable efforts will be made to keep information private during the University's investigation and adjudication of a complaint. Investigators receive training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an objective and impartial investigation and hearing processing that protects the safety of victims, promotes accountability, and ensures investigative techniques do not apply sex stereotypes and generalizations. Should a complainant or respondent feel that the investigator assigned to the report would not be able to be objective or impartial throughout the investigation, they must contact the Title IX Coordinator to request a different investigator be assigned to the report. The Title IX Coordinator will determine based on the concerns of the complainant or the respondent, if there is enough cause to have a different investigator assigned to the report.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair. The investigation will be conducted in a manner that is respectful of individual privacy concerns.

Investigation is a process that involves obtaining and evaluating information given by persons having personal knowledge of the events or circumstances concerning the reported incident. This may include the collection of all statements (both oral and written), pertinent facts,

and/or evidence. This process will be exhaustive and is likely to include the interviewing and re-interviewing of involved parties to ensure as much clarity around conflicting or differing statements as may be possible.

At the conclusion of the investigation, the investigator will prepare a report setting forth the facts gathered. The report will provide the scope of the reported incident, statements from the parties involved in the incident, evidence provided to the investigator by the parties involved, and an overview of facts in agreement and facts in contention.

Interim Measures and Supportive Measures Overview

During the investigation and prior to the final determination, the University may take appropriate interim measures to protect the parties involved; after a fair assessment to determine the need for such interim measures. Interim measures will be individualized and appropriate based on the initial information gathered by the Title IX Coordinator. A Complainant or Respondent may request a supportive measure, or the University may impose interim measures at its discretion to ensure the safety of all parties, the University community, and/or the integrity of the process. Interim and Supportive measures will be individualized and appropriate based on the information gathered by the Title IX Coordinator. These actions are not a presumption of responsibility for violation of the Sexual Misconduct and Relationship Violence Policy. Interim and Supportive measures may be imposed whether or not formal disciplinary action is sought by the Complainant or the University.

Interim measures may prevent a student from attending class and other University activities. Title IX Coordinator or VPSA will communicate with Academic Advising and a student's faculty instructors and/or advisors at the request of the student in order to determine if alternate arrangements can be made to support a student's completion of academic assignments.

The University will try to provide academic support where necessary. Academic Support Services will communicate with Academic Advising or faculty on a student's behalf. Faculty, however, work at their own discretion and, therefore, Academic Support Services can make no guarantees that students will receive the support they may desire. The Complainant and Respondent will be notified in writing of any or all interim measures.

Types of Interim and Supportive Measures

Supportive measures are used during the Title IX Grievance process and are similar to interim measures. They are non-disciplinary, non-punitive individualized services offered as appropriate, reasonably available, and without fee or charge to the Complainant or the Respondent. They are designed to restore equal access to the University's educational program or activity without unreasonably burdening the other party.

Interim Separation: In certain circumstances, the Vice President for Student Affairs or designee may impose an Interim Separation from the University at any point after a complaint has been filed. Interim Separation may be imposed:

- During the investigatory stage to ensure the safety and well-being of members of the University community or preservation of university property;
- To ensure the student's own physical or emotional safety and well-being; or,

- If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University, or the investigation.

During the Interim Separation, a student shall be denied access to the residence halls, and/or to the campus or other areas owned or controlled by the University. Interim Separation will not be placed on a student's official, permanent academic record.

A student may be required to submit to an assessment before being considered for return from interim separation. In the event that a student refuses to cooperate with such an assessment or if an assessment cannot be completed within a reasonable amount of time, determination of eligibility for return will be based on readily available information, including indirect behavioral observations.

The Interim Separation does not replace the regular process, which shall proceed on the normal schedule, up to and through a hearing, if required. However, the student should be notified in writing of this action and the reasons for the separation. The student will also be notified of the time, date, and place of a subsequent VCSU Conduct review.

Interim residential relocation: A student may be separated temporarily from university housing or temporarily reassigned to another residential location on campus. Their original housing location will be held until the process is over. It can be determined that residential relocation is a sanction when appropriate, and at that time the student will move permanently into a location determined by Residence Life.

Class schedule changes: Changes to a student's class schedule may be made on a temporary basis in the event it is deemed appropriate by the Title IX Coordinator or their designee. Students may be sanctioned to a permanent change(s) through the normal adjudication process.

Restrictions from University activities and/or facilities: A student may be denied, on a temporary basis, participation in a university activity or privilege for which they may be otherwise eligible as determined to be appropriate. Students may also be prohibited from certain facilities including, but not limited to, academic buildings, athletic facilities and/or practice and competition spaces, and transportation services. Students may be sanctioned to a permanent restriction(s) through the normal adjudication process.

Counseling services: VCSU Counseling Services provides counseling for all students, including crisis counseling.

Academic Support Services: VCSU Academic Support Services helps with VCSU courses at no cost to currently enrolled VCSU students. On-campus tutoring is available.

No-Contact Directive. The University may impose a No Contact Directive in cases where an agreement cannot be reached or is not applicable. Generally, No Contact is defined as having no direct or indirect contact with another party or parties at any time. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication; including, but not limited to,

email, instant messaging text messaging, and all forms of social media. Verbal communication is understood to include phone calls and voice mail messages. A No Contact Directive may include additional restrictions and terms. Violations of the No-Contact Directive will result in disciplinary action.

Emergency Removal: If there is an immediate threat to the physical health or safety of any student or other individual arising from an allegation of sexual harassment, the University is permitted to remove the Respondent from the campus community.

For an emergency removal to take place the University assesses the information that they have available to complete an individualized safety and risk analysis. This analysis includes determining if there is an immediate threat to the physical health and safety of an individual. Emotional or mental harm to a Complainant is not enough to warrant an emergency removal and supportive measures can be provided to the Complainant. If the Respondent threatens their own physical health, that does warrant the ability to institute an emergency removal.

The Respondent is provided with notice of the removal and is provided with an opportunity to change the decision. The Respondent is provided ten (10) calendar days to respond if they are challenging the emergency removal. The challenge may occur after the removal takes place and does not require a full hearing; rather the challenge/appeal will be submitted, and the Respondent will meet with the Hearing to be heard as to why they are challenging/appealing the emergency removal.

Informal Resolution for Sexual Misconduct Grievance Process

A Complainant may elect to pursue an informal resolution to a sexual misconduct complaint. The Title IX Coordinator has the discretion to determine if it would be appropriate to resolve a complaint under this Policy through informal resolution. An informal resolution is designed to officially resolve complaints promptly, and with mutual approval of all parties involved. Informal resolution process is voluntary and intended to be flexible while providing a range of possible outcomes.

