

VALLEY CITY STATE UNIVERSITY

Student Handbook ♦ 2020-2022



VALLEY CITY
STATE UNIVERSITY

vcsu.edu ♦ 1.800.532.8641

MISSION

Valley City State University is a public, regional university offering exceptional programs in an active, learner-centered community that promotes meaningful scholarship, ethical service, and the skilled use of technology. As an important knowledge resource, the University offers programs and outreach that enrich the quality of life in North Dakota and beyond. Through flexible, accessible, and innovative baccalaureate and master's programs, VCSU prepares students to succeed as educators, leaders, and engaged citizens in an increasingly complex and diverse society. (Approved by SBHE 9.25.2013)

VISION

As an innovative university, we deliver distinctive, learner-centered experiences.

EQUAL ACCESS/EQUAL OPPORTUNITY STATEMENT

Valley City State University is fully committed to equal opportunity in employment decisions and educational programs and activities, in compliance with all applicable federal and state laws, for all individuals without regard to race, color, national origin, religion, sex, disability, age or Vietnam-era veteran's status.

More specifically, the University abides by the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, as well as the implementing regulations of the Department of Education (34 CFR Parts 100, 106, and 104 respectively), the Americans with Disabilities Act of 1990 and North Dakota Human Rights Act of 1983.

Inquiries concerning compliance may be directed to the VCSU Office of Human Resources, (McFarland 211, 845-7401) or to the Office of Civil Rights, U.S. Department of Education, 10220 N. Executive Hills Blvd., 8th Floor, 07-6010, Kansas City, MO 64153-1367.

Valley City State University • 101 College Street SW • Valley City, ND 58072

1-800-532-8641



VALLEY CITY

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ACADEMIC CALENDAR

2020-2021

FALL SEMESTER 2020

August 24	Registration/Classes start at 4:00 pm
August 25	First full day of classes
September 2	Last day to drop with 100% refund
September 7	Holiday – Labor Day
September 8	Financial Aid Disbursal
September 9	Tuition Due Date
November 11	Holiday – Veteran’s Day
November 10	Spring Semester registration begins for currently enrolled students
November 12	Spring Semester registration begins for new and returning students
November 25-27	Holiday – Thanksgiving
November 30	Classes Resume
December 1	Last day to apply for spring semester graduation
December 14-18	Last week of classes/finals week
December 17	Commencement
December 22	Grades due

SPRING SEMESTER 2021

January 11	Registration/Classes start at 4:00 pm
January 12	Spring Semester first full day of classes
January 18	Holiday – Martin Luther King Jr. Day
January 21	Last day to drop with 100% refund
January 26	Financial Aid Disbursal
January 27	Tuition Due Date
February 15	Holiday – Presidents Day
March 12-21	Spring Break
March 22	Summer semester registration begins
April 2	Holiday – Good Friday
April 5	Holiday – Easter Monday
April 6	Fall Semester registration begins for currently enrolled students
April 8	Fall Semester registration begins for new and returning students
May 1	Last day to apply for summer and fall semester graduation
May 10-14	Last week of classes/finals week
May 15	Commencement
May 18	Grades Due
May 31	Holiday

SUMMER SEMESTER 2021

June 7	Summer session begins
July 4	Holiday

The Last Day to Add and Last Day to Drop will vary for regular semester-length classes, ten-week classes, eight-week classes, six-week classes, and five-week classes. The specific Add/Drop Dates for each Term/Session are published at www.vcsu.edu/registrar/

CABINET

<i>Dr. Alan LaFave</i>	<i>President</i>
<i>Dr. Margaret Dahlberg</i>	<i>Vice President for Academic Affairs</i>
<i>Mr. Peter D. Smithhisler</i>	<i>Vice President for Student Affairs</i>
<i>Mr. Wesley Wintch</i>	<i>Vice President for Business Affairs</i>
<i>Mr. Joe Tykwinski</i>	<i>Chief Information Officer</i>
<i>Ms. Jill DeVries</i>	<i>Director for Athletics</i>
<i>Mr. Larry Robinson</i>	<i>Director for Development</i>
<i>Mr. Greg Vanney</i>	<i>Director for Marketing & Communications</i>

ADMINISTRATIVE SERVICES

<i>Jessica Gortmaker</i>	<i>Assistant Director for Facilities Operations & Safety</i>
<i>Patrick Horner</i>	<i>Assistant Director for Facilities Services</i>
<i>Dr. Katie Woehl</i>	<i>Assistant Vice President for Academic Affairs</i>
<i>Todd Rogelstad</i>	<i>Bookstore Manager</i>
<i>Erica Buchholz</i>	<i>Controller</i>
<i>Dr. Sheri Okland</i>	<i>Dean of the School of Education and Graduate Studies</i>
<i>Kari Klettke</i>	<i>Director for Career Services</i>
<i>Dr. Erin Klingenberg</i>	<i>Director for Counseling Services</i>
<i>Erik Kringlie</i>	<i>Director for Data Center and Virtualization</i>
<i>Dr. Kelly LaFramboise</i>	<i>Director for Diversity and Inclusion</i>
<i>Charlene Stenson</i>	<i>Director for Enrollment Services</i>
<i>Brad Mills</i>	<i>Director for Enterprise Applications</i>
<i>Marcia Pritchert</i>	<i>Director for Financial Aid</i>
<i>Dr. James Boe</i>	<i>Director for Graduate Studies and Research</i>
<i>Betty Tykwinski</i>	<i>Director for Health Services</i>
<i>Jennifer Larson</i>	<i>Director for Human Resources</i>
<i>Dr. Kerry Gregoryk</i>	<i>Director for Institutional Effectiveness and Planning</i>
<i>Jennifer Jenness</i>	<i>Director for Library Services</i>
<i>Mike Nix</i>	<i>Director for Microcomputer Services</i>
<i>C.J. Kotta</i>	<i>Director for Network Services & IT Security Officer</i>
<i>Shannon Jolley</i>	<i>Director for Residence Life</i>
<i>Mark Potts</i>	<i>Director for Sports Information</i>
<i>Kaleen Peterson</i>	<i>Director for Student Academic Services</i>
<i>Kari Stricklin</i>	<i>Director for Student Center & Student Activities</i>
<i>Jacqueline Owen</i>	<i>Disability Support Services & Testing Coordinator</i>

CAMPUS GUIDE

Academic Advising	Kaleen Peterson	McFarland 322	7302*
Alumni	Larry Robinson	McFarland 212	7217
Bookstore	Todd Rogelstad	Student Center	7209
Career Services	Kari Klettke	McFarland 208A	7534
College Catalog &	Jody Klier	McFarland 219	7297
Graduation Requirements			
Computer Assistance	Mike Nix	Science Center 119	7343
Counseling	Dr. Erin Klingenberg	McFarland 424	7424
Disability Services	Jackie Owen	McFarland 320	7207
Diversity & Inclusion	Dr. Kelly LaFramboise	McFarland 210	7308
Employment & Job Placement	Kari Klettke	McFarland 208A	7534
Enrollment Services	Charlene Stenson	McFarland 218	7105
Fee Payment & Check Cashing	Business Office	McFarland 215	7246
Financial Aid	Marcia Pritchert	McFarland 219	7412
Food Service	Kristine Thomas-Fox	Student Center	7131
Health Services	Betty Tykwinski	Mythaler 1 st Floor	7305
ID Cards	Brooke Yanish	Student Center	7122
Library	Jennifer Jenness	Allen Memorial Library	7275
Mail Services	Jenni Richman	Student Center	7141
Parking	Jessica Gortmaker	Facilities Services Bldg	7710
Photocopies & Printing	Aleisha Kiser	McFarland 147	7363
Residence Life	Shannon Jolley	Student Center 111	7728
Student Activities	Kari Stricklin	Student Center	7120
Student Center	Kari Stricklin	Student Center	7120
Student Senate Office	Angeline Gannon	Student Center	7503
Transcripts	Jody Klier	McFarland 219	7297
Tutoring	Jacqueline Owen	McFarland 320	7207
Veterans Affairs	Leslie Kalmbach	McFarland 219	7294
Wellness Center		733 8th Ave. SW	845-3294

*All VCSU phone numbers start with 701-845-

BUILDING SCHEDULES

STUDENT CENTER SCHEDULE

BUILDING HOURS

Monday – Thursday	7:00 am – 11:00 pm
Friday	7:00 am – 7:30 pm
Saturday	11:15 am – 7:00 pm
Sunday	11:15 am – 11:00 pm

BOOKSTORE

Monday – Friday	8:00 am – 4:00 pm
Saturday – Sunday	Closed

CAFETERIA

The cafeteria is open for organized activities Monday through Sunday except for the times board contract meals are being served and when maintenance work is being done.

BOARD CONTRACT HOURS

Monday – Friday	
Breakfast	7:30 am – 9:00 am
Lunch	11:00 am – 1:30 pm
Dinner	5:00 pm – 7:00 pm

VIKING I

Monday – Thursday	7:30 am – 10:45 pm (fryer/dining closes @ 10:30 pm, grill shuts off @ 10:15)
Friday	7:30 am – 3:30 pm & 7:30pm – 11:00pm
Saturday	11:30 am – 2:00 pm & 5:00 pm – 7:00 pm
Sunday	11:30 am – 2:00 pm & 5:00 pm – 10:45 pm

INFORMATION DESK

Monday – Thursday	7:45 am – 11:00 pm
Friday	7:45 am – 10:00 pm
Saturday	11:15 am – 7:00 pm
Sunday	11:15 am – 11:00 pm

WELLNESS CENTER

Monday – Thursday	5:00 am – 11:00 pm
Friday	5:00 am – 9:00 pm
Saturday	6:00 am – 9:00 pm
Sunday	8:00 am – 8:00 pm

FIELDHOUSE HOURS

Monday – Friday	Open until 7:00 pm (Fall & Spring Semesters)
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INTRODUCTION

The Valley City State University Student Center and its many services is an important part of your experience at VCSU. The Student Center serves as the “center stage” of the entire campus. By design, and especially because of its unique location, the Student Center is naturally one of the busiest buildings on campus. A recent survey found that nearly 3,500 separate and distinct activities are held within the confines of the Student Center each academic year. To you, it may mean coffee, meeting a friend, studying, watching TV, reading, dreaming, laughing, resting, getting your mail, thinking, shopping at the bookstore, or playing in the game room. The Student Center provides conference rooms, a complete food service, bookstore with mail service, game room, ATM, and a number of lounge areas. The Student Center strives to create and administer programs which serve the best interests of the students. Programs and activities are planned and administered by student groups, the Viking Campus Activities Board, and the Director of Student Activities.

INFORMATION DESK & LOST AND FOUND

The Information Desk serves as the administrative office for the Student Center, and all Student Center/student activities. The Information Desk provides information about VCSU and the various campus activities. Information about the Student Center operation and the use of the Center facilities may be obtained from the Student Center Information Desk. Lost and found items can be claimed at the Information Desk in the Student Center or the Facilities Services Office.

BOOKSTORE

The Bookstore, located on the main level of the Student Center, carries a variety of trade books, reference books, computer supplies, office supplies, VCSU giftware and apparel. Regular Bookstore hours are 8:00 AM to 4:00 PM Monday through Friday during the regular academic year. VCSU apparel and giftware may be purchased online at <http://bookstore.vcsu.edu>. Contact the Bookstore at (701) 845-7141.

Textbook and book buyback policies are managed by the Bookstore. The text area is located in the lower level of the Student Center. Questions or comments should be directed to the Bookstore Manager.

MAIL SERVICE

Mail Service is handled by the Bookstore. Incoming mail is distributed daily, Monday through Friday, and outgoing mail is picked up in the upper level Bookstore Monday through Friday by 3:30 pm. All students living in the residence halls will be assigned a campus mailbox by the Bookstore. Off campus students may also request a campus mailbox by contacting the Bookstore. The mailboxes are located in the lower level of the Student Center. Packages and other mail that is too large for the student mailboxes will be held at the Bookstore located in the upper level of the Student Center and will be available for pick-up during regular business hours. Students will be notified by campus email when they have a package at the Bookstore.

Stamps are available at the Bookstore and the Information Desk in the Student Center. The Bookstore also offers shipping through USPS, UPS and Fed Ex.

Any questions regarding mail services should be directed to the Bookstore at (701) 845-7141.

FOOD SERVICE

The food service department at VCSU is managed by Sodexo Campus Services, a commercial food service company which specializes in college and university food service. Sodexo manages the food service departments in hundreds of colleges and universities. The entire program is designed with the student in mind. The ultimate goal is to provide high quality food at a low cost to the entire college community.

According to VCSU regulations, all residence hall students are required to be on a board contract program. Upon payment of fees at the VCSU Business Office, students will be issued their official VCSU Viking Card. The student's Viking Card includes a number which will serve as their board contract account number for the entire academic year. Each time the student enters the cafeteria, he/she will be required to present the Viking Card

for payment of the food purchase. At that point, the checker will enter into the computerized cash register system the student's card number and the amount of the food purchased. The system will automatically subtract a meal swipe from students account. You may also purchase Voluntary Dollars for your student account to be used in all Sodexo owned retail outlets on campus and in the cafeteria. Any money placed on students account over 40 dollars will be given an additional 8%. Students will not be admitted to the cafeteria without their Viking Card. Students who lose their card must report the loss to the Student Center Information Desk. There is a \$25.00 charge for a replacement Viking Card. Students can also use their contract program for the purchase of food in the Viking I and Viking Grounds.

Students are encouraged to give serious consideration to the board contract program. Convenience, high quality, low cost nutritional foods are good reasons to purchase a board contract plan. In addition, the program offers unlimited seconds and the flexibility to use the plan in the snack bar on evenings and weekends. Students purchasing the upper level plans receive free credit dollars as an additional incentive.

The board contract hours of operation are posted at the entrance to the cafeteria. Students interested in purchasing a board contract plan should inquire at the Student Center Information Desk.

LOWER LOUNGE GAME ROOM

The VCSU Game Room is equipped with a pool table, ping pong table, foosball table and large screen TV. There is a study cove available for students to work on homework or gather for group projects. Questions regarding the game room should be addressed to the Student Center Information Desk.

IDENTIFICATION SYSTEM

The official university identification system is administered by the Student Center Information Desk. All VCSU students must carry a current official VCSU Viking ID Card. The Viking Card is the property of Valley City State University and must be surrendered upon request by school officials. The card provides access to your residence hall, board meal plan and university sponsored events. It is unlawful to allow another person to use your Viking Card or to counterfeit or alter your Viking Card. Viking Cards are issued upon initial enrollment at VCSU. Lost, mutilated, or stolen Viking Cards should be reported to the Student Center Information Desk. A replacement card will result in a \$25.00 charge.

VEHICLE ASSISTANCE

As a service to VCSU students, the Student Senate has purchased one battery charger, extension cords, and battery booster cables for use by students. These items are available for your use at no charge and may be checked out from the Student Center Information Desk. Students are asked to limit their usage to one hour so others may use the equipment. Students must provide their Viking Card to use the equipment.

CHECK CASHING

Students wishing to cash checks may do so at the Student Center Information Desk during operational hours. A maximum of \$25.00 per check can be cashed. Students must have a valid state issued ID in order to cash checks. Students cashing NSF checks will have their check cashing privileges suspended. Checks may also be cashed at the Business Office located in McFarland Hall.

ATM MACHINE

An ATM machine is located on the main floor of the Student Center next to the Information Desk.

CONFERENCE ROOMS AND STUDENT CENTER FACILITIES

Students or student groups wishing to use a Student Center conference room or game room should make the necessary arrangements in advance with the Student Center Information Desk.

CAMPUS VENDING OPERATIONS

The VCSU campus vending operation is administered by the Student Center Information Desk. Students with suggestions or concerns, regarding the campus vending operation should report them to the Information Desk.

STUDENT ACTIVITIES

With student activities sponsored by the Viking Campus Activities Board (VCAB), a student group of volunteers who organize events on campus, over thirty student organizations and honor societies, and intramural sports from golf to volleyball, there's always something going on. And if there's an organization that we don't have, you can form it; there's bound to be other students interested in the same thing. One of the biggest challenges you'll face is how to balance all of the fun of extra-curricular activities with the hard work and fun of your academic coursework. The numerous VCSU student organizations and activities include but are not limited to:

GOVERNMENT

- Student Senate
- Finance Commission
- Viking Campus Activities Board (VCAB)

HONOR SOCIETIES

- Alpha Lambda Delta
- National Society of Leadership & Success
- Phi Alpha Theta
- Phi Beta Lambda
- Pi Omega Pi
- Sigma Tau Delta

INTRAMURAL ACTIVITIES

- Co-Ed 7 on 7 Flag Football
- Co-Ed 4 on 4 Volleyball
- Co-Ed 6 on 6 Volleyball
- 5 on 5 Men's Basketball
- 5 on 5 Women's Basketball
- Co-Ed Dodgeball
- Co-Ed Kickball

STUDENT INTEREST ORGANIZATIONS

- Alpha Lambda Delta
- DECA
- EBC Fraternity
- FCA/CRU
- Human Services & Psychology Club
- Kappa Delta Pi Zeta Sigma
- Kinesiology & Human Performance
- National Association for Music Educators
- National Society of Leadership & Success
- Newman Club
- ND Farmers Union Collegiate Chapter
- Phi Alpha Theta/History Club
- Philomathian Society
- Viking Club Tennis
- Pi Omega Pi
- Sigma Tau Delta
- Student North Dakota United
- Student Nurse Organization
- Student Senate
- Table Top Club
- Valley City State University Open Studio
- VCSU Ag Club
- VCSU American Fisheries Society Stud. Sub-Unit
- VCSU Athletic Training Club
- VCSU English Club
- VCSU Pre-Professional Club
- Viking Ambassadors
- Viking Campus Activities Board

STUDENT GOVERNMENT

STUDENT SENATE

The Student Senate is the governing body for the Student Association and includes all Valley City State University students. The Senate is composed of the following elected officers: President, Vice President, Treasurer and Secretary. Officers are elected each spring semester along with a number of at-large student senators and departmental representatives. The Student Senate appoints students to numerous Student Senate committees and campus academic/administrative committees and task forces. All student organizations are directly responsible to the Student Senate. The Student Senate, through the Student Senate Finance Commission, administers a large portion of the student activity fee for other organizations and departments on campus that request funds. The Student Senate meets every Monday at 6:30 p.m. in the Lower Level of the Student Center.

VIKING CAMPUS ACTIVITIES BOARD (VCAB)

The Viking Campus Activities Board (VCAB) is the governing body of student-related activities: e.g., dances, coffeehouse singers, movies, game nights, bingo nights, comedians, hypnotists, bands, weekend activities and informative speakers.

VCAB is responsible for formulating and executing a broad range of social, recreational, and cultural programs through the use of publicity of various forms.

VCAB works closely with an advisor in implementing such events. Every year the Board requests a budget from the Student Senate Finance Commission in order to provide a wide range of events.

VCAB consists of a President, Vice President, Secretary, Coordinators of Special Events, Recreation, Social Issues, Coffeehouse, Late Night and Publicity. Also included is a board of student volunteers that help to plan and implement events.

Meetings are held every Tuesday at 9:10 pm in the Skoal Room. All the meetings are open for everyone to attend.

INTER-RESIDENCE HALL COUNCIL

The Inter-Residence Hall Council consists of representatives from each floor of each residence hall. The council exists to provide a quality living environment for all residents and to oversee a social, recreational, and financial program in order to establish an atmosphere conducive to the overall educational experience at VCSU. The council financially supports the programming efforts of the residence assistants and makes necessary and proper suggestions for the management of, and improvements to, the residence halls. In addition, the IRHC serves as an advisory group to the campus food service department.

STUDENT LIFE POLICIES AND PROCEDURES

REQUIRED UNIVERSITY RESIDENCE POLICY V501

All full-time, first-time freshman students will be required to reside on campus and be on a board plan for a period of one full academic year or two full semesters. The only exceptions to this policy are as follows:

1. The student is living at home providing the home residence is within 35 miles of Valley City.
2. The student is 21 years of age.
3. The student is married or the single head of a household.

Students and parents will be asked to provide written verification of any off-campus residence. Students determined to be in violation of this policy will be considered in violation of the VCSU Student Code of Conduct and will be subject to disciplinary action.

IMMUNIZATION POLICY V506.01

1. Documentation of immunity under subsection 1 SBHE Policy 506.1 means: (a) evidence of two doses of measles, mumps, and rubella vaccine after age one and no less than 28 days apart from a licensed provider or authorized representative of a state or local health department; (b) proof of a positive serologic test for measles, mumps, and rubella; or (c) proof of date of birth prior to 1957. Student is given one term to submit required immunization. If it is not received prior to the next term registration date, a hold is put on their account until it is cleared.

2. Documentation of immunity under subsection 2 in SBHE Policy 506.1 means: (a) evidence of at least one dose of meningococcal conjugate vaccine after age 16. Student is given one term to submit required immunization. If it is not received prior to the next term registration date, a hold is put on their account until it is cleared.

3. Valley City State University will follow the policies and recommendations of the NDUS system. Students enrolled in early entry (dual credit), distance learning courses, courses taught off campus, continuing education or noncredit courses, and students in attendance at camps, workshops or programs and classes delivered under contract to a third party are exempt from SBHE Policy 506.1. VCSU faculty and staff will be exempt from immunization policy and procedures. VCSU may grant additional exemptions upon application to and approval by the Vice President of Student Affairs, when: (a) immunization is contraindicated by medical condition that is certified by a medical provider; (b) the student has had one immunization and agrees to have a second one no less than one month later; or (c) the student's beliefs preclude participation in an immunization program.

4. Valley City State University will provide an intensive educational effort to inform students of the policy and the need for immunization, the provision of access to immunization through clinics or the county health office. Valley City State University will track students using the university CRM System to identify students who are immunized and those who are not. The Enrollment Services office is currently managing immunization records.

5. Any individual who has been exempted from the immunization requirements may be required to stay off campus, including exclusion from campus activities, in the event of an outbreak of a communicable disease until the danger is over.

6. Tuberculin skin testing is required of new students from all countries except those classified by U.S. Health officials as "low risk for tuberculosis." Enrollment Services will contact Health Services either by phone or email to confirm that a newly enrolled international student will need a tuberculin skin test if he/she meets these qualifications. Health Services will contact that student and proceed with the screening. The testing needs to be done at the beginning of the first term before the student begins classes. Documentation of the testing will be kept in the Health Services office.

POLICY ON INFECTIOUS DISEASES V506.02

Valley City State University will follow the policies and recommendations of the Center for Disease Control of the U.S. Public Health Service and will work in cooperation with state and local health authorities to prevent the

spread of significant infectious diseases, and further such prevention through education. Significant infectious diseases for the purpose of this policy are defined as Acquired Immune Deficiency syndrome (AIDS), AIDS-Related Complex (ARC) and Hepatitis B.

A. AIDS: PROHIBITING DISCRIMINATION AGAINST FACULTY/STAFF, STUDENTS OR OTHERS USING UNIVERSITY SERVICES

1. Notification to the University

A University employee or student diagnosed as having AIDS and who wishes to be covered by this policy or who requests accommodations to special disease related conditions, should notify the Vice President for Student Affairs. The Significant Infectious Disease (SID) Committee shall be convened to review the specific disease situation.

2. Significant Infectious Disease Committee

a. The Significant Infectious Disease Committee shall review and make recommendations regarding any reasonable accommodation for workplace restrictions on a faculty or staff member diagnosed as having AIDS. Similarly, the SID Committee shall review and make recommendations regarding any reasonable accommodations or restrictions on the educational programs or other University activities of a student, faculty, or staff member diagnosed as having AIDS. The University shall abide by the recommendations of the SID Committee, subject to approval by the President of the University.

b. The SID Committee shall be composed of the following:

1. the Vice President for Student Affairs
2. the University Nurse
3. the County Health Doctor

The Vice President for Student Affairs shall serve as chairperson of this committee.

- c. The Committee shall consult with, or request assistance from, those University administrators most closely related to the accommodation requested by the individual. Additional assistance or information may be requested from the individual's physician and from the ND State Health Officer.
3. Faculty/Staff

Faculty or staff members diagnosed as having AIDS shall be protected from discrimination in their employment and shall be considered as handicapped persons with a life-limiting disease, as defined by the Rehabilitation Act of 1973.

5. Students

Students diagnosed as having AIDS shall be protected from discrimination in their educational program, housing accommodations, food service, and related student services or opportunities. They shall be considered as handicapped persons with a life-limiting disease.

6. Services Provided by the University

University faculty/staff or students, as part of their educational program, shall not discriminate against AIDS-diagnosed individuals, in the services offered, rendered, or provided by the University.

7. Protocol

AIDS-related protocol established by the Center for Disease Control, USPHS, shall serve as a primary, but not exclusive, source of information in reviewing individual cases. Applicable federal and state laws, rules, and regulations, as well as University equal opportunity policies covering handicapping conditions, shall be followed in applying this policy.

B. AIDS-RELATED COMPLEX

No special employment or educational discrimination provisions are recommended for persons with AIDS-related complex (ARC).

C. HEPATITIS B

No special employment or educational discrimination provisions are recommended for persons with Hepatitis B except that standard medical protocol for prevention and treatment shall be followed.

D. PREVENTIVE MEDICAL PROTOCOL

The University shall adopt standard medical preventive protocol procedures to protect specific employee groups or students who may have potential exposure to such significant infectious diseases. Included shall be specific academic departments and laboratories, individuals participating in or supervising athletic activities and individuals involved in the maintenance of university facilities. Recommended protocol to aid in the prevention and spread of significant infectious diseases shall be followed.

E. CONFIDENTIALITY

Information regarding any person affected by an infectious disease as defined within this policy shall be treated with the same confidentiality as provided for all medical records under University policy.

Any request for information regarding persons affected by an infectious disease, whether from within or outside the institution, is to be directed to the Vice President for Student Affairs, who will act as spokesperson for the institution.

VCSU STUDENT ATHLETE SUBSTANCE ABUSE POLICY V506.03

Valley City State University recognizes the adverse effects of drug use. Not only is the use of drugs illegal, it also poses a great threat to the physical and mental wellbeing of our student athletes.

It is our objective to discourage the use of illegal drugs both on and off campus. Valley City State recognizes that is a privilege for a student-athlete to be a part of our athletic teams and with this privilege comes the expectations of maintaining integrity on and off the playing field.

Purpose

This policy is not to be construed as a contract between the institution and the student-athletes at Valley City State University. However, signed consent and notification forms shall be considered affirmation of the student-athlete's agreement to the terms and conditions contained in this policy. In addition, Valley City State University may amend the policy at any time. The Athletic Department believes that random drug testing and testing based on reasonable suspicion are appropriate to help ensure to the following

- To promote health, safety and welfare of student-athletes who participate in Valley City State intercollegiate athletics
- To prevent and deter illegal drug use and abuse among student-athletes
- To offer assistance and education to athletes using drugs
- Identify problems with substance abuse at its earliest stage
- To educate student-athletes on the physiological and psychological dangers inherent in the use and misuse of drugs
- To protect student-athletes, and others whom they compete against, from potential injury as a result of drug use

Definition

- *Student Athlete*- is a participant in an organized sport at Valley City State University
 - All student-athletes at Valley City State University are subject to drug testing.
 - This includes student-athletes that are eligible, academically ineligible, or red-shirted.
- *Controlled Substance*- any of a category of behavior-altering or addictive drugs whose possession and use are restricted by law.

TESTING PROCEDURES

Periodic Random Drug Screening

Valley City State University will periodically randomly select student-athletes to participate in drug screening. Drug testing will be conducted during the course of the academic year. The University will test no more than 50 student-athletes each year. However, Valley City State University reserves the right to drug test student-athletes at any time if there is reasonable suspicion. The list of drugs for which a student athlete will be tested is based on guidelines established by the National Association of Intercollegiate Athletics "NAIA". The drug screening may include, but is not limited to, testing for marijuana (THC), amphetamines (AMP), benzodiazepines (BZO), cocaine (COC), methamphetamine (METH), opiates (OPI), oxycodone (OXY), Anabolic Steroids. A more comprehensive list of drugs eligible for screening can be found on the NAIA's website at www.naia.org.

Consent

Each student athlete will be required to sign a consent form stating that he/she has read the drug testing policy and understands its consequences and agrees to participate.

Notification and Reporting for Collections

All information and records will remain confidential and be released only to the following persons other than the student athlete

- Athletics director
- Director of health services
- Head coach of student athlete
- Athletic trainer of student athlete
- Student athlete's parents or legal guardians (if athlete is under the age of 18)

Valley City State University's Director of Health Services will serve as the testing administrator. Drug Free Sport will be contracted for analyzing test samples collected by the testing administrator. When a student athlete is selected by Drug Free Sport's random selection program, the testing administrator will notify the student athlete by either direct contact or phone call. The student athlete will be notified no more than 24 hours prior to the test. They will be instructed to arrive at a screening site at a designated time.

Oral Fluid Collection Guidelines:

1. Only those persons authorized by the institution will be allowed in the collection room.
2. When arriving to the collection room, the student-athlete will provide photo identification or a client representative will need to identify the student-athlete.
The student-athlete will then print his or her name and arrival time on the Roster Sign-In Form.
3. The student-athlete will select a Custody & Control Form (CCF) from a supply of such and work with the institutional collector to complete the necessary information before proceeding with the specimen collection process.
4. The collector will verify the student-athlete has not had anything in his/her mouth for 10 minutes prior to beginning the collection process.
5. The student-athlete will select an oral fluid collection device from a supply of such (2 if collecting both A & B specimen), verify it has not been opened, and inspect the expiration date to verify the device is not expired.
6. The collector will instruct the student-athlete to open the outer packaging of the device and remove the collection device from the packaging sleeve.
7. The student-athlete will place the collection pad between the lower cheek and gums and gently rub the pad back and forth along the gum line until the pad is moist
(use each side of mouth if collecting an A and B specimen).
Once moist, the student-athlete will leave the collection pad between cheek and gum for a minimum of five minutes.
8. After the collector verifies the collection pad has been in the student-athlete's mouth for five minutes, the student-athlete is instructed to open the specimen vial in an upright position, with the tip pointed downward, by gently rocking the cap back and forth to avoid spilling the contents.
9. The student-athlete will remove the collection pad from his/her mouth and push it into the specimen vial as far as it will go, and snap the collection wand at the scored line against the side of the vial.
Verify the student-athlete does not tilt the specimen vial or spill the fluid inside.

10. The student-athlete will place the specimen vial cap onto the vial until it snaps, ensuring a secure fit.
11. The collector will take the specimen collection vial and custody and control form (CCF) and instruct the student-athlete to closely observe the specimen processing.
12. If a student-athlete is suspected of manipulating specimens, the institutional collector will collect another specimen from the student-athlete.
13. The specimen processor will seal each vial using the vial seals attached to the CCF; assuring seals are tightly adhered to the vials with no tears or loose areas.
14. The specimen processor must then collect all necessary signatures (validator, student-athlete, and collector/specimen processor) and dates/times where indicated on the CCF.
15. The specimen processor will place the specimen vial and CCF into the specimen bag and securely seal.
16. The student-athlete is then released by the institutional collector.
17. All sealed samples will be secured in a shipping case.
The collector will prepare the case for forwarding.
18. After the collection has been completed, the samples will be forwarded to Clinical Reference Laboratory and copies of any forms forwarded to the Sport Drug Testing Department.
19. The samples then become the property of the client.

If the student-athlete does not comply with the collection process, the institutional collector will notify the appropriate institutional administrator and Drug Free Sport.

Refusal/Failure to be Tested

If a student-athlete fails to show up for the test at the specified time or otherwise fails to provide the sample when requested, he/she will be required to meet with the Head Coach, Head Athletic Trainer and Athletics Director. At this meeting, the student-athlete will be given the opportunity to explain his/her actions. If, as a result of that meeting, the Athletics Director determines that the reason(s) given are not satisfactory, the student-athlete will be suspended immediately for a period of one year from date of refusal and will not be allowed to participate in any practice, conditioning, or weight-training with the team during suspension. The student-athlete will also be considered to have two strikes against him/her in regards to the VCSU Athletics Drug Policy. Any other refusal or failure to be tested and/or positive drug test will result in immediate and permanent suspension from further practices and competition without opportunity for further competition at Valley City State University. Loss of eligibility due to the above reasons may result in the inability to renew any athletic scholarships, and existing scholarships may be subject to cancellation as determined by Director of Athletics.

Reasonable Suspicion

A student athlete may be subject to testing at any time when the Director of Athletics or his/her designee determines there is individualized reasonable suspicion to believe the participant is using a banned substance. Such reasonable suspicion may be based on objective information as determined by the Director of Athletics or by an Associate/Assistant Athletic Director, Head Coach, Assistant Coach, Head Athletic Trainer, Assistant Athletic Trainer, or Team Physician, and deemed reliable by the Director of Athletics or his/her designee. Reasonable suspicion may be found, but not limited to

1. observed possession or use of substances appearing to be prohibited drugs;
2. arrest or conviction for a criminal offense;
3. observed abnormal appearance, conduct or behavior reasonably interpretable as being caused by the use of prohibited drugs or substances. Among the indicators which may be used in evaluating a student-athlete's abnormal appearance, conduct or performance are: class attendance, significant GPA changes, athletic practice attendance, increased injury rate or illness, physical appearance changes, academic/athletic motivational level, emotional condition, mood changes, and legal involvement.

Disclosure of substance abuse/safe harbor

A student-athlete who has engaged in prohibited drug use is encouraged to seek assistance from the athletic training staff by voluntarily disclosing his or her use prior to an announced drug test. The athletic trainer will direct the student-athlete to medical services. If the student-athlete seeks assistance *prior* to being identified as having violated this policy or being notified that he or she must undergo screening, the impermissible use

will not be deemed an offense for purposes of determining sanctions under this policy; however, the student-athlete will be ineligible to participate in intercollegiate sports pending an evaluation. The student-athlete entering the Safe Harbor Program will be required to take a drug test immediately to establish a baseline for follow-up testing. A student-athlete will not be permitted to enter the Safe Harbor Program thirty (30) days prior to NAIA or Conference post-season competition. The student-athlete will be required to undergo an evaluation by the Valley City State University counselor. Valley City State University shall determine the appropriate form(s) of intervention and rehabilitation needed by the student-athlete, based on the circumstances of the case. The counselor will provide a summary of his or her findings and recommendations to the Director of Athletics. The student-athlete will be permitted to remain in the Safe Harbor Program for a reasonable period of time, not to exceed thirty (30) days, as determined by the treatment plan. However, the student-athlete will not be permitted to return to participation in intercollegiate sports until the counselor has interviewed the student-athlete following the conclusion of the recommended treatment (or stage of treatment, as applicable) and has determined that reentry into intercollegiate sports is appropriate. If the counselor deems it necessary, the student-athlete will be required to undergo drug testing as part of the reentry evaluation.

Follow-up Testing

A student-athlete who has returned to participation in intercollegiate sports following a positive drug test under this policy may be subject to follow-up testing. Testing will be unannounced and will be required at a frequency determined by the Athletic Director or his/her designee in consultation with the counselor or specialist involved in the student-athlete's case.

Appeal Process

Student-athletes who test positive for a banned substance by the laboratory retained by the institution may, within 72 hours following receipt of notice of the laboratory finding, contest the finding. Upon the student-athlete's request for additional testing of the sample, the Director of Athletics/designee will formally request the laboratory retained by Valley City State University to perform testing on specimen B. Specimen B findings will be final, subject to the results of any appeal. If specimen B results are negative, the drug test will be considered negative.

Student-athletes who test positive under the terms of this policy will be entitled to a hearing with the Director of Athletics or his/her designee prior to the imposition of any sanction. Requests for such a hearing must be made within forty-eight (48) hours of notification of a positive test result. If the forty-eight hours would end on a weekend, the request must be made by noon on the next business day. Requests must be in writing and received by the Director of Athletics or his/her designee.