Informal resolution may be used in certain cases involving sexual misconduct, such as non-consensual sexual contact (incidents that are not classified as fondling), sexual exploitation, and sexually inappropriate behaviors. Informal resolution will never be used in cases involving allegations of violent sexual assault (including rape, incest, or statutory rape).

Both the Complainant and Respondent must agree to engage in informal resolution. Either party can end the informal resolution process at any time, for any reason, and begin the formal resolution process. Formal resolution may not be initiated after the conclusion of informal resolution.

Election for Formal Resolution

The University, Complainant, or the Respondent may, at any time prior to the conclusion of the Informal Resolution, elect to end such proceedings and initiate Formal Resolution instead. In such cases, statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the subsequent Formal Resolution.

Formal Resolution for Sexual Misconduct Grievance Process

The university will ensure an investigation, process and proceeding that is balanced, impartial, and fair and provides a guarantee of fundamental fairness to all parties involved without a presumption of responsibility until the completion of an administrative process or hearing. This fairness includes advanced notification of the allegations and charges, notice of all rights and responsibilities under a proceeding, and advanced and equal access to all material evidence and information.

Please note that the following process is used in student-on-student conduct that does not fall within the Title IX Grievance Process.

Pre-Hearing Process: After the Student Conduct Administrator, usually the Title IX Coordinator in such cases, charges a student with a potential violation of policy:

- The Title IX Coordinator will contact the Complainant and Respondent where applicable, to go over details of the case, their rights for the hearing, and answer any questions concerning the process, this pre-hearing meeting will take place at least three days before the scheduled hearing.
- The Complainant and Respondent will be permitted to submit a written list of questions for consideration at the hearing. These questions must be submitted to the Title IX Coordinator before the hearing. The Title IX Coordinator will approve all questions or topics that are relevant and that are not: 1) prohibited by these procedures or applicable laws, 2) unduly prejudicial, or 3) or questions previously answered by the investigative report. Questions around prior sexual history, mental health treatment and/or diagnosis, sensitive personal identifying information and medical records will not be permitted. The approved questions provided by the parties will be asked by the Title IX Coordinator during the live administrative hearing.
- The Complainant and Respondent will be asked to provide the Title IX Coordinator with a list of witnesses (if there are any). Character witnesses are not permitted as part of the hearing process. Anonymous witnesses are not permitted as part of the hearing process.
- The Title IX Coordinator will request the names of the Complainant's and Respondent's advisors. The advisors will be contacted by the Title IX Coordinator to be certain that they understand their role in the hearing process. It is the student's responsibility to meet with the advisor and to provide the advisor with hearing materials if they so desire.
- In the event of a hearing panel, the Complainant and the Respondent will be provided with the hearing panel member names and be provided the opportunity to request a different panel member, should they believe that a panel member would have a bias that would not allow for a neutral approach to the hearing.
- The Title IX Coordinator will be available to speak with the parent(s)/guardian(s) of the Complainant and Respondent to answer any questions about the process.

Hearing Procedures

- The Title IX Coordinator will produce notification of charges to be delivered to the Complainant and Respondent. The charge letter should indicate the elements of the policy that are alleged to have been violated.
- Adjudication of the Sexual Misconduct and Relationship Violence Policy will be conducted by a Hearing Panel. The investigative report will be provided to the panel.
- The Hearing Panel will base their decision on the information available in the written report. The Hearing Panel will have the opportunity to meet with both the Complainant and the Respondent during the scheduled live hearing, to ask any additional questions of the parties involved. If the Hearing Panel has insufficient information, they may follow-up with the investigator to get additional information from the Complainant, Respondent, witnesses, and any other information that is deemed relevant and pertinent to the case. If either the Complainant or the Respondent submitted questions as part of the pre-hearing process, they will be asked by the Hearing Panel during the live virtual hearing.
- The standard of proof that the Hearing Panel will utilize is preponderance of evidence. The preponderance standard means that the Adjudicator finds it is more likely than not the Respondent is responsible or not responsible for a violation of the policy based on the information presented to the Hearing Panel.
- The Respondent and Complainant will be notified in writing of the decision made by the Hearing Panel. This notification to both Respondent and Complainant(s) will be done at the same time or as close to the same time as possible. If the Complainant is deceased, the next of kin will receive results of disciplinary proceedings.
- The Hearing Panel will audio visually-record the hearing, but not the deliberations of the hearing panel members. The audio recording is created for limited purposes only. The audiovisual recording can be used as reference by the hearing panel during deliberations and for review by the Title IX Appeals Officer (or designee) in connection with an appeal. The audio recording is a record of the university and is destroyed after 7 years. After this point the audio recording will be destroyed by the Title IX Coordinator.
- A student found responsible for violating the policy may be assigned sanctions that include, but are not limited to, expulsion, suspension, or probation.

The imposition of sanctions will take effect immediately and will not be delayed pending the resolution of the appeal.

Appeal Process

Reasons for Appeal: The Respondent or Complainant may appeal a decision in a case for the following reasons:

- VCSU's failure to follow its own process and procedures that affected the outcome of the grievance process.
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter.

- The Title IX Coordinator or Deputy Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent, that affected the outcome of the grievance process; or,
- The severity of the sanction was not consistent with the severity of the offense.

Appeals: Appeals will be heard by the Title IX Appeal Officer or their designee.

Appeals must be submitted in writing to the Title IX Coordinator within ten (10) calendar days of the Hearing Panel's Notice of Responsibility. However, in any case involving a student suspension and expulsion, an appeal from either party can be made in writing within one (1) year following the date of the sanction and/ or decision.

If the Respondent or Complainant submits an appeal and the appeal is granted, both parties will be informed by the Title IX Coordinator that an appeal has been granted.

Appeals with the Title IX Appeals Officer

- The Title IX Appeals Officer/or their designee will have access to reports, statements made by the Complainant, Respondent, witness, and any other materials gathered during the investigation.
- The Title IX Appeals Officer/or their designee will determine whether or not the original sanction(s) should be amended. Amendment of the sanctions may include an increase or decrease in severity.
- The decision of the Title IX Appeals Officer/or their designee is final.

Title IX Student and Employee Grievance Process (includes cases of Sexual Assault, Dating Violence, Domestic Violence, and Stalking)

For the purpose of addressing formal complaints of sexual harassment, as defined by the Department of Education, which allege that sexual harassment occurred within the University's educational program or activity within the United States the following grievance process will be used. Note that this grievance process is applied equally to both parties, and as such the University will provide remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent, and by following the grievance process that complies with the process outlined below before any disciplinary sanctions or other actions that are not supportive measures are made against the Respondent.

Both parties will have the opportunity to review all relevant evidence that is collected during the investigation, both inculpatory and exculpatory, and not have any credibility determinations made based on a parties' status as Complainant, Respondent, or witness. As with the sexual misconduct formal administrative process, the Respondent is not found responsible for a violation of any policy until the decision-maker(s) makes the determination for responsible or not responsible for a violation of policy.