The student-athlete may have an advocate or other representative present if the student so desires. However, the student-athlete must present his or her own case. The meeting should take place no more than seventy-two (72) hours after the written request is received. Either the student-athlete or the other parties involved may request an extension of time to the Director of Athletics, who will consider whether to grant the extension upon a showing of good cause. These proceedings shall include an opportunity for the student-athlete to present evidence, as well as to review the results of the drug test. The proceedings shall be confidential. The decision by the Director of Athletics or his/her designee regarding the sanction to be imposed shall be final.

CODE OF STUDENT CONDUCT V520.01

Students of Valley City State University are entitled to fair and equal treatment in access to the program, facilities, and activities of the university, in accordance with the constitution and laws of the United States, the constitution and laws of North Dakota, and the policies of the State Board of Higher Education. Students of the university are entitled to competent academic instruction and fair treatment in academic evaluation. In matters of campus discipline, students are entitled to prompt and fair procedural due process.

Valley City State University is committed to the view that an important purpose of higher education is to develop mature responsible adult citizens and community leaders. Likewise, the university expects that, on or off campus, students will conduct themselves with courtesy, truthfulness, respect for law, and a thoughtful concern for the rights of others.

The VCSU Student Code of Conduct shall apply to conduct that occurs on VCSU premises, at VCSU sponsored activities, and to off-campus conduct that adversely affects the VCSU community and/or the pursuit of its

objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of the degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Vice President for Student Affairs shall decide whether the Student Code shall be applied to conduct occurring off-campus on a case by case basis.

1. BEHAVIOR SUBJECT TO UNIVERSITY DISCIPLINE

1.1 Infringement of the rights of other persons:

- 1.1.1 Physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person.
- 1.1.2 Behavior infringing upon the health or safety of self or other persons.
- 1.1.3 Conduct that is disorderly, lewd or indecent which may include, but is not limited to fighting, engaging in violent behavior, disturbing a lawful assembly, streaking
- 1.1.4 Creating a public disturbance, or interfering with teaching, study, social activities, or recreational activities.
- 1.1.5 Assault or fighting.
- 1.1.6 Hazing, on the part of individuals or campus organizations. Hazing is an act which endangers the mental or physical health or safety of a student, or results in the destruction or removal of public or private property, or which causes physical or psychological discomfort, embarrassment, or humiliation, for the purpose of initiation or admission into, affiliation with, or confirming any form of affiliation, or continued membership in a student organization regardless of a student's willingness to participate in the activity.
- 1.1.7 Attempted or actual theft of/ or damage to property of the university or property of a member of the university community or other personal, or public property, on or off campus or during university related travel.
- 1.1.8 Sexual misconduct including sexual harassment, sexual assault, rape, relationship violence and stalking.

1.2 Abuse or misuse of substances:

- 1.2.1 Possession, sale, dispensation, use or consumption of alcoholic beverages on land or in buildings owned or managed by VCSU or in connection with university sponsored events. Exceptions to the policy are provided for university apartments or as permitted by law with approval of the university president.
- 1.2.2 Use, possession, sale, or distribution of controlled substances or illegal drugs.
- 1.2.3 Behavior while in a state of intoxication that is loud, disruptive, potentially injurious to the health or safety of others or affecting the cleanliness or maintenance of university facilities.
- 1.2.4 Any violation of the VCSU Alcohol Violators Policy.

1.3 Interference with university business, academic processes, or student activities.

- 1.3.1 Obstruction of teaching, disciplinary procedures, social activities, or other scheduled events.
- 1.3.2 Furnishing false information to any university official, faculty member or office.
- 1.3.3 Forgery, alteration, or misuse of any university document, record, or instrument of identification.
- 1.3.4 Misappropriation, or misuse of university property.
- 1.3.5 Vandalism or destruction of property.
- 1.3.6 Unauthorized entry into, or presence within, a university building.
- 1.3.7 Tampering with, or misuse of, fire alarms, fire protection equipment or surveillance equipment.
- 1.3.8 Failure to comply with published instructions, rules or regulations of the university or with the written or verbal instructions of an authorized university official, and/or failure to identify oneself to these persons when requested to do so.
- 1.3.9 Failure to comply with sanctions imposed under the Student Code of Conduct.

1.4 Off Campus Behavior

- 1.4.1 Violation of local, state, or federal law may be treated as a violation of the Code of Student Conduct.
- 1.4.2 Behavior that poses an obvious threat or harm to the health and safety of self or others.

1.4.3 Behavior that impinges on the rights, property or achievements of others or significantly breaches the peace and/or causes social disorder.

1.5 Violation of university residence hall rules and regulations.

1.6 Violation of VCSU Computer and Network Usage Policies.

1.7 Violation of the VCSU Firearms/Weapons Policy.

1.8 Students at Valley City State University have the responsibility to respond to policy violations and may be held responsible if found to be in the presence of a policy violation and fail to do one of two things:

- a. Leave the area where the violation is occurring.
- b. Contact appropriate VCSU staff members or authorities.

2. UNIVERSITY DISCIPLINARY PROCEDURES

2.1 Citations:

2.1.1 A report of a violation of the Student Code of Conduct may be made by a student or faculty or staff member of the university.

2.1.2 The complaint will be filed with the office of the Vice President for Student Affairs on the form supplied by the Vice President's Office.

2.1.3 The Vice President for Student Affairs will refer the report to the appropriate designated University Conduct Officer

2.1.4 The reporting form will be signed by the person submitting the report. Anonymous reports will be accepted and investigated to determine appropriate university action.

2.2 Citations filed in a university residence hall:

2.2.1 Citations filed in a university hall may be initially filed with the Director of Residence Life. The Director of Residence Life, after conducting a proper investigation and hearing may:

- a. Dismiss the allegation,
- b. Assess the appropriate sanction

2.3 University Conduct Officer

2.3.1 University Conduct Officer will:

2.3.1.1 Carry out the conduct process from report to decision in a timely manner.

2.3.1.2 Serve as the investigator, conduct the hearing, render a decision, and impose sanctions.

2.3.1.3 Participate in training

2.3.1.4 Disclose if a conflict of interest exists with either the reporting or responding party, in which case the report will be directed to a different Conduct Officer.

2.3.1.5 Serve a 3 year term

2.4 Vice President for Student Affairs

2.4.1 When a report has been filed, the Vice President for Student Affairs will refer the report to the appropriate designated University Conduct Officer. The University Conduct Officer will meet with both the reporting party and the responding party.

2.4.2 The designated University Conduct Officer, after conducting a proper investigation and hearing may:

- 2.4.2.1 Dismiss the allegation.
- 2.4.2.2 Assess the appropriate sanction

2.4.3 The Vice President for Student Affairs will:

2.4.3.1 Appoint University Conduct Officers for a term of 3 years.

2.4.3.2 Provide University Conduct Officers with training.

2.4.3.4 The Vice President for Student Affairs will maintain complete records of all formal disciplinary proceedings.

2.5 Conduct Process

2.5.1 Conduct Officer receives report and begins investigation.

2.5.2 Conduct Officer identifies alleged code violations, notifies student, and schedules meeting date and time within 3 class days of initial report.

2.5.3 Conduct Officer holds prehearing conference with responding party to review rights and procedures.

2.5.4 Hearing is held, responding party has the opportunity to provide evidence, witnesses, and explanation.

a. During student conduct hearings students have the right to have advisor of their choosing present, including legal counsel. In cases that do not involve potential suspension or expulsion, the advisor may not participate in the hearing. In a hearing that may result in expulsion or suspension, the advisor may participate fully in the conduct hearing, which includes the opportunity to make opening or closing statements, examine and cross examine witnesses, and to provide support, advice and guidance to the student.

2.5.5 Conduct Officer renders decision and notifies student of findings and conditions/sanctions as they apply.

2.5.6 Student may appeal to Vice President for Student Affairs.

2.5.7 See Appendix A: Alleged Code Violation for conduct process

3. SANCTIONS

3.1 Definition:

3.1.1 Sanctions are those penalties which may be imposed by the university upon persons who, in proper hearing processes, have been found to have committed violations of the Code of Student Conduct.

3.2 Sanctions which may be imposed by the university and assigned by the procedural hearing bodies established by Section 2. of this Code are:

3.2.1 Reprimand. Reprimand may be delivered either verbally or in writing. If the reprimand is in writing, a copy shall be retained on file in the Office of the Vice President for Student Affairs.

3.2.2 Conduct probation. Conduct probation indicates that further violation may result in suspension. Conduct probation may not be imposed for more than one year.

3.2.3 Suspension from participation in university-sponsored organizations, events and activities.

3.2.4 University Suspension. A student who is suspended may not enroll for classes for a determined length of time.

3.2.5 University Expulsion. A student who is expelled from the university is permanently barred from the university.

3.2.6 Sanctions including but not limited to counseling, evaluation, restitution, community service, and compensation for theft and damage to person or property may be imposed along with an official university sanction.

3.3 The university reserves the right to suspend immediately and remove from campus without hearing, any student that poses an immediate threat to the health or safety of persons on campus. A properly constituted hearing on the matter will take place as early as possible.

3.4 Registration for subsequent terms or the conferral of academic degrees may be withheld pending the resolution of allegations of student misconduct or until sanctions have been concluded and any conditions imposed by the university have been fulfilled.

4. Non-responsive students

4.1 If the student absents him/herself from campus or does not respond when requested to participate in the disciplinary process, the following steps will be taken.

4.1.1 The designated University Conduct Officer shall make every reasonable effort to locate the student through ordinary channels, including, but not limited to e-mail, hand-delivered letter, and/or phone call.

4.1.2 If the student cannot be located or does not respond, the designated University Conduct Officer will initiate the normal disciplinary procedures in the student's absence.

5. STUDENT APPEALS

5.1 Students have the right to appeal a disciplinary action of the designated University Conduct Officer to the Vice President for Student Affairs. The Vice President for Student Affairs shall not repeat the duties of the designated University Conduct Officer. The appeal shall be limited to a review of the initial hearing and supporting documents (except as required to explain the basis of new evidence) for one or more of the following purposes:

- a. To consider new evidence which may alter the decision.
- b. To determine whether the original hearing was conducted in accordance with published procedures.
- c. To determine whether the sanction(s) imposed were appropriate for the violation.

5.2 Student appeals should be submitted to the Vice President for Student Affairs within 5 class days of the decision in question.

a. See Appendix B: Appeal Process for Conduct Violations for process and potential outcomes

6. CONDUCT RECORDS

6.1 Conduct records are kept on file in the Office of the Vice President for Student Affairs. All conduct records are private and may not be disclosed in whole or in part except as provided by law, or by the written authorization of the student. Conduct records shall be retained separately from the student's educational record. The only disciplinary actions reflected on an official transcript shall be suspension or expulsion.

6.2 Conduct records containing violations that resulted in sanctions of less than suspension or expulsion are retained for a period of three years after a student graduates, withdraws or transfers and are kept in a conduct file in the Vice President for Student Affairs office. In cases where students receive a sanction of suspension or expulsion, records may be retained indefinitely.

ALCOHOL VIOLATORS POLICY

Valley City State University, in accordance with 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 with approval of the president. The VCSU Alcohol Policy applies to students while participating in off-campus university sponsored events including university sponsored travel to or 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 of the room or suite present 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, and/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 will be subject to the following sanctions:

1st Violation:

- a. 8 hours of community service
- b. \$200 fine
- c. Attend alcohol violator's seminar
- d. E-Chug/Choices

2nd Violation:

- a. 15 hours of community service
- b. \$350 fine
- c. Possible alcohol evaluation
- d. Conduct probation for 6 months

3rd Violation:

- a. 25 hours of community service
- b. \$500 fine

- c. Alcohol evaluation required
- d. Conduct probation for 1 calendar year
- OR
- e. Suspension from the University

Hosting: \$150 fine for each resident (present at the party) of the room. (Hosting would be defined as having any non-resident of the room present)

Protocol for dealing with non-VCSU affiliated minors:

- Under 18: Director of Housing or VPSA facilitates phone call to parents to pick up minor
Director of Housing or VPSA reports incident to high school official
- Underage but over 18: Facilitate phone call to taxi or friend to pick student up

Contributions are used for substance abuse programming and awareness activities. Alcohol violations are cumulative throughout the student's enrollment at VCSU.

ILLCIT DRUGS

The illegal possession of paraphernalia or use of compounds that produce hallucinations or illusions when introduced into the body and all compounds covered under federal and state drug control laws are prohibited. They are not allowed on campus or in the residence halls. Individuals who engage in such illegal acts are subject to disciplinary and/or legal action.

To find out more about North Dakota drug laws, visit www.legis.nd.gov.

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

1st Violation:

- a. Parent notification
- b. Conduct probation for six months
- c. \$250 contribution to the Substance Abuse Education Fund
- d. 20 hours of community service
- e. Complete e-toke program

2nd Violation:

- a. Parent Notification
- b. \$375 contribution to the Substance Abuse Education Fund
- c. 30 hours of community service
- d. Conduct probation for one academic year
- OR
- e. Possible suspension
- f. Possible removal from housing

3rd Offense:

- a. 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:

- 1. The violation involved harm or threat of harm to persons or property.
- 2. The violation involved an arrest in which the student was taken into custody.
- 3. The violation resulted in or could result in the student being suspended from the university and/or dismissed from the residence halls.
- 4. The student has shown a pattern of violations.

5. 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 parent prior to notification. A record of the notification will be kept on file in the student's record.

CODE OF STUDENT CONDUCT V520.01

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- 1.1.2. Behavior infringing upon the health or safety of self or other persons.
- 1.1.3. Conduct that is disorderly, lewd or indecent which may include, but is not limited to fighting, engaging in violent behavior, disturbing a lawful assembly, streaking
- 1.1.4. Creating a public disturbance, or interfering with teaching, study, social activities, or recreational activities.
- 1.1.5. Assault or fighting.
- 1.1.6. Hazing, on the part of individuals or campus organizations. Hazing is an act which endangers the mental or physical health or safety of a student, or results in the destruction or removal of public or private property, or which causes physical or psychological discomfort, embarrassment, or humiliation, for the purpose of initiation or admission into, affiliation with, or confirming any form of affiliation, or continued membership in a student organization regardless of a student's willingness to participate in the activity.
- 1.1.7. Attempted or actual theft of/or damage to property of the university or property of a member of the university community or other personal, or public property, on or off campus or during university related travel.
- 1.1.8. Sexual misconduct including sexual harassment, sexual assault, rape, relationship violence and stalking.

1.2. Abuse or misuse of substances:

- 1.2.1. Possession, sale, dispensation, use or consumption of alcoholic beverages on land or in buildings owned or managed by VCSU or in connection with university sponsored events. Exceptions to the policy are provided for university apartments or as permitted by law with approval of the university president.
- 1.2.2. Use, possession, sale, or distribution of controlled substances or illegal drugs.

- 1.2.3. Behavior while in a state of intoxication that is loud, disruptive, potentially injurious to the health or safety of others or affecting the cleanliness or maintenance of university facilities.
- 1.2.4. Any violation of the VCSU Alcohol Violators Policy.
- 1.2.5. Interference with university business, academic processes, or student activities.
- 1.2.6. Obstruction of teaching, disciplinary procedures, social activities, or other scheduled events.
- 1.2.7. Furnishing false information to any university official, faculty member or office.
- 1.2.8. Forgery, alteration, or misuse of any university document, record, or instrument of identification.
- 1.2.9. Misappropriation, or misuse of university property.
- 1.2.10. Vandalism or destruction of property.
- 1.2.11. Unauthorized entry into, or presence within, a university building.
- 1.2.12. Tampering with, or misuse of, fire alarms, fire protection equipment or surveillance equipment.
- 1.2.13. Failure to comply with published instructions, rules or regulations of the university or with the written or verbal instructions of an authorized university official, and/or failure to identify oneself to these persons when requested to do so.
- 1.2.14. Failure to comply with sanctions imposed under the Student Code of Conduct.
- 1.3. Off Campus Behavior
 - 1.3.1. Violation of local, state, or federal law may be treated as a violation of the Code of Student Conduct.
 - 1.3.2. Behavior that poses an obvious threat or harm to the health and safety of self or others.
 - 1.3.3. Behavior that impinges on the rights, property or achievements of others or significantly breaches the peace and/or causes social disorder.
- 1.4. Violation of university residence hall rules and regulations.
- 1.5. Violation of VCSU Computer and Network Usage Policies.
- 1.6. Violation of the VCSU Firearms/Weapons Policy.
- 1.7. Students at Valley City State University have the responsibility to respond to policy violations and may be held responsible if found to be in the presence of a policy violation and fail to do one of two things:
 - a. Leave the area where the violation is occurring.
 - b. Contact appropriate VCSU staff members or authorities.
2. UNIVERSITY DISCIPLINARY PROCEDURES
 - 2.1. Citations:
 - 2.1.1. A report of a violation of the Student Code of Conduct may be made by a student or faculty or staff member of the university.
 - 2.1.2. The complaint will be filed with the office of the Vice President for Student Affairs on the form supplied by the Vice President's Office.
 - 2.1.3. The Vice President for Student Affairs will refer the report to the appropriate designated University Conduct Officer
 - 2.1.4. The reporting form will be signed by the person submitting the report. Anonymous reports will be accepted and investigated to determine appropriate university action.
 - 2.2. Citations filed in a university residence hall:
 - 2.2.1. Citations filed in a university hall may be initially filed with the Director of Residence Life. The Director of Residence Life, after conducting a proper investigation and hearing may:
 - a. Dismiss the allegation,
 - b. Assess the appropriate sanction
 - 2.3. University Conduct Officer
 - 2.3.1. University Conduct Officer will:
 - 2.3.1.1. Carry out the conduct process from report to decision in a timely manner.

- 2.3.1.2. Serve as the investigator, conduct the hearing, render a decision, and impose sanctions.
- 2.3.1.3. Participate in training
- 2.3.1.4. Disclose if a conflict of interest exists with either the reporting or responding party, in which case the report will be directed to a different Conduct Officer.
- 2.3.1.5. Serve a 3 year term
- 2.4. Vice President for Student Affairs
 - 2.4.1. When a report has been filed, the Vice President for Student Affairs will refer the report to the appropriate designated University Conduct Officer. The University Conduct Officer will meet with both the reporting party and the responding party.
 - 2.4.2. The designated University Conduct Officer, after conducting a proper investigation and hearing may:
 - 2.4.2.1. Dismiss the allegation.
 - 2.4.2.2. Assess the appropriate sanction
 - 2.4.3. The Vice President for Student Affairs will:
 - 2.4.3.1. Appoint University Conduct Officers for a term of 3 years.
 - 2.4.3.2. Provide University Conduct Officers with training.
 - 2.4.3.3. The Vice President for Student Affairs will maintain complete records of all formal disciplinary proceedings.
- 2.5. Conduct Process
 - 2.5.1. Conduct Officer receives report and begins investigation.
 - 2.5.2. Conduct Officer identifies alleged code violations, notifies student, and schedules meeting date and time within 3 class days of initial report.
 - 2.5.3. Conduct Officer holds prehearing conference with responding party to review rights and procedures.
 - 2.5.4. Hearing is held, responding party has the opportunity to provide evidence, witnesses, and explanation.
 - a. During student conduct hearings students have the right to have advisor of their choosing present, including legal counsel. In cases that do not involve potential suspension or expulsion, the advisor may not participate in the hearing. In a hearing that may result in expulsion or suspension, the advisor may participate fully in the conduct hearing, which includes the opportunity to make opening or closing statements, examine and cross examine witnesses, and to provide support, advice and guidance to the student.
 - 2.5.5. Conduct Officer renders decision and notifies student of findings and conditions/sanctions as they apply.
 - 2.5.6. Student may appeal to Vice President for Student Affairs.
 - 2.5.7. See Appendix A: Alleged Code Violation for conduct process
- 3. SANCTIONS
 - 3.1. Definition:
 - 3.1.1. Sanctions are those penalties which may be imposed by the university upon persons who, in proper hearing processes, have been found to have committed violations of the Code of Student Conduct.
 - 3.2. Sanctions which may be imposed by the university and assigned by the procedural hearing bodies established by Section 2. of this Code are:
 - 3.2.1. Reprimand. Reprimand may be delivered either verbally or in writing. If the reprimand is in writing, a copy shall be retained on file in the Office of the Vice President for Student Affairs.
 - 3.2.2. Conduct probation. Conduct probation indicates that further violation may result in suspension. Conduct probation may not be imposed for more than one year.

- 3.2.3. Suspension from participation in university-sponsored organizations, events and activities.
- 3.2.4. University Suspension. A student who is suspended may not enroll for classes for a determined length of time.
- 3.2.5. University Expulsion. A student who is expelled from the university is permanently barred from the university.
- 3.2.6. Sanctions including but not limited to counseling, evaluation, restitution, community service, and compensation for theft and damage to person or property may be imposed along with an official university sanction.
- 3.3. The university reserves the right to suspend immediately and remove from campus without hearing, any student that poses an immediate threat to the health or safety of persons on campus. A properly constituted hearing on the matter will take place as early as possible.
- 3.4. Registration for subsequent terms or the conferral of academic degrees may be withheld pending the resolution of allegations of student misconduct or until sanctions have been concluded and any conditions imposed by the university have been fulfilled.
- 4. Non-responsive students
 - 4.1. If the student absents him/herself from campus or does not respond when requested to participate in the disciplinary process, the following steps will be taken.
 - 4.1.1. The designated University Conduct Officer shall make every reasonable effort to locate the student through ordinary channels, including, but not limited to e-mail, hand-delivered letter, and/or phone call.
 - 4.1.2. If the student cannot be located or does not respond, the designated University Conduct Officer will initiate the normal disciplinary procedures in the student's absence.
- 5. STUDENT APPEALS
 - 5.1. Students have the right to appeal a disciplinary action of the designated University Conduct Officer to the Vice President for Student Affairs. The Vice President for Student Affairs shall not repeat the duties of the designated University Conduct Officer. The appeal shall be limited to a review of the initial hearing and supporting documents (except as required to explain the basis of new evidence) for one or more of the following purposes:
 - a. To consider new evidence which may alter the decision.
 - b. To determine whether the original hearing was conducted in accordance with published procedures.
 - c. To determine whether the sanction(s) imposed were appropriate for the violation.
 - 5.2. Student appeals should be submitted to the Vice President for Student Affairs within 5 class days of the decision in question.
 - a. See Appendix B: Appeal Process for Conduct Violations for process and potential outcomes
- 6. CONDUCT RECORDS
 - 6.1. Conduct records are kept on file in the Office of the Vice President for Student Affairs. All conduct records are private and may not be disclosed in whole or in part except as provided by law, or by the written authorization of the student. Conduct records shall be retained separately from the student's educational record. The only disciplinary actions reflected on an official transcript shall be suspension or expulsion.
 - 6.2. Conduct records containing violations that resulted in sanctions of less than suspension or expulsion are retained for a period of three years after a student graduates, withdraws or transfers and are kept in a conduct file in the Vice President for Student Affairs office. In cases where students receive a sanction of suspension or expulsion, records may be retained indefinitely.

PROHIBITED DISCRIMINATION, PROTECTED STATUS HARASSMENT, HOSTILE ENVIRONMENT AND OTHER MISCONDUCT V520.02

I. Purpose and Scope

Valley City State University (VCSU) is committed to providing a safe, inclusive, and respectful, living and working environment for its students, faculty and staff members. To this end, this policy applies to prohibited discrimination, protected status harassment, hostile environment, and other misconduct not covered by the Title IX Sexual Harassment Policy.

II. Definitions

These definitions apply to terms as they are used in this policy.

- A. **Advisor:** Either an attorney or non-attorney advocate who advises a student during the conduct proceedings. Advisors are permitted in proceedings not involving academic misconduct which could result in the suspension or expulsion of a student.
- B. **Aiding prohibited conduct:** A person aids prohibited conduct, if with the intent to promote or facilitate such conduct, that person helps another person commit the prohibited conduct.
- C. **Appeals Authority:** the individual appointed by VCSU to consider appeals.
- D. **Attempting to commit prohibited conduct:** A person attempts to commit prohibited conduct, if with the intent to commit such conduct, that person engages in conduct directly tending toward completion of the prohibited conduct.
- E. **Complainant:** A person who is the subject of a report or initiates a formal complaint of prohibited conduct under these procedures will be designated as the “complainant.” Both the complainant and respondent are referred to as “party” or “parties” throughout this policy.
- F. **Confidential resources:** Confidential resources do not have an obligation to report prohibited conduct to VCSU and will not do so without the explicit consent of the complaining party. VCSU’s confidential resources are:
 - **VCSU Health and Counseling Services**
Director of Counseling Services; Licensed Clinical Counselor
McFarland 424
701-845-7424
 - **VCSU Health Services**
Director of Health Services
Mythaler Hall, first floor
701-845-7212
 - **Abused Persons Outreach Center (APOC)**
Victim Services and Prevention Coordinator
701-845-0078
 - **F-M Rape and Abuse Crisis Center**
701-293-7273 (available 24 hours)
www.raccfm.com
 - **The Village (For Employees)**
Employee Assistance Program
1-800-627-8220
www.VillageEAP.com

- G. **Consent:** Voluntary, active and clear agreement, communicated by words or actions, to participate in specific sexual activity. Consensual sexual activity happens when each participant willingly chooses to participate.

In cases where a complainant asserts that sexual activity occurred without consent, the standard is whether a sober, reasonable person in the same circumstances as the respondent should have known that the complainant did not or could not consent to the sexual activity in question.

In cases where a complainant asserts that sexual activity occurred without consent, the standard is whether a sober, reasonable person in the same circumstances as the respondent should have known that the complainant did not or could not consent to the sexual activity in question.

In North Dakota, the legal age of consent is 18. This means that there can be no consent when one participant in the sexual activity is under the legal age of consent and any other participant is at or over the legal age of consent.

Section III explains consent in further detail.

- H. **Domestic partners:** Domestic partners are unmarried couples living together in a long-term relationship.
- I. **Force or threat of force:** The use of force or violence, or the threat of force or violence, including, but not limited to: (1) when the respondent threatens to use force or violence on the complainant or on any other person, and the complainant under the circumstances reasonably believes that the respondent has the ability to execute that threat; or (2) when the respondent has overcome the complainant by use of superior strength or size, physical restraint or physical confinement.
- J. **Hostile environment:** A hostile environment exists when conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits or deprives an individual's participating in or benefiting from the University's education or employment programs or activities. Conduct must be deemed severe, persistent, or pervasive in a way that a reasonable person would find abusive, hostile, or offensive.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances. Factors in this consideration may include, but are not limited to:

1. The frequency, nature, and severity of the conduct;
2. Whether the conduct was physically threatening;
3. The effect of the conduct on the complainant's mental or emotional state;
4. Whether the conduct was directed at more than one person;
5. Whether the conduct arose in the context of other discriminatory conduct;
6. Whether there is a power differential between the parties; and
7. Whether the conduct implicates concerns related to academic freedom or protected speech.

Because of protections afforded by academic freedom, speech and other expression occurring in the context of instruction or research will not be considered hostile unless this speech or expression also meets one or both of the following criteria:

1. It is meant to be either abusive or humiliating toward a specific person or persons, and/or
2. It persists despite the reasonable objection of the person or persons targeted by the speech.

- K. **Interim measures:** Interim measures are individualized services offered as appropriate to either or both the complainant and respondent involved in an alleged incident of misconduct, prior to an investigation or while an investigation is pending. Interim measures include counseling, modifications of work or class schedules, restrictions on contact between the parties, increased security and monitoring of certain areas of campus, and other similar accommodations.

As measures needed by each party may change over time, VCSU will communicate with each party throughout the investigation to ensure that any interim measures may be modified, supplemented or withdrawn before, during or after the final outcome of any investigation.

- L. **Physical abuse:** Physical abuse includes sexual abuse and means any of the following: (1) the knowing or reckless use of physical force, confinement, or restraint; (2) knowing, repeated, and unnecessary sleep deprivation; and/or (3) knowing or reckless behavior that creates an immediate risk of physical harm.

Physical abuse also includes the willful, purposeful denial of medication, medical care, shelter, food, or other assistance to a person who requires such things because of age, health or disability, thereby putting that person at risk of physical, mental, or emotional harm.

- M. **Prohibited conduct:** Prohibited conduct includes, but is not limited to: aiding prohibited conduct, attempting to commit prohibited conduct, discrimination, protected status harassment, hostile environment, physical abuse, sexual exploitation, and violating an interim measure.
- N. **Prohibited Discrimination:** Sex, race, color, religion, physical or mental disability, pregnancy, status with regard to marriage or public assistance, sexual orientation, participation in lawful activity, or genetic information are Equal Education and Employment Opportunity (EEEE) protected classes. Prohibited discrimination occurs when an employment or academic decision that results in negative and/or different treatment of an individual based upon his or her membership in an EEEO-protected class, such as denying an opportunity that is open to others, singling a person or group for different treatment because of her, his or their EEEO-protected class status, failure to provide reasonable accommodation for a disability or religious belief or practice; reinforcing the use of stereotypes that unreasonably impacts a person's environment or opportunities.
- O. **Protected Status Harassment:** When an individual is targeted with verbal, written, visual, or physical conduct based on that person's EEEO-protected class status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working, learning, living, or social environment.

Protected-status harassment occurs when an individual is targeted with verbal, written, visual, or physical conduct based on that person's EEEO-protected status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working, learning, living, or social environment. The conduct constitutes harassment under any of the following conditions:

1. The conduct is direct.
2. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.
3. Submission to, or rejection of, such conduct by an individual is used as the basis for an employment or academic decision affecting that person.
4. The conduct is sufficiently severe or pervasive to alter the conditions of the complainant's employment or academic pursuits and creates a work or educational environment that a reasonable person would find abusive.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create an environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to: offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

1. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.

2. The victim does not have to be the person harassed but can be anyone affected by the offensive conduct.
3. Unlawful harassment may occur without economic injury to, or discharge of, the complainant.

P. **Respondent:** A person accused of conduct prohibited by this policy and does not imply pre-judgment.

Q. **Retaliation:** Adverse action taken against an individual for making a good faith report of prohibited conduct or participating in any investigation or proceeding under the procedures. Retaliation may include: intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the respondent, the complainant, or any other individual or group of individuals. Retaliation does not include good faith actions pursued in response to a report of prohibited conduct.

Acts of alleged retaliation should be reported immediately to VCSU and will be promptly investigated.

R. **Right to an advisor:** In conduct proceedings that may result in suspension or expulsion, a student or student organization has the right to be represented, at the student or student organization's expense, by an advisor of its choice

S. **Sanctions:** Penalties which may be imposed by VCSU upon persons who, in proper hearing processes, have been found to have committed violations of the Code of Student Conduct.

T. **Sexual contact:** Any touching, however slight, with any object or body part, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission or urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.

U. **Sexual exploitation:** Sexual exploitation is taking advantage of another person without consent.

Examples include, but are not limited to:

1. Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
2. Making, sharing, posting, streaming, or otherwise distributing any image, photography, video, or audio recording depicting or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded.
3. Exposing one's genitals to another person without the consent of that person;
4. Prostituting another person;
5. Exposing another person to sexually transmitted infection without the knowledge and consent of the person exposed; and
6. Causing another person to become incapacitated with the intent to making that person vulnerable to nonconsensual sexual assault or sexual exploitation.

V. **Staff:** An employee at VCSU who is not a faculty member. The following administrative positions are considered staff for purposes of this policy: President, Vice-Presidents, Chief Information Officer, Director of Marketing, Athletic Director, Director of the Foundation, coaches, and assistant coaches.

W. **Student:** The term student will be interpreted to mean any person, whether or not incidentally on VCSU's payroll, who is currently registered with VCSU as a degree or non-degree-seeking candidate.

The term student will be interpreted also to mean persons not officially registered, and not faculty members or other University employees, if they are:

1. Currently enrolled in or taking classes at the University; or
2. Currently using University facilities or property, or the property of a University-related residential organization, in connection with academic activities; or
3. Currently on suspension from being a student of the University.

- X. **Violating an Interim Measure:** A person violates an interim measure if the measure is an order by a VCSU official and the person to whom the order applies knowingly violates any of the conditions of the order. One common example of an order by a VCSU official is a “no-contact” order.

III. Consent

A. What is Consent?

Consent means voluntary, active and clear agreement, communicated by words or actions, to participate in specific sexual activity. Consensual sexual activity happens when each participant willingly chooses to participate. It is the responsibility of the person who wants to engage in a sexual activity to obtain the consent of the other person for that sexual activity. Consent may also be withdrawn or modified at any time by the use of clearly understandable words or actions.

1. In cases where a victim asserts that sexual activity occurred without consent, the standard is whether a sober, reasonable person in the same circumstances as the accused should have known that the victim did not or could not consent to the sexual activity in question.
2. The definition of consent does not vary based upon a person’s sex, sexual orientation, gender identity, or gender expression.
3. Consent is best obtained through direct communication about the decision to engage in specific sexual activity. Consent need not be verbal, but verbal communication is the most reliable and effective way to seek, assess, and obtain consent. Non-verbal communication often is ambiguous. For example, heavy breathing can be a sign of arousal, but it also can be a sign of distress. To be sure, talking with sexual partners about desires, intentions, boundaries and limits can be uncomfortable, but it serves as the best foundation for respectful, healthy, positive and safe intimate relationships.
4. When consent is withdrawn or can no longer be given, sexual activity must stop.

B. What is not Consent?

Consent cannot be obtained by threat of harm, coercion, intimidation, or by use or threat of force.

The lack of explicit consent does not imply consent and likewise, the lack of verbal or physical resistance does not constitute consent. Thus, silence, passivity, submission, and/or the lack of resistance (including the absence of the word “no”) do not—in and of themselves—constitute consent.

The following are factors in determining consent:

1. The existence of a romantic or sexual relationship does not, in and of itself, constitute consent.
2. Consent on a prior occasion does not constitute consent on a subsequent occasion.
3. Consent to one sexual act does not constitute consent on a subsequent occasion.
4. Consent to sexual activity with one person does not constitute consent to engage in sexual activity with another.
5. Consent cannot be inferred from a person’s manner of dress or other contextual factors, such as alcohol consumption, dancing, or agreement to go to a private location like a bedroom.
6. Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
7. Silence, passivity, or lack of resistance alone or in combination does not constitute consent.
8. Incapacitation by the person initiating sexual activity does not in any way lessen his or her obligation to obtain consent.
9. Consent may be withdrawn at any time.

C. Incapacitation

Consent cannot be obtained from someone who is unable to understand the nature of the activity or give knowing consent due to circumstances. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity, i.e., when a person’s perception and/or judgment is so impaired that the person lacks the cognitive capacity to make or act on conscious decisions, including without limitation the following circumstances:

1. The person is incapacitated due to the use or influence of alcohol or drugs, or due to a mental disability. Alcohol and drugs can impair judgment and decision-making capacity, including the ability to rationally consider the consequences of one’s actions. The effects of alcohol and drug consumption often occur along a continuum. For example, alcohol intoxication can result in a broad range of effects, from relaxation and lowered inhibition to euphoria and memory

impairment, and to disorientation and incapacitation. Incapacitation due to alcohol or drug use is a state beyond “mere” intoxication or even being drunk. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can also experience a blackout state during which he or she appears to give consent but does not have conscious awareness or the capacity to consent. Some medical conditions also can cause incapacitation.

2. The person is asleep or unconscious.
3. The person is under the legal age of consent. In North Dakota, the legal age of consent is 18. This means that there can be no consent when one participant in the sexual activity is under the legal age of consent and any other participant is at or over the legal age of consent.

In sum, an act will be deemed non-consensual if a person engages in sexual activity with an individual who is incapacitated, and who the person knows or reasonably should know is incapacitated, or with an individual who is asleep, unconscious, or under the legal age of consent.

D. Other Important Points regarding Consent

1. The existence of a romantic or sexual relationship does not, in and of itself, constitute consent.
2. Consent on a prior occasion does not constitute consent on a subsequent occasion.
3. Consent to one sexual act does not constitute consent to another sexual act.
4. Consent to sexual activity with one person does not constitute consent to engage in sexual activity with another.
5. Consent cannot be inferred from a person’s manner of dress or other contextual factors, such as alcohol consumption, dancing, or agreement to go to a private location like a bedroom.
6. Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
7. Silence, passivity, or lack of resistance alone or in combination does not constitute consent.
8. Incapacitation by the person initiating sexual activity does not in any way lessen his or her obligation to obtain consent.
9. Consent may be withdrawn at any time.

E. Incapacitation

Consent cannot be obtained from someone who is unable to understand the nature of the activity or give knowing consent due to circumstances. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity, i.e., when a person’s perception and/or judgment is so impaired that the person lacks the cognitive capacity to make or act on conscious decisions, including without limitation the following circumstances:

1. The person is incapacitated due to the use or influence of alcohol or drugs, or due to a mental disability. Alcohol and drugs can impair judgment and decision-making capacity, including the ability to rationally consider the consequences of one’s actions. The effects of alcohol and drug consumption often occur along a continuum. For example, alcohol intoxication can result in a broad range of effects, from relaxation and lowered inhibition to euphoria and memory impairment, and to disorientation and incapacitation. Incapacitation due to alcohol or drug use is a state beyond “mere” intoxication or even being drunk. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can also experience a blackout state during which he or she appears to give consent but does not have conscious awareness or the capacity to consent. Some medical conditions also can cause incapacitation.
2. The person is asleep or unconscious.
3. The person is under the legal age of consent. In North Dakota, the legal age of consent is 18. This means that there can be no consent when one participant in the sexual activity is under the legal age of consent and any other participant is at or over the legal age of consent.

In sum, an act will be deemed non-consensual if a person engages in sexual activity with an individual who is incapacitated, and who the person knows or reasonably should know is incapacitated, or with an individual who is asleep, unconscious, or under the legal age of consent.

IV. Prohibited Discrimination, Protected Status Harassment, Hostile Environment, and Other Misconduct Policy

A. VCSU's Objectives

VCSU is committed to respondent to complainants of discrimination, harassment, and other misconduct. VCSU is also committed to providing prompt, fair, and impartial processes for all parties when such prohibited conduct is alleged.

B. Prohibited Conduct

Prohibited conduct, includes, but is not limited to: aiding prohibited conduct, attempting to commit prohibited conduct, discrimination, protected status harassment, hostile environment, physical abuse, sexual exploitation, and violating an interim measure.

C. Sexual Misconduct

Sexual misconduct encompasses a range of conduct. Sexual Misconduct includes sexual acts. Sexual acts include, but are not limited to the following actions:

1. Sexual intercourse;
2. Sodomy (oral and/or anal);
3. Sexual penetration with any object;
4. Sexual touching of a person's intimate parts (genitalia, groin, breasts, buttocks, mouth or other bodily orifice or the clothing covering them); or
5. Compelling a person to touch his or her own or another person's intimate parts.

Sexual misconduct ranges from sexual assault (a criminal act that the U.S. Department of Education defines as a form of sexual harassment) to conduct such as sex-oriented remarks or jokes, pressures or demands for sexual favors, implied or overt promises or threats, unwanted touching or persistent unwelcome comments, e-mails, or pictures of an insulting or degrading sexual nature, which may constitute unlawful harassment depending upon the specific circumstances and context in which the conduct occurs. For example, sexual advances, requests for sexual favors, or sexually directed remarks or behavior constitute sexual harassment when:

1. Submission to or rejection of such conduct is made, explicitly or implicitly, a basis for an academic or employment decision, or term or condition or either; or
2. Such conduct directed against an individual persists despite its rejection.

This policy does not apply to full range of sexual misconduct. This policy applies to misconduct not covered under Title IX Sexual Harassment Policy.

D. Consensual Relationships

At times, consensual relationships may form and exist. The relative positions of the individuals involved in the relationship will determine, what if any necessary action must be taken. In all cases, the person in the position of greater institutional authority must promptly report to his/her department chair, supervisor, supervising vice president, and President the sexual or romantic relationship so that VCSU may, in accord with policy, assist in separating the professional relationship from the intimate relationship.

1. Undergraduate Students

Trust is essential to sound relationships between individuals of inherently unequal power. Those who teach are entrusted with guiding students, evaluating their work, giving grades for papers and courses, and recommending students to colleagues. Students depend on the integrity of their relationships with those instructors and understandably expect instructors to exercise their authority fairly. The teacher-student relationship must not be jeopardized by possible doubt of intent or fairness of professional judgment, conflicts of interest, harassment, or the appearance to others of favoritism or advantage.

In general, undergraduate students and faculty are vastly different groups of people with regard to age, scope of life experiences, developmental status, and vulnerability. These differences impart greater obligations to those with more institutional authority. In the interests of prudence and fostering a campus environment free of sexual harassment and discrimination, this policy prohibits sexual and/or romantic relationships between faculty and undergraduates at

the University regardless of whether an instructional, mentoring, research, or other University-based relationship exists or may reasonably be expected to exist in the future.

This policy prohibits sexual and/or romantic relationships between staff or employees and undergraduates at VCSU.

This policy also prohibits a graduate student with an academic teaching or academic supervisory role (such as teaching assistant, lecturer, or research assistant) from having a sexual and/or romantic relationship with an undergraduate student whom he or she teaches or supervises during the duration of the teaching or supervisory relationship. For example, a graduate student serving as a teaching assistant may not have a sexual and/or romantic relationship with an undergraduate student during the duration of the course for which the graduate student is serving in that role.

In addition, this policy prohibits coaches, paid and volunteer, of varsity teams and sport clubs from having sexual and/or romantic relationships with undergraduate students on their teams as well as students not on their teams.

2. Graduate Students

Graduate students generally are older and have had more developmental opportunities and life experiences than undergraduates. As a result, the parameters of acceptable romantic or sexual relationships between faculty and graduate students are different than those between faculty and undergraduate students. Although not per se prohibited, relationships between graduate students and faculty must occur within boundaries designed to ensure fairness and minimize the inappropriate exercise of authority. Often third-party witnesses to such a relationship or suspected relationship want the department chair to address the matter but remain silent out of fear of reprisal. Such individuals are encouraged to come forward and are reminded that the policy is to remove the professional connections between the members of the couple.

Thus, a faculty member is required to promptly report to his/her chair and the Vice President for Academic Affairs for the University a romantic or sexual relationship with a graduate student whom she or he teaches, advises, supervises, mentors, recommends for awards, or employment, etc. or may reasonably expect to teach, advise, etc. in the future. The chair will then work with the Human Resource Director to develop and implement a plan to mitigate actual and perceived favoritism and conflicts of interest by establishing an instructional and supervisory arrangement in which all relevant parties may have confidence.

Faculty must keep in mind that a graduate student's initial consent to a romantic relationship does not preclude a charge of sexual misconduct in the future. While there may be no apparent impediment to a sexual and/or romantic relationship between a faculty member and a graduate student outside each one's disciplinary realm, students' academic interests and pursuits often shift. Beliefs about what is consensual may also shift over time. What may appear to be consensual at one point may subsequently be interpreted as coercive, especially in hindsight and after the end of the relationship. The inherent power differential between a faculty member and a graduate student heightens the risks inherent in such relationships, prompting VCSU to advise strongly against them altogether even in the absence of a perceived or real conflict of interest.

In addition, any graduate student with an academic teaching or academic supervisory role is prohibited from having sexual and/or romantic relationship with a student whom he or she teaches or supervises during the duration of the teaching or supervisory relationship (e.g., a graduate student serving as a lecturer may not have a sexual and/or romantic relationship with a student who is enrolled in that course during the duration of the course).

3. Other Imbalances of Power within the University

There are multiple imbalances of power within the University. Examples of an unequal power dynamic include supervisor-subordinate, senior faculty member-junior faculty member, mentor-mentee, advisor-advisee, and teaching assistant-student. While not per se prohibited, romantic

and sexual relationships must occur within boundaries designed to ensure fairness and minimize the inappropriate exercise of authority. University's Nepotism Policies speak to some of these situations, and basic ethics and expectations of professionalism may also apply. (See Section VII. C. Related University Policy.)

4. Pre-existing Domestic Partner Relationships Permitted

Pre-existing domestic partner relationships are permitted. A pre-existing domestic partner relationship is a long-term committed relationship that existed prior to registering as a student. For example, a domestic partner of a faculty member may be an undergraduate student at the University without repercussion.

Those who are involved in a pre-existing domestic partner relationship must report the relationship to the department chair, supervisor, the supervising Vice President, and the President.

E. Application

This policy applies to prohibited conduct on any campus of the University, on any other property or facility used by it for educational purposes, or on the property of a University-related residential organization.

All actions by a student that involve the use of VCSU computing and network resources from a remote location, including, but not limited to accessing email accounts, will be deemed to have occurred on campus.

This policy will apply regardless of the location of the conduct where the President, or other VCSU appointed designee determines that either:

1. The alleged prohibited conduct has occurred in the context of a VCSU program or activity; or
2. The conduct poses a substantial threat to VCSU's educational mission or the health or safety of VCSU community members, including potentially contributing to or creating a hostile environment on any campus of the University.

F. Time to File Formal Complaints

To promote timely and effective review, VCSU strongly encourages complainants and other persons with knowledge of possible violations of this policy to make reports as soon as possible, ideally within sixty days of the alleged prohibited conduct. A delay in reporting may affective VCSU's ability to gather relevant and reliable information, contact witnesses, investigate thoroughly, and respond meaningfully. It may also affect VCSU's ability to take disciplinary action against a student who has engaged in prohibited conduct.

While prompt reporting is encouraged, VCSU will consider as timely any formal complaint that is filed under these procedures. However, VCSU is limited and cannot consider a complaint against a student respondent if the respondent is no longer a student as defined by this policy, (e.g., has graduate or permanently left VCSU).

If the respondent is no longer a student at the time of the formal complaint, and VCSU is, thus, unable to pursue resolution, VCSU will provide interim measures for the complainant.

G. Retaliation and Bad Faith Complaints

VCSU prohibits retaliation by its faculty, staff, or students against a person who exercises his or her rights or responsibilities under this policy. Any act of retaliation may be a separate violation of this policy and is subject to sanctions or discipline set forth in the Student Code of Conduct and Employee Code of Conduct.

At the same time, an individual who believes that they are aggrieved because a complaint under this policy is malicious, knowingly false, or fundamentally frivolous, may make a complaint. A party who brings such a bad faith complaint may be found to have violated this policy's prohibition against retaliation.

H. Others Who Violate this Policy May be Banned

Others found to have violated this policy may be banned from campus and/or otherwise restricted from attending or participating in University activities and programs.

I. Encouragement to Report and Seek Medical Care

Sexual misconduct can be devastating to the person who experiences it directly and can adversely impact family, friends, and the larger community. Regardless of the definitions provided above, people who believe they have experienced any sexual misconduct are encouraged to report the incident and to seek medical care and support as soon as possible.

J. Recommendations for Complainant

A guiding principle in the reporting of misconduct is to avoid possible re-victimizing of the complainant by forcing the individual into any plan of actions. It is recommended that a person consider each of the following:

1. Finding a location where re-victimization will not occur;
2. Avoiding the destruction of evidence by bathing, douching, changing clothes, or cleaning up in any way. Preserve evidence in a paper bag for possible future action. Also, keep copies of emails, text messages, and voice messages;
3. Pursuing medical treatment;
4. Pursuing counseling services with appropriate agencies (e.g., University counselor, Employee Assistance Program (EAP), or private providers). Calling someone that is known and trusted, such as a friend or counselor, and discussing with this person the misconduct can help.

V. General Reporting Guidelines

All members of the VCSU community who have been subjected to prohibited conduct have the right to make a report to VCSU, local law enforcement, and/or state police, or choose not to report.

A. Confidential Resources

There are confidential resources for individuals who are unsure whether to report misconduct or who seek counseling or other emotional support in addition to or without, making a report to VCSU. For confidential support, one can seek assistance from the following:

- VCSU Health and Counseling Services
Director of Counseling Services; Licensed Clinical Counselor
McFarland 424
701-845-7424
- VCSU Health Services
Director of Health and Wellness Services
Mythaler Hall, first floor
701-845-7305
- Abused Persons Outreach Center (APOC)
Victim Services and Prevention Coordinator
701-845-0078
- F-M Rape and Abuse Crisis Center
701-293-7273 (available 24 hours)
www.raccfm.com
- The Village (For Employees)
Employee Assistance Program
1-800-627-8220
www.VillageEAP.com

Conversations with VCSU Health and Counseling Services are kept strictly confidential and, except in rare circumstances, will not be shared without explicit permission. While conversations are confidential, these employees are required by federal law to report that an incident occurred. The employees will not convey any personally identifiable information to the Vice President for Student Affairs or any other VCSU officials; however, they may share with the Vice President for Student Affairs de-identified statistical or other information regarding prohibited conduct under this policy.

Medical and counseling records are privileged and confidential documents that parties will not be required to disclose.

B. Reports to VCSU

After a report is received by the Vice President for Student Affairs, the Vice President for Student Affairs will determine who will conduct the investigation. If the Vice President for Student Affairs is the subject of the complaint, the Human Resource Director will assume the Vice President for Student Affairs' role. The Vice President for Student Affairs is responsible for the overall coordination and oversight of all student misconduct complaints to ensure consistent practices in handling complaints. The appointed investigator will contact the complainant, if known, or another individual reporting the prohibited conduct to offer support services, including assistance with academic, housing, transportation, employment, and other reasonable and available accommodations. The individual will also be advised of the option to pursue a formal complaint.

Reporting an incident to the Vice President for Student Affairs is private, and it does not mean the person who experienced misconduct somehow loses control of the process. To the contrary, the Vice President for Student Affairs is here to advise on options regarding remaining anonymous, confidentiality, and VCSU's process for investigating complaints of misconduct. Indeed, in some cases, individuals choose not to move forward with the investigation process, but still request support services.

C. Process Privacy

To encourage parties and witnesses to fully participate, VCSU recognizes the importance of privacy. It is in the best interests of all participants to maintain privacy during the process. Parties are encouraged not to reveal information they learn in the course of their participation in the process other than for the purpose of consulting with advisors and seeking support and advice from family, clergy, health professionals, and others playing a similar role. Parties are also encouraged to request that any advisors and support persons they consult keep information related to matters under this policy private.

Parties may choose whether to disclose or discuss with others the outcome of a complaint under this policy.

VCSU prohibits students from distributing documents obtained in the course of their participation in matters under this policy and applicable procedure. However, students may share these documents for the purpose of consulting with an advisor; seeking support and advice from family, clergy, health professionals, and others playing a similar role; or as part of a civil, criminal, or administrative legal proceeding.

As appropriate, the Vice President for Student Affairs, may issue an order restricting the parties from disclosing specific information.

VCSU will provide other participants, such as witnesses and hearing and appeal panel members, with instructions about respecting and safeguarding private information. Such persons are obliged to comply with VCSU's rules regarding privacy. VCSU will take reasonable measures to protect the privacy of proceedings and records; however, VCSU cannot and does not guarantee that privacy will be maintained. Privacy does not mean that VCSU is constrained from divulging facts of proceedings in appropriate circumstances. Additionally, VCSU may publicly divulge details of an outcome if one of the parties discloses selective portions of the proceedings, or if the matter is involved in litigation.

D. Leniency for Other Policy Violations

To encourage reports of sexual misconduct, VCSU offers leniency for other policy violations to a student who reports an alleged violation of this Policy in good faith. For example, if the reporting student was engaged in underage drinking at the time the sexual assault occurred, VCSU will not sanction the reporting student for underage drinking. VCSU will not discipline a reporting student for such conduct violations unless VCSU determines that the violation was egregious. For example, an action that places the health or safety of any other person at risk.

VI. Reporting Procedure

The Vice President for Student Affairs is responsible for overall coordination and oversight of all student misconduct complaints to ensure consistent practices and standards in handling complaints. The University's procedures for responding to allegations depends on the nature of the incident, the relationship to the institution, and to the extent possible, the wishes of the person bringing forward the complaint

At times, individuals may have dual roles. For example, a staff member might also be a student. The role in which the individual was acting when the incident occurred will determine which procedure applies. For example, if the incident occurred when the staff member was acting in his or her role as a staff member, the staff member procedure would apply. If the staff member was acting in his or her role as a student, the student procedure would apply.

Anyone who seeks to make a misconduct complaint or report may:

1. File a complaint or report;
2. Request interim measures;
3. Make an anonymous report; and/or
4. Contact law enforcement to file a criminal complaint and to preserve physical evidence.

An individual may pursue some or all these steps at the same time. When initiating any of the above, an individual does not need to know whether they wish to request any particular course of action, nor how to label what happened. Before or during this decision-making process, complainants and other reporting persons are encouraged a confidential resource.

A. File a Complaint or Report

Individuals are encouraged to report any alleged discrimination, protected class harassment, hostile environment, or other misconduct directly to the Vice President for Student Affairs. In order to do so, individuals may use the formal complaint or schedule an appointment with the Vice President for Student Affairs.

Reporting Form: Discrimination, Protected Harassment, Hostile Environment, and Misconduct

B. Request Interim Measures from the Vice President for Student Affairs

A complainant may request interim measures from the Vice President for Student Affairs. Interim measures are steps taken to ensure the safety of the complainant and/or VCSU community before the final outcomes of any investigation. Depending on the circumstances, interim measures may be modified, supplemented or withdrawn before, during or after the final outcome of any investigation.

C. Anonymous Reporting

Any individual who believes that they have experienced misconduct or becomes aware of alleged misconduct may make an anonymous report by using the online reporting form:

Reporting Form: <https://my.vcsu.edu/anonymous-tip/>

If a known complainant discloses an incident or incidents of discrimination, harassment, hostile environment, or other misconduct but asks to remain anonymous during the investigation and/or asks that VCSU refrain from investigating, the investigator, in consultation with the Vice President for Student Affairs, will consider how to proceed, taking into account the complainant's wishes, VCSU's desire to provide a safe and non-discriminatory environment, and the respondent's right to have specific notice of the allegations and an opportunity to be heard if VCSU were to take action that

affects them. In such circumstances, the investigator may arrange for limited fact-finding to better understand the context of the complaint and explore viable options for investigation, adjudication, and remediation.

Because misconduct may threaten the community as a whole, in some instances VCSU may be obliged to address alleged misconduct through internal disciplinary procedures without the cooperation of the individual alleging the misconduct. VCSU will respect the parties' privacy to the extent possible consistent with its legal obligations and will inform the individual of its obligation to address a community safety issue.

VCSU's ability to investigate and resolve anonymous complaints will be limited if the information contained in the anonymous complaint cannot be verified by independent information.

D. Report to Law Enforcement

All individuals are urged to report immediately to law enforcement any conduct that may constitute a crime. An individual who believes they have experienced misconduct may choose to report to VCSU and/or to law enforcement. An individual may pursue either, both, or neither of these options. Reports to VCSU and law enforcement may be made simultaneously. To make a report to law enforcement, contact one of the following:

- 911 (for emergencies)
- Valley city Policy Department
701-845-3110
- Barnes County Sheriff Department
701-845-8530

E. Reports Regarding Prohibited Conduct Against Students

The Procedures for Resolution of Reports Against Student under V520.02 Prohibited Discrimination, Protected Harassment, Hostile Environment, and Other Misconduct will apply where the respondent is a student who is alleged to have engaged in prohibited conduct.

The procedures apply equally to all students regardless of sex, gender, sexual orientation, gender identity, or gender expression.

Reports may be made to:

Vice President for Student Affairs
McFarland 209
701-845-7300

F. Reports Regarding Prohibited Conduct Against Staff, Administration, Coaches, or Assistant Coaches

The procedure outlined in Procedures for Resolution Against Staff under V603.01.01 Prohibited Discrimination, Protected Status Harassment, Hostile Environment, Workplace Violence, and Other Misconduct will apply where the respondent is a staff member who is alleged to have committed prohibited discrimination, protected-status harassment, or retaliation. Reports may be made to:

Director for Human Resources
McFarland 211
701-845-7401

G. Reports Regarding Prohibited Conduct Against Faculty

The procedure outlined in Procedures for Resolution of Reports Against Faculty under V520.02 Prohibited Discrimination, Protected Status Harassment, Hostile Environment, Workplace Violence, and Other Misconduct will apply where the respondent is a faculty member who is alleged to have committed including, but not limited to: prohibited discrimination, protected-status harassment, or retaliation. Reports may be made to:

Vice President for Academic Affairs
McFarland 213
701-845-7200

H. Reports Regarding Discrimination in Intercollegiate Athletics Participation

For questions, concerns, or reports of discrimination in participation in intercollegiate athletics under Title IX, contact the Athletic Director. If the Athletic Director is the subject of the complaint, contact the Vice President for Student Affairs. The procedure outlined in Procedures for Resolution of Reports Against Faculty under V520.02 Prohibited Discrimination, Protected Harassment, Hostile Environment, and Other Misconduct may apply.

Athletic Director
W.E. Osmon Fieldhouse 115
701-845-7160

I. Reports Regarding Accessibility to Facilities on Campus:

For questions, concerns, or reports regarding accessibility to facilities on campus, contact the Learning Center for Students.

Disability Support Services
Vangstad 018
701-845-7207

J. Requests for Disability Accommodation

For requests for disability accommodation, contact the Disability Support Services.

Disability Support Services
Vangstad 018
701-845-7207

K. Reports Regarding Employee Relations and Workplace Concerns

For reports regarding employee relations and workplace concerns, where feasible, first contact the supervisor. If resolution is not reached after discussion with the supervisor, contact the Human Resource Director. If the Human Resource Director is the subject of the complaint, contact the Vice President for Student Affairs.

Director for Human Resources
McFarland 211
701-845-7401

VII. References/Related Resources

A. Federal

U.S. Department of Labor: Title IX, Education Amendments 1972
20 U.S. Code §1092 (f): Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
34 U.S. Code §12291: Definitions and grant provisions
485(f) of the Higher Educational Act of 2008
Titles VI and VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991
Violence Against Women Act
Violence Against Women Reauthorization Act (VAWA)
Civil Rights Act of 1991
Family Education Rights and Privacy Act (FERPA)
Age Discrimination in Employment Act of 1967
Rehabilitation Act of 1973 §504
Americans with Disabilities Act of 1990
34 CFR Parts 100, 106, 104 Department of Education regulations

B. State

North Dakota Human Rights Act 1983
NDCC §12.1-17-07.1 Stalking
NDCC §12.1-17-08 Consent as a Defense
NDCC § 12.1-20-02 Definitions related to Sex Offenses
NDCC §14-03-03 Void Marriages

NDCC § 14-07.1-01 Definitions related to Domestic Violence

NDCC § 15-10-56 Disciplinary proceedings—Right to counsel for students and organizations--

Appeals

C. Related University Policy

NDUS 308.1 Officer and Employee Code of Conduct

NDUS 514 Due Process Requirements for Student Conduct that May Result in Suspension or

Expulsion

NDUS 603.1 Harassment

NDUS 603.2 Equal Employment Opportunity

NDUS 603.3 Nepotism

NDUS 605.3 Non-Renewal, Termination or Dismissal of Faculty

NDUS 605.4 Hearing and Appeals

NDUS 605.5 Mediation

NDUS 608.2 NDUS Employees—Non-Renewals and Dismissals

NDUS 611.4 Employee Responsibility and Activities: Conflict of Interest

NDUS 612 Faculty Grievances

NDUS Human Resource Policy Manual 25: Job Discipline/Dismissal

NDUS Human Resource Policy Manual 27: Appeals Procedures

V308.01 VCSU Employee Code of Conduct

V520.01 Code of Student Conduct

V530.04 University Hearings and Appeals Board

V603.01.02 Hostile Work Environment

V603.01.03 Workplace Violence

V603.02 VCSU Equal Opportunity Employment Plan

V603.03 Nepotism

V605.03 Non-Renewal, Termination or Dismissal and Sanction of Faculty Members

V605.05 Mediation

V605.09 Faculty Responsibilities

V612 Faculty Grievance Policies and Procedures

Sponsored by: Vice President for Student Affairs

Revised:

Revision consolidated: V520.02 Sex Offense Policy, V520.03 University Policy on Sexual Harassment, V520.04 Consensual Relationships

PROCEDURES FOR RESOLUTION OF REPORTS AGAINST STUDENTS UNDER V520.02

PROHIBITED DISCRIMINATION, PROTECTED STATUS HARASSMENT, HOSTILE ENVIRONMENT, AND OTHER MISCONDUCT

I. Purpose and Scope

This procedure applies to prohibited conduct as defined in V520.02 Prohibited Discrimination, Protected Status Harassment, Hostile Environment, and Other Misconduct. Prohibited conduct includes but is not limited to: aiding prohibited conduct, attempting to commit prohibited conduct, prohibited discrimination, protected status harassment, hostile environment, physical abuse, sexual exploitation, and violating an interim measure. This procedure also applies to misconduct not covered by the Title IX Sexual Harassment Policy and Procedure.

II. Definitions

These definitions apply to terms as they are used in this procedure.

- A. **Advisor:** Either an attorney or non-attorney advocate who advises a student during the conduct proceedings. Advisors are permitted in proceedings not involving academic misconduct which could result in the suspension or expulsion of a student.
- B. **Aiding prohibited conduct:** A person aids prohibited conduct, if with the intent to promote or facilitate such conduct, that person helps another person commit the prohibited conduct.

- C. **Attempting to commit prohibited conduct:** A person attempts to commit prohibited conduct, if with the intent to commit such conduct, that person engages in conduct directly tending toward completion of the prohibited conduct.
- D. **Appeals Authority:** The individual appointed by VCSU to consider appeals.
- E. **Complainant:** A person who is the subject of a report or initiates a formal complaint of prohibited conduct will be designated as the “complainant.” Both the complainant and respondent are referred to as “party” or “parties” throughout this procedure.
- F. **Confidential resources:** Confidential resources do not have an obligation to report prohibited conduct to VCSU and will not do so without the explicit consent of the complaining party. VCSU’s confidential resources are:
- **VCSU Health and Counseling Services**
Director of Counseling Services; Licensed Clinical Counselor
McFarland 424
701-845-7424
 - **VCSU Health Services**
Director of Health Services
Mythaler Hall, first floor
701-845-7212
 - **Abused Persons Outreach Center (APOC)**
Victim Services and Prevention Coordinator
701-845-0078
 - **F-M Rape and Abuse Crisis Center**
701-293-7273 (available 24 hours)
www.raccfm.com
 - **The Village (For Employees)**
Employee Assistance Program
1-800-627-8220
www.VillageEAP.com
- G. **Consent:** Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression. The standard in determining consent is whether a sober, reasonable person in the same circumstances as the respondent should have known that the complainant did not or could not consent to the sexual activity.

The following are principles that apply to the above definition of consent:

1. Consent to any sexual act of prior consensual sexual activity does not necessarily constitute consent to any other sexual act.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be withdrawn at any time.
4. When consent is withdrawn or can no longer be give, sexual activity must stop.
5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
 - a. Examples of coercion and intimidation include using physically or emotionally manipulative conduct against the complainant or expressly or implicitly threatening the complainant or a third party with negative actions that would compel or induce a reasonable person in the

complainant's situation to engage in the sexual activity at issue. Examples of sexual coercion include statements such as "I will ruin your reputation," or "I will tell everyone," or "your career (or education) at VCSU will be over," or "I will post an image of you naked."

- b. Examples of force or threat of harm include using physical force or a threat express or implied that would place a reasonable person in the complainant's situation in fear of physical harm to, or kidnapping of, themselves or another person.
- 6. A person is incapable of consent when they are:
 - a. Less than eighteen years of age;
 - b. Mentally disabled (a person is mentally disabled when their normal cognitive, emotional, or behavioral functioning renders them incapable of appraising their conduct); or
 - c. Incapacitated.
 - i. A person is incapacitated when they lack the ability to choose knowingly to participate in sexual activity.
 - ii. A person is incapacitated when they are unconscious, asleep, involuntarily restrained, physically helpless, or otherwise unable to provide consent.
 - iii. Someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent depending on the level of intoxication.
 - iv. Consent cannot be gained by taking advantage of the incapacitation of another. In evaluating responsibility in cases of alleged incapacitation, the fact finder asks two questions:
 - 1. Did the respondent know that the complainant was incapacitated: If not,
 - 2. Should a sober, reasonable person in the respondent's situation have known that the complainant was incapacitated? If the answer to either of these questions is "yes," consent was absent.
 - 3. If the fact finder determines based on a preponderance of the evidence that both parties were incapacitated, the person who initiated the sexual activity alleged to be nonconsensual due to incapacity is at fault.

- H. **Domestic partners:** Domestic partners are unmarried couples living together in a long-term relationship.
- I. **Force or threat of force:** The use of force or violence, or the threat of force or violence, including, but not limited to: (1) when the respondent threatens to use force or violence on the complainant or on any other person, and the complainant under the circumstances reasonably believes that the respondent has the ability to execute that threat; or (2) when the respondent has overcome the complainant by use of superior strength or size, physical restraint or physical confinement.
- J. **Hostile environment:** A hostile environment exists when conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits or deprives an individual's participating in or benefiting from the University's education or employment programs or activities. Conduct must be deemed severe, persistent, or pervasive in a way that a reasonable person would find abusive, hostile, or offensive.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances. Factors in this consideration may include, but are not limited to:

- 8. The frequency, nature, and severity of the conduct;
- 9. Whether the conduct was physically threatening;
- 10. The effect of the conduct on the complainant's mental or emotional state;
- 11. Whether the conduct was directed at more than one person;
- 12. Whether the conduct arose in the context of other discriminatory conduct;
- 13. Whether there is a power differential between the parties; and
- 14. Whether the conduct implicates concerns related to academic freedom or protected speech.

Because of protections afforded by academic freedom, speech and other expression occurring in the context of instruction or research will not be considered hostile unless this speech or expression also meets one or both of the following criteria:

- 3. It is meant to be either abusive or humiliating toward a specific person or persons, and/or

It persists despite the reasonable objection of the person or persons targeted by the speech.

- K. **Interim measures:** Interim measures are individualized services offered as appropriate to either or both the complainant and respondent involved in an alleged incident of misconduct, prior to an investigation or while an investigation is pending. Interim measures include counseling, modifications of work or class schedules, restrictions on contact between the parties, increased security and monitoring of certain areas of campus, and other similar accommodations.

As measures needed by each party may change over time, VCSU will communicate with each party throughout the investigation to ensure that any interim measures may be modified, supplemented or withdrawn before, during or after the final outcome of any investigation.

- L. **Physical abuse:** Physical abuse includes sexual abuse and means any of the following: (1) the knowing or reckless use of physical force, confinement, or restraint; (2) knowing, repeated, and unnecessary sleep deprivation; and/or (3) knowing or reckless behavior that creates an immediate risk of physical harm.

Physical abuse also includes the willful, purposeful denial of medication, medical care, shelter, food, or other assistance to a person who requires such things because of age, health or disability, thereby putting that person at risk of physical, mental, or emotional harm.

- M. **Prohibited conduct:** Prohibited conduct includes, but is not limited to: aiding prohibited conduct, attempting to commit prohibited conduct, discrimination, protected status harassment, hostile environment, physical abuse, sexual exploitation, and violating an interim measure.
- N. **Prohibited discrimination:** Sex, race, color, religion, physical or mental disability, pregnancy, status with regard to marriage or public assistance, sexual orientation, participation in lawful activity, or genetic information are Equal Education and Employment Opportunity (EEEE) protected classes. Prohibited discrimination occurs when an employment or academic decision that results in negative and/or different treatment of an individual based upon his or her membership in an EEEEO-protected class, such as denying an opportunity that is open to others, singling a person or group for different treatment because of her, his or their EEEEO-protected class status, failure to provide reasonable accommodation for a disability or religious belief or practice; reinforcing the use of stereotypes that unreasonably impacts a person's environment or opportunities.
- O. **Protected status harassment (harassment):** When an individual is targeted with verbal, written, visual, or physical conduct based on that person's EEEEO-protected class status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working, learning, living, or social environment.

Protected-status harassment occurs when an individual is targeted with verbal, written, visual, or physical conduct based on that person's EEEEO-protected status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working, learning, living, or social environment. The conduct constitutes harassment under any of the following conditions:

5. The conduct is direct.
6. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.
7. Submission to, or rejection of, such conduct by an individual is used as the basis for an employment or academic decision affecting that person.
8. The conduct is sufficiently severe or pervasive to alter the conditions of the complainant's employment or academic pursuits and creates a work or educational environment that a reasonable person would find abusive.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create an environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to: offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

4. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
 5. The victim does not have to be the person harassed but can be anyone affected by the offensive conduct.
 6. Unlawful harassment may occur without economic injury to, or discharge of, the complainant.
- P. **Respondent:** A person accused of conduct prohibited by this policy and does not imply pre-judgment.
- Q. **Retaliation:** Adverse action taken against an individual for making a good faith report of prohibited conduct or participating in any investigation or proceeding under the procedures. Retaliation may include: intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the respondent, the complainant, or any other individual or group of individuals. Retaliation does not include good faith actions pursued in response to a report of prohibited conduct.
- R. **Right to an advisor:** In conduct proceedings that may result in suspension or expulsion, a student or student organization has the right to be represented, at the student or student organization's expense, by an advisor of its choice.
- S. **Sanctions:** Penalties which may be imposed by the University upon persons who, in proper hearing processes, have been found to have committed violations of the Code of Conduct.
- T. **Sexual contact:** Any touching, however slight, with any object or body part, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission or urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.
- U. **Sexual exploitation:** Sexual exploitation is taking advantage of another person without consent. Examples include, but are not limited to:
7. Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
 8. Making, sharing, posting, streaming, or otherwise distributing any image, photography, video, or audio recording depicting or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded.
 9. Exposing one's genitals to another person without the consent of that person;
 10. Prostituting another person;
 11. Exposing another person to sexually transmitted infection without the knowledge and consent of the person exposed; and
 12. Causing another person to become incapacitated with the intent to making that person vulnerable to nonconsensual sexual assault or sexual exploitation.
- V. **Staff:** An employee of Valley City State University who is not a faculty member. The following administrative positions are considered staff for purposes of this procedure: President, Vice-Presidents, Chief Information Officer, Director of Marketing, Athletic Director, Director of the Foundation, coaches, and assistant coaches.
- W. **Student:** The term student will be interpreted to mean any person, whether or not incidentally on the University payroll, who is currently registered with the University as a degree or non-degree-seeking candidate.

The term student will be interpreted also to mean persons not officially registered, and not faculty members or other University employees, if they are:

1. Currently enrolled in or taking classes at the University; or
 2. Currently using University facilities or property, or the property of a University-related residential organization, in connection with academic activities; or
 3. Currently suspended from being a student of the University.
- X. Violating an interim measure: A person violates an interim measure if the measure is an order by a University official and the person to whom the order applies knowingly violates any of the conditions of the order. One common example of an order by a University official is a “no-contact” order.

III. Application, Time Limits, and Computation of Deadlines

A. Application

These procedures apply to conduct by a student on any campus of the University, on any other property or facility used by it for educational purposes, or on the property of a University-related residential organization.

All actions by students that involve the use of the University computing and network resources from a remote location, including but not limited to accessing email accounts, will be deemed to have occurred on campus.