The University does strive for reasonably prompt time frames for the grievance process to conclude, and both parties are notified of the time frames allotted to them throughout the process. Should there be a request for a temporary delay in the grievance process or the limited extension of the time frames, written notice will be provided to the Complainant and the Respondent of the reason for the delay. Requests for a delay will be considered for good cause considerations, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Requests for delays need to be sent to the Title IX Coordinator in writing via email stating the reason for the request and the amount of time that is being requested.

When the Title IX Hearing Panel, after all applicable processes, finds a Respondent responsible, the decision-maker(s) will assign appropriate sanctions. The Title IX Hearing Panel uses the preponderance of the evidence standard when determining if the Respondent is responsible or not responsible for a violation of policy. Preponderance of the evidence means the adjudicator(s) finds it is more likely than not the respondent is responsible or not responsible for a violation of this policy based on the information presented to the Title IX Hearing Panel.

At the conclusion of the hearing process both parties will have the ability to appeal the outcome provided by the decision-maker(s), for the following reasons:

- VCSU's failure to follow its own process and procedures affected the outcome of the grievance process.
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter.
- The Title IX Coordinator or Deputy Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent, that affected the outcome of the grievance process; or,
- The severity of the sanction was not consistent with the severity of the offense.

Notice of Allegations for Title IX Grievance Process

For both an informal and formal resolution process, the respondent will be contacted with the Notice of Alleged Violation through VCSU email or certified mail. The notice of alleged violation will include, when known:

- Nature of the alleged violation.
- Date, time, and place of the alleged violation.
- Source of information.
- Maximum sanction applicable if found in violation of the Title IX Policy.
- The right to choose an advisor of choice or have one appointed by VCSU.
- Notice that a decision may be made in their absence based on the information currently available.
- The complainant's desire for an informal or formal resolution.

Dismissal of a Formal Complaint for Title IX Grievance Process

If the conduct alleged in a formal complaint would not constitute sexual harassment as defined by the Department of Education for Title IX or did not occur with the University's educational program or activity or did not occur against a person in the United States, then the University must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. When the dismissal of a formal complaint under Title IX occurs, the Complainant may still be able to move forward using VCSU's Sexual Misconduct Policy.

Formal complaints may also be dismissed during the investigation or hearing process for the following reasons: the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; the Respondent is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Should there be a dismissal of a formal complaint the University will promptly send written notice of the dismissal and reason for the dismissal to both parties. Both parties will have the right to appeal if the University dismisses the formal complaint prior to a hearing.

Consolidation of Formal Complaints for Title IX Grievance Process

The University may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, such as with an organization or team, or by more than one Complainant against one or more Respondents, or where the allegations of sexual harassment arise out of the same fact pattern or circumstances.

Investigation of Formal Complaint for Title IX Grievance Process

In the formal grievance process for possible violations of sexual harassment as defined by the Department of Education under Title IX, both parties will have the opportunity to meet with the investigator, provide any witnesses, including expert witnesses, and share any evidence they wish to provide to the investigator. The parties can provide the investigator with sensitive personal information, such as medical records, only if they provide voluntary written consent with the documents.

Each party can have an advisor of their choice at any related meeting or proceeding related to the investigation and the formal grievance process. Both parties will be provided with the opportunity to review and inspect all evidence that was obtained as part of the investigation. Both parties and their advisors will be provided with copies of the draft investigative report and all evidence that has been collected, for review and inspection, where they will have 10 (ten) business calendar days to review, inspect, and provide a response that will be included in the final investigative report. Once the investigative report is completed, the parties and their advisor will again receive the investigative report, at least 10 business calendar days prior to any hearing that may occur, for their review and written response.

Live Hearings for Title IX Grievance Process

As part of the Title IX formal grievance process there is a live/virtual hearing, where the decision-maker(s) will ask relevant questions of both parties and will allow for each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility.

Cross examination will be conducted directly, orally and in real time via live/virtual hearing, by the party's advisor of choice and never by the party personally. Only questions that are relevant may be asked, and the decision-maker(s) will first determine if the question is relevant before a party answers the question. If the decision-maker(s) exclude a question, they will provide an explanation of why the question is being excluded. If a party does not have an advisor at the time of the hearing, then the University will provide an advisor to that party for the purpose of asking cross-examination questions to the other party. A party is not permitted to question the other party directly at the live/virtual hearing. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are provided to prove that someone other than the Respondent committed the alleged conduct, or if the questions and evidence regarding the prior sexual behavior with respect to the Respondent are offered to prove consent.

If a party or a witness does not submit to cross-examination at the live virtual hearing, then the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination of responsibility.

The hearing will be recorded, and the recordings will be made available to the parties for inspection and review.

Determination Regarding Responsibility for Title IX Grievance Process

The decision-maker(s) must issue a written determination regarding responsibility at the conclusion of the live hearing. This notification must be provided to both parties simultaneously, and the determination regarding responsibilities becomes final either at the time the parties are provided with a written determination of the result of an appeal, if an appeal is filed, or the date that the appeal window closes if an appeal is not filed.

The written determination must include:

- Identification of the allegations potentially constituting sexual harassment;
- Description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- Findings of fact supporting the determination;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies will be provided to the complainant;
- The procedures, timelines, and permissible bases for the complainant and respondent to appeal findings of fact, conclusions about whether the alleged conduct occurred,

rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

Appeals for Title IX Grievance Process

The University will offer to both parties the opportunity to appeal a determination regarding responsibility and if there is a dismissal of a formal complaint or any allegations, on the following bases:

- VCSU's failure to follow its own process and procedures that affected the outcome of the grievance process;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter; or
- The Title IX Coordinator or Deputy Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent, that affected the outcome of the grievance process.
- The severity of the sanction was not consistent with the severity of the offense.

Both parties will have ten (10) calendar days to submit a written explanation of their appeal to the Title IX Coordinator. When an appeal is received the Title IX Coordinator will notify both parties that an appeal was received and provide notice of the appeal procedures. The appeal will be heard by a decision maker(s) who did not serve in the role of decisionmaker(s) during the live hearing. Both parties will have the opportunity to submit a written statement in support of, or challenging the outcome, that will be considered by the decision-maker(s) for the appeals process. Both parties will be provided with a written decision simultaneously that describes the result of the appeal and the rationale for the result.

Informal Resolution Under Title IX Grievance Process

A Complainant who has signed a formal complaint can request for an informal resolution process which both parties must voluntarily agree to before the University facilitates an informal resolution. A formal complaint needs to be signed for a formal grievance process or for informal resolution. The informal resolution process is voluntary and both parties have to provide their written consent to participate in the process. Informal resolution will not be allowed in reported incidents where an employee sexually harassed a student.