These procedures will apply regardless of the location of the conduct where the President or other designated VCSU official determines that either:

1. The alleged prohibited conduct has occurred in the context of a VCSU program or activity; or
2. The conduct poses a substantial threat to VCSU’s educational mission or to the health or safety of VCSU community members, including potentially contributing to or creating a hostile environment on VCSU campus.

B. Time Limit to File Formal Complaints

To promote timely and effective review, VCSU strongly encourages complainants and other persons with knowledge of possible violations of this policy to make reports as soon as possible, ideally within sixty days of the alleged prohibited conduct. A delay in reporting may affect VCSU’s ability to gather relevant and reliable information, contact witnesses, investigate thoroughly, and respond meaningfully. It may also affect VCSU’s ability to take disciplinary action against a student who has engaged in prohibited conduct.

While prompt reporting is encouraged, VCSU will consider as timely any formal complaint that is filed as long as the respondent is a “student,” as defined by these procedures, (e.g., has not graduated or permanently left the University).

If the respondent is not longer a student at the time of the formal complaint, and VCSU is, thus, not able to pursue resolution, it will take appropriate steps to provide complainant support.

Students making a complaint against faculty or staff must file the complaint within one (1) year of the alleged action. An exception exists for students bringing a complaint against faculty in the context of a subordinate-supervisory relationship between the faculty member and the student (examples: teacher assistant or research assistant). A student may file a complaint one year after no longer being under the faculty’s supervision or three years from the date of the alleged behavior, even if the student is no longer affiliated with VCSU, whichever is earlier.

If the respondent is no longer faculty or staff at the time of the formal complaint, and VCSU is, thus, unable to pursue resolution, VCSU will provide interim measures for the complainant.

C. Determination of Deadlines

In determining any time period specified in these procedures, the day of the event, act, or default that initiates the period will be excluded.

IV. VCSU's Response to a Report of Prohibited Conduct

A. Initial Assessment

Upon receipt of a report of alleged prohibited conduct by students, VCSU will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report.

B. Where the Complainant's Identity is Known

Where the identity of the complainant is known, VCSU will ensure that the complainant receives a written explanation of all available resources and options and is offered the opportunity to meet promptly with VCSU to discuss those resources and options. In the initial assessment and meeting or correspondent with the complainant, VCSU will:

- Assess the complainant's safety and well-being and offer VCSU's support and assistance through available resources;
- Inform the complainant that VCSU will maintain the complainant's privacy to the greatest extent possible and disclose information only as necessary pursuant to these procedures;
- Inform the complainant of their right to seek medical treatment (including a sexual assault forensic examination) and explain the importance of obtaining evidence and preserving forensic and other evidence;
- Inform the complainant of their right to contact law enforcement, be assisted by VCSU in contacting law enforcement, or decline to contact law enforcement, and their right to seek a protective order;
- Inform the complainant about VCSU and community resources, including counseling, health, and mental health services, victim advocacy;
- Inform the complainant of the right to seek appropriate and available interim measures and how to request such measures;
- Inform the complainant of the right to file a formal complaint and seek resolution; provide the complainant with an overview of these procedures; including the informal process option; and inform the complainant of the right to withdraw a formal complaint at any time and to decline or discontinue resolution at any time, but that declining to participate in an investigation and/or the hearing process may limit VCSU's ability to investigate meaningfully and respond to a report of prohibited conduct;
- As possible and appropriate, ascertain the complainant's preference for pursuing formal resolution, informal resolution, or neither and discuss with the complainant any concerns or barriers to participating in any investigation and resolution process;
- Explain that VCSU prohibits retaliation, that retaliation constitutes prohibited conduct, and that VCSU will take appropriate action in response to any act of retaliation;
- Inform the complainant of their rights afforded under the Code of Conduct.

C. Where the Complainant's Identity is Unknown

Where a report is filed but the identity of the complainant is unknown, VCSU will assess the nature and circumstances of the report, including whether it provides information that identifies the potential complainant, the potential respondent, any witnesses, and/or any other third party with knowledge of the reported incident, and take reasonable and appropriate steps to respond to the report of prohibited conduct consistent with applicable federal and state laws and these procedures.

D. VCSU's Actions Following an Initial Assessment

Upon completion of the Initial Assessment, VCSU will determine the course of action as follows:

1. Where the Complainant Seeks Resolution

When the complainant reports prohibited conduct and requests resolution, a signed, written formal complaint will be made to the Vice President for Student Affairs which will promptly initiate an investigation. This process begins with the complainant making a signed, written formal complaint.

2. Where the Complainant Requests that No Formal Complaint be Pursued

VCSU supports the complainant's decision not to pursue a formal complaint and desire for anonymity.

Where the complainant does not wish to pursue a formal complaint, VCSU will honor the complainant's wishes unless doing so would impact VCSU's ability to provide a safe environment for all members of the VCSU community, including the complainant.

VCSU may consider the following factors, among others, when determining whether to honor the complainant's wish that no resolution be pursued: the respondent's history of misconduct; respondent's risk of reoffending; respondent's use of a weapon or force; and whether the complainant is a minor.

Regardless of whether the complainant chooses to file or participate in a formal complaint, VCSU will assist the complainant with reasonable and available accommodations, which may include academic, housing, transportation, employment, and other accommodations.

Where no formal complaint has been filed and an interim measures impacts the respondent, the respondent will be provided with written notice of the report, which includes, as known, the date, time, and location of the alleged prohibited conduct and the underlying factual allegations, including the identity of the complainant. Therefore, certain interim measures may not be available if the complainant wishes to maintain anonymity.

Where the complainant declines to participate in an investigation, VCSU's ability to meaningfully investigate and respond to a report may be limited.

3. University Determination that the Complainant's Request to Not Pursue a Formal Complaint Can Be Honored

Where VCSU determines that it can honor the complainant's request that no formal complaint be pursued, VCSU may nevertheless take other appropriate steps designed to address its effects on the complainant and the VCSU community.

Upon receipt of new or additional information, VCSU may reconsider the complainant's request that no formal complaint be pursued and initiate the resolution process.

4. VCSU Determination that the Complainant's Request to Not File a Formal Complaint Cannot be Honored

Where VCSU determines that it cannot honor the complainant's request that no formal complaint be pursued, VCSU will promptly initiate the resolution process by making a signed, written formal complaint on behalf of the University.

VCSU will notify the complainant that it intends to proceed with a formal complaint and will take immediate action as necessary to protect and assist the complainant.

VCSU will make reasonable efforts to protect the privacy of the complainant. However, typically, the complainant's identity would have to be disclosed as part of VCSU's investigation.

The complainant is not required to participate in any proceedings that follow. However, if the complainant declines to participate in an investigation and/or hearing process, VCSU's ability to investigate meaningfully and respond to a report of prohibited conduct may be limited.

5. Notice to Complainant and Respondent of University Actions

VCSU will promptly inform the complainant of any actions undertaken by VCSU that will directly impact the complainant, including the filing of a formal complaint.

VCSU will promptly inform the respondent of any actions undertaken by VCSU that will directly impact the respondent, including the filing of a formal complaint or the imposition of interim measures that would directly impact the respondent, and provide an opportunity for the

respondent to respond to such action(s). Interim measures become effective when notice of the interim measures is provided.

6. VCSU's Right to Suspend a Student Who Poses an Immediate Threat to the Health or Safety of Persons on Campus

If a student poses an immediate threat to the health or safety of persons on campus, VCSU reserves the right to suspend the student immediately and remove the student from campus without a hearing. A formal hearing on the matter will take place as early as possible.

7. Registration and the Conferral of Academic Degrees May Be Withheld Pending Resolution of Allegations of Student Misconduct

VCSU may prohibit a student from registering for subsequent terms or the conferral of academic degrees pending the resolution of allegations of student misconduct or until sanctions have been concluded and any conditions imposed by VCSU have been fulfilled.

E. Preservation of Information and Tangible Material

Preservation of information and tangible material relating to alleged prohibited conduct is essential for investigations as well as law enforcement investigations. Therefore, all persons involved in these procedures, whether as the complainant, the respondent, or a witness, are encouraged to preserve all information and tangible material relating to the alleged prohibited conduct. Examples of evidence include electronic communications (e.g., email and text messages), photographs, clothing, and medical information.

In the case of medical information, prompt examinations can be crucial to the collection of forensic or other medical evidence. Individuals who believe they have experienced sexual assault or other forms of prohibited conduct are strongly encouraged to seek immediate medical attention.

F. Obligation to Provide Truthful Information

At all stages of the process, all VCSU community members are expected to provide truthful information. Furnishing false information to VCSU with intent to deceive is prohibited and subject to disciplinary sanctions under VCSU's Campus Code of Conduct. This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated.

G. Interim Measures

1. Overview of Interim Measures

Following a report of prohibited conduct, the complainant and respondent will be provided information about a range of resources, support services, and measures to protect the safety and well-being of the parties and promote an accessible educational environment. Some such measures are interim measures, which are utilized pending resolution of a case.

Interim measures might in the form of support or accommodations for or restrictions on one or both parties.

Interim measures will be designed to address a perceived risk but tailored to minimize to the extent possible the impact on the affected party or parties.

Interim measures will be designed to accomplish a number of goals:

- To support and protect the safety of the complainant, the respondent, the University's educational environment, and the VCSU community;
- To deter retaliation; and
- To preserve the integrity of the investigation and resolution process pursuant to these procedures.

Interim measures may be issued based upon a party's request or at VCSU's own initiative. In all instances, VCSU will, at its discretion, determine whether any given interim measure is reasonable and appropriate.

Interim measures are available regardless of whether a formal complaint has been filed. Likewise, interim measures are available regardless of whether the complainant chooses to report the prohibited conduct to law enforcement.

Interim measures become effective when notice of interim measures is provided. Where a formal complainant has been filed, typically, interim measures will remain in place pending the resolution of the formal complaint.

Violations of interim measures that are orders by a VCSU official constitute prohibited conduct.

2. Examples of Interim Measures

Potential interim measures include, but are not limited to:

- Assistance obtaining access to counseling, advocacy, or medical services;
- Assistance obtaining access to academic support and requesting academic accommodations;
- Changes in class schedules;
- Assistance requesting changes to on campus work schedules or job assignments;
- Changes to on campus housing;
- Providing an escort to complainant to promote safety on campus;
- “No-contact” orders (curtailing or prohibiting contact or communications between or among individuals).

3. Issuance of Interim Measures

VCSU is responsible for issuing interim measures.

Interim measures will be designed in a fair manner and narrowly tailored to minimize to the extent possible any restrictions on those affected.

In issuing interim measures, VCSU will make reasonable efforts to communicate with any impacted party to address safety and emotional and physical well-being concerns.

Where no formal complaint has been filed and an interim measure impacts the respondent, the respondent will be provided with written notice of the report, which includes, as known, the date, time, and location of the alleged prohibited conduct and the underlying factual allegations, including the identity of the complainant. Therefore, certain interim measures may not be available if the complainant wishes to maintain anonymity.

Interim measures are not, in and of themselves, permanent resolutions. Rather, they are actions taken by VCSU based on information known at the time that the interim measures are issued. Accordingly, VCSU has the discretion to issue, modify, or remove any Interim Measure at any time additional information is gathered or circumstances change.

4. Requested Review of VCSU's Decisions Regarding Interim Measures

Both parties may at any time request that VCSU issue, modify, or remove interim measures based upon a change in circumstance or new information that would affect the necessity of any interim measures.

H. Pending Criminal Investigations

In cases where there is a criminal investigation, the VCSU process will run concurrently with such investigation. VCSU may grant temporary delays reasonably requested by law enforcement for evidence gathering.

V. Informal Resolution

Complainants may choose to pursue informal resolution of their complaint. VCSU shall assign a School Official with the authority to remedy the alleged violation (e.g. Vice President for Student Affairs, etc.) to oversee the informal resolution process.

Both parties must agree to informal resolution. Informal resolution is entirely voluntary and either party may end informal resolution at any time.

Informal resolution is a flexible process. The School Official will consult with both parties and make suggestions for resolution. Both parties must agree on the suggested course of resolution.

Unlike the formal hearing process that requires the parties to be separated during the hearing, informal resolution does not require the parties to be separated. However, either party may choose to be separated during the process.

Informal resolution provides the parties with a forum to discuss the complaint and seek resolution.

In cases where the respondent acknowledges involvement in the sexual misconduct, the School Official shall impose an appropriate sanction for the misconduct. If the sanction is agreeable to the parties, the informal resolution is complete, and the sanction is imposed.

In cases where the respondent does not acknowledge responsibility, the formal hearing process will apply.

VI. Formal Hearing Process

A. Consolidation of Reports, Formal Complaints, and Hearings

VCSU has discretion to consolidate reports and complaints that are factually related into one investigation. Likewise, the conduct officer may conduct one hearing to address the factually related issues.

B. Appointment of Conduct Officer

VCSU will assign a conduct officer (e.g. Vice President for Student Affairs, etc.) to oversee and conduct the formal complaint process.

C. Presumption of Non-Responsibility

The respondent will be presumed “not responsible” unless and until the conduct officer determines the respondent is responsible.

D. Notice to Parties upon the Issuance of a Formal Complaint

After a formal complaint is filed, VCSU will notify the complainant and the respondent, in writing, of the commencement of an investigation and provide both parties with a copy of the formal complaint and the related policy and procedures. Such notice will:

- Identify the complainant and the respondent;
- Specify the alleged prohibited conduct and its date, time, and location, to the extent known;
- Specify the factual allegations pertaining to the prohibited conduct;
- Specify any sanctions that may be imposed;
- Identify the conduct officer;
- Inform the parties about the parties’ respective rights and obligations under V520.02 Prohibited Discrimination, Protected Status Harassment, and Other Misconduct and these procedures;
- Inform the parties of their right to seek the assistance of an advisor and a support person for emotional support;
- Inform the parties of the range of available resources, including mental health services and academic support resources;
- Explain the prohibition against retaliation; and
- Instruct the parties to preserve any potentially relevant evidence, whatever its form.

The notice requirement may be waived if the respondent consents to a short notice period or for the initiation of interim measures or emergency actions.

E. Advisors and Support Persons

When student conduct may result in suspension or expulsion, the student has the right to be represented by an advisor. Both the complainant and respondent have the right to be represented, at their own expense, by an advisor of their choice.

Both the complainant and respondent have the right to a support person of their choice to provide emotional support to the party.

Advisors and support persons may be any person, including an attorney, who is not a party or witness or otherwise involved in the case. Advisors are advocates who advise a party during the conduct proceedings.

Advisors and support persons may attend their own advisees' meetings, such as investigative interviews, and proceedings. Such representatives may attend their own advisees' investigative interview but may not respond to questions for their clients or advisees and may not pose questions. Adversarial hearings (including confrontation, cross-examination by the parties and active advocacy by advisors) are not permitted during the investigative process.

Advisors may fully participate in the hearing. Fully participating includes the opportunity to make opening and closing statements, to examine and cross-examine witnesses, and to provide the student or student organization with support, guidance, and advice. Unlike advisors, support persons may not fully participate in the hearing.

By accepting the role of advisor or support person, all advisors and support persons agree to comply with all applicable rules, processes, and procedures, including rules regarding process privacy.

VCSU will not interfere with the parties' rights to have an advisor and support person of their choice and fully expects advisors and support persons to adhere voluntarily to policy and procedure. In extreme cases, where the conduct officer determines that an advisor's or support person's conduct undermines the integrity of policy or these procedures, the advisor or support person will be prohibited from continuing to serve as advisor or support person in that case. The affected party will be permitted to obtain a substitute advisor or support person.

F. The Parties' Participation in the Investigation and Hearing

Both the complainant and the respondent may decline to participate in the investigation and/or hearing. However, VCSU may continue without a party's participation, reaching findings and issuing sanctions. Additionally, a party's decision not to participate in the investigation will limit the party's ability to participate in the hearing and make an appeal.

G. Investigation of a Formal Complaint

1. Overview of Investigations of a Formal Complaint

The investigation is designed to be timely, thorough, and impartial and to provide for a fair and reliable gathering of the facts. All individuals involved in the investigation, including the complainant, the respondent, and any third-party witnesses will be treated with sensitivity and respect.

The investigation will generally include individual interviews of the complainant, the respondent and relevant witnesses. Upon completion of the investigation, the conduct officer will prepare a final investigative record and an investigative report. The investigative record is a compilation of statements by the parties and witnesses as well as other evidence gathered by the conduct officer.

The complainant and the respondent will have an equal opportunity to participate in the investigation, including an equal opportunity to be heard, submit evidence, and suggest witnesses who may have relevant information.

2. Time Frame of and Time Limitations During the Investigation

The investigation will be completed in a timely manner.

Throughout the investigation, both parties will receive reasonable notice of any meetings at which their attendance is requested, and the parties will be updated at regular intervals on the status of the investigation.

The conduct officer will establish reasonable time limits for the various stages of the investigation, including meetings and deadlines for any submissions or responses, and the parties must adhere to these time limits. The parties may request extensions for good cause.

If a party declines or fails to participate in a meeting or interview, provide evidence, or suggest witnesses, the party will have waived their right to do so upon the issuance of the final investigative record and report.

3. Investigative Interview Process

The conduct officer will gather information from the complainant, the respondent, and other individuals who have relevant information. As part of the investigation, the parties will have the opportunity to request in writing witnesses they would like the conduct officer to interview.

The conduct officer has the discretion to determine the relevance of any proffered witnesses, and accordingly, the conduct officer will determine which witnesses to interview.

All persons being interviewed, including the parties, are prohibited from recording interviews.

4. Evidentiary Materials

The conduct officer will gather relevant available evidentiary materials, including physical evidence, documents, communications between the parties, and electronic records and media as appropriate.

The parties will have the opportunity to request in writing the evidentiary materials they would like the conduct officer to seek to obtain.

The conduct officer has the discretion to determine the relevance of any requested evidentiary materials, and, accordingly the conduct officer will determine what evidentiary materials to seek to obtain.

5. The Investigation

The conduct officer will be guided, but not limited to, the following procedure:

- Identify the respondent.
- Identify the facts of the incident by separately interviewing the complainant and respondent.
- How did the complainant respond to the alleged prohibited conduct?
- What efforts, if any, were made to resolve the issue informally. (ex. Were requests made for the behavior to stop? Were requests made to separate the individuals?)
- Are there any witnesses or evidence the complainant wants to include in the investigation? Witness and evidence requests must be in writing.
- Did the complainant inform others or the supervisor of the situation? If so, what was the response?
- What was the frequency and type of alleged prohibited conduct? If known, what were the dates and locations?
- What was the professional or personal relationship, degree of control, and amount of interaction between the two parties?
- Does the complainant know or suspects that the respondent has engaged in prohibited conduct with other individuals?
- During the first interview with the respondent, the investigator will inform the respondent of all the charges being made, along with supporting evidence.
- What is the respondent's explanation of the alleged behavior?

- Are there any witnesses or evidence the respondent wants to include in the investigation? Witness and evidence requests must be in writing.
- Remind the respondent of VCSU's policy against retaliation.
- Thoroughly examine and evaluate the responses made by the respondent.
- Provide the complainant additional information from the investigation that would be significant to the outcome of the investigation.
- Interview, as appropriate, witnesses identified by complainant or respondent or those who observed, or were told about, the alleged prohibited conduct.
- Remind all parties and witnesses of the need for privacy.
- Review, as appropriate, personnel files maintained by departments; previously concluded mediation agreements; previous records of findings for the allegation of prohibited conduct; and public records. Some instances might require giving the individual who is the subject of the file or record notice and the opportunity to object. The Vice President of Academic Affairs or another appointed official will rule upon any objection.

As each complaint is unique, the conduct officer has discretion to determine what additional information is necessary to make a thorough investigation.

6. Dismissal of Case by Conduct Officer

The conduct officer may dismiss a complaint and close the case where the complaint:

- a. Is not reported or filed in a timely manner.
- b. Is not supported by sufficient facts, lacks merit based upon the available evidence, or does not fall within the jurisdiction of the conduct officer. Similarly, the conduct officer may dismiss a complaint and close the case under any of the following circumstances:
- c. The complainant fails or refuses to appear or to be available for interviews or conferences as necessary.
- d. The complainant cannot be located after reasonable efforts have been made and has not responded for at least ten (10) calendar days to a notice sent by the conduct officer to his or her last known residence, office, or email address.
- e. The complainant fails to provide requested, necessary information.
- f. The complainant fails or refuses to cooperate with the investigation to the extent that the investigator is unable to reasonably resolve the charge.

The conduct officer determines that a complaint should be dismissed, the complainant will be informed of that decision, and given an opportunity to submit a written response within ten (10) working days.

When a complaint is dismissed, where appropriate, VCSU will attempt to restore the reputation of the respondent. To the extent permissible by law and VCSU policy, VCSU may take such steps as deleting records and, unless the respondent prefers otherwise, notifying persons who participated in the proceedings of the dismissal and/or making a public announcement of the outcome.

H. Formal Hearings

1. Overview of Hearing Process

The conduct officer makes findings of responsibility and determinations regarding sanctions and remedies

The hearing is intended to provide the parties with a fair opportunity to present relevant information to the conduct officer who will make informed decisions regarding responsibility sanctions, and/or remedies.

The parties are entitled to provide opening statements, testimony, cross-examination, and closing statements.

Throughout the hearing, parties with their advisor(s) and support person, if applicable, will not have direct contact with each other.

The conduct officer conducts all questioning.

2. Presumption of Non-Responsibility and Standard of Proof

The respondent will be presumed “not responsible” unless and until the conduct officer determines the respondent is responsible.

The conduct officer will determine whether the respondent is responsible by using a preponderance of the evidence standard. This means that to find the respondent responsible for any prohibited conduct, the conduct officer must decide, based upon the hearing record, that it is more likely than not that the respondent committed all the elements of the alleged prohibited conduct. If the conduct officer does not find the respondent responsible for any prohibited conduct under V520.02 or any supplemental jurisdiction, it will dismiss the case. If the conduct officer finds that the respondent is responsible under V520.02 or supplemental jurisdiction, it will consider appropriate sanctions and remedies.

3. Notice of Hearing

At the completion of the investigation, a determination will be made if a hearing is required. If a hearing is required, a Notice of Hearing will be sent to the parties as soon as practical. The notice will include the charges at issue; a brief summary of the alleged prohibited conduct; the date, time, and place of the hearing; and the name of the conduct officer.

Written Notice of Hearing will be provided to both parties at least three (3) days prior to the hearing.

4. Newly Discovered Evidence

If after the completion of the investigation, a party seeks to present a witness or introduce evidence not previously introduced, the conduct officer may grant such request upon a showing that the witness or evidence is relevant, material, newly discovered, and could not have been discovered during the investigation with due diligence.

Where a conduct officer permits a party to introduce a newly discovered witness or evidence, to prevent surprise to the other party, the conduct officer will reschedule or adjourn the hearing to investigate the newly discovered witness or evidence. The conduct officer will also give the parties time to respond to the new information.

I. Hearing Process and Format

1. Overview of Hearing Process and Format

All hearings will be private. The only persons present will be the parties, their advisor(s) and support person, witnesses (when testifying), the conduct officer, and any staff necessary for the hearing.

The parties with any advisor and support persons will be separated.

Witnesses may be present only for their own testimony.

The conduct officer may establish reasonable time limits, rules, and format, providing the parties with equal opportunities to participate.

Formal rules of evidence will not apply.

Recording any portion of the hearing is prohibited.

Typically, the format of the hearing will be as follows:

- Introduction by the conduct officer. The conduct officer will explain the hearing process, address any necessary procedural issues, and answer questions.

- Testimony by the complainant.
- Cross examination by the respondent.
- Testimony by the respondent.
- Cross examination by the complainant.
- Testimony by any witnesses.
- Closing statements by the complainant followed by the respondent.

2. Testimony

Testimony is conducted through a question-and-answer format.

Questioning will primarily be conducted by the conduct officer. The conduct officer will ask persons being questioned to affirm that they will testify truthfully.

Both the complainant and the respondent may testify or decline to testify and may decide whether to testify when their turn to testify arises.

3. Closing Statements

The parties may make closing statements.

This is the opportunity for the parties to suggest inferences and conclusions.

The parties may not add or address information not contained in the hearing record, as the conduct officer will not consider new information. Nor may the parties address issues that pertain to sanctions and remedies. The conduct officer does not consider these issues when determining responsibility.

The conduct officer will establish a time limit for brief oral closing statements, typically around five (5) minutes.

4. Determination on Sanctions and Remedies

A conduct officer who finds the respondent responsible will determine appropriate sanctions and remedies.

The conduct officer will issue its findings on responsibility and sanctions/remedies simultaneously. A determination will be completed in a timely manner.

In determining sanctions and remedies, the conduct officer may consider:

- a. The severity of the prohibited conduct;
- b. The circumstances of the prohibited conduct;
- c. The impact of the prohibited conduct and sanctions and remedies on the complainant;
- d. The impact of the prohibited conduct and sanctions and remedies on the community;
- e. The impact of the prohibited conduct and sanctions and remedies on the respondent;
- f. Prior misconduct by the respondent, including respondent's previous school disciplinary record;
- g. Any other mitigating, aggravating, or compelling factors.

The conduct officer may recommend one or more of the following sanctions and remedies:

- a. Measures similar to the interim measures;
- b. Appropriate educational steps (such as counseling, evaluation, restitution, community service, compensation for theft and damage to person or property, alcohol or drug education, reflection papers, or directed study);
- c. Reprimand delivered either verbally or in writing. If a written reprimand is issued, a copy shall be retained on file in the Office of the Vice President for Student Affairs.
- d. Conduct probation indicates that further violation may result in suspension. Conduct probation may not be imposed for more than one year.
- e. Suspension from participation in university-sponsored organizations events, and activities.

- f. University suspension suspends a student from enrolling for classes for a determined length of time. While on suspension, the student may not obtain academic credit at VCSU or elsewhere toward the completion of a VCSU degree.
- g. University expulsion expels a student from the University permanently. The student is barred from the University.

Sanctions and remedies will be effective immediately unless otherwise specified by the conduct officer.

5. Written Decision

The conduct officer will issue a written decision within ten (10) business days. The conduct officer will provide the written decision to the parties simultaneously.

The decision will include: the specific prohibited conduct for which the respondent was found responsible and not responsible; the findings of fact; and the rationale for the conduct officer's determinations regarding both responsibility and sanctions.

The decision will include instructions and time limits for appeals. Both the complainant and the respondent will be informed simultaneously of any sanction and remedies, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements.

6. Transcript Notations

Conduct records are kept on file in the Office of the Vice President for Student Affairs. All conduct records are private and may not be disclosed in whole or in part except as provided by law, or by the written authorization of the student. Conduct records shall be retained separately from the student's educational record. The only disciplinary actions reflected on an official transcript shall be suspension or expulsion.

Conduct records containing violations that resulted in sanctions of less than suspension or expulsion are retained for a period of three years after a student graduates, withdraws, or transfers and are kept in a conduct file in the Vice President for Student Affairs Office. In cases where students receiving a sanction of suspension or expulsion, records may be retained indefinitely.

If the underlying finding of responsibility is vacated for any reason, the transcript notation will be removed.

VII. Appeals

Both the complainant and the respondent may appeal the outcome. Appeals must be submitted in writing to the Vice President for Student Affairs within five (5) business days of receiving the decision.

Within the five (5) business days, the appealing party may request an extension of time by submitting a request to the Vice President for Student Affairs explaining the reason(s) for the request. The Vice President for Student Affairs will have discretion to grant such a request upon a finding of good cause for the delay.

Failure to submit an appeal within the five (5) business days or any approved extension constitutes a waiver of the right to appeal.

The Vice President for Student Affairs will designate an institutional administrator who did not make the initial decision to hear the appeal and will be designated the Appeal Authority.

In cases that result in suspension or expulsion, the student or student organization has a right to be represented by an advisor who may fully participate in the appeals process.

The appellant shall clearly state the reasons for the appeal and shall provide any relevant information to support the appeal. The issues that may be raised on appeal include:

1. New information;
2. Contradictory information;
3. Information indicating that the student or student organization was not afforded due process;
4. Whether sanctions imposed were appropriate for the violation.

The Appeal Authority may consider other information directly related to the appeal.

In situations where new information or contradictory information is submitted on appeal, a copy of the appeal statement will be provided to the other party, who, within five (5) business days may submit a written response to the Appeal Authority.

The Appeal Authority shall make a decision within ten (10) business days of the non-appealing party's submission or the time submission has expired.

Findings of fact will not be set aside unless clearly erroneous.

Harmless error will be ignored.

The Appeal Authority may grant the appeal, deny the appeal, order a new hearing, reduce or modify the suspension or expulsion, change a sanction or remedy, and/or make other modifications.

If there is a change in sanction or remedy, both parties will receive notice of the outcome.

If the appeal results in the reversal of the initial decision or a lessening of the suspension, the institution may reimburse the student for any tuition and fees paid to the institution for the period of suspension or expulsion that has not been previously refunded.

The decision will be final and binding on all parties.

A. Delay of Implementing Sanction(s) Pending Appeal

The Appeal Authority has discretion to delay implementing any sanctions pending a final decision on the appeal if the appealing party demonstrates by a clear showing that such a delay is necessary.

A request for a delay in implementing sanctions must be submitted to the Vice President for Student Affairs. The Vice President for Student Affairs will provide a copy of the request to the Appeal Authority.

The Appeal Authority has discretion to reconsider its decision on a delay in implementing sanctions at any time during the appeal. The delay expires at the conclusion of the appeal.

VII. References/Related Resources

A. Federal

U.S. Department of Labor: Title IX, Education Amendments 1972

20 U.S. Code §1092 (f): Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

34 U.S. Code §12291: Definitions and grant provisions

485(f) of the Higher Educational Act of 2008

Titles VI and VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 Violence Against Women Act

Violence Against Women Reauthorization Act (VAWA)

Civil Rights Act of 1991

Family Education Rights and Privacy Act (FERPA)

Age Discrimination in Employment Act of 1967

Rehabilitation Act of 1973 §504

Americans with Disabilities Act of 1990

34 CFR Parts 100, 106, 104 Department of Education regulations

B. State

North Dakota Human Rights Act 1983

NDCC §12.1-17-07.1 Stalking

NDCC §12.1-17-08 Consent as a Defense

NDCC § 12.1-20-02 Definitions related to Sex Offenses

NDCC §14-03-03 Void Marriages

NDCC § 14-07.1-01 Definitions related to Domestic Violence

NDCC § 15-10-56 Disciplinary proceedings—Right to counsel for students and organizations—Appeals

NDCC § 54-06-21 Public employee personnel records—Administration—Access.

NDUS Human Resource Policy Manual 25: Job Discipline/Dismissal

NDUS Human Resource Policy Manual 27: Appeals Procedures

C. Related University Policy

NDUS 308.1 Officer and Employee Code of Conduct

NDUS 514 Due Process Requirements for Student Conduct that May Result in Suspension or Expulsion

NDUS 603.1 Harassment

NDUS 603.2 Equal Employment Opportunity

NDUS 603.3 Nepotism

NDUS 605.1 Academic Freedom and Tenure; Academic Appointments

NDUS 605.2 Standing Committee on Faculty Rights

NDUS 605.3 Non-Renewal, Termination or Dismissal of Faculty

NDUS 605.4 Hearing and Appeals

NDUS 605.5 Mediation

NDUS 608.2 NDUS Employees—Non-Renewals and Dismissals

NDUS 611.4 Employee Responsibility and Activities: Conflict of Interest

NDUS 612 Faculty Grievances

NDUS Procedures 607.0.7 Personnel Files

V308.01 VCSU Employee Code of Conduct

V520.01 Code of Student Conduct

V530.04 University Hearings and Appeals Board

V603.01.02 Hostile Work Environment

V603.01.03 Workplace Violence

V603.02 VCSU Equal Opportunity Employment Plan

V603.03 Nepotism

V605.02 VCSU Standing Committee on Faculty Rights

V605.03 Non-Renewal, Termination or Dismissal and Sanction of Faculty Members

V605.05 Mediation

V605.09 Faculty Responsibilities

V612 Faculty Grievance Policies and Procedures

PROCEDURES OR RESOLUTION OF REPORTS AGAINST STAFF UNDER V520.02 AND V603.01.01

Prohibited Discrimination, Protected Status Harassment, Hostile Environment, Workplace Violence, and Other Misconduct

I. Purpose and Scope

This procedure applies to prohibited conduct as defined in V603.01.01 Prohibited Discrimination, Protected Status Harassment, Hostile Environment, Workplace Violence, and Other Misconduct. Prohibited conduct includes but is not limited to: aiding prohibited conduct, attempting to commit prohibited conduct, prohibited discrimination, protected status harassment, hostile environment, workplace violence, physical abuse, sexual exploitation, and violating an interim measure. This procedure also applies to misconduct not covered by the Title IX Sexual Harassment Policy and Procedure.

II. Definitions

These definitions apply to terms as they are used in this procedure.

- A. **Advisor:** Either an attorney or non-attorney advocate who advises a party.
- H. **Aiding prohibited conduct:** A person aids prohibited conduct, if with the intent to promote or facilitate such conduct, that person helps another person commit the prohibited conduct.
- I. **Attempting to commit prohibited conduct** A person attempts to commit prohibited conduct, if with the intent to commit such conduct, that person engages in conduct directly tending toward completion of the prohibited conduct.
- D. **Complainant:** A person who is the subject of a report or initiates a formal complaint of prohibited conduct will be designated as the “complainant.” Both the complainant and respondent are referred to as “party” or “parties” throughout this procedure.
- E. **Confidential resources:** Confidential resources do not have an obligation to report prohibited conduct to VCSU and will not do so without the explicit consent of the complaining party. VCSU's confidential resources are:
- **VCSU Health and Counseling Services**
Director of Counseling Services; Licensed Clinical Counselor
McFarland 424
701-845-7424
 - **VCSU Health Services**
Director of Health Services
Mythaler Hall, first floor
701-845-7212
 - **Abused Persons Outreach Center (APOC)**
Victim Services and Prevention Coordinator
701-845-0078
 - **F-M Rape and Abuse Crisis Center**
701-293-7273 (available 24 hours)
www.raccfm.com
- F. **Consent:** Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. The standard in determining consent is whether a sober, reasonable person in the same circumstances as the respondent should have known that the complainant did not or could not consent to the sexual activity.

The following are principles that apply to the above definition of consent:

7. Consent to any sexual act of prior consensual sexual activity does not necessarily constitute consent to any other sexual act.
 8. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 9. Consent may be withdrawn at any time.
 10. When consent is withdrawn or can no longer be give, sexual activity must stop.
 11. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- c. Examples of coercion and intimidation include using physically or emotionally manipulative conduct against the complainant or expressly or implicitly threatening the complainant or a third party with negative actions that would compel or induce a reasonable person in the complainant's situation to engage in the sexual activity at issue. Examples of sexual coercion

include statements such as “I will ruin your reputation,” or “I will tell everyone,” or “your career (or education) at VCSU will be over,” or “I will post an image of you naked.”

- d. Examples of force or threat of harm include using physical force or a threat express or implied that would place a reasonable person in the complainant’s situation in fear of physical harm to, or kidnapping of, themselves or another person.
12. A person is incapable of consent when they are:
- d. Less than eighteen years of age;
 - e. Mentally disabled (a person is mentally disabled when their normal cognitive, emotional, or behavioral functioning renders them incapable of appraising their conduct); or
 - f. Incapacitated.
 - v. A person is incapacitated when they lack the ability to choose knowingly to participate in sexual activity.
 - vi. A person is incapacitated when they are unconscious, asleep, involuntarily restrained, physically helpless, or otherwise unable to provide consent.
 - vii. Someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent depending on the level of intoxication.
 - viii. Consent cannot be gained by taking advantage of the incapacitation of another. In evaluating responsibility in cases of alleged incapacitation, the fact finder asks two questions:
 - 4. Did the respondent know that the complainant was incapacitated: If not,
 - 5. Should a sober, reasonable person in the respondent’s situation have known that the complainant was incapacitated? If the answer to either of these questions is “yes,” consent was absent.
 - 6. If the fact finder determines based on a preponderance of the evidence that both parties were incapacitated, the person who initiated the sexual activity alleged to be nonconsensual due to incapacity is at fault.
- G. **Domestic partners:** Domestic partners are unmarried couples living together in a long-term relationship.
- H. **Force or threat of force:** The use of force or violence, or the threat of force or violence, including, but not limited to: (1) when the respondent threatens to use force or violence on the complainant or on any other person, and the complainant under the circumstances reasonably believes that the respondent has the ability to execute that threat; or (2) when the respondent has overcome the complainant by use of superior strength or size, physical restraint or physical confinement.
- Q.
- I. **Hostile environment** A hostile environment exists when conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits or deprives an individual’s participating in or benefiting from the University’s education or employment programs or activities. Conduct must be deemed severe, persistent, or pervasive in a way that a reasonable person would find abusive, hostile, or offensive.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances. Factors in this consideration may include, but are not limited to:

- 15. The frequency, nature, and severity of the conduct;
- 16. Whether the conduct was physically threatening;
- 17. The effect of the conduct on the complainant’s mental or emotional state;
- 18. Whether the conduct was directed at more than one person;
- 19. Whether the conduct arose in the context of other discriminatory conduct;
- 20. Whether there is a power differential between the parties; and
- 21. Whether the conduct implicates concerns related to academic freedom or protected speech.

Because of protections afforded by academic freedom, speech and other expression occurring in the context of instruction or research will not be considered hostile unless this speech or expression also meets one or both of the following criteria:

- 4. It is meant to be either abusive or humiliating toward a specific person or persons, and/or
- 5. It persists despite the reasonable objection of the person or persons targeted by the speech.

- J. **Interim measures:** Interim measures are individualized services offered as appropriate to either or both the complainant and respondent involved in an alleged incident of misconduct, prior to an investigation or while an investigation is pending. Interim measures include counseling, modifications of work or class schedules, restrictions on contact between the parties, increased security and monitoring of certain areas of campus, and other similar accommodations.

As measures needed by each party may change over time, VCSU will communicate with each party throughout the investigation to ensure that any interim measures may be modified, supplemented or withdrawn before, during or after the final outcome of any investigation.

- K. **Physical abuse:** Physical abuse includes sexual abuse and means any of the following: (1) the knowing or reckless use of physical force, confinement, or restraint; (2) knowing, repeated, and unnecessary sleep deprivation; and/or (3) knowing or reckless behavior that creates an immediate risk of physical harm.

Physical abuse also includes the willful, purposeful denial of medication, medical care, shelter, food, or other assistance to a person who requires such things because of age, health or disability, thereby putting that person at risk of physical, mental, or emotional harm.

- L. **Prohibited conduct:** Prohibited conduct includes, but is not limited to: aiding prohibited conduct, attempting to commit prohibited conduct, prohibited discrimination, protected status harassment, hostile environment, workplace violence, physical abuse, sexual exploitation, and violating an interim measure.
- M. **Prohibited discrimination:** Sex, race, color, religion, physical or mental disability, pregnancy, status with regard to marriage or public assistance, sexual orientation, participation in lawful activity, or genetic information are Equal Education and Employment Opportunity (EEEE) protected classes. Prohibited discrimination occurs when an employment or academic decision that results in negative and/or different treatment of an individual based upon his or her membership in an EEEE-protected class, such as denying an opportunity that is open to others, singling a person or group for different treatment because of her, his or their EEEE-protected class status, failure to provide reasonable accommodation for a disability or religious belief or practice; reinforcing the use of stereotypes that unreasonably impacts a person's environment or opportunities.
- N. **Protected status harassment (harassment):** When an individual is targeted with verbal, written, visual, or physical conduct based on that person's EEEE-protected class status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working, learning, living, or social environment.

Protected-status harassment occurs when an individual is targeted with verbal, written, visual, or physical conduct based on that person's EEEE-protected status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working, learning, living, or social environment. The conduct constitutes harassment under any of the following conditions:

9. The conduct is direct.
10. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.
11. Submission to, or rejection of, such conduct by an individual is used as the basis for an employment or academic decision affecting that person.
12. The conduct is sufficiently severe or pervasive to alter the conditions of the complainant's employment or academic pursuits and creates a work or educational environment that a reasonable person would find abusive.

- O. **Respondent:** A person accused of conduct prohibited by this policy and does not imply pre-judgment.

- P. **Retaliation:** Adverse action taken against an individual for making a good faith report of prohibited conduct or participating in any investigation or proceeding under the procedures. Retaliation may include: intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the respondent, the complainant, or any other individual or group of individuals. Retaliation does not include good faith actions pursued in response to a report of prohibited conduct.
- Q. **Sanctions:** Penalties which may be imposed by the University upon persons who, in proper hearing processes, have been found to have committed violations of the Code of Conduct.
- R. **Sexual contact:** Any touching, however slight, with any object or body part, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission or urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.
- S. **Sexual exploitation:** Sexual exploitation is taking advantage of another person without consent. Examples include, but are not limited to:
13. Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
 14. Making, sharing, posting, streaming, or otherwise distributing any image, photography, video, or audio recording depicting or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded.
 15. Exposing one's genitals to another person without the consent of that person;
 16. Prostituting another person;
 17. Exposing another person to sexually transmitted infection without the knowledge and consent of the person exposed; and
 18. Causing another person to become incapacitated with the intent to making that person vulnerable to nonconsensual sexual assault or sexual exploitation.
- T. **Staff:** An employee of Valley City State University who is not a faculty member. The following administrative positions are considered staff for purposes of this procedure: President, Vice-Presidents, Chief Information Officer, Director of Marketing, Athletic Director, and Director of the Foundation, coaches and assistant coaches.
- U. **Staff Personnel Board:** The VCSU President will appoint three individuals to a Staff Personnel Board (Board) to hear an appeal.
- V. **Student:** The term student will be interpreted to mean any person, whether or not incidentally on VCSU payroll, who is currently registered with the University as a degree or non-degree-seeking candidate.
- The term student will be interpreted also to mean persons not officially registered, and not faculty members or other VCSU employees, if they are:
1. Currently enrolled in or taking classes at VCSU; or
 2. Currently using VCSU facilities or property, or the property of a University-related residential organization, in connection with academic activities; or
 3. Currently suspended from being a student of VCSU.
- W. **Violating an interim measure:** A person violates an interim measure if the measure is an order by a VCSU official and the person to whom the order applies knowingly violates any of the conditions of the order. One common example of an order by a VCSU official is a "no-contact" order.
- X. **Weapons:** Firearms, knives, explosives, or other items which are capable of inflicting serious bodily harm.

- Y. Work place violence: Any behavior, action or statement made by an individual or group directed toward another individual, or group, that is threatening or intimidating and causes any reasonable individual who is the recipient of the behavior, action, or statement to fear for his safety and/or property. Such violence may be in the form of, but not limited to:
1. Causing or attempting to cause bodily injury or intimidation to another person; or
 2. Intentionally destroying or damaging any property, public or private; or
 3. Approaching or threatening another with a weapon; or
 4. Making any oral, written, or physical gesture as a threat to harm any person or property.

III.Application, Time Limits, and Computation of Deadlines

B. Application

These procedures apply to prohibited conduct by faculty on any campus of VCSU on any other property or facility used by it for educational purposes, or on the property of a VCSU related residential organization.

All actions by staff that involve the use of VCSU computing and network resources from a remote location, including but not limited to accessing email accounts, will be deemed to have occurred on campus.

These procedures will apply regardless of the location of the conduct where the President or other designated VCSU official determines that either:

3. The alleged prohibited conduct has occurred in the context of a VCSU program or activity; or
4. The conduct poses a substantial threat to VCSU's educational mission or to the health or safety of VCSU community members, including potentially contributing to or creating a hostile environment on VCSU campus.

C. Time Limit to File Formal Complaints

To promote timely and effective review, VCSU strongly encourages complainants and other persons with knowledge of possible violations of this policy to make reports as soon as possible, ideally within sixty days of the alleged prohibited conduct. A delay in reporting may affect VCSU's ability to gather relevant and reliable information, contact witnesses, investigate thoroughly, and respond meaningfully. It may also affect VCSU's ability to take disciplinary action against a student who has engaged in prohibited conduct

Students making a complaint against faculty or staff must file the complaint within one (1) year of the alleged action.

Faculty or staff making a complaint against faculty or staff must file the complaint within six (6) months of the alleged action, with the following exception: for students bringing a complaint against faculty in the context of a subordinate-supervisory relationship between the faculty member and the student (examples: teacher assistant or research assistant), a student may file a complaint one year after no longer being under the faculty's supervision or three years from the date of the alleged behavior, even if the student is no longer affiliated with VCSU, whichever is earlier.

If the respondent is no longer faculty or staff at the time of the formal complaint, and VCSU is, thus, unable to pursue resolution, VCSU will provide interim measures for the complainant.

D. Determination of Deadlines

In determining any time period specified in these procedures, the day of the event, act, or default that initiates the period will be excluded.

V.The University's Response to a Report of Prohibited Conduct

B. Initial Assessment

Upon receipt of a report of alleged prohibited conduct by students, VCSU will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report.

C. Where the Complainant's Identity is Known

Where the identity of the complainant is known, VCSU will ensure that the complainant receives a written explanation of all available resources and options and is offered the opportunity to meet promptly with VCSU to discuss those resources and options. In the initial assessment and meeting or correspondent with the complainant, VCSU will:

- Assess the complainant's safety and well-being and offer VCSU's support and assistance through available resources;
- Inform the complainant that VCSU will maintain the complainant's privacy to the greatest extent possible and disclose information only as necessary pursuant to these procedures;
- Inform the complainant of their right to seek medical treatment (including a sexual assault forensic examination) and explain the importance of obtaining evidence and preserving forensic and other evidence;
- Inform the complainant of their right to contact law enforcement, be assisted by VCSU in contacting law enforcement, or decline to contact law enforcement, and their right to seek a protective order;
- Inform the complainant about VCSU and community resources, including counseling, health, and mental health services, victim advocacy;
- Inform the complainant of the right to seek appropriate and available interim measures and how to request such measures;
- Inform the complainant of the right to file a formal complaint and seek resolution; provide the complainant with an overview of these procedures; including the informal process option; and inform the complainant of the right to withdraw a formal complaint at any time and to decline or discontinue resolution at any time, but that declining to participate in an investigation and/or the hearing process may limit VCSU's ability to investigate meaningfully and respond to a report of prohibited conduct;
- As possible and appropriate, ascertain the complainant's preference for pursuing formal resolution, informal resolution, or neither and discuss with the complainant any concerns or barriers to participating in any investigation and resolution process;
- Explain that VCSU prohibits retaliation, that retaliation constitutes prohibited conduct, and that VCSU will take appropriate action in response to any act of retaliation;
- Inform the complainant of their rights afforded under the Code of Conduct.

D. Where the Complainant's Identity is Unknown

Where a report is filed but the identity of the complainant is unknown, VCSU will assess the nature and circumstances of the report, including whether it provides information that identifies the potential complainant, the potential respondent, any witnesses, and/or any other third party with knowledge of the reported incident, and take reasonable and appropriate steps to respond to the report of prohibited conduct consistent with applicable federal and state laws and these procedures.

E. VCSU's Actions Following an Initial Assessment

Upon completion of the Initial Assessment, VCSU will determine the course of action as follows:

1. Where the Complainant Seeks Resolution

When the complainant reports prohibited conduct and requests resolution, a signed, written formal complaint will be made to the Standing Committee which will promptly initiate an investigation.

2. Where the Complainant Requests that No Formal Complaint be Pursued

VCSU supports the complainant's decision not to pursue a formal complaint and desire for anonymity.

Where the complainant does not wish to pursue a formal complaint, VCSU will honor the complainant's wishes unless doing so would impact VCSU's ability to provide a safe environment for all members of the VCSU community, including the complainant.

VCSU may consider the following factors, among others, when determining whether to honor the complainant's wish that no resolution be pursued: the respondent's history of misconduct; respondent's risk of reoffending; respondent's use of a weapon or force; and whether the complainant is a minor.

Regardless of whether the complainant chooses to file or participate in a formal complaint, VCSU will assist the complainant with reasonable and available accommodations, which may include academic, housing, transportation, employment, and other accommodations.

Where no formal complaint has been filed and an interim measures impacts the respondent, the respondent will be provided with written notice of the report, which includes, as known, the date, time, and location of the alleged prohibited conduct and the underlying factual allegations, including the identity of the complainant. Therefore, certain interim measures may not be available if the complainant wishes to maintain anonymity.

Where the complainant declines to participate in an investigation, VCSU's ability to meaningfully investigate and respond to a report may be limited.

3. University Determination that the Complainant's Request to Not Pursue a Formal Complaint Can Be Honored

Where VCSU determines that it can honor the complainant's request that no formal complaint be pursued, VCSU may nevertheless take other appropriate steps designed to address its effects on the complainant and the VCSU community.

Upon receipt of new or additional information, VCSU may reconsider the complainant's request that no formal complaint be pursued and initiate the resolution process.

4. University Determination that the Complainant's Request to Not File a Formal Complaint Cannot be Honored

Where VCSU determines that it cannot honor the complainant's request that no formal Complaint be pursued, VCSU will promptly initiate the resolution process by making a signed, written formal complaint on behalf of the University.

VCSU will notify the complainant that it intends to proceed with a formal complaint and will take immediate action as necessary to protect and assist the complainant.

VCSU will make reasonable efforts to protect the privacy of the complainant. However, typically, the complainant's identity would have to be disclosed as part of VCSU's investigation.

The complainant is not required to participate in any proceedings that follow. However, if the complainant declines to participate in an investigation and/or hearing process, VCSU's ability to investigate meaningfully and respond to a report of prohibited conduct may be limited.

5. Notice to Complainant and Respondent of University Actions

VCSU will promptly inform the complainant of any actions undertaken by VCSU that will directly impact the complainant, including the filing of a formal complaint.

VCSU will promptly inform the complainant of any actions undertaken by VCSU that will directly impact the complainant, including the filing of a formal complaint.

VCSU will promptly inform the respondent of any actions undertaken by VCSU that will directly impact the respondent, including the filing of a formal complaint or the imposition of interim measures that would directly impact the respondent, and provide an opportunity for the respondent to respond to such action(s). Interim measures become effective when notice of the interim measures is provided.

6. VCSU's Right to Suspend a Staff Member Who Poses an Immediate Threat to the Health or Safety of Persons on Campus

If a staff member poses an immediate threat to the health or safety of persons on campus, VCSU reserves the right to suspend the staff member immediately and remove the staff member from campus without a hearing. A formal hearing on the matter will take place as early as possible.

F. Preservation of Information and Tangible Material

Preservation of information and tangible material relating to alleged prohibited conduct is essential for investigations as well as law enforcement investigations. Therefore, all persons involved in these procedures, whether as the complainant, the respondent, or a witness, are encouraged to preserve all information and tangible material relating to the alleged prohibited conduct. Examples of evidence include electronic communications (e.g., email and text messages), photographs, clothing, and medical information.

In the case of medical information, prompt examinations can be crucial to the collection of forensic or other medical evidence. Individuals who believe they have experienced sexual assault or other forms of prohibited conduct are strongly encouraged to seek immediate medical attention.

G. Obligation to Provide Truthful Information

At all stages of the process, all VCSU community members are expected to provide truthful information. Furnishing false information to VCSU with intent to deceive is prohibited and subject to disciplinary sanctions under VCSU's Campus Code of Conduct. This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated.

H. Interim Measures

1. Overview of Interim Measures

Following a report of prohibited conduct, the complainant and respondent will be provided information about a range of resources, support services, and measures to protect the safety and well-being of the parties and promote an accessible educational environment. Some such measures are interim measures, which are utilized pending resolution of a case.

Interim measures might in the form of support or accommodations for or restrictions on one or both parties.

Interim measures will be designed to address a perceived risk but tailored to minimize to the extent possible the impact on the affected party or parties.

Interim measures will be designed to accomplish a number of goals:

- To support and protect the safety of the complainant, the respondent, the University's educational environment, and the VCSU community;
- To deter retaliation; and
- To preserve the integrity of the investigation and resolution process.

Interim measures may be issued base upon a party's request or at VCSU's own initiative. In all instance, VCSU will, at its discretion, determine whether any given interim measure is reasonable and appropriate.

Interim measures are available regardless of whether a formal complaint has been filed. Likewise, interim measures are available regardless of whether the complainant chooses to report the prohibited conduct to law enforcement.

Interim measures become effective when notice of interim measures is provided. Where a formal complainant has been filed, typically, interim measures will remain in place pending the resolution of the formal complaint.

Violations of Interim Measures that are orders by a University official constitute prohibited conduct.

2. Examples of Interim Measures

- Potential interim measures include, but are not limited to:
- Assistance obtaining access to counseling, advocacy, or medical services;
- Assistance obtaining access to academic support and requesting academic accommodations;
- Changes in class schedules;
- Assistance requesting changes to on campus work schedules or job assignments;
- Changes to on campus housing;
- Providing an escort to complainant to promote safety on campus;
- “No-contact” orders (curtailing or prohibiting contact or communications between or among individuals).

3. Issuance of Interim Measures

VCSU is responsible for issuing interim measures.

In issuing interim measures, VCSU will make reasonable efforts to communicate with any impacted party to address safety and emotional and physical well-being concerns.

Where no formal complaint has been filed and an interim measure impacts the respondent, the respondent will be provided with written notice of the report, which includes, as known, the date, time, and location of the alleged prohibited conduct and the underlying factual allegations, including the identity of the complainant. Therefore, certain interim measures may not be available if the complainant wishes to maintain anonymity.

Interim measures are not, in and of themselves, permanent resolutions. Rather, they are actions taken by VCSU based on information known at the time that the interim measures are issued. Accordingly, VCSU has the discretion to issue, modify, or remove any interim measure at any time additional information is gathered or circumstances change.

4. Requested Review of VCSU’s Decisions Regarding Interim Measures

Both parties may at any time request that VCSU issue, modify, or remove interim measures based upon a change in circumstance or new information that would affect the necessity of any interim measures.

I. Pending Criminal Investigations

In cases where there is a criminal investigation, the VCSU process will run concurrently with such investigation. VCSU may grant temporary delays reasonably requested by law enforcement for evidence gathering.

VI. Informal Resolution

Informal resolution provides the parties with a forum to discuss the complaint and seek resolution. Complainants may choose to pursue informal resolution of their complaint. VCSU shall assign a School Official with the authority to remedy the alleged violation (e.g. Vice President for Student Affairs, etc.) to oversee the informal resolution process.

Both parties must agree to informal resolution. Informal resolution is entirely voluntary and either party may end informal resolution at any time.

Informal resolution is a flexible process. The School Official will consult with both parties and make suggestions for resolution. Both parties must agree on the suggested course of resolution.

Unlike the formal hearing process that requires the parties to be separated during the hearing, informal resolution does not require the parties to be separated. However, either party may choose to be separated during the process.

In cases where the respondent acknowledges involvement in the sexual misconduct, the School Official shall impose an appropriate sanction for the misconduct. If the sanction is agreeable to the parties, the informal resolution is complete, and the sanction is imposed.

In cases where the respondent does not acknowledge responsibility, the formal hearing process will apply.

VIII. Formal Complaint Process

J. Consolidation of Reports, Formal Complaints, and Hearings

VCSU has discretion to consolidate reports and complaints that are factually related into one investigation. Likewise, the hearing officer may conduct one hearing to address the factually related issues.

K. Appointment of Hearing Officer

VCSU will assign a hearing officer (e.g. Vice President for Student Affairs, etc.) to oversee and conduct the formal complaint process.

L. Presumption of Non-Responsibility

The respondent will be presumed “not responsible” unless and until the hearing officer determines the respondent is responsible.

M. Notice to Parties upon the Issuance of a Formal Complaint

After a formal complaint is filed, VCSU will notify the complainant and the respondent, in writing, of the commencement of an investigation and provide both parties with a copy of the formal complaint and the related policy and procedures. Such notice will:

- Identify the complainant and the respondent;
- Specify the alleged prohibited conduct and its date, time, and location, to the extent known;
- Specify the factual allegations pertaining to the prohibited conduct;
- Specify any sanctions that may be imposed;
- Identify the hearing officer;
- Notice of the staff’s status until the final decision is made (i.e. whether the employee is to continue working or be placed on leave of absence with pay);
- Inform the parties about the parties’ respective rights and obligations under V603.01.01 Prohibited Discrimination, Protected Status Harassment, Hostile Environment, Workplace Violence, and Other Misconduct and these procedures;
- Inform the parties of their right to seek the assistance of an advisor and a support person for emotional support;
- Inform the parties of the range of available resources, including mental health services;
- Explain the prohibition against retaliation; and
- Instruct the parties to preserve any potentially relevant evidence, whatever its form.

The notice requirement may be waived if the respondent consents to a short notice period or for the initiation of interim measures or emergency actions.

N. Advisors and Support Persons

Both the complainant and respondent have the right to be represented, at their own expense, by an advisor of their choice.

Both the complainant and respondent have the right to a support person of their choice to provide emotional support to the party.

Advisors and support persons may be any person, including an attorney, who is not a party or witness or otherwise involved in the case. Advisors are advocates who advise a party during the conduct proceedings.

Advisors and support persons may attend their own advisees' meetings, such as investigative interviews, and proceedings.

Advisors and support persons may attend their own advisees' meetings. Such representatives may attend their own advisees' investigative interview but may not respond to questions for their advisees and may not pose questions. Adversarial hearings (including confrontation, cross-examination by the parties, and active advocacy by advisors) are not permitted during the investigative process. By accepting the role of advisor or support person, all advisors and support persons agree to comply with all applicable rules, processes, and procedures, including rules regarding process privacy.

VCSU will not interfere with the parties' rights to have an advisor and support person of their choice and fully expects advisors and support persons to adhere voluntarily to policy and procedure. In extreme cases, where the hearing officer determines that an advisor's or support person's conduct undermines the integrity of policy or these procedures, the advisor or support person will be prohibited from continuing to serve as advisor or support person in that case. The affected party will be permitted to obtain a substitute advisor or support person.

If the hearing officer determines that an advisor or support person has a conflict of interest, the advisor or support person will be prohibited from continuing in their role. The affected party will be permitted to obtain a substitute advisor or support person.

O. The Parties' Participation in the Investigation and Hearing

Both the complainant and the respondent may decline to participate in the investigation and/or hearing. However, VCSU may continue without a party's participation, reaching findings and issuing sanctions. Additionally, a party's decision not to participate in the investigation will limit the party's ability to participate in the hearing and make an appeal.

P. Overview of Investigations of a Formal Complaint

The investigation is designed to be timely, thorough, and impartial and to provide for a fair and reliable gathering of the facts. All individuals involved in the investigation, including the complainant, the respondent, and any third-party witnesses will be treated with sensitivity and respect.

The investigation will generally include individual interviews of the complainant, the respondent and relevant witnesses. Upon completion of the investigation, the hearing officer will prepare a final investigative record and an investigative report. The investigative record is a compilation of statements by the parties and witnesses as well as other evidence gathered by the hearing officer.

The complainant and the respondent will have an equal opportunity to participate in the investigation, including an equal opportunity to be heard, submit evidence, and suggest witnesses who may have relevant information.

Q. Time Frame of and Time Limitations During the Investigation

The investigation will be completed in a timely manner.

Throughout the investigation, both parties will receive reasonable notice of any meetings at which their attendance is requested, and the parties will be updated at regular intervals on the status of the investigation.

The hearing officer will establish reasonable time limits for the various stages of the investigation, including meetings and deadlines for any submissions or responses, and the parties must adhere to these time limits. The parties may request extensions for good cause.

If a party declines or fails to participate in a meeting or interview, provide evidence, or suggest witnesses, the party will have waived their right to do so upon the issuance of the final investigative record and report.

R. Standard of Proof

The hearing officer will determine whether the respondent is responsible by using a preponderance of the evidence standard. This means, that to find a respondent responsible for any prohibited conduct, the hearing officer must decide, based upon the investigation that it is more likely than not that the respondent committed all the elements of the alleged prohibited conduct. If the hearing officer does not find the respondent responsible for any prohibited conduct under V520.02 or V603.01.01 or supplemental jurisdiction, it will dismiss the case. If the hearing officer finds that the respondent is responsible under V502.02 or V603.01.01, it will consider appropriate sanctions and remedies.

S. Investigation of a Formal Complaint

The purpose of the investigation is to gather evidence relating to the alleged prohibited conduct and to determine whether the respondent engaged in the prohibited conduct by a preponderance of the evidence.

1. Overview of Investigative Interview

The hearing officer will separately interview the complainant and respondent. During this interview, the hearing officer will gather information from the complainant, the respondent, and other individuals who have relevant information. As part of the investigation, the parties will have the opportunity to request in writing witnesses they would like the hearing officer to interview.

The hearing officer has the discretion to determine the relevance of any proffered witnesses, and accordingly, the hearing officer will determine which witnesses to interview.

All persons being interviewed, including the parties, are prohibited from recording interviews.

2. Evidentiary Materials

The hearing officer will gather relevant available evidentiary materials, including physical evidence, documents, communications between the parties, and electronic records and media as appropriate.

The parties will have the opportunity to request in writing the evidentiary materials they would like the hearing officer to seek to obtain.

The hearing officer has the discretion to determine the relevance of any requested evidentiary materials, and, accordingly the hearing officer will determine what evidentiary materials to seek to obtain.

The hearing officer has the discretion to determine the relevancy of any requested evidentiary materials, and, accordingly, the hearing officer will determine what evidentiary materials to seek to obtain.

Discovery is informal.

3. Newly Discovered Evidence

If after the completion of the investigation, a party seeks to present a witness or introduce evidence not previously introduced, the hearing officer may grant such request upon a showing that the witness or evidence is relevant, material, newly discovered, and could not have been discovered during the investigation with due diligence.

Where a hearing officer permits a party to introduce a newly discovered witness or evidence, to prevent surprise to the other party the hearing officer will give the parties time to respond to the new information.

T. The Investigation

The hearing officer will be guided, but not limited to, the following procedure:

- Identify the respondent.
- Identify the facts of the incident by separately interviewing the complainant and respondent.
- How did the complainant respond to the alleged prohibited conduct?

- What efforts, if any, were made to resolve the issue informally. (ex. Were requests made for the behavior to stop? Were requests made to separate the individuals?)
- Are there any witnesses or evidence the complainant wants to include in the investigation? Witness and evidence requests must be in writing.
- Did the complainant inform others or the supervisor of the situation? If so, what was the response?
- What was the frequency and type of alleged prohibited conduct? If known, what were the dates and locations?
- What was the professional or personal relationship, degree of control, and amount of interaction between the two parties?
- Does the complainant know or suspects that the respondent has engaged in prohibited conduct with other individuals?
- During the first interview with the respondent, the investigator will inform the respondent of all the charges being made, along with supporting evidence.
- What is the respondent's explanation of the alleged behavior?
- Are there any witnesses or evidence the respondent wants to include in the investigation? Witness and evidence requests must be in writing.
- Remind the respondent of VCSU's policy against retaliation.
- Thoroughly examine and evaluate the responses made by the respondent.
- Provide the complainant additional information from the investigation that would be significant to the outcome of the investigation.
- Interview, as appropriate, witnesses identified by complainant or respondent or those who observed, or were told about, the alleged prohibited conduct.
- Remind all parties and witnesses of the need for privacy.
- Review, as appropriate, personnel files maintained by departments; previously concluded mediation agreements; previous records of findings for the allegation of prohibited conduct; and public records. Some instances might require giving the individual who is the subject of the file or record notice and the opportunity to object. The Vice President of Academic Affairs or another appointed official will rule upon any objection.

As each complaint is unique, the hearing officer has discretion to determine what additional information is necessary to make a thorough investigation.

U. Dismissal of Case by Hearing Officer

The hearing officer may dismiss a complaint and close the case where the complaint:

- g. Is not reported or filed in a timely manner.
- h. Is not supported by sufficient facts, lacks merit based upon the available evidence, or does not fall within the jurisdiction of the investigator. Similarly, the investigator may dismiss a complaint and close the case under any of the following circumstances:
 - i. The complainant fails or refuses to appear or to be available for interviews or conferences as necessary.
 - j. The complainant cannot be located after reasonable efforts have been made and has not responded for at least ten (10) calendar days to a notice sent by the hearing officer to his or her last known residence, office, or email address.
 - k. The complainant fails to provide requested, necessary information.
 - l. The complainant fails or refuses to cooperate with the investigation to the extent that the investigator is unable to reasonably resolve the charge.

The hearing officer determines that a complaint should be dismissed, the complainant will be informed of that decision, and given an opportunity to submit a written response within ten (10) working days.

When a complaint is dismissed, where appropriate, VCSU will attempt to restore the reputation of the respondent. To the extent permissible by law and VCSU policy, VCSU may take such steps as deleting

records and, unless the respondent prefers otherwise, notifying persons who participated in the proceedings of the dismissal and/or making a public announcement of the outcome.

V. Resolution by Agreement

At any point in the investigation or the formal complaint process, the hearing officer or any of the parties may suggest a settlement of the matter based on the investigation up to that point. The hearing officer or his or her designee will serve as an impartial communicator so the parties will not have direct contact. Any information provided or discussions with the hearing officer or designee in attempts to settle the matter may not be considered part of the investigation. If the parties do not come to an agreement regarding settlement, the formal process continues.

W. Disciplinary Action

Disciplinary action for prohibited conduct, may include:

1. Measures similar to the interim measures specified;
2. Appropriate educational steps (such as counseling, evaluation, restitution, community service, compensation for theft and damage to personal property, alcohol or drug education, reflection papers, or directed study);
3. Improvement plan, performance action plan;
4. Negative comments in a performance review;
5. Reprimand delivered either verbally or in writing;
6. Document placed in personnel file (A document may only be placed in a personnel file after the staff member has had an opportunity to read the material and has signed that he or she has read it. If the staff member refuses to sign the copy, a VCSU representative shall indicate on the copy that the staff member was shown the material, was requested to sign the copy, and that the staff member refused to sign the copy to be filed);
7. Demotion;
8. Suspension;
9. Salary reduction or loss of salary;
10. Restriction or loss of privileges;
11. Dismissal.

X. Hearing Officer's Report of Investigation Findings

After concluding the investigation, the hearing officer will provide both parties with a written investigation report, which will include the following:

1. The scope of the investigation;
2. Summary of the findings;
3. A detailed statement of the basis for the action;
4. Recommendations for any corrective actions and/or sanctions including disciplinary action;
5. Any non-punitive, preventative remedies for the complainant;
6. Inform the parties of their right to appeal;
7. If warranted, recommended action to restore the respondent's reputation, such as notifying persons who participated in the investigation, and/or public announcement of the outcome.

IX. Appeals

Both the complainant and respondent may appeal the outcome. Appeals must be submitted in writing to VCSU within five (5) business days of receiving the decision.

Within the five (5) business days, the appealing party may request an extension of time by submitting a request to VCSU explaining the reason(s) for the request. VCSU will have discretion to grant such a request upon a finding of good cause for the delay.

Failure to submit an appeal within the five (5) business days or any approved extension constitutes a waiver of the right to appeal.

The appellant shall clearly state the reasons for the appeal and shall provide any relevant information to support the appeal.

The Staff Personnel Board (board) may consider other information directly related to the appeal.

A. Staff Personnel Board

The VCSU President will appoint three individuals to hear the appeal.

B. Overview of the Hearing Process

The board conducts the hearing and provides the findings of fact, conclusions and recommendations to the President. The President makes and issues the final decision.

The hearing is intended to provide the parties with a fair opportunity to present relevant information to the board who will make informed decisions regarding responsibility, sanctions, and/or remedies.

The parties are entitled to provide opening statements, testimony, cross-examination, and closing statements.

Throughout the hearing the parties will be separated.

The hearing officer conducts all questioning.

C. Notice of Hearing

The board will provide written notice of the hearing to both parties and the President, or their representatives at least twenty (20) calendar days prior to the hearing.

D. Right to Advisor and Observers

Both parties are entitled to advisors of their choice and at their own expense. Either party or the board may invite up to two observers each to attend the proceedings.

E. Newly Discovered Evidence

If after the completion of the investigation, a party seeks to present a witness or introduce evidence not previously introduced, the board may grant such request upon a showing that the witness or evidence is relevant, material, newly discovered, and could not have been discovered during the investigation with due diligence.

Where the board permits a party to introduce a newly discovered witness or evidence, to prevent surprise to the other party, the board will reschedule or adjourn the hearing to investigate the newly discovered witness or evidence. The board will also allow the parties time to respond to the new information.

F. Standard of Proof

The board will determine whether the respondent is responsible by using a preponderance of the evidence standard. This means that to find the respondent responsible for any prohibited conduct, the board must decide, based upon the record as a whole that it is more likely than not that the respondent committed all the elements of the alleged prohibited conduct.

If the board does not find the respondent responsible for any prohibited conduct under V520.02 or V603.01.01 or any supplemental jurisdiction, it will dismiss the case. If the board finds that the respondent is responsible under V520.02 or V603.01.01, it will consider appropriate sanctions and remedies.

G. Stipulation Based on Written Statements

The parties may agree to stipulate to a decision based on the written statements; thereby foregoing the formal hearing. Based on the stipulations, the board will make its decision on that basis.

H. Hearing Process and Format

The hearing process will be closed.

The parties and their support person will not have direct contact with each other.

Witnesses may be present for their own testimony.

The board may establish reasonable time limits, rules, and format, providing the parties with equal opportunities to participate.

The hearing officer will coordinate the hearing.

Formal rules of evidence will not apply.

As required by policy, the hearing will be recorded. At its own expense either party may request a copy of the recording.

Personal recordings are prohibited.

Typically, the formal of the hearing will be as follows:

- Introduction of the board;
- The hearing officer will explain the hearing process, address any necessary procedural issues, and answer any questions;
- Testimony by the complainant;
- Cross-examination by the respondent;
- Testimony by the respondent;
- Cross-examination by the complainant;
- Testimony by any witnesses;
- Cross-examination of the witnesses;
- Closing statements by the complainant followed by the respondent;
- The board will take the matter under advisement to make its determination.

1. Evidence

The board may admit any evidence which is of probative value in determining the issues or if the interests of justice will best be served by admitting the evidence. Every reasonable effort shall be made to obtain the most reliable evidence available. The board shall grant adjournments to enable either party to investigate evidence to which a valid claim of surprise is made.

2. Testimony

Testimony is conducted through a question-and-answer format.

Both parties will have the right to confront and cross-examine all witnesses.

Testimony may be taken by deposition, including deposition by telephone, or witnesses may testify by telephone, facsimile, video or other electronic means upon agreement of the parties or, absent an agreement, upon request of a party and determination by the board or hearing officer that such uses does not substantially prejudice the rights of any party. Affidavits may be received into evidence upon stipulation of the parties.

The hearing officer will ask persons being questioned to affirm that they will testify truthfully.

Both the complainant and the respondent may testify or decline to testify and may decide whether to testify when their turn to testify arises.

3. Closing Statements

The parties may make closing statements.

This is the opportunity for the parties to suggest inferences and conclusions.

The parties may not add or address information not contained in the hearing record, as the board will not consider new information. Nor may the parties address issues that pertain to sanctions and remedies. The board does not consider these issues when determining responsibility.