The informal resolution does not involve a full investigation and adjudication provided that the University still provides the parties with written notice that discloses the allegations, the requirements of the informal resolution process, and that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal grievance process with respect to the formal complaint, and any consequence resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

All resolution proceedings, whether informal or formal, are conducted in compliance with the requirements of FERPA and University policy. No information shall be released from such proceedings except as required or permitted by law and University policy.

VCSU will create and maintain for seven years, records of any actions, including records of supportive measures, taken in response to a report or formal complaint of sexual harassment.

1. Each sexual harassment investigation, including any determination regarding responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant.
2. Any appeal and the result
3. Any informal resolution and the result
4. All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, which the institution must make available on its website.

VCSU will maintain records involving expulsion indefinitely. In each instance, the institution must document the basis for its response was not deliberately indifferent, and document that it took supportive measures, or, if supportive measures were not provided, an explanation of why such a response was not clearly unreasonable in light of the known circumstances.

University-initiated Range of Supportive Measures

VCSU will coordinate supportive measures with respect to the parties' situations. Questions regarding or requests for supportive measures can be made to VCSU's Title IX Coordinator or Deputy Coordinator. Violation of these supportive measures may be considered grounds for additional reports of sexual harassment or as retaliation for the ongoing investigation of sexual harassment. VCSU will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. Some possible supportive measures include, but are not limited to:

1. Counseling
2. Extensions of deadlines or other course-related adjustments
3. Modifications of work or class schedules
4. Campus escort services
5. Mutual restrictions on contact between the parties
6. Changes in work or housing locations
7. Leaves of absence
8. Increased security and monitoring of certain areas of campus

These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's supportive measures will constitute related violations that may lead to additional disciplinary action. Supportive measures imposed may be temporary, pending the results of an investigation or may become permanent as determined by the Title IX Coordinator.

Sanctions for Sexual Misconduct and Title IX Grievance Processes

A sanction is a consequence placed upon a Respondent for a violation(s) of VCSU policies. Sanctions help define the individual's relationship with VCSU in the context of current and

potential future behavior, including a notice that further violations may lead to more severe behavioral sanctions.

Factors Considered in Determining Sanctions:

Although not binding or definitive, the following factors may be considered in determining what sanctions are appropriate in a particular case:

1. The nature and severity of the violation(s)
2. Prior violations and disciplinary history
3. The Respondent's motive or purpose for engaging in the behavior
4. Sanctions which have been imposed in similar cases in the past
5. The developmental and educational impact on the Complainant and Respondent
6. The level of accountability taken and cooperation by the Respondent
7. The level of risk and/or harm of the Respondent to the Complainant and the campus community
8. Any other aggravating, mitigating, or relevant factors surrounding the violation

VCSU may choose not to notify parents or guardians of violations of the Student Code of Conduct in an effort to support and encourage students to engage in voluntary conversations about such incidents with their parents or guardians as well as to encourage personal development. Parents or guardians of students under 21 may be contacted by VCSU personnel following alcohol and/or other drug related incidents:

1. If a student is found responsible for violating the University's alcohol/drug policy that results in a university referral for assessments or evaluations for chemical dependency, and/or when University sanctions of Conduct Probation or greater are assigned.
 2. Based on situations that appear to endanger the health, safety, or life of other persons or the student.
 3. If an individual is involved in incidents that resulted in significant property damage.
 4. If a decision is made that it is in the best interest of a particular student to involve a parent or guardian to help address other significant life concerns related to illegal use of alcohol and/or other drugs.
- Participation in a Specific Activity or Project - A student may be required to participate in a specific activity or project, such as public service, an educational class; and/or meeting with a designated University official or other assignment.
 - Probation – A written notification for violation of university policy. Probation indicates that continued enrollment is conditional upon review and observation in which the student demonstrates the ability to comply with university policies and any terms or conditions that have been imposed during a specified period. It is a matter of temporary records.
 - Referral to Special Classes or Counseling Sessions - A student may be required to participate in alcohol, drug, and/or other programming as a result of participating in any incident involving the use or abuse of alcohol and/or other drugs. The University reserves the right to require alcohol/drug evaluation as a condition of enrollment or continued enrollment when:

- A student's conduct endangers or may endanger the safety of themselves, others, or property, and/or;
 - A pattern of conduct has been demonstrated by a student.
- Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Restricted Access - Students may have access to university facilities and grounds restricted for a specified period of time. Restricted access may include, but is not limited to, entry into university or athletic facilities, access to specific University offices, and visiting and/or living in any University housing facility. Students found in violation of restricted access directives may be issued a trespass citation and may be subject to further conduct action.
- Revocation of admissions and/or degree – Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of university standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. Students may not be permitted to graduate or officially withdraw from VCSU while disciplinary action is pending. If the student withdraws before BSC becomes aware of the potential violation of this code, the student's academic records may be placed on hold and the allegations must be resolved prior to the student's readmission.
- Suspension for conduct – A written notification of denial of the privilege of enrollment in the University for a specific period. Conditions for re-enrollment may be specified. This is a matter of permanent record.
- Trespass from All, or Portions of, Campus - Trespass is defined as the restriction, withholding, or removal of access to university property from persons who violate University policies, regulations, or rules or who pose a risk to campus safety or security.
- Verbal Warning – A verbal explanation by a university official of violation and possible consequences if misconduct continues.
- Withholding transcript (grades) or degree – Refusal by the University to provide transcripts or the degree to the student, to other institutions, to employers, and to other agencies until the completion of the student conduct process, including the completion of all sanctions imposed, if any.
- Written Warning – A written explanation by a university official of violation and possible consequences if misconduct continues.

Employee Sanctions:

- Warning (written or verbal)
- Performance Improvement Plan
- Required Training or Education
- Restriction or loss of privileges
- Demotion
- Salary Reduction
- Loss of salary increase
- Suspension with pay
- Suspension without pay
- Termination

NOTIFICATION OF VICTIMS OF CRIMES OF VIOLENCE

In accordance with the Higher Education Opportunity Act (HEOA), the University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the University against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

The Adam Walsh Child Protection and Safety Act of 2006 (AWCPSA) is a federal law that provides for the registration and tracking of convicted sex offenders. The AWCPSA requires state law enforcement agencies (in North Dakota, it is the North Dakota Bureau of Criminal Investigations) to provide VCSU with a list of registered sex offenders who have indicated that they are either enrolled or employed with VCSU. This information is provided in compliance with the AWCPSA, and the North Dakota Offender Registration requirements established by NDCC, section 12.1-32-15.