The board will establish a time limit for brief oral closing statements, typically around five (5) minutes.

4. Determination of Sanctions and Remedies

If the board finds the respondent responsible, it will make recommendations for appropriate sanctions and remedies.

In determining sanctions and remedies, the board may consider:

- a. The severity of the prohibited conduct;
- b. The circumstances of the prohibited conduct;
- c. The impact of the prohibited conduct and sanctions and remedies on the complainant;
- d. The impact of the prohibited conduct and sanctions and remedies on the community;
- e. The impact of the prohibited conduct and sanctions and remedies on the respondent;
- f. Prior misconduct by the respondent; and
- g. Any other mitigating, aggravating, or compelling factors.

The board may recommend one or more of the following sanctions and remedies:

- a. Measures similar to the interim measures specified;
- b. Appropriate educational steps (such as counseling, evaluation, restitution, community service, compensation for theft and damage to person or property, alcohol or drug education, reflection papers, or directed study);
- c. Improvement plan, performance action plan;
- d. Negative comments in a performance review;
- e. Reprimand delivered either verbally or in writing;
- f. Document placed in personnel file (A document may only be placed in a personnel file after the faculty member has had the opportunity to read the material and has signed that he or she has read it. IF the faculty member refuses to sign the copy, a VCSU representative will indicate that the faculty member was shown the material, was requested to sign the copy, and the faculty member refused to sign the copy to be filed. The faculty member may file an answer to the material.);
- g. Demotion;
- h. Suspension;
- i. Salary reduction or loss of salary;
- j. Restriction or loss of privileges;
- k. Dismissal.

5. Findings of Fact, Conclusions, and Decision

The findings of fact, conclusions, and the decision shall be based solely on the evidence received by the board.

The board's findings of fact, conclusions, and recommendations, with supporting reasons, shall be reported simultaneously in writing, to the VCSU President, the complainant, and the staff member or their representatives. The President shall provide written notice of the decision, including findings of fact and reasons or conclusions based on the hearing record, to the board, the complainant, and the staff member within fifteen (15) calendar days of receiving the report.

The decision will include: the specific prohibited conduct for which the respondent was found responsible and not responsible; the findings of fact; and the rationale for SCFR's determinations regarding both responsibility and sanctions.

The decision of the President is final.

Both the complainant and the respondent will be informed simultaneously of any sanctions and remedies, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements.

VIII. References/Related Resources

A. Federal

U.S. Department of Labor: Title IX, Education Amendments 1972
20 U.S. Code §1092 (f): Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
34 U.S. Code §12291: Definitions and grant provisions
485(f) of the Higher Educational Act of 2008
Titles VI and VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 Violence Against Women Act
Violence Against Women Reauthorization Act (VAWA)
Civil Rights Act of 1991
Family Education Rights and Privacy Act (FERPA)
Age Discrimination in Employment Act of 1967
Rehabilitation Act of 1973 §504
Americans with Disabilities Act of 1990
34 CFR Parts 100, 106, 104 Department of Education regulations

B. State

North Dakota Human Rights Act 1983
NDCC §12.1-17-07.1 Stalking
NDCC §12.1-17-08 Consent as a Defense
NDCC § 12.1-20-02 Definitions related to Sex Offenses
NDCC §14-03-03 Void Marriages
NDCC § 14-07.1-01 Definitions related to Domestic Violence
NDCC § 15-10-56 Disciplinary proceedings—Right to counsel for students and organizations—Appeals
NDCC § 54-06-21 Public employee personnel records—Administration—Access.
NDUS Human Resource Policy Manual 25: Job Discipline/Dismissal
NDUS Human Resource Policy Manual 27: Appeals Procedures

C. Related University Policy

NDUS 308.1 Officer and Employee Code of Conduct
NDUS 514 Due Process Requirements for Student Conduct that May Result in Suspension or Expulsion
NDUS 603.1 Harassment
NDUS 603.2 Equal Employment Opportunity
NDUS 603.3 Nepotism
NDUS 605.1 Academic Freedom and Tenure; Academic Appointments
NDUS 605.2 Standing Committee on Faculty Rights
NDUS 605.3 Non-Renewal, Termination or Dismissal of Faculty
NDUS 605.4 Hearing and Appeals
NDUS 605.5 Mediation
NDUS 608.2 NDUS Employees—Non-Renewals and Dismissals
NDUS 611.4 Employee Responsibility and Activities: Conflict of Interest
NDUS 612 Faculty Grievances
NDUS Procedures 607.0.7 Personnel Files
V308.01 VCSU Employee Code of Conduct
V520.01 Code of Student Conduct
V530.04 University Hearings and Appeals Board
V603.01.02 Hostile Work Environment
V603.01.03 Workplace Violence
V603.02 VCSU Equal Opportunity Employment Plan
V603.03 Nepotism
V605.02 VCSU Standing Committee on Faculty Rights
V605.03 Non-Renewal, Termination or Dismissal and Sanction of Faculty Members
V605.05 Mediation

**PROCEDURES OR RESOLUTION OF REPORTS AGAINST FACULTY UNDER V520.02 AND V603.01.01
Prohibited Discrimination, Protected Status Harassment, Hostile Environment,
Workplace Violence, and Other Misconduct**

II. Purpose and Scope

This procedure applies to prohibited conduct as defined in V603.01.01 Prohibited Discrimination, Protected Status Harassment, Hostile Environment, Workplace Violence, and Other Misconduct. Prohibited conduct includes but is not limited to: aiding prohibited conduct, attempting to commit prohibited conduct, prohibited discrimination, protected status harassment, hostile environment, workplace violence, physical abuse, sexual exploitation, and violating an interim measure. This procedure also applies to misconduct not covered by the Title IX Sexual Harassment Policy and Procedure.

III. Definitions

These definitions apply to terms as they are used in this procedure.

- A. **Advisor:** Either an attorney or non-attorney advocate who advises a party.
- B. **Aiding prohibited conduct:** A person aids prohibited conduct, if with the intent to promote or facilitate such conduct, that person helps another person commit the prohibited conduct.
- C. **Attempting to commit prohibited conduct** A person attempts to commit prohibited conduct, if with the intent to commit such conduct, that person engages in conduct directly tending toward completion of the prohibited conduct.
- D. **Complainant:** A person who is the subject of a report or initiates a formal complaint of prohibited conduct will be designated as the “complainant.” Both the complainant and respondent are referred to as “party” or “parties” throughout this procedure.
- A. **Confidential resources:** Confidential resources do not have an obligation to report prohibited conduct to VCSU and will not do so without the explicit consent of the complaining party. VCSU’s confidential resources are:
 - **VCSU Health and Counseling Services**
Director of Counseling Services; Licensed Clinical Counselor
McFarland 424
701-845-7424
 - **VCSU Health Services**
Director of Health Services
Mythaler Hall, first floor
701-845-7212
 - **Abused Persons Outreach Center (APOC)**
Victim Services and Prevention Coordinator
701-845-0078
 - **F-M Rape and Abuse Crisis Center**
701-293-7273 (available 24 hours)
www.raccfm.com
 - **The Village (For Employees)**
Employee Assistance Program
1-800-627-8220

- J. **Consent:** Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. The standard in determining consent is whether a sober, reasonable person in the same circumstances as the respondent should have known that the complainant did not or could not consent to the sexual activity.

The following are principles that apply to the above definition of consent:

13. Consent to any sexual act of prior consensual sexual activity does not necessarily constitute consent to any other sexual act.
14. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
15. Consent may be withdrawn at any time.
16. When consent is withdrawn or can no longer be given, sexual activity must stop.
17. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
 - e. Examples of coercion and intimidation include using physically or emotionally manipulative conduct against the complainant or expressly or implicitly threatening the complainant or a third party with negative actions that would compel or induce a reasonable person in the complainant's situation to engage in the sexual activity at issue. Examples of sexual coercion include statements such as "I will ruin your reputation," or "I will tell everyone," or "your career (or education) at VCSU will be over," or "I will post an image of you naked."
 - f. Examples of force or threat of harm include using physical force or a threat express or implied that would place a reasonable person in the complainant's situation in fear of physical harm to, or kidnapping of, themselves or another person.
18. A person is incapable of consent when they are:
 - g. Less than eighteen years of age;
 - h. Mentally disabled (a person is mentally disabled when their normal cognitive, emotional, or behavioral functioning renders them incapable of appraising their conduct); or
 - i. Incapacitated.
 - ix. A person is incapacitated when they lack the ability to choose knowingly to participate in sexual activity.
 - x. A person is incapacitated when they are unconscious, asleep, involuntarily restrained, physically helpless, or otherwise unable to provide consent.
 - xi. Someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent depending on the level of intoxication.
 - xii. Consent cannot be gained by taking advantage of the incapacitation of another. In evaluating responsibility in cases of alleged incapacitation, the fact finder asks two questions:
 7. Did the respondent know that the complainant was incapacitated: If not,
 8. Should a sober, reasonable person in the respondent's situation have known that the complainant was incapacitated? If the answer to either of these questions is "yes," consent was absent.
 9. If the fact finder determines based on a preponderance of the evidence that both parties were incapacitated, the person who initiated the sexual activity alleged to be nonconsensual due to incapacity is at fault.

- K. **Domestic partners:** Domestic partners are unmarried couples living together in a long-term relationship.

- L. **Force or threat of force:** The use of force or violence, or the threat of force or violence, including, but not limited to: (1) when the respondent threatens to use force or violence on the complainant or on any other person, and the complainant under the circumstances reasonably believes that the

respondent has the ability to execute that threat; or (2) when the respondent has overcome the complainant by use of superior strength or size, physical restraint or physical confinement.

- M. **Hostile environment:** A hostile environment exists when conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits or deprives an individual's participating in or benefiting from the University's education or employment programs or activities. Conduct must be deemed severe, persistent, or pervasive in a way that a reasonable person would find abusive, hostile, or offensive.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances. Factors in this consideration may include, but are not limited to:

- 22. The frequency, nature, and severity of the conduct;
- 23. Whether the conduct was physically threatening;
- 24. The effect of the conduct on the complainant's mental or emotional state;
- 25. Whether the conduct was directed at more than one person;
- 26. Whether the conduct arose in the context of other discriminatory conduct;
- 27. Whether there is a power differential between the parties; and
- 28. Whether the conduct implicates concerns related to academic freedom or protected speech.

Because of protections afforded by academic freedom, speech and other expression occurring in the context of instruction or research will not be considered hostile unless this speech or expression also meets one or both of the following criteria:

- 6. It is meant to be either abusive or humiliating toward a specific person or persons, and/or
- 7. It persists despite the reasonable objection of the person or persons targeted by the speech.

- N. **Interim measures:** Interim measures are individualized services offered as appropriate to either or both the complainant and respondent involved in an alleged incident of misconduct, prior to an investigation or while an investigation is pending. Interim measures include counseling, modifications of work or class schedules, restrictions on contact between the parties, increased security and monitoring of certain areas of campus, and other similar accommodations.

As measures needed by each party may change over time, VCSU will communicate with each party throughout the investigation to ensure that any interim measures may be modified, supplemented or withdrawn before, during or after the final outcome of any investigation.

- O. **Physical abuse:** Physical abuse includes sexual abuse and means any of the following: (1) the knowing or reckless use of physical force, confinement, or restraint; (2) knowing, repeated, and unnecessary sleep deprivation; and/or (3) knowing or reckless behavior that creates an immediate risk of physical harm.

Physical abuse also includes the willful, purposeful denial of medication, medical care, shelter, food, or other assistance to a person who requires such things because of age, health or disability, thereby putting that person at risk of physical, mental, or emotional harm.

- P. **Prohibited conduct:** Prohibited conduct includes, but is not limited to: aiding prohibited conduct, attempting to commit prohibited conduct, prohibited discrimination, harassment, hostile environment, workplace violence, physical abuse, sexual exploitation, and violating an interim measure.
- Q. **Prohibited discrimination:** Sex, race, color, religion, physical or mental disability, pregnancy, status with regard to marriage or public assistance, sexual orientation, participation in lawful activity, or genetic information are Equal Education and Employment Opportunity (EEEE) protected classes. Prohibited discrimination occurs when an employment or academic decision that results in negative and/or different treatment of an individual based upon his or her membership in an EEEE-protected class, such as denying an opportunity that is open to others, singling a person or group for different treatment because of her, his or their EEEE-protected class status, failure to provide reasonable

accommodation for a disability or religious belief or practice; reinforcing the use of stereotypes that unreasonably impacts a person's environment or opportunities.

- R. **Protected status harassment (harassment):** When an individual is targeted with verbal, written, visual, or physical conduct based on that person's EEEE-protected class status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working, learning, living, or social environment.

Protected-status harassment occurs when an individual is targeted with verbal, written, visual, or physical conduct based on that person's EEEE-protected status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working, learning, living, or social environment. The conduct constitutes harassment under any of the following conditions:

13. The conduct is direct.
14. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.
15. Submission to, or rejection of, such conduct by an individual is used as the basis for an employment or academic decision affecting that person.
16. The conduct is sufficiently severe or pervasive to alter the conditions of the complainant's employment or academic pursuits and creates a work or educational environment that a reasonable person would find abusive.

- S. **Respondent:** A person accused of conduct prohibited by this policy and does not imply pre-judgment.

- T. **Retaliation:** Adverse action taken against an individual for making a good faith report of prohibited conduct or participating in any investigation or proceeding under the procedures. Retaliation may include: intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the respondent, the complainant, or any other individual or group of individuals. Retaliation does not include good faith actions pursued in response to a report of prohibited conduct.

- U. **Sanctions:** Penalties which may be imposed by the University upon persons who, in proper hearing processes, have been found to have committed violations of the Code of Conduct.

- V. **Sexual contact:** Any touching, however slight, with any object or body part, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission or urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.

- W. **Sexual exploitation:** Sexual exploitation is taking advantage of another person without consent. Examples include, but are not limited to:

19. Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
20. Making, sharing, posting, streaming, or otherwise distributing any image, photography, video, or audio recording depicting or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded.
21. Exposing one's genitals to another person without the consent of that person;
22. Prostituting another person;
23. Exposing another person to sexually transmitted infection without the knowledge and consent of the person exposed; and
24. Causing another person to become incapacitated with the intent to making that person vulnerable to nonconsensual sexual assault or sexual exploitation.

- X. **Standing Committee on Faculty Rights:** Standing Committee on Faculty Rights (SCFR) consists of five tenured faculty members who are elected by the faculty for staggered five-year terms.
- Y. **Staff:** An employee of Valley City State University who is not a faculty member. The following administrative positions are considered staff for purposes of this procedure: President, Vice-Presidents, Chief Information Officer, Director of Marketing, Athletic Director, and Director of the Foundation. Likewise, for purposes of this procedure, coaches and assistant coaches are considered staff.
- Z. **Student:** The term student will be interpreted to mean any person, whether or not incidentally on the University payroll, who is currently registered with the University as a degree or non-degree-seeking candidate.

The term student will be interpreted also to mean persons not officially registered, and not faculty members or other University employees, if they are:

- 1. Currently enrolled in or taking classes at the University; or
- 2. Currently using University facilities or property, or the property of a University-related residential organization, in connection with academic activities; or
- 3. Currently suspended from being a student of the University.

AA. Violating an interim measure: A person violates an interim measure if the measure is an order by a University official and the person to whom the order applies knowingly violates any of the conditions of the order. One common example of an order by a University official is a “no-contact” order

BB. Weapons: Firearms, knives, explosives, or other items which are capable of inflicting serious bodily harm.

CC. Work place violence: Any behavior, action or statement made by an individual or group directed toward another individual, or group, that is threatening or intimidating and causes any reasonable individual who is the recipient of the behavior, action, or statement to fear for his safety and/or property. Such violence may be in the form of, but not limited to:

- 5. Causing or attempting to cause bodily injury or intimidation to another person; or
- 6. Intentionally destroying or damaging any property, public or private; or
- 7. Approaching or threatening another with a weapon; or
- 8. Making any oral, written, or physical gesture as a threat to harm any person or property.

IV. Application, Time Limits, and Computation of Deadlines

C. Application

These procedures apply to prohibited conduct by faculty on any campus of VCSU on any other property or facility used by it for educational purposes, or on the property of a VCSU related residential organization.

All actions by faculty that involve the use of the University computing and network resources from a remote location, including but not limited to accessing email accounts, will be deemed to have occurred on campus.

These procedures will apply regardless of the location of the conduct where the President or other designated VCSU official determines that either:

- 5. The alleged prohibited conduct has occurred in the context of a VCSU program or activity; or
- 6. The conduct poses a substantial threat to VCSU’s educational mission or to the health or safety of VCSU community members, including potentially contributing to or creating a hostile environment on VCSU campus.

D. Time Limit to File Formal Complaints

To promote timely and effective review, VCSU strongly encourages complainants and other persons with knowledge of possible violations of this policy to make reports as soon as possible, ideally within

sixty days of the alleged prohibited conduct. A delay in reporting may affect VCSU's ability to gather relevant and reliable information, contact witnesses, investigate thoroughly, and respond meaningfully. It may also affect VCSU's ability to take disciplinary action against a student who has engaged in prohibited conduct

Students making a complaint against faculty or staff must file the complaint within one (1) year of the alleged action.

Faculty or staff making a complaint against faculty or staff must file the complaint within six (6) months of the alleged action, with the following exception: for students bringing a complaint against faculty in the context of a subordinate-supervisory relationship between the faculty member and the student (examples: teacher assistant or research assistant), a student may file a complaint one year after no longer being under the faculty's supervision or three years from the date of the alleged behavior, even if the student is no longer affiliated with the University, whichever is earlier.

If the respondent is no longer faculty or staff at the time of the formal complaint, and VCSU is, thus, unable to pursue resolution, VCSU will provide interim measures for the complainant.

E. Determination of Deadlines

In determining any time period specified in these procedures, the day of the event, act, or default that initiates the period will be excluded.

VI. The University's Response to a Report of Prohibited Conduct

C. Initial Assessment

Upon receipt of a report of alleged prohibited conduct by students, VCSU will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report.

D. Where the Complainant's Identity is Known

Where the identity of the complainant is known, VCSU will ensure that the complainant receives a written explanation of all available resources and options and is offered the opportunity to meet promptly with VCSU to discuss those resources and options. In the initial assessment and meeting or correspondent with the complainant, VCSU will:

- Assess the complainant's safety and well-being and offer VCSU's support and assistance through available resources;
- Inform the complainant that VCSU will maintain the complainant's privacy to the greatest extent possible and disclose information only as necessary pursuant to these procedures;
- Inform the complainant of their right to seek medical treatment (including a sexual assault forensic examination) and explain the importance of obtaining evidence and preserving forensic and other evidence;
- Inform the complainant of their right to contact law enforcement, be assisted by VCSU in contacting law enforcement, or decline to contact law enforcement, and their right to seek a protective order;
- Inform the complainant about VCSU and community resources, including counseling, health, and mental health services, victim advocacy;
- Inform the complainant of the right to seek appropriate and available interim measures and how to request such measures;
- Inform the complainant of the right to file a formal complaint and seek resolution; provide the complainant with an overview of these procedures; including the informal process option; and inform the complainant of the right to withdraw a formal complaint at any time and to decline or discontinue resolution at any time, but that declining to participate in an investigation and/or the hearing process may limit VCSU's ability to investigate meaningfully and respond to a report of prohibited conduct;

- As possible and appropriate, ascertain the complainant's preference for pursuing formal resolution, informal resolution, or neither and discuss with the complainant any concerns or barriers to participating in any investigation and resolution process;
- Explain that VCSU prohibits retaliation, that retaliation constitutes prohibited conduct, and that VCSU will take appropriate action in response to any act of retaliation;
- Inform the complainant of their rights afforded under the Code of Conduct.

E. Where the Complainant's Identity is Unknown

Where a report is filed but the identity of the complainant is unknown, VCSU will assess the nature and circumstances of the report, including whether it provides information that identifies the potential complainant, the potential respondent, any witnesses, and/or any other third party with knowledge of the reported incident, and take reasonable and appropriate steps to respond to the report of prohibited conduct consistent with applicable federal and state laws and these procedures.

F. VCSU's Actions Following an Initial Assessment

Upon completion of the Initial Assessment, VCSU will determine the course of action as follows:

1. Where the Complainant Seeks Resolution

When the complainant reports prohibited conduct and requests resolution, a signed, written formal complaint will be made to the Standing Committee which will promptly initiate an investigation.

2. Where the Complainant Requests that No Formal Complaint be Pursued

VCSU supports the complainant's decision not to pursue a formal complaint and desire for anonymity.

Where the complainant does not wish to pursue a formal complaint, VCSU will honor the complainant's wishes unless doing so would impact VCSU's ability to provide a safe environment for all members of the VCSU community, including the complainant.

VCSU may consider the following factors, among others, when determining whether to honor the complainant's wish that no resolution be pursued: the respondent's history of misconduct; respondent's risk of reoffending; respondent's use of a weapon or force; and whether the complainant is a minor.

Regardless of whether the complainant chooses to file or participate in a formal complaint, VCSU will assist the complainant with reasonable and available accommodations, which may include academic, housing, transportation, employment, and other accommodations.

Where no formal complaint has been filed and an interim measure impacts the respondent, the respondent will be provided with written notice of the report, which includes, as known, the date, time, and location of the alleged prohibited conduct and the underlying factual allegations, including the identity of the complainant. Therefore, certain interim measures may not be available if the complainant wishes to maintain anonymity.

Where the complainant declines to participate in an investigation, VCSU's ability to meaningfully investigate and respond to a report may be limited.

3. University Determination that the Complainant's Request to Not Pursue a Formal Complaint Can Be Honored

Where VCSU determines that it can honor the complainant's request that no formal complaint be pursued, VCSU may nevertheless take other appropriate steps designed to address its effects on the complainant and the VCSU community.

Upon receipt of new or additional information, VCSU may reconsider the complainant's request that no formal complaint be pursued and initiate the resolution process.

4. University Determination that the Complainant's Request to Not File a Formal Complaint Cannot be Honored

Where VCSU determines that it cannot honor the complainant's request that no formal complaint be pursued, VCSU will promptly initiate the resolution process by making a signed, written formal complaint on behalf of the University.

VCSU will notify the complainant that it intends to proceed with a formal complaint and will take immediate action as necessary to protect and assist the complainant.

VCSU will make reasonable efforts to protect the privacy of the complainant. However, typically, the complainant's identity would have to be disclosed as part of VCSU's investigation.

The complainant is not required to participate in any proceedings that follow. However, if the complainant declines to participate in an investigation and/or hearing process, VCSU's ability to investigate meaningfully and respond to a report of prohibited conduct may be limited.

5. Notice to Complainant and Respondent of University Actions

VCSU will promptly inform the complainant of any actions undertaken by VCSU that will directly impact the complainant, including the filing of a formal complaint.

VCSU will promptly inform the complainant of any actions undertaken by VCSU that will directly impact the complainant, including the filing of a formal complaint.

VCSU will promptly inform the respondent of any actions undertaken by VCSU that will directly impact the respondent, including the filing of a formal complaint or the imposition of interim measures that would directly impact the respondent, and provide an opportunity for the respondent to respond to such action(s). Interim measures become effective when notice of the interim measures is provided.

6. VCSU's Right to Suspend a Faculty Member Who Poses an Immediate Threat to the Health or Safety of Persons on Campus

If a faculty member poses an immediate threat to the health or safety of persons on campus, VCSU reserves the right to suspend the faculty member immediately and remove the faculty member from campus without a hearing. A formal hearing on the matter will take place as early as possible.

G. Preservation of Information and Tangible Material

Preservation of information and tangible material relating to alleged prohibited conduct is essential for investigations as well as law enforcement investigations. Therefore, all persons involved in these procedures, whether as the complainant, the respondent, or a witness, are encouraged to preserve all information and tangible material relating to the alleged prohibited conduct. Examples of evidence include electronic communications (e.g., email and text messages), photographs, clothing, and medical information.

In the case of medical information, prompt examinations can be crucial to the collection of forensic or other medical evidence. Individuals who believe they have experienced sexual assault or other forms of prohibited conduct are strongly encouraged to seek immediate medical attention.

H. Obligation to Provide Truthful Information

At all stages of the process, all VCSU community members are expected to provide truthful information. Furnishing false information to VCSU with intent to deceive is prohibited and subject to disciplinary sanctions under VCSU's Campus Code of Conduct. This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated.

I. Interim Measures

1. Overview of Interim Measures

Following a report of prohibited conduct, the complainant and respondent will be provided information about a range of resources, support services, and measures to protect the safety and well-being of the parties and promote an accessible educational environment. Some such measures are interim measures, which are utilized pending resolution of a case.

Interim measures might in the form of support or accommodations for or restrictions on one or both parties.

Interim measures will be designed to address a perceived risk but tailored to minimize to the extent possible the impact on the affected party or parties.

Interim measures will be designed to accomplish a number of goals:

- To support and protect the safety of the complainant, the respondent, the University's educational environment, and the VCSU community;
- To deter retaliation; and
- To preserve the integrity of the investigation and resolution process.

Interim measures may be issued base upon a party's request or at VCSU's own initiative. In all instance, VCSU will, at its discretion, determine whether any given interim measure is reasonable and appropriate.

Interim measures are available regardless of whether a formal complaint has been filed. Likewise, interim measures are available regardless of whether the complainant chooses to report the prohibited conduct to law enforcement.

Interim measures become effective when notice of interim measures is provided. Where a formal complainant has been filed, typically, interim measures will remain in place pending the resolution of the formal complaint.

Violations of interim measures that are orders by a VCSU official constitute prohibited conduct.

2. Examples of Interim Measures

Potential interim measures include, but are not limited to:

- Assistance obtaining access to counseling, advocacy, or medical services;
- Assistance obtaining access to academic support and requesting academic accommodations;
- Changes in class schedules;
- Assistance requesting changes to on campus work schedules or job assignments;
- Changes to on campus housing;
- Providing an escort to complainant to promote safety on campus;
- "No-contact" orders (curtailing or prohibiting contact or communications between or among individuals).

3. Issuance of Interim Measures

VCSU is responsible for issuing interim measures.

Interim measures will be designed in a fair manner and narrowly tailored to minimize to the extent possible any restrictions on those affected.

In issuing interim measures, VCSU will make reasonable efforts to communicate with any impacted party to address safety and emotional and physical well-being concerns.

Where no formal complaint has been filed and an interim measure impacts the respondent, the respondent will be provided with written notice of the report, which includes, as known, the date, time, and location of the alleged prohibited conduct and the underlying factual allegations, including the identity of the complainant. Therefore, certain interim measures may not be available if the complainant wishes to maintain anonymity.

Interim measures are not, in and of themselves, permanent resolutions. Rather, they are actions taken by VCSU based on information known at the time that the interim measures are issued. Accordingly, VCSU has the discretion to issue, modify, or remove any interim measure at any time additional information is gathered or circumstances change.

4. Requested Review of VCSU's Decisions Regarding Interim Measures

Both parties may at any time request that VCSU issue, modify, or remove interim measures based upon a change in circumstance or new information that would affect the necessity of any interim measures.

J. Pending Criminal Investigations

In cases where there is a criminal investigation, the VCSU process will run concurrently with such investigation. VCSU may grant temporary delays reasonably requested by law enforcement for evidence gathering.

VII. Informal Resolution

Complainants may choose to pursue informal resolution of their complaint. VCSU shall assign a School Official with the authority to remedy the alleged violation (e.g. Vice President for Student Affairs, etc.) to oversee the informal resolution process.

Both parties must agree to informal resolution. Informal resolution is entirely voluntary and either party may end informal resolution at any time.

Informal resolution is a flexible process. The School Official will consult with both parties and make suggestions for resolution. Both parties must agree on the suggested course of resolution. Unlike the formal hearing process that requires the parties to be separated during the hearing, informal resolution does not require the parties to be separated. However, either party may choose to be separated during the process.

Informal resolution provides the parties with a forum to discuss the complaint and seek resolution. In cases where the respondent acknowledges involvement in the sexual misconduct, the School Official shall impose an appropriate sanction for the misconduct. If the sanction is agreeable to the parties, the informal resolution is complete, and the sanction is imposed. In cases where the respondent does not acknowledge responsibility, the formal hearing process will apply.

X. Formal Hearing Process

The formal hearing process begins when a formal complaint is filed with the Standing Committee on Faculty Rights (SCFR) chair or senior member of the SCFR and the University president. SCFR shall appoint and delegate authority to a hearing officer to conduct pre-hearing meetings, supervise exchanged or collection of information, advise SCFR or preside over the hearing.

Y. Notice to Parties upon the Issuance of a Formal Complaint

After a formal complaint is filed, the hearing officer on behalf of SCFR will notify the complainant, respondent, SCFR, and the University president in writing, of the commencement of an investigation and provide both parties with a copy of the formal complaint. Such notice will:

- Identify the complainant and the respondent;
- Specify the alleged prohibited conduct and its date, time, and location, to the extent known;
- Specify the factual allegations pertaining to the prohibited conduct;
- Specify any sanctions that may be imposed;

- Identify the hearing officer;
- Inform the parties about the parties' respective rights and obligations under V520.02 Prohibited Discrimination, Protected Status Harassment, and Other Misconduct and these procedures;
- Inform the parties of their right to seek the assistance of an advisor and a support person for emotional support;
- Inform the parties of the range of available resources, including mental health services and academic support resources;
- Explain the prohibition against retaliation; and
- Instruct the parties to preserve any potentially relevant evidence, whatever its form.

The notice requirement may be waived if the respondent consents to a short notice period or for the initiation of interim measures or emergency actions.

B. Advisors and Support Persons

Both the complainant and respondent have the right to be represented, at their own expense, by an advisor of their choice.

During the proceedings, the faculty member is entitled to have an administrative or academic advisor and counsel of their own choice and at their own expense.

Both the complainant and respondent have the right to a support person of their choice to provide emotional support to the party.

Advisors and support persons may be any person, including an attorney, who is not a party or witness or otherwise involved in the case. Advisors are advocates who advise a party during the conduct proceedings.

Advisors and support persons may attend their own advisees' meetings, such as investigative interviews, and proceedings.

Advisors may fully participate in the hearing. Fully participating includes the opportunity to make opening and closing statements, to examine and cross-examine witnesses, and to provide support, guidance, and advice. Unlike advisors, support persons may not fully participate in the hearing.

By accepting the role of advisor or support person, all advisors and support persons agree to comply with all applicable rules, processes, and procedures, including rules regarding process privacy.

VCSU will not interfere with the parties' rights to have an advisor and support person of their choice and fully expects advisors and support persons to adhere voluntarily to policy and procedure. In extreme cases, where the hearing officer determines that an advisor's or support person's conduct undermines the integrity of policy or these procedures, the advisor or support person will be prohibited from continuing to serve as advisor or support person in that case. The affected party will be permitted to obtain a substitute advisor or support person.

C. The Parties' Participation in the Investigation and Hearing

Both the complainant and the respondent may decline to participate in the investigation and/or hearing. However, VCSU may continue without a party's participation, reaching findings and issuing sanctions. Additionally, a party's decision not to participate in the investigation will limit the party's ability to participate in the hearing.

D. Consolidation of Reports, Formal Complaints, and Hearings

The hearing officer has discretion to consolidate reports and complaints that are factually related into one investigation. Likewise, the hearing officer may conduct one hearing to address the factually related issues.

E. Investigations of a Formal Complaint

1. Overview of Investigations of a Formal Complaint

The investigation is designed to be timely, thorough, and impartial and to provide for a fair and reliable gathering of the facts. All individuals involved in the investigation, including the complainant, the respondent, and any third-party witnesses will be treated with sensitivity and respect.

The investigation will generally include individual interviews of the complainant, the respondent and relevant witnesses. Upon completion of the investigation, the hearing officer will prepare a final investigative record and an investigative report. The investigative record is a compilation of statements by the parties and witnesses as well as other evidence gathered by the hearing officer.

The complainant and the respondent will have an equal opportunity to participate in the investigation, including an equal opportunity to be heard, submit evidence, and suggest witnesses who may have relevant information.

2. Time Frame of and Time Limitations During the Investigation

The investigation will be completed in a timely manner.

Throughout the investigation, both parties will receive reasonable notice of any meetings at which their attendance is requested, and the parties will be updated at regular intervals on the status of the investigation.

The hearing officer will establish reasonable time limits for the various stages of the investigation, including meetings and deadlines for any submissions or responses, and the parties must adhere to these time limits. The parties may request extensions for good cause.

If a party declines or fails to participate in a meeting or interview, provide evidence, or suggest witnesses, the party will have waived their right to do so upon the issuance of the final investigative record and report.

3. Investigative Interview Process

The hearing officer will gather information from the complainant, the respondent, and other individuals who have relevant information. As part of the investigation, the parties will have the opportunity to request in writing witnesses they would like the hearing officer to interview.

The hearing officer has the discretion to determine the relevance of any proffered witnesses, and, accordingly, the hearing officer will determine which witnesses to interview.

All persons being interviewed, including the parties, are prohibited from recording interviews.

4. Evidentiary Materials

The hearing officer will gather relevant available evidentiary materials, including physical evidence, documents, communications between the parties, and electronic records and media as appropriate.

The parties will have the opportunity to request in writing the evidentiary materials they would like the hearing officer to seek to obtain.

The hearing officer has the discretion to determine the relevance of any requested evidentiary materials, and, accordingly the hearing officer will determine what evidentiary materials to seek to obtain.

Discovery is informal. Formal discovery processes such as depositions and interrogatories are not permitted unless both parties agree.

5. The Investigation

The hearing officer will be guided, but not limited to, the following procedure:

- Identify the respondent.
- Identify the facts of the incident by separately interviewing the complainant and respondent.
- How did the complainant respond to the alleged prohibited conduct?
- What efforts, if any, were made to resolve the issue informally. (ex. Were requests made for the behavior to stop? Were requests made to separate the individuals?)
- Are there any witnesses or evidence the complainant wants to include in the investigation? Witness and evidence requests must be in writing.
- Did the complainant inform others or the supervisor of the situation? If so, what was the response?
- What was the frequency and type of alleged prohibited conduct? If known, what were the dates and locations?
- What was the professional or personal relationship, degree of control, and amount of interaction between the two parties?
- Does the complainant know or suspects that the respondent has engaged in prohibited conduct with other individuals?
- During the first interview with the respondent, the investigator will inform the respondent of all the charges being made, along with supporting evidence.
- What is the respondent's explanation of the alleged behavior?
- Are there any witnesses or evidence the respondent wants to include in the investigation? Witness and evidence requests must be in writing.
- Remind the respondent of VCSU's policy against retaliation.
- Thoroughly examine and evaluate the responses made by the respondent.
- Provide the complainant additional information from the investigation that would be significant to the outcome of the investigation.
- Interview, as appropriate, witnesses identified by complainant or respondent or those who observed, or were told about, the alleged prohibited conduct.
- Remind all parties and witnesses of the need for privacy.
- Review, as appropriate, personnel files maintained by departments; previously concluded mediation agreements; previous records of findings for the allegation of prohibited conduct; and public records. Some instances might require giving the individual who is the subject of the file or record notice and the opportunity to object. The hearing officer will rule upon any objection.

As each complaint is unique, the hearing officer has discretion to determine what additional information is necessary to make a thorough investigation.

6. Dismissal of Case by Hearing Officer

The hearing officer may dismiss a complaint and close the case where the complaint:

- m. Is not reported or filed in a timely manner.
- n. Is not supported by sufficient facts, lacks merit based upon the available evidence, or does not fall within the jurisdiction of the hearing officer. Similarly, the hearing officer may dismiss a complaint and close the case under any of the following circumstances:
- o. The complainant fails or refuses to appear or to be available for interviews or conferences as necessary.