Colleges and universities are required to disclose where to obtain information about registered sex offenders who are either students or employees at the institution. Information can be obtained from the Valley City Police Department. Information can also be found at the State of ND Attorney General's Office at sexoffender.nd.gov/

Convicted sex offenders must register with the local law enforcement agency in the jurisdiction where the offender resides. Out-of-state sex offenders are required to register with the local North Dakota law enforcement agency if they work or attend school in North Dakota. Each time the offender moves or changes jobs, the offender must notify the local law enforcement agency.

All registered sex offenders are required to self-report their status to campus security upon employment or enrollment. If designated as a registered sex offender after employment or enrollment, the self-reporting must occur within three working days of the designation. Failure to self-report may result in disciplinary action up to and including termination of employment or suspension.

Employment of Sex Offenders

Registered sex offenders are not barred from employment at VCSU. Limitations and restrictions on employment must be reasonable, job related and directly related to areas of potential risk. VCSU employment offers are contingent on a successful background check.

Enrollment of Sex Offender

Registered sex offenders are not barred from enrollment at VCSU. Limitations and restrictions on enrollment must be reasonable and directly related to areas of potential risk.

Registered sex offenders are prohibited from living in university residence halls. Other locations and/or events may be added at the discretion of the Vice President for Student Affairs.

Public Access to Sex Offender Information

The North Dakota Sex Offender website identifying all registered sex offenders in the state of North Dakota is available via Internet pursuant to North Dakota Century Code (NDCC) Section 12.1-32-15. The North Dakota Office of Attorney General is responsible for maintaining the online North Dakota Sex Offender Registry.

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/>

Sexual Harassment Policy

<https://onestop.vcsu.edu/support/solutions/articles/10000025807-v603-01-01-sexual-harassment-policy>

FIREARMS & WEAPONS POLICY

- A. To promote a learning environment and workplace safe and free of violence for all students and employees, VCSU prohibits firearms and dangerous weapons on campus. VCSU prohibits employees, students, and visitors from carrying or possessing a firearm or dangerous weapon while on campus or while participating in VCSU sponsored activities or events. It is VCSU's policy to maintain a firearms and weapons free workplace and prohibit the possession of firearms and weapons regardless of any license or permit an individual may have which would otherwise authorize the individual to carry firearms or weapons.
- B. Exceptions:
 - 1. The VCSU President retains authority to provide exceptions to this policy as deemed necessary.
 - 2. The VCSU President may give consent to a qualifying individual to store a firearm or dangerous weapon in a campus residence so long as the residence does not provide housing to undergraduate or graduate students. (See NDUS 916.1).

3. This policy permits a person to keep a legal unloaded firearm locked inside or locked to a private motor vehicle in a parking lot, if the firearm is kept for lawful purposes.
- C. Violation of this Policy is considered a serious offense that endangers the safety of students, employees, and others.
- D. Because violation of this policy is a serious offense, disciplinary action up to and including discharge from employment or expulsion from school is permissible.

EMERGENCY MEDICAL RESPONSE PROCEDURES

Students, faculty, staff, and guests should report any emergency medical situations to 911.

CRIME PREVENTION, FIRE SAFETY, AND SAFETY AWARENESS PROGRAMMING

VCSU offers many programs designed to inform students and employees about campus safety and security procedures and practices and the prevention of crimes. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. Crime prevention programs on personal safety and security are sponsored by various campus organizations throughout the year.

These programs include general crime prevention and security awareness programs, such as safety education forums, programs, and discussions about topics such as alcohol abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, bystander intervention, fire safety, emergency response and evacuation procedures, crime and risk reduction strategies and theft prevention. VCSU also participates in the National Campus Safety Awareness Month in the month of September to promote various safety and education programs on campus for the entire campus community. Residence Life staff conduct Resident Assistant training in August and throughout the academic year to explain campus safety, campus policies, and expectations related to student conduct and behavior and fire safety measures and procedures at VCSU with all students living on campus.

New employee orientation includes the distribution of crime prevention and fire safety materials to all new employees. In addition, prospective employees and prospective students to VCSU have access to the ASR from the VCSU website. Crime prevention, security awareness and fire prevention programming occur throughout the academic year.

CRIME PREVENTION ON CAMPUS:

- Be alert and aware of your surroundings.
- Do not 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 is not 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-lit 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 Snap Chat, TikTok, Instagram, 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. Do not accept rides from strangers.
- Stay sober.
- If you suspect you are being followed by someone on foot, do not panic. Go to the nearest well-lit, populated area. If a car pulls up near you, cross the street or turn in the opposite direction.

PART III

CAMPUS FIRE SAFETY

Fire Safety in Residence Halls

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

These residence halls all meet 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 Powerhouse, 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. 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 all Residence Life staff. The Valley City Fire Department regularly participates in these drills.
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, and smoking 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 has five residence halls up to date with sprinkler systems and digital read out Simplex fire alarm systems.

Fire Safety Systems in Residential Facilities

Facility	Fire Alarm Monitoring done on-site	Partial *1 Sprinkler System	Full *Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation Drills each year
Snoey	Yes	No	Yes	Yes	X	X	1
McCoy	Yes	No	Yes	Yes	X	X	1
Robthaler	Yes	No	Yes	Yes	X	X	1
Kolstoe	Yes	No	Yes	Yes	X	X	1
University Housing	No	Yes	No	Yes	X	X	1

Valley City State University Annual Fire Safety Report

Year - 2025	McCoy Hall	Robertson/Mythaler Halls	Kolstoe Hall	Student Apts.	Snoeyenbos Hall
Unintentional Fire	0	0	0	0	0
Intentional Fire	0	0	0	0	0
Undetermined Fire	0	0	0	0	0
Deaths related to Fire	0	0	0	0	0
Injuries related to Fire	0	0	0	0	0
Property damage related to Fire	0	0	0	0	0
Description of Hall	Single-Gender Female	Single-Gender Male	Co-Ed hall with suite-style layout	Open to students who earned 60 credits or at least 21 years old.	Co-Ed hall with suite-style layout

Year – 2024	McCoy Hall	Robertson/Mythaler Halls	Kolstoe Hall	Student Apts.	Snoeyenbos Hall
Unintentional Fire	0	0	0	1	0
Intentional Fire	0	0	0	0	0
Undetermined Fire	0	0	0	0	0
Deaths related to Fire	0	0	0	0	0
Injuries related to Fire	0	0	0	0	0
Property damage related to Fire	0	0	0	0	0
Description of Hall	Single-Gender Female	Single-Gender Male	Co-Ed hall with suite-style layout	Open to students who earned 60 credits or at least 21 years old.	Co-Ed hall with suite-style layout

Year – 2023	McCoy Hall	Robertson/Mythaler Halls	Kolstoe Hall	Student Apts.	Snoeyenbos Hall
Unintentional Fire	0	0	0	0	0
Intentional Fire	0	0	0	0	0
Undetermined Fire	0	0	0	0	0
Deaths related to Fire	0	0	0	0	0
Injuries related to Fire	0	0	0	0	0
Property damage related to Fire	0	0	0	0	0
Description of Hall	Single-Gender Female	Single-Gender Male	Co-Ed hall with suite-style layout	Open to students who earned 60 credits or at least 21 years old.	Co-Ed hall with suite-style layout

NORTH DAKOTA HAZING LAW

A person is guilty of an offense when, in the course of another person's initiation into or affiliation with any organization, the person willfully engages in conduct that creates a substantial risk of physical injury to that other person or a third person. As used in this section, "conduct" means any treatment or forced physical activity that is likely to adversely affect the physical health or safety of that other person or a third person, or which subjects that other person or third person to extreme mental stress, and may include extended deprivation of sleep or rest or extended isolation, whipping, beating, branding, forced calisthenics, overexposure to the weather, and forced consumption of any food, liquor, beverage, drug, or other substance. The offense is a class A misdemeanor if the actor's conduct causes physical injury, otherwise the offense is a class B misdemeanor.

DEFINITIONS

Anonymous: Report by someone who does not reveal their identity or request any specific action. This may limit the institution's ability to investigate.

Confidential: Disclosing information to a designated, trained professional who is legally or ethically bound to protect your information and not report it to the Title IX office.

CRIME DEFINITIONS

The following definitions are to be used for reporting the crimes listed in the Clery Act, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program.

- The definitions of murder/non-manslaughter by negligence, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program.
- The definitions of fondling, incest, and statutory rape are excerpted from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program.
- The definitions of larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.

Crime Definitions from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Criminal Homicide—Manslaughter by Negligence: The killing of another person through gross negligence.

Criminal Homicide—Murder and Nonnegligent Manslaughter: The willful (nonnegligent) killing of one human being by another.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations: The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by person(s) not having lawful access even though the vehicles are later abandoned—including joyriding.)

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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.

Unfounded Crime Reports: According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority “if the investigation shows that no offense occurred nor was attempted.” These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as “unfounded” cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

Weapons: Carrying, Possessing, etc.: 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.

Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program Sex Offenses.

Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.

- A. *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- B. *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent.

Crime Definitions from the Hate Crime Data Collection Guidelines and Training Manual from the FBI's UCR Program.

Hate Crimes: any of the above offenses, and any other crime involving bodily injury, reported to local police agencies or campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories.

Additionally, on August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes. These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability.

Hate Crime Definitions: To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

- Bias: a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin.
- Bias Crime: a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as Hate Crime.
- Note: Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Domestic Violence, Dating Violence, and Stalking additions from the 2014 VAWA Negotiated Rulemaking Final Consensus Language the Federal definition (from VAWA) of Domestic Violence: a felony or misdemeanor crime of violence committed:

- by a current or former spouse or intimate partner of the victim.
- by a person with whom the victim shares a child in common.
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

The Federal definition (from VAWA) of Dating Violence: the term "dating violence" means violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of such a relationship shall be determined based on the reporting party's statement with consideration of:
 - the length of the relationship;
 - the type of relationship;
 - the frequency of interaction between the persons involved in the relationship
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

The Federal definition (from VAWA) of Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress

For the purposes of this definition:

- Course of Conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- Reasonable Person: means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial Emotional Distress: means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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 (Except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

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.

Unfounded Crime Reports: According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority "if the investigation shows that no offense occurred nor was attempted." These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as "unfounded" cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

UNIFORM CRIME REPORTING (UCR)/NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) DEFINITIONS

The Bureau of Criminal Investigation manages the state Uniform Crime Reporting (UCR) program, which involves the collection and analysis of crime statistics reported by local law enforcement agencies in North Dakota.

GROUP "A" OFFENSES:

ANIMAL CRUELTY

Intentionally, knowingly, or recklessly taking an action that mistreats or kills any animal without just cause, such as torturing, tormenting, mutilation, maiming, poisoning, or abandonment. Included are instances of duty to provide care, e.g., shelter, food, water, care if sick or injured; transporting or confining an animal in a manner likely to cause injury or death; causing an animal to fight with another; inflicting excessive or repeated unnecessary pain or suffering, e.g., uses objects to beat or injure an animal. This definition does not include proper maintenance of animals for show or sport, use of animals for food, lawful hunting, fishing, or trapping.

ARSON

To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

ASSAULT – AGGRAVATED

An unlawful attack by one person upon another wherein the offender uses or displays a weapon in a threatening manner, or 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.

ASSAULT – 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.

ASSAULT – SIMPLE

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.

ASSAULT – STALKING

To engage in an intentional pattern of conduct consisting of two or more acts directed at a specific person which frightens, intimidates, or harasses that person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to experience fear, intimidation, or harassment.

BRIBERY (Except Sports Bribery)

The offering, giving, receiving, or soliciting of anything of value (i.e., a bribe, gratuity, or kickback) to sway the judgment or action of a person in a position of trust or influence.

BURGLARY/BREAKING AND ENTERING

The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

COUNTERFEITING/FORGERY

The altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud.

DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

DRUG EQUIPMENT VIOLATIONS

The unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing or using drugs or narcotics.

DRUG/NARCOTIC VIOLATIONS (Except "DUI")

The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

EMBEZZLEMENT

The unlawful misappropriation by an offender to their own use or purpose of money, property, or some other thing of value entrusted to their care, custody, or control.

EXTORTION/BLACKMAIL

To unlawfully obtain money, property, or any other thing of value, either tangible or intangible, through the use or threat of force, misuse of authority, threat of criminal prosecution, threat of destruction of reputation or social standing, or through other coercive means.

FRAUD – CREDIT CARD/AUTOMATIC TELLER MACHINE FRAUD

The unlawful use of a credit (or debit) card or automatic teller machine for fraudulent purposes.

FRAUD – FALSE PRETENSES/SWINDLE/CONFIDENCE GAME

The intentional misrepresentation of existing fact or condition, or the use of some other deceptive scheme or device, to obtain money, goods, or other things of value.

FRAUD – HACKING/COMPUTER INVASION

Wrongfully gaining access to another person's or institution's computer software, hardware, or network without authorized permissions or security clearances.

FRAUD – IDENTITY THEFT

Wrongfully obtaining and using another person's personal data (e.g., name, date of birth, Social Security Number, driver's license number, credit card number).

FRAUD – IMPERSONATION

Falsely representing one's identity or position and acting in the character or position thus unlawfully assumed, to deceive others and thereby gain a profit or advantage, enjoy some right or privilege, or subject another person or entity to an expense, charge, or liability that would not have otherwise been incurred.

FRAUD – WELFARE FRAUD

The use of deceitful statements, practices, or devices to unlawfully obtain welfare benefits.