- p. The complainant cannot be located after reasonable efforts have been made and has not responded for at least ten (10) calendar days to a notice sent by the hearing officer to his or her last known residence, office, or email address.
- q. The complainant fails to provide requested, necessary information.
- r. The complainant fails or refuses to cooperate with the investigation to the extent that the investigator is unable to reasonably resolve the charge.

The hearing officer determines that a complaint should be dismissed, the complainant will be informed of that decision, and given an opportunity to submit a written response within ten (10) working days.

When a complaint is dismissed, where appropriate, VCSU will attempt to restore the reputation of the respondent. To the extent permissible by law and VCSU policy, VCSU may take such steps as deleting records and, unless the respondent prefers otherwise, notifying persons who participated in the proceedings of the dismissal and/or making a public announcement of the outcome.

F. Formal Hearings

1. Overview of Hearing Process

SCFR conducts the hearing and provides findings of fact, conclusions and recommendations to the President. The President makes and issues the final decision.

The hearing is intended to provide the parties with a fair opportunity to present relevant information to the hearing officer who will make informed decisions regarding responsibility sanctions, and/or remedies.

The parties are entitled to provide opening statements, testimony, cross-examination, and closing statements.

Throughout the hearing, parties with their advisor(s) and support person, if applicable, will not have direct contact with each other.

The hearing officer conducts all questioning.

2. Presumption of Non-Responsibility

The respondent will be presumed “not responsible” unless and until the President determines the respondent is responsible.

3. Notice of Hearing

At the completion of an investigation, a determination will be made if a hearing is required. If a hearing is required, a written Notice of Hearing will be sent to the parties at least twenty (20) calendar days prior to the hearing. The notice will include the charges at issue, a brief summary of the alleged prohibited conduct; the date, time, and place of the hearing; the name of the hearing officer.

Written Notice of the Hearing will be provided to both parties at least three (3) days prior to the hearing.

4. Newly Discovered Evidence

If after the completion of the investigation, a party seeks to present a witness or introduce evidence not previously introduced, the hearing officer may grant such request upon a showing that the witness or evidence is relevant, material, newly discovered, and could not have been discovered during the investigation with due diligence.

Where a hearing officer permits a party to introduce a newly discovered witness or evidence, to prevent surprise to the other party, the hearing officer will reschedule or adjourn the hearing to investigate the newly discovered witness or evidence. The hearing officer will also allow the parties time to respond to the new information.

5. Standard of Proof

SCFR will determine whether the respondent is responsible by using a clear and convincing evidence standard. This means that to find the respondent responsible for any prohibited conduct, SCFR must decide, based upon the record as a whole, that it is highly and substantially more likely to be true than untrue that the respondent committed the alleged prohibited conduct.

If SCFR does not find the respondent responsible for any prohibited conduct under V520.02 or any supplemental jurisdiction, it will dismiss the case. If SCFR finds that the respondent is responsible under V520.02 or supplemental jurisdiction, it will consider appropriate sanctions and remedies.

6. Stipulation Based on Written Statements

The parties may agree to stipulate to a decision based on the written statements; thereby foregoing the formal hearing. Based on the stipulation, SCFR will make its decision on that basis.

G. Hearing Process and Format

As termination is a potential sanction, the hearing will be closed to the public. (NDUS 605.4(6)). The only persons present will be the parties, their advisor(s) and support person, witnesses (when testifying), the hearing officer, SCFR, and any staff necessary for the hearing.

Witnesses may be present only for their own testimony.

SCFR may establish reasonable time limits, rules, and format, providing the parties with equal opportunities to participate.

The trained, appointed hearing officer will coordinate the hearing.

Formal rules of evidence will not apply.

As required by policy, the hearing will be recorded. Personal recordings are prohibited. Typically, the format of the hearing will be as follows:

- Introduction of SCFR
- The hearing officer will explain the hearing process, address any necessary procedural issues, and answer questions.
- Testimony by the complainant.
- Cross examination by the respondent.
- Testimony by the respondent.
- Cross examination by the complainant.
- Testimony by any witnesses.
- Closing statements by the complainant followed by the respondent
- SCFR will take the matter under advisement to make its determination.

1. Evidence

SCFR may admit any evidence which is of probative value in determining the issues or if the interests of justice will best be served by admitting evidence. Every reasonable effort shall be made to obtain the most reliable evidence available. SCFR shall grant adjournments to enable either party to investigate evidence to which a valid claim of surprise is made.

2. Testimony

Testimony is conducted through a question-and-answer format.

Both parties will have the right to confront and cross-examine all witnesses.

Witnesses may testify by telephone, video, or other electronic means upon agreement of the parties or, absent an agreement, request of a party and determination by SCFR or the hearing officer that such does not substantially prejudice the rights of any party. Affidavits may be received into evidence upon the stipulation of the parties.

The hearing officer will ask persons being questioned to affirm that they will testify truthfully.

Both the complainant and the respondent may testify or decline to testify and may decide whether to testify when their turn to testify arises.

3. Closing Statements

The parties may make closing statements.

This is the opportunity for the parties to suggest inferences and conclusions.

The parties may not add or address information not contained in the hearing record, as SCFR will not consider new information. Nor may the parties address issues that pertain to sanctions and remedies. SCFR does not consider these issues when determining responsibility.

SCFR will establish a time limit for brief oral closing statements, typically around five (5) minutes.

4. Determination on Sanctions and Remedies

If SCFR finds the respondent responsible, it will make recommendations for appropriate sanctions and remedies.

In determining sanctions and remedies, SCFR may consider:

- a. The severity of the prohibited conduct;
- b. The circumstances of the prohibited conduct;
- c. The impact of the prohibited conduct and sanctions and remedies on the complainant;
- d. The impact of the prohibited conduct and sanctions and remedies on the community;
- e. The impact of the prohibited conduct and sanctions and remedies on the respondent;
- f. Prior misconduct by the respondent; and
- g. Any other mitigating, aggravating, or compelling factors.

SCFR may recommend one or more of the following sanctions and remedies:

- a. Measures similar to the interim measures;
- b. Appropriate educational steps (such as counseling, evaluation, restitution, community service, compensation for theft and damage to person or property, alcohol or drug education, reflection papers, or directed study);
- c. Improvement plan, performance action plan;
- d. Negative comments in a performance review;
- e. Reprimand delivered either verbally or in writing;
- f. Document placed in personnel file (A document may only be placed in a personnel file after the faculty member has had the opportunity to read the material and has signed that he or she has read it. If the faculty member refuses to sign the copy, a VCSU representative will indicate that the faculty member was shown the material, was requested to sign the copy, and the faculty member refused to sign the copy to be filed. The faculty member may file an answer to the material.);
- g. Demotion;
- h. Suspension;

- i. Salary reduction or loss of salary;
- j. Restriction or loss of privileges;
- k. Dismissal.

5. Transcript and Record Available

Upon request, a verbatim transcript of the hearing(s) and copy of the record is available at no cost to both parties.

6. Findings of Fact, Conclusions, and the Decision

The findings of fact, conclusions, and the decision shall be based solely on the evidence received by SCFR.

SCFR's findings of fact, conclusions and recommendations, with supporting reasons, shall be reported simultaneously in writing, to the VCSU President, the complainant, and the faculty member or their representatives.

The President shall provide written notice of the decision, including findings of fact and reasons or conclusions based on the hearing record, to SCFR, the complainant, and the faulty member within twenty (20) calendar days of receiving the report.

The decision will include: the specific prohibited conduct for which the respondent was found responsible and not responsible; the findings of fact; and the rationale for SCFR's determinations regarding both responsibility and sanctions.

The decision will also inform the complainant, faculty member, and SCFR of the option of submitting within ten (10) calendar days of the decision a written response to the decision, to which the President may reply. The decision of the President is final.

Both the complainant and respondent will be informed simultaneously of any sanctions and remedies, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements.

IX. References/Related Resources

A. Federal

U.S. Department of Labor: Title IX, Education Amendments 1972
 20 U.S. Code §1092 (f): Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
 34 U.S. Code §12291: Definitions and grant provisions
 485(f) of the Higher Educational Act of 2008
 Titles VI and VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 Violence Against Women Act
 Violence Against Women Reauthorization Act (VAWA)
 Civil Rights Act of 1991
 Family Education Rights and Privacy Act (FERPA)
 Age Discrimination in Employment Act of 1967
 Rehabilitation Act of 1973 §504
 Americans with Disabilities Act of 1990
 34 CFR Parts 100, 106, 104 Department of Education regulations

B. State

North Dakota Human Rights Act 1983
 NDCC §12.1-17-07.1 Stalking
 NDCC §12.1-17-08 Consent as a Defense
 NDCC § 12.1-20-02 Definitions related to Sex Offenses
 NDCC §14-03-03 Void Marriages
 NDCC § 14-07.1-01 Definitions related to Domestic Violence

NDCC § 15-10-56 Disciplinary proceedings—Right to counsel for students and organizations—Appeals
NDCC § 54-06-21 Public employee personnel records—Administration—Access.
NDUS Human Resource Policy Manual 25: Job Discipline/Dismissal
NDUS Human Resource Policy Manual 27: Appeals Procedures

C. Related University Policy

NDUS 308.1 Officer and Employee Code of Conduct
NDUS 514 Due Process Requirements for Student Conduct that May Result in Suspension or Expulsion
NDUS 603.1 Harassment
NDUS 603.2 Equal Employment Opportunity
NDUS 603.3 Nepotism
NDUS 605.1 Academic Freedom and Tenure; Academic Appointments
NDUS 605.2 Standing Committee on Faculty Rights
NDUS 605.3 Non-Renewal, Termination or Dismissal of Faculty
NDUS 605.4 Hearing and Appeals
NDUS 605.5 Mediation
NDUS 608.2 NDUS Employees—Non-Renewals and Dismissals
NDUS 611.4 Employee Responsibility and Activities: Conflict of Interest
NDUS 612 Faculty Grievances
NDUS Procedures 607.0.7 Personnel Files
V308.01 VCSU Employee Code of Conduct
V520.01 Code of Student Conduct
V530.04 University Hearings and Appeals Board
V603.01.02 Hostile Work Environment
V603.01.03 Workplace Violence
V603.02 VCSU Equal Opportunity Employment Plan
V603.03 Nepotism
V605.02 VCSU Standing Committee on Faculty Rights
V605.03 Non-Renewal, Termination or Dismissal and Sanction of Faculty Members
V605.05 Mediation
V605.09 Faculty Responsibilities
V612 Faculty Grievance Policies and Procedures

POLICIES AND REGULATIONS FOR STUDENT ORGANIZATIONS V520.05

Students at Valley City State University are free to organize and join associations to promote their common interests. Student organizations wishing to be affiliated with Valley City State University must form and operate in compliance with university policy. The following is a guide pertaining to the formation and operation of student organizations.

- I. Student Organization Recognition Procedure
 - A. Persons seeking to form a recognized student organization should contact the Director of Student Activities for information and instructions on how to proceed.
 - B. Any new group wishing to organize must file an Intent to Organize form with the Director of Student Activities. The Director of Student Activities may grant pending status to groups awaiting formal recognition, allowing the following privileges:
 1. Temporary right to reserve university facilities.
 2. Temporary right to publicize meetings.
 3. Temporary right to attract membership.
 - C. Within 30 days of completing the Intent to Organize, the group must submit two copies of its constitution and the name of faculty/staff adviser to the Director of Student Activities.
 - D. Once an organization has been recognized, it must maintain that status by registering with the Student Activities Office within the first thirty days of Fall Semester each academic year.
 1. Registration is completed by presenting to the Director of Student Activities:
 - a. A current copy of the organization constitution.
 - b. A roster of officers updated annually.

- c. The name of an adviser updated annually.

II. Rights of Recognized Student Organizations

A. Recognized organizations are entitled to the following rights:

1. The use of university facilities.
2. The right to invite membership.
3. The right to publicize or make announcements on campus about group meetings and other events.
4. Permission to conduct fundraising events (upon approval from the Foundation Office).
5. The establishment of an account with the Business Office.
6. The use of a university mailing address.
7. The use of the university name, logo, or abbreviation.
8. The right to request student activity funds from the Finance Commission of the Student Senate.

III. Duties of Recognized Student Organizations

A. Recognized Student Organizations must:

1. Register with the Director of Student Activities during the first 30 days of each Fall Quarter.
2. Notify the Director of Student Activities of any change of name, constitution, or adviser of the group.
3. Comply with all applicable laws and college policies and regulations.
4. Monitor the academic progress of the members, and require a minimum of a 2.00 cumulative GPA for all officers of the organization.

Student organizations in violation of university rules are subject to the same sanctions as are individual students according to the Student Code of Conduct. Included are suspensions or revocation of recognition. Procedures for the handling of disciplinary cases are outlined in the Student Code of Conduct.

STUDENT ORGANIZATIONS: FUNDRAISING

The raising of funds through events, sales, or solicitation is a sensitive matter involving legal issues as well as campus and community relations. The purpose of this policy is not to prohibit or prevent student organizations from conducting fund-raising projects, but to ensure that the proposed projects are lawful, properly planned, and not unacceptable or disruptive of campus and community relations.

Any recognized student organization wishing to conduct a fundraising project will fill out an application with the VCSU Advancement Office PRIOR TO ANY PUBLIC ANNOUNCEMENT OF THE EVENT. The application will be countersigned by the organization's faculty or staff advisor. The application will state the nature of the event and the purpose for which the funds are being raised. The project may proceed when it has been approved by the Advancement Office.

EMOTIONAL SUPPORT ANIMAL POLICY V520.06

Animals defined strictly as pets are not allowed to live on campus in the residence halls or apartment buildings that are controlled by the Valley City State University.

Valley City State University will follow the policies and recommendations of the Americans with Disabilities Act (ADA) of 1990 and the Fair Housing Act (FHA) of 1968.

Valley City State University (VCSU) is committed to making reasonable accommodations to qualified students with disabilities. Students with disabilities who require the use of "Service" or "Assistance" animals as a reasonable accommodation may be permitted to bring such animals on campus provided that they comply with Valley City State University's policies and procedures regarding such animals.

- A. The following policy will be followed in making decisions about Emotional Support Animals (ESA).

1. Students who are seeking to bring an Emotional Support Animal to campus must first contact the Disability Support Services and Testing Coordinator.
2. Students will need to provide specific documentation pertaining to the request before the final decision is made. The Disability Support Services and Testing Coordinator, in collaboration with Director of Counseling Services, and Director of Residence Life will review each request on a case by case basis.
3. The animal MUST NOT be in residence prior to approval per this policy. The approval of a request is specific to each animal and is not transferable to another animal. Animals present in the residence hall prior to approval will be denied approval for that academic year.
4. Students who are requesting an accommodation of an Emotional Support Animal must reapply with the Disability Support Services and Testing Coordinator each academic year.

B. Service Animal

1. A "Service Animal" is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Miniature horses may be considered Service Animals in some cases. Other species of animals, whether wild or domestic, trained or untrained, are not Service Animals. The work or task of a Service Animal has been trained to provide must be directly related to the functional limitations of the person's disability.
2. Animals whose sole function is to provide comfort or emotional support do not qualify as Service Animals. In general, a Service Animal is allowed on campus anywhere it is safe for them to be.

C. Emotional Support Animal

1. Emotional support animals are animals that provide emotional support which alleviates one or more identified symptoms or effects of an individual's diagnosis. Emotional Support Animals are prescribed to an individual with a diagnosis by a healthcare professional or mental health professional. Emotional Support Animals are an integral part of a person's treatment process to assist in alleviating the symptoms of an individual's diagnosis. Species other than dogs or domestic cats will be considered on a case by case basis.
2. Emotional Animals are not Service Animals and do not accompany an individual at all times. Emotional Support Animals are only to be permitted in the individual's assigned living space, and outdoor spaces, if appropriate, under the proper handling. These animals are not allowed in any other campus buildings. Students living off campus should note that Emotional Support Animals ARE NOT allowed in campus buildings.
3. Emotional Support Animals must be a minimum age of one year. Animals less than one year old may be considered on an individual basis.
4. Emotional Support Animals must be managed through voice commands or similar techniques.

D. Emotional Support Animal Procedures

1. A student who is living in on-campus housing (residence halls or apartments) must make a formal request to the Director of Student Academic Services for an accommodation. To make this formal request, the student must submit a completed Disability Support Services Form. Animals present in the residence hall prior to approval will be denied approval for that academic year.
2. The university requires documentation of a relevant disability or diagnosis documentation to evaluate the potential need for an Emotional Support Animal, while considering the reasonableness of the requested accommodation.
3. The review process may take up to 30 days upon receiving completed forms and documentation. This time-frame will allow for the Director of Student Academic Services, in collaboration with the Director of Residence Life, and the Director of Counseling Services to make the appropriate accommodations for the requesting student.

4. A request may be denied for approval for an Emotional Support Animal if an accommodation is unreasonable. An accommodation is unreasonable if it presents an undue financial or administrative burden on the University or poses a substantial and direct threat to the personal or public safety or to the property of others or constitutes a fundamental alteration of the nature of the service or program.
5. A student's Valley City State University judicial record may affect the student's ability to effectively control and provide a safe environment for the Emotional Support Animal, therefore resulting in denial. A written decision will be sent to the student.
6. A student receiving a denial of their request for an Emotional Support Animal may appeal the decision, in writing, to the Vice President for Student Affairs, within five business days. The decision of the Vice President for Student Affairs is final.
7. Upon approval for an Emotional Support Animal, the requesting student will be required to sign an Emotional Support Animal Agreement with the Resident Life Office. The Emotional Support Animal Agreement form includes provisions to the above policy that the student must adhere to in order to maintain the approval.
8. If an Emotional Support Animal request is granted, the Director of Residence Life will make a reasonable effort to notify the other residents of the building that an Emotional Support Animal will be in the building. There will be no disclosure of the student's disability/diagnosis.
9. Students who may be adversely affected by animals (i.e. respiratory disease, asthma, severe allergies) are asked to contact Director of Academic Services and/or the Director of Residence Life offices if they are concerned about exposure to an Emotional Support Animal. Affected students may be eligible for an accommodation when living in the proximity to an Emotional Support Animal.
10. The Disabilities Support Services and Testing Coordinator; the Director of Residence Life; and the Director of Counseling Services will collaborate, as needed to help resolve any conflicts related to an Emotional Support Animal.
11. All roommates and/or suite-mates of the animal's owner must sign an agreement acknowledging that the Emotional Support Animal will be living in the residence with them. If one or more roommate or suite-mate does not approve of the Assistance Animal, then either the owner of the Emotional Support Animal, or the non-approving roommate(s) or suite-mate(s), may be allowed to move to another location, as determined by the Director of Residence Life without financial burden due to on-campus relocation.
12. Upon the finding of an Emotional Support Animal owner to be in violation of the Emotional Support Animal Agreement, the Emotional Support Animal may be removed from University Housing. Animals must be removed from campus property within 72 hours of notification.

E. Owner Responsibilities: The owner of the Emotional Support Animal is expected to accept the following responsibilities

1. Comply with applicable Local, State, and Federal Laws concerning the ownership of an animal.
2. The owner, not the university or another student/resident, is responsible for the care and conduct of the animal.
3. Animals must be kept clean, healthy, and under the control of the owner at all times.
4. All required immunizations must be kept up to date and a copy of the immunizations must be on file with the Residence Life Office.
5. If an animal is to be licensed, then a copy of the license must be on file with the Residence Life Office.
6. The handler must adhere to any and all Valley City licensing and animal tag policies.
7. Dogs or Cats must wear a collar with appropriate tags (i.e. vaccinations, contact information, license) at all times.
8. Animals must possess friendly and sociable characteristics with proven positive demeanor. Some specific animals can be restricted from the premises by the Director of Residence Life based on any confirmed or territorial behavior.

9. Animals and their accouterments (i.e. Heat Lamp) must not pose a direct threat to the safety of others.
10. The owner is responsible for prompt clean up and appropriate disposal of the animal's waste. No waste is to be disposed on in any trash receptacle inside any building, or through any sewer system inside each building (sinks and toilets). Outside dumpsters should be used.
11. Owners with cats must properly maintain litter boxes. In consideration of the health of the cat and the occupants of the apartment or residence hall room, cat litter box contents must be changed with new litter regularly in accordance with manufacturer recommendations.
12. Animals must sleep in owner's room or apartment. VCSU can inspect the residence on a regular basis to determine if there is infestation or other damages to the property.
13. Animals must not be disruptive to other students including, but not limited to, excessive noise.
14. Valley City State University is not responsible for an animal during a fire alarm, fire drill, or natural disaster/building emergency.
15. An animal cannot be left alone for more than 24 hours. Owner is responsible for finding appropriate off-campus accommodations for the animal when they will be leaving for a period of more than 24 hours. The animal may not be left with any on-campus resident for care in your absence.
16. The owner is responsible for any bodily injury or damaged caused by the animal to any individual and is also responsible for the subsequent charges.
17. The owner must notify the Director of Residence Life and/or the Director of Student Academic Services, in writing, when the animal is no longer needed in the residence.
18. If the owner is seeking to replace an Emotional Support Animal with another, the student must file a new Registration form and file a new request with the Director of Student Academic Services.
19. Animals must always be under the owner's control. This includes, all animals are to be on a leash with a limit length of 6' or up to 20' if on a retractable leash, harness, or within a carrier device at all times when outside of the designated living quarters.
20. Emotional Support Animals are only allowed to be in the privately assigned residential room or apartment and outdoor areas as approved by the University Housing Office.
21. It is the owner's responsibility to keep a dog or cat on flea and tick control. The owner will be responsible for the cost of eliminating any pest infestation as a result of the animal. The university will contract an appropriate pest control company and bill the student directly if there is a problem.
22. When a student and/or animal vacates the resident room or apartment at the end of their contract period, the university will inspect and clean the unit. The owner will be billed appropriate cleaning charges.
23. Failure to comply with any of the above policies may result in the removal of the animal and the owner of the animal.
24. Student must have owned the ESA for a minimum of 3 months with proven benefits to well-being of the student.

RECREATIONAL EQUIPMENT V520.07

In an effort to ensure safety within environments of Valley City State University, certain activities are not permitted due to the potential damage, danger, safety, disturbance, and/or noise that may be generated by their use and/or occurrence.

"Wheeled" recreation vehicles (such as, but not limited to, roller blades, bicycles, hover boards, skateboards, etc.) are prohibited in and around university facilities, where expressly prohibited, and in high pedestrian traffic areas.

Sports activities (such as, but not limited to, basketball, football, hockey, golf, Frisbee, bouncing balls, etc.) are permitted in designated areas only and are expressly prohibited within residence halls.

Activities involving water fights, balloons, toy guns/water guns, etc. are prohibited inside buildings.

ACADEMIC AFFAIRS POLICIES AND PROCEDURES

ACADEMIC INTEGRITY V530.01

Academic integrity in students is recognized as a fundamental objective of higher education. Traditionally, it has been a highly regarded ideal in colleges and universities. Academic dishonesty contradicts this fundamental value. Academic dishonesty among students can take many forms including copying from another test, stealing examinations or gaining unauthorized access to them, using crib notes, turning in inauthentic term papers, plagiarizing, sabotaging laboratory experiments, dry-labbing, padding bibliographies, falsifying transcripts and letters of recommendation, and facilitating another person's dishonest action. In order to foster academic integrity and encourage responsibility toward that end, academic dishonesty must be discouraged by the administration, by the faculty, and by the students themselves.

To ensure that academic integrity is more than a theoretical principle at Valley City State University, certain processes and sanctions regarding academic dishonesty are set forth. However, simply imposing sanctions upon students falls short of fulfilling institutional responsibilities. The underlying objective is that students will ultimately internalize standards of academic integrity, so that they do not have to be moved toward that integrity by fear of sanction.

INSTITUTIONAL PROCESS

1. All instances of academic dishonesty will be reported to the Vice President for Academic Affairs, using form AA-44.
 - a. Faculty should complete this form and submit with documentation.
 - b. Prior to submission, faculty must either meet with the student or email the student about the issue and the impending report.
 - c. Students who believe that the report is incorrect should request a meeting with the VPAA, following the guidance of item #6, below, for this meeting.
2. The initial (course level) sanction is imposed by the faculty member. Additional sanctions may be imposed at the discretion of the Vice President for Academic Affairs.
3. The office of Academic Affairs will maintain documentation of each instance on file. Second or subsequent offences during a student's entire academic career at VCSU will receive increasingly serious sanctions.
4. The VPAA will respond to all reports of academic dishonesty within 10 class days of receiving the AA-4 form.
5. For most first offenses, the Vice President for Academic Affairs will email the student to confirm the course sanction.
6. For egregious first offences, for second and subsequent offenses, and when a student questions the validity of the report (see item #1, above), the Vice President for Academic Affairs will meet with the student to discuss the situation and possible sanctions.
 - a. The student may request that someone accompany him/her to this meeting. Typically this would be the Director of Student Academic Services. At least three hours prior to the meeting, the student will inform the VPAA (via email) of any additional attendees.
 - b. The Vice President may invite the faculty member or others if the matter requires fuller explanation. If the Vice President invites someone to the meeting, the student will be informed via email at least three hours prior to the meeting.
 - c. Within three class days following this meeting, the Vice President will email the student, faculty and other entities involved, and Director of Student Academic Services to document the sanctions imposed.
7. The Vice President for Academic Affairs will have first jurisdiction in allegations regarding violations that occur outside the classroom.

POSSIBLE SANCTIONS

Any one or more of the following actions may be imposed on a student who has violated the ideal of academic integrity:

1. After confronting a student with the evidence, a faculty member may lower a student's grade, grant no credit, assign a grade of F for the particular test or assignment, or assign a grade of F for the course in question.
2. In addition to the course sanction, the Vice President for Academic Affairs may impose academic service,

course failure, academic conduct warning, academic conduct probation, academic conduct suspension, expulsion, or a combination of these sanctions, depending on the severity of the offense or for repeat offences.

See table, below, for definition of sanction terms.

3. Every situation is different, and decisions will be made on a case by case basis, subject to individual circumstances and the severity of the infraction.
Egregious offences may result in immediate suspension.
4. Should a violation under this policy include violations of the Student Code of Conduct, further action may be taken according to the operating guidelines of that policy.

What do the Sanction Terms Mean?

Academic Service

- Directed activities in addition to course requirements, such as tutoring, completing a module on academic integrity, or writing a paper.
- Completed during the semester that the infraction occurs.

Academic Conduct Warning

- Imposed for two consecutive terms (including summer as a term).
- Accompanied by additional sanction such as course failure or academic service.

Academic Conduct Probation

- Imposed for one year (three consecutive terms, including Summer as a term).
- Failure in the course.
- The student is allowed to finish remaining courses for the semester and re-enroll.
- Another violation while on probation results in immediate suspension, with W in all remaining courses
- Additional sanctions may also apply.

Academic Conduct Suspension

- Imposed for two consecutive terms (including Summer as a term).
- Failure in a course.
- Allowed to finish remaining courses for the current semester
- Enrollment hold placed on record for two terms (including Summer as a term).

STUDENT APPEALS

All appeals of the VPAA's decision must be made within ten class days of student notification of the imposition of sanctions (ie, the date the official email from the VPAA is sent). Any attempt to carry the appeal outside of the procedure set forth will not substitute for this process and may delay the entire appeals process for that case.

The procedure to be followed by a student seeking an avenue of appeal for cases in which the student feels sanctions were unjustly imposed or unduly harsh is as follows:

- A. The student may request that the materials or situation in question, in addition to any other pertinent documentation that may not have been available at the time the sanction was imposed, may undergo a second review.
 1. To begin this process, the student should contact the Director of Student Academic Services and complete a written statement explaining the situation and requesting a second review.
 2. Within five class days of receipt of the appeal, the VPAA will call a meeting of the Academic Scholastic Standing Committee (ASSC) to review the student's statement and supporting materials, and provide a written opinion to the VPAA regarding the petition.
 - a. The VPAA will not attend this meeting;
 - b. The student may attend, either at the request of the ASSC or the student's own request;
 - c. The ASSC will deliver its written opinion within two class days of the meeting.
 3. Within two class days following receipt of the written opinion, the VPAA and the student (and any invited individuals, including the Director of Student Academic Services) will then meet to review the comments of the ASSC, the student's written statement, and any additional documentation that the student presents for consideration.
 4. The VPAA will inform the student and all invited parties via official VCSU email of the VPAA's decision regarding the second review within three class days of meeting with the student.
- B. If the student is not satisfied with the result of this second review, the student may appeal the decision to

the University Hearings and Appeals Board. A request for a hearing by that board may be made by the student and all operating guidelines set forth by the UHAB (V530.04) will be followed.

FINAL EXAMINATIONS V406.01.02

Final exam week is required under SBHE Board policy 406.1 (academic calendar). At VCSU, Final Exam Week begins on the Monday following the 75th class day of each semester, at 8:00 am, and ends Friday of that week, at 3:00 pm.

1. The Registrar publishes the exam schedule which has been developed and approved by APAC.
 - a. The exam schedule will be rotated so exams for particular time slots do not always appear at the same day/time each term.
2. Faculty are required to hold face-to-face and hybrid classes during the regularly scheduled times and conduct a meaningful academic exercise during this period - an exam, culminating academic activity, etc. Faculty are under contract during this week and may not move an exam to an earlier date for their personal convenience or the convenience of their students. Exceptions may be granted in unusual circumstances - use form AA-37.
3. Fully online courses will have a final, culminating academic activity due during the final exam week.
4. Evening courses will hold exams on their regular meeting night of exam week
5. Students are expected to attend course exams at the times scheduled on the official exam schedule. Exceptions to this policy may be granted for documented university activities or personal emergencies on a case-by-case basis, but planned absences (for example, airline tickets, routine medical appointments, or personal convenience) will not be excused. Exceptions use form AA-36.
6. Student activities and athletic events should not be scheduled during finals week. Anyone who wants to schedule a student event during this week must receive approval from the Vice President of Academic Affairs.

WITHDRAWAL FROM THE UNIVERSITY

A student considering withdrawal from Valley City State University is strongly encouraged to contact the Director of Student Academic Services prior to finalizing a decision. If for any reason a student finds it necessary to withdraw from all courses during the semester, an official withdrawal form must be completed. The last day to withdraw from the university is the last business day of the 12th week of classes. If the student is receiving financial aid, the student must contact the Office of Financial Aid to develop a repayment plan. If the student has been issued a computer, the student must return the computer within 24 hours unless prior arrangements are made with the Director of the Technology Service Desk. In case of an emergency withdrawal, it is the responsibility of the student to notify a university official.

Failure to follow withdrawal procedures may result in failing grades in all courses for the semester.

A student who fails to withdraw from all courses by the last business day of the 12th week of classes may be eligible for a late withdrawal. A late withdrawal must be for reasons beyond the student's control, including but not limited to the following: medical, death of a family member, natural disaster, or other emergency. A petition for a late withdrawal must be filed with the Director of Student Academic Services. Third party documentation is required to support a petition for a late withdrawal.

DISABILITY SUPPORT SERVICES

Valley City State University provides reasonable accommodations, promotes an inclusive campus environment, and encourages student independence for our students with documented disabilities. We align our practices with federal law to help our students reach their goals no matter the obstacle. Examples of accommodations include 1) Testing in a distraction-free environment; 2) Extended time on testing and major assignments; and 3) Audio/alternative texts.

Students who have met eligibility requirements (IEP, 504) in high school are encouraged to self-identify for Disability Support Services as soon as they get to campus. The process is simple, and students can choose to utilize services as needed throughout their time at Valley City State University. Students who did not meet disability eligibility requirements in high school may still qualify for accommodations under some circumstances.

VIKING LEARNING COMMONS

The Viking Learning Commons is a relaxed, student-focused atmosphere where students can focus on personal study, receive free tutoring, join a study group, fulfill required athletic study hours, and more. Staffed by knowledgeable professionals, educators, and student tutors, the Viking Learning Commons is a place where students feel comfortable asking questions and engaging in coursework. Located in the heart of campus directly under the iconic clock tower in McFarland Hall, this space is surrounded by vaulted ceilings, original woodwork, and exquisite stained-glass windows. The Viking Learning Commons serves as a central hub of student support.

VCSU TESTING CENTER

The VCSU Testing Center offers testing services for students with disability accommodations, Accuplacer placement testing, and testing at the request of instructors in order to maximize class time for teaching. We also provide test proctoring for other institutions. The Testing Center is a quiet, distraction-free space that is monitored by proctors.

STARFISH EARLY ALERT SYSTEM

The VCSU Testing Center offers testing services for students with disability accommodations, Accuplacer placement testing, and testing at the request of instructors in order to maximize class time for teaching. We also provide test proctoring for other institutions. The Testing Center is a quiet, distraction-free space that is monitored by proctors.

STUDENT RIGHTS V530.02

A. Freedom of Access to Higher Education

Valley City State University makes clear in the Bulletin its expectations regarding the characteristics of students which it considers relevant to success in the university programs. No student is barred on the basis of race, sex, creed, color, or national origin from the university. The academic facilities and services of the university are open to all enrolled students, subject to departmental limitations.

B. In the Classroom

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance is to be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

1. Protection of Freedom of Expression

Students are free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

2. Protection Against Improper Academic Evaluation

Students have protection through orderly procedures as directed by the VP for Academic Affairs against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

3. Protecting Against Improper Disclosure

Information about students' views, beliefs, and political associations which the professors acquire in the course of their work as instructors, advisors, and counselors is considered confidential. Protection

against improper disclosure is a serious professional obligation. Judgment of ability and character may be provided under appropriate circumstances, normally with the knowledge of the student.

STUDENT RECORDS

1. Introduction

Student records maintained by the university fall into two general categories - - directory information and educational records. As custodian of student records in compliance with the Family Educational Rights and Privacy Act of 1974, the university assumes the trust and obligation to ensure full protection of student records which includes maintaining the confidentiality of education records. The administrative procedures outlined in this section are to be complied by university personnel who have or accumulate educational records which are in a personally identifiable form. The term 'student' in this Section means an eligible student under FERPA (a student at VCSU). Students may review a copy of FERPA and the regulations at the Office of Admission and Records.

2. Directory Information

- A. Directory information is information concerning a student which may be released publicly. It includes the following: the student's name, home address, local address, e-mail address, telephone listing, date and place of birth, major field of study, class level, enrollment status, participation in officially recognized activities, weight and height of members of athletic teams, photographs, class schedule, class roster, dates of enrollment, degrees and awards received and the most recent educational institution attended by the student.
- B. A student may request that any or all of their directory information not be made public by completing a form in the Office of Admission and Records between the first and tenth day of class in a term (or between the first and tenth day of class in a summer session). This request will remain in effect for one year. The specified directory information will then be treated the same as educational records information. In responses to public inquiries, the university will verify only whether or not an individual is currently enrolled at the university.

3. Educational Records

- A. Educational records are those records, files, documents, and other materials which contain information directly related to a student's academic progress, financial status, medical condition, etc., and are maintained by Valley City State University or a party acting on behalf of the university. Educational records include more than academic records. Educational records, with the exception of those designated as directory information (see Section 2), may not be released without the written consent of the student to any individual, agency, or organization other than the following authorized personnel:
 - 1. University personnel who have legitimate educational interest;
 - 2. Officials of other institutions in which the student intends to enroll, with the condition that the student be notified of the request in advance so as to have the opportunity for a hearing to challenge the record if so desired. The student is also entitled to a duplicate of the record which will be sent to the institution requesting the information;
 - 3. Parents of a dependent student as defined by Section 152 of the Internal Revenue Code of 1954;
 - 4. Authorized representatives of the Comptroller General, the Secretary of Education, the administrative head of an educational agency, or state education authorities;
 - 5. Officials responsible for acting in conjunction with the student's application for, or receipt of, financial aid;
 - 6. Authorized individuals or organizations conducting studies for or on behalf of the university for the purpose of developing, validating, or administering a predictive test; for administering student aid programs; and for improving instruction. These studies must be conducted in such a

manner as will not permit the personal identification of students and their parents by persons other than representatives of the university or such organizations. This information is to be destroyed when it is no longer needed for the purpose for which it was collected. Authorization for such activities will come from the Vice President for Academic Affairs.