FRAUD – WIRE FRAUD

The use of an electric or electronic communications facility to intentionally transmit a false and/or deceptive message in furtherance of a fraudulent activity.

GAMBLING – BETTING/WAGERING

To unlawfully stake money or something else of value on the happening of an uncertain event or on the ascertainment of a fact in dispute.

GAMBLING – GAMBLING EQUIPMENT VIOLATIONS

To unlawfully manufacture, sell, buy, possess, or transport equipment, devices, and/or goods used for gambling purposes.

GAMBLING – OPERATING/PROMOTING/ASSISTING GAMBLING

To unlawfully operate, promote, or assist in the operation of a game of chance, lottery, or other gambling activity.

GAMBLING – SPORTS TAMPERING

To unlawfully alter, meddle in, or otherwise interfere with a sporting contest or event for the purpose of gaining a gambling advantage.

HOMICIDE – JUSTIFIABLE HOMICIDE

The killing of a perpetrator of a serious criminal offense by a peace officer in the line of duty; or the killing, during commission of a serious criminal offense, of the perpetrator by a private individual.

HOMICIDE – MURDER AND NON-NEGLIGENT MANSLAUGHTER

The willful (non-negligent) killing of one human being by another.

HOMICIDE – NEGLIGENT MANSLAUGHTER

The killing of another person through negligence. The offense does not include “Vehicular Manslaughter.”

HOMICIDE – SUICIDE (Attempted/Completed)

The taking of, or attempted taking of, one’s own life.

HOMICIDE – VEHICULAR MANSLAUGHTER

Recklessly causing the death of an individual while operating a motor vehicle.

HUMAN TRAFFICKING – COMMERCIAL SEX ACTS

Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age.

HUMAN TRAFFICKING – INVOLUNTARY SERVITUDE

The obtaining of person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).

KIDNAPPING/ABDUCTION

The unlawful seizure, transportation, and/or detention of a person against their will, or of a minor without the consent of their custodial parent(s) or legal guardian(s).

LARCENY/THEFT – POCKET-PICKING

The theft of articles from another person’s physical possession by stealth where the victim usually does not become immediately aware of the theft.

LARCENY/THEFT – PURSE-SNATCHING

The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.

LARCENY/THEFT – SHOPLIFTING

The theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.

LARCENY/THEFT – THEFT FROM BUILDING

Theft from within a building which is either open to the general public or to which the offender has legal access.

LARCENY/THEFT – THEFT FROM COIN-OPERATED MACHINE OR DEVICE

A theft from a machine or device that is operated or activated by the use of coins.

LARCENY/THEFT – THEFT FROM MOTOR VEHICLE

The theft of articles from a motor vehicle, whether locked or unlocked.

LARCENY/THEFT – THEFT OF MOTOR VEHICLE PARTS OR ACCESSORIES

The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle or necessary for its operation.

LARCENY/THEFT – ALL OTHER LARCENY

All thefts that do not fit any of the definitions of the specific subcategories of Larceny/Theft listed above.

MOTOR VEHICLE THEFT

The theft of motor vehicles, including automobiles, buses, recreational vehicles, trucks, and other motor vehicles.

PORNOGRAPHY/OBSCENE MATERIAL

The violation of laws or ordinances prohibiting the manufacture, publishing, sale, purchase, or possession of sexually explicit material, e.g., literature, photographs, etc.

PROSTITUTION

To unlawfully engage in sexual relations for profit.

PROSTITUTION – ASSISTING OR PROMOTING

To solicit customers or transport person(s) for prostitution purposes; to own, manage, or operate a dwelling or other establishment for the purpose of providing a place where prostitution is performed; or to otherwise assist or promote prostitution.

PROSTITUTION – PURCHASING

To purchase or trade anything of value for commercial sex acts.

ROBBERY

The taking or attempting to take anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

SEX OFFENSES – FONDLING

The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

SEX OFFENSES – INCEST

Sexual intercourse between person(s) who are related to each other within the degrees wherein marriage is prohibited by law.

SEX OFFENSES – STATUTORY RAPE

Sexual intercourse with a person who is under the statutory age of consent. “With the consent of the victim” is an element of Statutory Rape. In addition, there is no force or coercion used in Statutory Rape; the act is not an attack.

SEX OFFENSES – RAPE (Except “Statutory Rape”)

The carnal knowledge of a person, without the consent of the victim, includes instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

SEX OFFENSES – SEXUAL ASSAULT WITH AN OBJECT

To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

SEX OFFENSES – SODOMY

Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. (This includes members of the same sex.)

STOLEN PROPERTY OFFENSES

Receiving, buying, selling, possessing, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by Burglary, Embezzlement, Fraud, Larceny/Theft, Robbery, etc.

WEAPON 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.

GROUP “B” OFFENSES:

BAD CHECKS (Except counterfeited or forged checks)

Knowingly and intentionally writing and/or negotiating checks drawn against insufficient or nonexistent funds.

CURFEW/LOITERING/VAGRANCY

The violation of a court order, regulation, ordinance, or law requiring the withdrawal of person(s) from the streets of other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.

DISORDERLY CONDUCT

Any behavior that tends to disturb the public peace or decorum, scandalize the community, or shock the public sense of morality.

DRIVING UNDER THE INFLUENCE

Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic. This offense includes being in “Actual Physical Control.”

DRUNKENNESS (Except DUI) (This is not a crime in ND)

To drink alcoholic beverages to the extent that one’s mental faculties and physical coordination are substantially impaired.

FAMILY OFFENSE, NON-VIOLENT

Unlawful, nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member, and that are not classifiable as other offenses, such as Assault, Incest, Statutory Rape, etc. This offense includes Abandonment; Desertion; Neglect; Nonsupport; Nonviolent Abuse; or Non-Violent Cruelty to other family members. It also includes the nonpayment of court-ordered alimony, as long as it is not considered Contempt of Court within the reporting jurisdiction. Does not include victims of these offenses who are taken into custody for their own protection.

LIQUOR LAW VIOLATIONS (Except DUI and Drunkenness)

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

PEEPING TOM

To secretly look through a window, doorway, keyhole, or other aperture for the purpose of voyeurism.

TRESPASS ON REAL PROPERTY

To unlawfully enter land, a dwelling, or other real property.

ALL OTHER OFFENSES

All crimes that are not Group “A” offenses and not included in one of the specifically named Group “B” crime categories listed above. (Traffic offenses, except for Hit and Run, are excluded).

This information is provided as a part of VCSU’s continuing commitment to safety and security on campus in compliance with the North Dakota Uniform Crime Reporting Act and the Jeanne Clery Act. Concerns, questions, or complaints related to this document, or the applicable statutes should be directed to the Valley City Police Department.

MISSING STUDENT NOTIFICATION POLICY AND PROCEDURES:

In accordance with the Higher Education Opportunity Act (HEOA), the College must develop and implement certain procedures to be followed when on-campus residential students are determined to be missing for 24 hours.

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. If the student is under the age of 18, the campus will contact their guardian. This information is confidential, and only for Vice President for Student Affairs use during an emergency. VCSU will also notify the Valley City Police Department within 24 hours of determination.

Official Notification Procedures for Missing Persons

1. Any individual on campus who has information that an on or off student may be a missing person must notify the Vice President for Student Affairs (VPSA) or Residence Life Staff.
2. The VPSA will gather all essential information about the residential student from the reporting person and from the student’s acquaintances (description, last worn clothes, where student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.) Appropriate campus staff will be notified to aid in the search for the student.
3. If the above actions are unsuccessful in locating the student or it is apparent immediately that the student is missing (i.e., a witnessed abduction), the VPSA will contact the appropriate local law enforcement agency to report the student as missing and the local law enforcement agency will take charge of the investigation unless the local law enforcement agency was the entity that made the determination that the student is missing.
4. No more than 24 hours after determining that a residential student is missing, contact will be made by the VPSA or Valley City Police Department to the designated contact.
5. If a student is under the age of 18 and is not an emancipated adult, the University is required to notify a custodial parent or guardian no more than 24 hours after the

student is determined to be missing, in addition to notifying any additional contact person designated by the student.

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

Posting:

7. This policy should be available via the VCSU website, campus security report, and other means. Residence Life will discuss the policy at residence life meetings.

Emergency Contact Information Designation

1. Students have the opportunity during each semester to designate an individual or individuals to be contacted by Valley City Police Department or appropriate local law enforcement in the event the student is determined to be missing. Notification will be made no more than 24 hours after the time the student is determined to be missing in accordance with procedures in this policy. A contact designation is registered and confidential and will remain in effect until changed or revoked by the student.
2. If a student is under the age of 18 and is not an emancipated adult, the University is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing, in addition to notifying any additional contact person designated by the student.

Campus Communication Regarding Missing Students

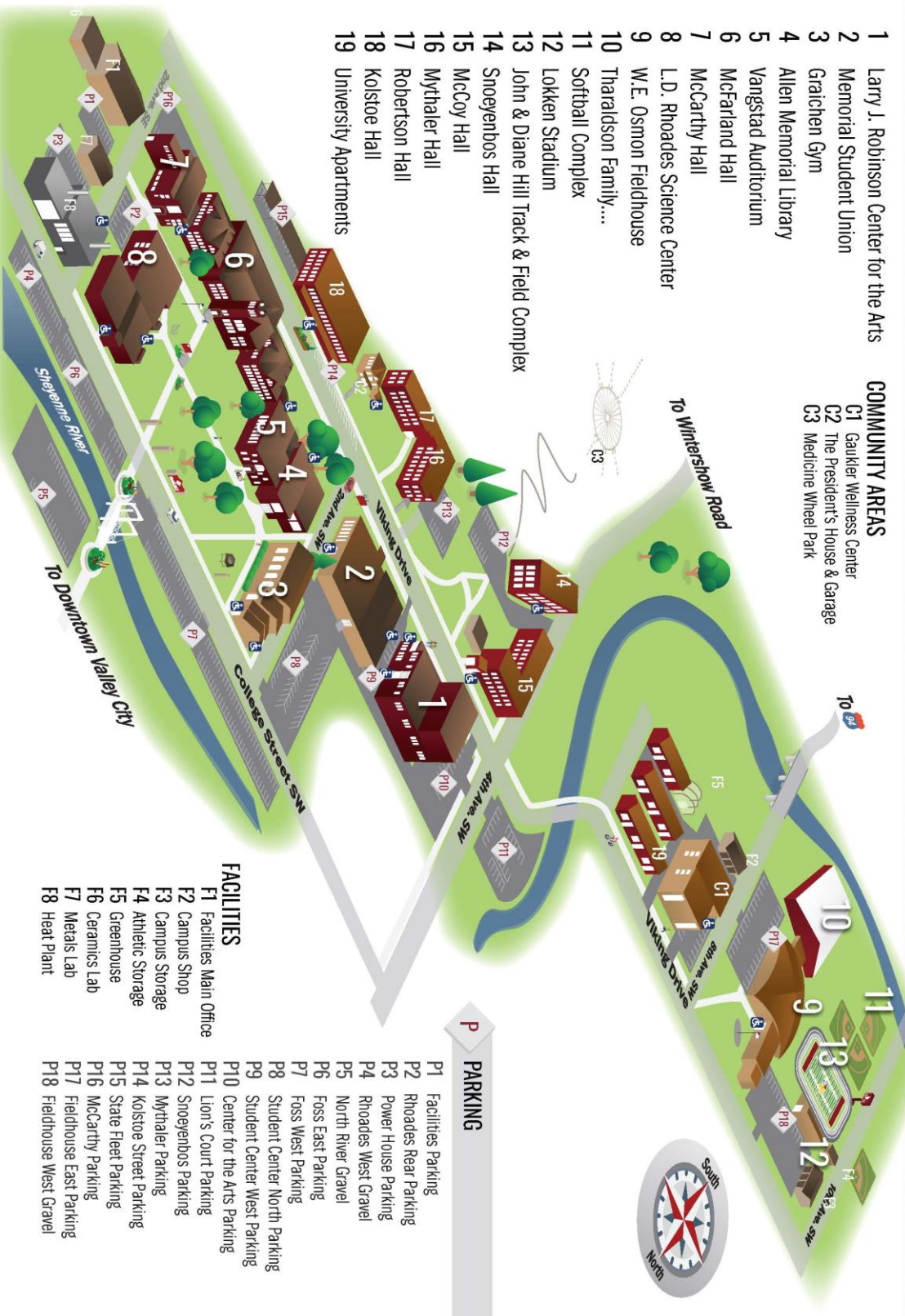
1. In cases involving missing person(s), law enforcement personnel are best situated to provide information to the media that is designed to elicit public assistance in the search for a missing person. Therefore, all communications regarding missing students will be handled by outside law enforcement authorities, who may consult with the Marketing Department. All inquiries to the university regarding missing students, or information provided to any individual at the university about a missing student, shall be referred to the Valley City Police Department, who shall refer inquiries and information to law enforcement authorities.
2. Prior to providing the Valley City community with any information about a missing student, the Marketing Department shall consult with the Valley City Police Department and with local law enforcement authorities to ensure that communications do not hinder the investigation.



VALLEY CITY
STATE UNIVERSITY

CAMPUS MAP >

101 College Street SW
Valley City, North Dakota 58072





VCSU

101 College St SW
Valley City, ND 58072
vcsu.edu