7. Educational records, including but not limited to a student's academic transcript, may be released by an NDUS institution without prior written consent, provided the student has applied for admission to the second institution.
- B. The disclosure of educational records to family members in response to subpoenas will be carried out as follows:
 1. University officials are expected to comply with judicial orders and subpoenas. Students affected by such action shall be notified of the university's intention to comply with court orders.
 2. Spouses or other family members of students may receive student record information when a written consent form is submitted.
 3. Records of former students, including deceased students, are confidential except that records of deceased former students may be released or disclosed at the request of a parent, personal representative, or other qualified representative of the student's estate, or pursuant to a court order to subpoena.
 - C. Upon written request, the university shall provide student access to a student's own educational records with the exception of:
 1. Financial aid records of the student's parents or guardian;
 2. Confidential letters of recommendation where the student has signed a waiver of right-of-access, or letters of recommendation written prior to January 1, 1975, providing such letters are used only for the purpose for which they were specifically intended.
 - D. Students may waive their access to records.
 1. A student may sign a waiver of right-of-access to confidential recommendations concerning admission, application for employment, and/or application for an honorary recognition. In such cases the student, upon request, shall be notified of the names of individuals making such confidential recommendations. These recommendations are to be used solely for the purpose for which they were intended;
 2. In the event a student refuses to sign a waiver of access, such an act may not be considered as a condition for admission, receipt of financial aid, or any other service or benefit from the university

Official Transcripts of Academic Records

- A. The Registrar compiles, maintains, and administers official transcripts of records.
- B. Each student's official transcript of record contains the following information:
 1. Name of student;
 2. Date of birth;
 3. Transfer credits, if any;
 4. Courses taken, hours completed, grades received, grading system, and grade point average;
 5. A statement indicating scholastic probation or academic honors, if any;
 6. Academic degree(s) granted by the university;
 7. Date of graduation from the university;
 8. Major(s) and Minor(s) earned;
- C. The Office of Admission and Records shall send, issue, or release a student's official transcript or record
 1. At the student's written request; or,
 2. In accordance with Section 3-A.
- D. A transcript or record shall contain only the information described in Section 4-B, and shall not be furnished in part or with information omitted.

- E. The Director of Admission and Records shall maintain a register of request for Official transcripts. This register of requests is part of the student record.
- F. A student who fails to pay a debt to the university may have his/her official transcript withheld until the debt is paid.
- G. The Vice President for Student Affairs may withhold the issuance of an official transcript pending a hearing against a student who violates a rule or regulation of Valley City State University.

SCHOLASTIC STANDING V530.03

A. Student Classifications

Regular Student status applies to anyone whose objective is to complete a degree. The following classifications apply:

- Freshman <24 credits
- Sophomore 24-59 credits
- Junior 60-89 credits
- Senior > 90 credits

Non degree status applies to anyone who has a degree and is enrolled for additional courses, or anyone who is enrolled for courses but not following an established program.

B. Grade Point Average

The grade point average is determined by calculating the total number of grade points earned and dividing by the number of credit hours in which a letter grade of A, B, C, D, or F was received. Other letter grades such as I, S, U, AU and W carry no grade point value and are not included in the calculation of the grade point average.

C. Grading and Grade Point System

Grades are reported in letter symbols. Each grade carries a value in grade points per credit hour. The system used is as follows:

Grade	Significance	Grade Points
A	Excellent	4.00
B	Good	3.00
C	Average	2.00
D	Passing	1.00
F	Failure	0.00
I	Incomplete	0.00
S	Satisfactory	0.00
U	Unsatisfactory	0.00
AU	Audit	0.00
W	Withdraw	0.00

D. Incompletes

The grade of incomplete is negotiated between instructor and student. This infrequently used option accommodates the student who was affected by conditions beyond his/her control (e.g. prolonged illness, family death) and who could not reasonably complete the course work during the term of enrollment, but who has in other respects done passing work for the semester. Whether or not a grade of I is assigned is entirely the prerogative of the course instructor. The student and instructor will develop a written contract detailing the assignments which remain to be completed and the time frame for completion. The grade of incomplete must be removed by the tenth week of the regular semester following the term in which it was reported. If the deficiency is not made up within the specified time, the incomplete will revert to the grade earned at the time the incomplete was negotiated. The instructor may request an extension of the time period by emailing the Office of the Registrar.

E. S-U Grade Option

A limited number of courses are graded on a satisfactory-unsatisfactory basis. No grade points are assigned. To encourage students to explore subjects where they might not otherwise take a course, they may request permission to enroll in courses that are not required for their graduation on a satisfactory-unsatisfactory basis. No grade points are assigned. The student must notify the Office of the Registrar of his or her S-U grade option request no later than the last day to add the course. A maximum of 15 semester hours of non-required S-U graded courses may count toward graduation. Work of C level or better is required to receive an S grade.

F. Audit

Audit means to register and participate in class activities at the discretion of the instructor. No credit is awarded for an audited course. The student must notify the Office of the Registrar of his or her intent to audit a course no later than the last day to add the course. Cost of audit is one half tuition plus applicable fees.

G. Repeating a Course

A student may repeat a course to improve a grade. The original and repeated course grade will appear on the transcript. Only the most recent grade will be calculated in the cumulative grade point average.

H. Academic Honors

1. Dean's Honor Roll. A student who completes 12 semester hours of Valley City State University classes for which grade points are earned and who received a grade point average of at least a 3.50 at the end of any semester qualifies for the Dean's Honor Roll.
2. President's Honor Roll. A student who completes 12 semester hours carrying grade points with a 4.00 grade point average at the end of any semester qualifies for the President's Honor Roll.
3. Honor Roll. A student who completes 6-11 semester hours of Valley City State University classes for which grade points are earned and who received a grade point average of at least a 3.50 at the end of any semester qualifies for the Honor Roll.
4. Graduation Honors. The student who has achieved a cumulative grade point average between 3.50 and 3.74 at the time of graduation qualifies for the honor, cum laude. The student who has achieved a cumulative grade point average between 3.75 and 3.89 qualifies for the honor, magna cum laude. A student who has achieved a cumulative grade point average between 3.90 and 4.00 qualifies for the honor, summa cum laude.

UNIVERSITY HEARINGS AND APPEALS BOARD V530.04

The University Hearings and Appeals Board is established for the purpose of providing an avenue of final appeal of a decision made by a university official or by an established university committee. The University Hearings and Appeals Board also acts as a hearing body in matters dealing with alleged violations of the Student Bill of Rights.

All actions of the Board are advisory in nature to the President of the University.

In the case of appeal of an action of an established university committee, the appeal shall be limited to a review of the record of the initial hearing and supporting documents (except as required to explain the basis of new evidence) and for one or more of the following reasons.

- a. To consider new evidence which may alter the decision.
- b. To determine if the original hearing was conducted fairly and in accordance with published procedures.
- c. To consider whether the sanctions imposed by the committee were appropriate and in accordance with policy.

OPERATING GUIDELINES

1. The University Hearings and Appeals Board will include one (1) administrator, two (2) faculty members, and two (2) students appointed each year by the President of the University from a list of nominees recommended by the Administrative Council (administrative nominees), Faculty Senate (faculty nominees), and the Student Senate (student nominees). The Board will meet prior to the end of the month of September each year to select a chairperson.

2. A student who wishes to appeal a decision of a college committee or the decision of an administrator of the college may request a hearing of the Board within one week of the decision under question.
3. Requests for a hearing should be made to the Director of Student Academic Services.
4. The Chairperson of the Board has the responsibility of instructing the person requesting the hearing in regard to the information required. Format for the information must include:
 - a. General purpose;
 - b. Specific statement of charge, and the grounds for the appeal;
 - c. Background pertinent to the charge;
 - d. Previous action taken and the result.
5. Notification of a request for a hearing must be made to all parties within two (2) class days. This notification is the responsibility of the Chairperson of the University Hearings and Appeals Board.
6. The Board will consider the request and inform the parties involved of the hearing date if a hearing is deemed advisable. The hearing must be held within four (4) class days of the Board decision to hold the meeting.
7. All parties involved in a hearing must present any printed materials that will clarify the case to the Chairperson of the Board within one (1) day of the hearing. The Chairperson of the Board has the responsibility for the distribution of these materials to the other members of the Board.
8. All matters upon which the decision may be based must be introduced at the proceedings before the Board.
9. The findings and recommendations of the Board will be sent to the President of the University for his/her consideration.
10. The President will announce his/her decision to all involved parties within five (5) days of the receipt of the complete and final committee report.
11. A written report of the proceedings will be kept confidentially on file in the President's Office for the period of one (1) year or until any further appeals are completed.

ACADEMIC PROBATION AND SUSPENSION V530.05

Students not making satisfactory progress will be placed on academic probation. The following standards for satisfactory progress have been established and apply to all regularly enrolled students:

Total Hours Attempted Cumulative GPA Required

12	1.60
30	1.80
60	2.00

Any student who does not make satisfactory progress according to these standards is placed on academic probation. Until the student brings his or her cumulative grade point average up to the required level, the student is continued on probation, providing he or she achieves at least a 2.00 grade point average during the subsequent semester(s) of enrollment. The summer session is considered equivalent to a semester.

Full-time students not accruing adequate credits may be placed on academic probation or suspension at the discretion of the Vice President for Academic Affairs. Adequate credits is defined as two-thirds of the hours attempted.

In order to increase the probability of future academic success, academic probation status restricts the student to a maximum course load of fourteen credits during fall and spring semesters (6 credits during summer) and requires the student to complete a one-hour course in study skills as part of the restricted course load. Satisfactory progress while on probation means achieving a grade point average of at least 2.00 or better during the semester. Failure on the part of the student to achieve a semester grade point of at least 2.00 while on probation results in academic suspension from the University.

A student who has been suspended from the University may submit a petition to the Academic and Scholastic Standing Committee for readmission. (Form AA-8). The Committee reviews the petition, considers the evidence, and makes a decision regarding the status of the student. Any student who is reinstated by this Committee is required to meet obligations set forth by the Vice President for Academic Affairs or designee.

A suspended student who returns after one calendar year may be readmitted on probation and is not required to petition for readmission. Any transfer student who is not eligible to return to the previous institution must submit a petition to the Academic and Scholastic Standing Committee for admission to VCSU. Transfer admission following the academic suspension/dismissal from another institution will be coordinated with that institution to determine conditions under which the student may be admitted.

ADD/DROP COURSE POLICY V530.06

Any student desiring a change of course schedule after completing the initial registration for the term must complete the process in Campus Connection or at the Office of the Registrar.

Changes in course schedule may result in additional tuition charges. Tuition refunds for dropped courses are governed by State Board of Higher Education policy 830.2 Tuition Refund Policy.

A. ADDING A COURSE

Students may add a course through Campus Connection or the Office of the Registrar during the first 10 calendar days of the fall semester and the first 11 calendar days of the spring semester. The last day to add for part term courses will be prorated based on the length of the class session. Specific dates are listed in the academic calendar.

B. DROPPING A COURSE

Drop with no record: A student may drop from a full semester course and no record of the course will appear on the student's record if the drop is processed on or before the 10th calendar day of the fall semester or 11th calendar day of the spring semester by accessing their Campus Connection. The last day to drop from part term courses will be prorated based on the length of the session. Specific dates are listed in the academic calendar.

Drop with record: A student may drop a semester-length course at any time during the first twelve weeks of the semester. A grade of "W" will be recorded on the student's transcript for all courses dropped after the Drop with No Record deadline. Courses within a shorter session and the summer term will have a proportional last day to drop with record. Specific dates are listed in the academic calendar.

C. LATE DROP OF A COURSE

After the last day to drop a course in a semester, no changes in schedule are permitted except in extenuating, non-academic circumstances beyond the student's control, such as medical, family death or emergency, or natural disaster. The student must submit a petition to the Academic and Scholastic Standing Committee and include third-party documentation. A student may be requested to appear for a hearing. Petitions (AA-8) are available in the Office of the Director of Student Academic Services.

One Time Drop Policy: Each student may late drop one course after the deadline (up to and including the last day of the semester) without proof of extenuating circumstances one time during his or her undergraduate enrollment at VCSU. This "one-time drop" must be processed using a petition available in the Office of the Director of Student Academic Services. A symbol of W will appear on the transcript.

GRADE APPEAL POLICY V530.07

Students have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

The following is the procedure to be followed by a student seeking an avenue of appeal for cases in which the student feels an evaluation was prejudicial or capricious.

Students are expected to discuss any grade concerns with their instructors prior to initiating this process. This complaint process assumes that attempts for informal resolution have failed.

All complaints must be submitted in full (including documentation) within ten class days of the regular semester following the term in which the grade was reported. Fall and Spring semesters are considered 'regular' semesters, for the purposes of this policy. Any attempt to carry the appeal outside of the procedure set forth may negate the entire appeals process for that case.

1. The student must complete the Grade Appeal form (AA-39) and submit it, along with supporting documentation, to the Office of Student Academic Services.

The Director of Student Academic Services will date-stamp the complaint and schedule a meeting with the student, instructor, and department chair that occurs within ten class days of receipt of the complaint. Copies of the form and supporting documentation will be provided to the instructor and department chair prior to the meeting.

2. The Director of Student Academic Services will accompany the student to the meeting. The Director's role is to ask questions, guide discussion, and otherwise provide support for the student.

At the completion of the meeting, the department chair will complete the "Department Review" section of the appeal form. Copies of the form will be provided to the department and the student. The original form is filed in the Office of Academic Affairs office. If indicated, the instructor will file a change of grade form.

3. If the situation is not resolved to the student's satisfaction the student may sign the appeal portion of the complaint form and submit it to the Office of the Vice President for Academic Affairs (VPAA) along with the documentation within 10 class days following the department review meeting. The student may choose to provide additional documentation.

4. Within 10 class days of receiving the appeal, the VPAA or a designee will meet with the student to discuss the complaint.

After reviewing the documentation and consulting with other parties as necessary, the VPAA or designee will make a final decision in the matter within twenty class days of receiving the appeal, and record this decision in the "VPAA Review" section of the complaint form.

Copies of the updated form will be provided to the department and the student via official VCSU email; the original will be filed in the Office of Academic Affairs.

STUDENT ATTENDANCE POLICIES V530.08

Students are expected to participate in all class sessions of courses for which they are registered, including online sessions.

In accordance with policy V605.15 (Absence Reporting Policy), all faculty are required to maintain records that allow them to document the last day of attendance, information that may be requested by the Financial Aid officer for compliance with federal regulations.

In addition, faculty are encouraged to report to the Director of Student Academic Services the names of students who appear to need additional assistance to be academically successful.

ACADEMIC ADVISING V530.09

The mission of the academic advising program is to promote student development, provide resources for academic success, and prepare students for their careers, citizenship, and their lives. Academic advising is coordinated through the Office of Student Academic Services. Each student is assigned an advisor at the time of enrollment from the appropriate academic program area.

The assigned advisor assists the student with interpreting academic requirements and regulations, establishing career and educational goals, and determining course schedules. The advisor will also advocate for student success and persistence. While input from other professionals on campus is valuable, the official

advisor serves as the best individual on campus for students to seek counsel from in terms of their program, course scheduling, and achieving academic success.

The student has the primary responsibility for making decisions about career and educational plans and for meeting all appropriate academic requirements. The student is responsible for meeting with their official advisor at least once per semester to receive assistance with class scheduling.

The advisor, through collaboration with the advisee, will maintain an advising record containing general and pertinent information. The advisor adds or changes information as the student progresses academically and personally.

A student may request a change of advisor at any time. Requests for a change of advisor must be reviewed by the chair of the academic department. Any change is processed in the Office of Student Academic Services.

INSTITUTIONAL PROCESS

1. Undergraduate, degree seeking students, including undeclared, will be assigned an advisor at the time of their enrollment.
 - a. Advisees will be assigned to advisors based on guidelines provided by each academic department.
 - b. Advisee assignments will be communicated to the academic departments.
 - c. Undeclared students and University Studies may be assigned to academic support staff or faculty as needed.
2. Upon assignment, Advisors will make contact with new advisees to begin the advising relationship, communicate any department expectations, and describe advising work flow.
 - a. Departments are expected to determine advising expectations for students in their programs. Expectations may include, but are not limited to: required advising sessions, group advising, or use of non-department based advising.
 - b. Departments will coordinate with Student Academic Services, the Registrar's Office, and other campus services to ensure expectations are being upheld.
3. Requests for changes to an academic plan should be initiated by the student through Student Academic Services.
 - a. Changes to an academic plan may require a change of advisor. New advisors will be assigned by Student Academic Services based on guidelines provided by academic departments.
 - b. Student Academic Services will communicate the change of academic plan and advisor assignment to the necessary faculty members and department chairs.
 - c. Newly assigned faculty advisors are responsible to communicate with the previous advisor to gather any information maintained in the student's advising record.
 - d. Reasons for academic plan changes and advisor assignments will be gathered and tracked by Student Academic Services. This information will be shared with department chairs and the Vice President of Academic Affairs when necessary.
4. Students wanting to change advisors must meet with Student Academic Services to initiate the request.
 - a. Students may select their first choice of new advisor with guidance from Student Academic Services.
 - b. Student Academic Services will contact the chair of student's academic department to communicate the request.
 - c. The department chair may recommend a different advisor be assigned in order to maintain faculty workload balance and to ensure appropriate faculty assignments.
 - d. Reasons for advisor change requests will be gathered and tracked by Student Academic Services. This information will be utilized to determine areas of concern and need for advisor training. This information will be shared with department chairs and the Vice President of Academic Affairs when necessary.

STUDENT LOAD POLICY V530.10

VCSU operates an academic calendar on the semester system, according to the guidelines in SBHE policy 406.1 (Academic Calendars). Each semester is 80 days, or 16 weeks (including exam week). One semester hour of credit represents one academic hour of class instruction or two or more academic hours of laboratory work per week for a period of 15 weeks, or the equivalent.

In organizing their schedules, students should plan to spend about two hours of study for one hour of classroom instruction. Therefore, a student taking 15 credit hours should expect to spend about 30 hours studying each week. In seeking a course overload, students should consider carefully the impact of this load on their available study time.

ACADEMIC SEMESTER COURSE LOAD

While full-time enrollment is 12 semester hours per semester, students who plan to graduate in four years should take 15-16 credit hours per semester. A student in good standing may register for up to nineteen hours. Students wishing to enroll in more than nineteen hours must meet the appropriate grade point average. The student wishing to take 20-21 semester hours must maintain a minimum cumulative grade point average of 3.00. The student wishing to take 22-23 semester hours must maintain a minimum cumulative grade point average of 3.50. No student will be allowed to enroll in more than 23 semester hours in any one semester.

SUMMER TERMS COURSE LOAD

Summer terms compress the regular term, by meeting 3, 4, or 8 weeks instead of 15, but the expectation for academic rigor, course content, and study remain the same. Therefore, a 3 credit course offered during an 8 week session will take the same amount of time as 6 credits would in a regular academic term, and a 3 credit course offered during a 4 week session is equivalent to 12 credits (or full time) during a regular academic term.

Students and advisors should use these guidelines to plan summer work realistically, so students may gain the full benefit of the course and have sufficient time for study.

Full-time status during Summer term is 6 credits; the maximum load is 9 concurrent credits for a student in good academic standing. If a student wishes to register for more than 9 credits that are not concurrent, s/he should contact the Office of the Registrar; in any case, no more than 9 credits may be taken concurrently and no more than 14 semester hours in any Summer (total for all summer terms; this is the equivalent of one credit per week for the full summer).

Any exception to the above policy requires a petition to the Academic and Scholastic Standing Committee. Petitions are available in the Office of the Director of Student Academic Services.

ACADEMIC AND SCHOLASTIC STANDING COMMITTEE

The Academic and Scholastic Standing Committee is comprised of administration and faculty members. The Committee shall consider petitions and routine matters concerning student academic affairs and advise the Vice President for Academic Affairs in the areas of academic and scholastic standing. The student submitting a petition may be asked to appear for a hearing with the Committee. Decisions may be appealed as outlined in the VCSU Student Handbook.

LANGUAGE PROFICIENCY FOR FACULTY

In accordance with State Board Policy 609, VCSU has established the following process for verifying communication skills, including the verbal and written English language proficiency of all faculty (both full time and adjunct).

1. Prior to employment, language proficiency of the finalists in the applicant pool is determined using the following methods:
 - a. Written proficiency in the English language is examined by the Search Committee using the documents submitted in the application. In addition, writing samples may be requested during the on-campus interview process. Members of the search committee will use categories of excellent, satisfactory, or unsatisfactory in evaluating written communication proficiency. An overall rating of satisfactory is the required minimum.
 - b. Verbal communication ability is assessed during the formal interview, when the candidate provides a verbal teaching presentation. All audience members in attendance, including students, and the search committee members are asked to comment on the effectiveness of the presentation, and members of

- the search committee later use these comments to evaluate the communication and teaching proficiency of the candidate.
- c. Applicants may be asked to provide a TOEFL Internet based test (TOEFL iBT) score of 100 or above as further evidence of proficiency.
 2. Irrespective of initial employment considerations, any faculty member (both full time and adjunct) may be recommended for a language development program if sufficient evidence indicates a language proficiency problem.
 - a. Completion of such an on-going language proficiency program may be a condition of continued employment and indicated contractually.
 - b. The Vice President for Academic Affairs will be notified of all faculty communication (language) development programs and will be responsible (along with deans and division chairs) for implementation. The Vice President for Academic Affairs will report such communication development programs to the President's Office for contractual considerations and progress reports.
 3. Special consideration and/or methods involving specialized testing and/or equipment may be necessary to evaluate potential and existing faculty to ensure compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act Amendments Act, as well as federal and state constitutions and laws. The mechanisms used to determine communications (language) proficiency will take into consideration inability of otherwise qualified candidates and/or faculty to demonstrate proficiency because of disability, race, religion, or other protected characteristics.
 4. Students (and personnel) who have difficulty communication with an instructor due to that person's language proficiency may contact the Vice President for Academic Affairs to discuss the student's concern or file a complaint using the Language Proficiency Complaint form, which is available in the Academic Affairs Office. Administrators who receive formal complaints must respond and take action within 15 days; any retaliation against a student who files a complaint under this policy is subject to disciplinary action, up to and including termination.
 5. Faculty who feel that they may have been discriminated against by the application of this policy may utilize the VCSU faculty grievance process (V605.2).
 6. Information about this policy is published in the Student Handbook, and the policy is reviewed regularly under the campus policy review cycle.

EXPECTATIONS OF STUDENTS TAKING ONLINE COURSES V530.11

Online students are expected to:

- A. Communicate regularly with faculty.
 1. The VCSU email system is the official means of communication for the university. VCSU faculty and administration expect that all students will read and act upon the information sent to them via email. Students are expected to check their VCSU email regularly and in accordance with course requirements.
- B. Act with academic integrity. (See policy V530.01 Academic Integrity at <https://onestop.vcsu.edu/support/solutions/articles/10000025718-v530-01-academic-integrity>)
 1. VCSU faculty and administrators will vigorously investigate any suspicions of academic dishonesty including but not limited to plagiarism, collusion, and/or any other form of cheating on graded assignments and tests.
 2. Students are expected to:
 - a. Understand and follow online etiquette (netiquette) and civility. (sample info at <http://www.albion.com/netiquette/>)
 - b. Request an alternative assignment only when they are not able or willing to divulge their personal information to create online accounts outside of the official VCSU learning management system.
- C. Meet course deadlines.
 1. The university expects that students either have or will develop good time management skills as they relate to completing online course requirements. Some suggestions include:
 - a. Identifying specific hours of the day for schoolwork.
 - b. Setting deadlines based on personal schedules in advance of the official deadline.
 - c. Creating a personal calendar of class events and requirements, or keep up-to-date to-do lists
 - d. Asking for help in a timely manner.

2. VCSU expects that online students will generally spend a similar amount of time to complete an online course as they would to complete the same course offered on campus. The general guideline for college courses is to expect to spend three hours per week (on average throughout the term) for each credit hour of a course. For example, 9 hours of weekly work time would be considered “normal” for a 3-credit course. There are naturally occurring variations to this expectation when looking at specific courses.
- D. Be an active course participant.
1. Login to the learning management system and enter their online courses during the first week of class. Ideally, students should enter their online courses on the first day of the term.
 2. Attend courses on a regular basis. In the online learning system, “attendance” is determined by student engagement with the classroom tools, with other students, and with the instructor. Students are expected to log-on to the course on a regular basis and in accordance with course requirements to check for news and information, and to maximize their online participation. Instructors and retention personnel will be notified when students do not demonstrate attendance by accessing course functions and do not submit an assignment for 14 consecutive calendar days.
 3. Be aware of course and instructor expectations and policies, including:
 - a. Instructor availability and response times.
 - b. Grading policy and criteria for how work and participation will be evaluated.
 - c. Interaction with the instructor, content, and other students.
 - d. All VCSU policies including the Student Code of Conduct.
 4. VCSU strongly encourages students to submit the optional end-of-term course evaluations for online courses.
- E. Be equipped with the minimum required course components, technologies, tools and media.
1. Purchase textbooks or other required course materials IN ADVANCE of the start of the term, preferably 2-3 weeks prior to the start of the term to ensure that the books are in their possession at the start of the term. Failure to acquire the required course materials in a timely manner is not an acceptable excuse for missing deadlines at the beginning of the course.
 2. Have regular and reliable access to the Internet in order to access their online courses. High-speed Internet is highly recommended. See this page (<https://www.vcsu.edu/academics/online-programs/online-and-distance-learning-technical-requirements/>) for specific technical requirements.
 3. Have or acquire basic computer skills. Failure to do so can be expected to have a detrimental impact on student performance in the online learning environment.
 4. Complete the optional Online Orientation Course that is available to all students inside the learning management system portal.
 5. VCSU expects online students to resolve their own technology problems related to computers and related equipment as well as Internet access. The college is not responsible for fixing problems or troubleshooting issues that students might have with their own personal equipment or purchased services.

STUDENT INTERNSHIPS V530.12

A. Definition

At VCSU, an internship is defined as a supervised work experience related to a student’s academic major or career goal and taken for academic credit. The internship is graded and included on the student’s official academic transcript.

B. Student Eligibility

1. Students must have:
 1. At least a sophomore status
 2. Grade point average as established for each academic degree program
 3. Approval from their respective academic department
2. Positions require:
 1. A temporary assignment or special project that does not displace a regular employee
 2. Approval by the Career Services Coordinator prior to course registration
 3. Direct relation to the student’s major, minor, or career interest to qualify for credit

4. A minimum of 40 hours per credit, ranging from 3-12 credits per academic area (120-hour minimum)
3. The student agrees that the internship position is primarily an educational experience and all responsibilities of the employer will terminate completely at the end of this experience including any and all present or future employee benefits. The student is not entitled to unemployment compensation after completion of an Internship as the position is a temporary assignment which is not covered under most unemployment compensation laws. Students may complete multiple internships over many semesters, earning 3 to 12 credits per academic area.

C. Student Requirements

Internships are graded on a satisfactory/unsatisfactory basis and success in each of these areas will be required for successful completion of the internship. Students must satisfy all requirements outlined in the individual Learning Agreement form.

VCSU STUDENT-ATHLETE POLICY FOR THE NAIA SENIOR EXCEPTION V530.13

The current NAIA policy for the senior exception reads . . .

3. The student must be identified and enrolled in a minimum of 12 institutional credit hours at the time of participation.

EXCEPTION: *A student who will complete requirements for graduation within 10 semesters, 15 quarters, 12 trimesters or less may retain eligibility during the last term of attendance of the senior year by enrolling in fewer than 12 institutional credit hours. Official verification must be provided by the registrar that the student has completed all other academic requirements for graduation except for the currently enrolled credits. Such verification must be provided to the eligibility chair.*

Based on the NAIA policy cited above, VCSU approved the following institutional policy regarding this one-time exception for student-athletes:

ACADEMICS

1. For the 2017-18 academic year, any VCSU student-athlete using this exception must enroll in a minimum of three (3) institutional credits and must provide evidence from the Registrar that he/she will meet graduation requirements at the end of the term the exception is used.
2. For 2018-19 and subsequent academic years, any VCSU student-athlete using this exception must enroll in a minimum of six (6) institutional credits and must provide evidence from the Registrar that he/she will meet graduation requirements at the end of the term the exception is used.

ATHLETIC SCHOLARSHIPS AND FINANCIAL AID

1. The athletic scholarship for any student-athlete using the senior exception will not exceed the total charges for tuition and fees plus an additional maximum allowance of \$3,000 for housing and personal expenses during that semester.
Housing expenses apply to both on and off campus expenses.
2. Student-athletes who enroll in six or more credits will be eligible to receive additional aid as determined by federal financial aid policy.

NOTE: Student-athletes may file an appeal to these policies by contacting the Financial Aid Director and submitting an appeal to the Financial Aid Committee. The Financial Aid Committee will process the appeal. Student-athletes can file the appeal based on the following issues:

- Academic requirements to fulfill this policy
- Scholarship allocations
- Unique circumstances

The student athlete can appeal the decision of the Financial Aid Committee to the vice president for student affairs. The VPSA decision is final.

OTHER POLICIES AND PROCEDURES

STUDENT GRIEVANCE POLICY

I. INTRODUCTION

The university's commitment to academic quality and integrity, as well as to academic freedom, rests upon honesty and fairness in all aspects of scholarly endeavor. Faculty must test, grade, and review student work in a manner that is fair and reasonable and students must maintain scholastic honesty beyond reproach. Disputes that arise about fairness and honesty are best resolved through open and sincere communication among all parties - students, faculty, committees, and administrators. This section on academic concerns addresses procedures for resolving academic grievances. (It is presumed that the student will have already tried to work out the problem with the faculty, committee or administrator with whom there is a concern.)

II. STUDENT GRIEVANCES

A. DEFINITION

The term "student grievance" is defined as: A statement lodged by a student expressing a complaint, resentment, or accusation about a university circumstance which is thought by the student to be unfair or inappropriate.

Academic issues subject to grievance procedures differ from those subject to the academic petition process. The petition process includes a request by the student to have a university or program requirement waived or modified. It may include the right to appeal under circumstances outlined in the petition process. The substance of petitions and appeals is under the jurisdiction of individual programs or designated university committees. If a student thinks that the petition has not been handled fairly, the student may initiate a grievance based upon unfair treatment, but not upon the substantive issue.

B. GRIEVANCE PROCESS

1. The procedures of the Grievance Process are to begin with discussion between the student and the faculty member, committee, or administrator with whom the student has a grievance. A written statement, by the student, regarding the grievance should accompany the discussion. The director of Student Academic Services will accompany the student through the process. (An expiration period of one calendar year from the incident will apply to this policy.)
2.
 - a. If the student has a grievance with a faculty member, and the student does not resolve the grievance with the faculty member to the student's satisfaction with discussion between the two parties, the student will advance the grievance to the department chair. The department chair will arrange a meeting within ten class days of the student's request. Notification of the meeting will be sent to all parties involved.
 - b. If there is no department chair; or, if the faculty member is the department chair and the grievance is not resolved to the student's satisfaction, the student will advance the grievance to the division chair of the academic division involved. The division chair will arrange a meeting within ten days of the student's request. Notification of the meeting will be sent to all parties involved.
 - c. If the grievance is not resolved to the student's satisfaction at the department chair level; or, if the faculty member is the department chair, and the grievance is not resolved to the student's satisfaction, the grievance will be referred to the Vice President for Academic Affairs (VPAA). The Vice President for Academic Affairs will arrange a meeting within ten class days of the student's request. Notification of the meeting will be sent to all parties involved.
 - d. If the grievance is with a committee or administrator and the grievance cannot be resolved to the student's satisfaction at that level, the grievance will be referred directly to the Student Grievance Committee. (Section C.) The Student Grievance Committee will have a meeting within ten class days of the student's request. Notification of the meeting will be sent to all parties involved.

C. STUDENT GRIEVANCE COMMITTEE PROCESS

1.
 - a. The grievance must be presented in writing to the chair of the Student Grievance Committee. This written statement should describe the grievance, indicate how it affects the individual

- or unit, and include the remedy sought from the committee.
- b. After the grievance has been filed, it is the committee's charge to review the academic grievance, consult with all parties significantly involved in the grievance, document its findings, and make a final decision within a reasonable length of time (not to exceed 20 school days).
 - c. The Student Grievance Committee has the authority to recommend or require action in these cases either with faculty or the administrators or to require changes in classroom, administrative, or committee procedures. The Student Grievance Committee also has the authority to uphold an earlier decision or require a re-examination or re-review.
 - d. A copy of the decision will be sent to the originator of the grievance, the division chair of the division involved, and those against whom the grievance originated.
 - e. The decision of the Student Grievance Committee may be appealed to the University Hearings and Appeals Board, which is the final step in the University Academic Grievance process, and will follow the procedures specified in the VCSU Student Handbook.

III. STUDENT GRIEVANCE COMMITTEE MEMBERSHIP

The Student Grievance Committee shall consist of:

- Vice President for Academic Affairs
- Vice President for Student Affairs
- Three faculty members
- Three student members

The Vice President for Academic Affairs (VPAA) shall serve as the non-voting chairperson of the Student Grievance Committee. In case of a tie, the VPAA will cast the deciding vote. The chair of the Student Grievance Committee shall also select the members to serve on the committee for each case. The Vice President for Student Affairs will serve in an ex-officio, nonvoting, advisory capacity. Also, in case that the VPAA is absent for the proceedings, the Vice President for Student Affairs will serve as chair of the Student Grievance Committee, with the same duties for the chairperson as stated above.

Each division shall select one faculty member to serve on the committee, for a total of six. Three faculty members will serve on the committee for any case. There shall not be a faculty member that is directly involved with the grievance, on the Student Grievance Committee. Any faculty member from the department or division involved in the grievance may not vote on the committee, but may be present.

The six student members will be chosen by the Student Senate Executive Officers. Only three student members will serve on the committee for any one case. There shall not be a student member that is directly involved in the grievance on the Student Grievance committee.

In cases in which any member of this committee has a conflict of interest in a particular case, that member will be asked to remove him/herself from the Student Grievance Committee for that case. The student or faculty members will be placed in accordance with the above guidelines.

The student and faculty members to the Student Grievance Committee will serve for one academic year. Student or faculty members will have the option to withdraw from the committee for a particular case if that person sees fit. That member will be replaced by another member in accordance with the guidelines above.

INSTITUTIONAL RECORDS OF STUDENT COMPLAINTS

In keeping with federal regulations, Valley City State University maintains records of all formal, written student complaints filed with the Offices of the President, the Vice President for Academic Affairs and the Vice President for Student Affairs. The records include the date the complaint was filed, the nature of the complaint, the steps taken to resolve the complaint, the institutions final decision regarding the complaint and any other external actions taken by the student to resolve the complaint. Institutional records of student complaints are maintained in the Office of the President.

STUDENT RECORDS – DIRECTORY INFORMATION V1912.02

As custodian of student records in compliance with the Family Educational Rights and Privacy Act of 1974, the university assumes the trust and obligation to ensure full protection of student records which includes

maintaining the confidentiality of education records. The term 'student' in this policy means an eligible student under FERPA (a student at VCSU).

Student records maintained by the university fall into two general categories - - directory information and educational records. This policy defines Directory Information, as required under SBHE Policy 1912. Policies regarding Educational Records may be found in the Student Handbook.

Directory Information

Directory information is information concerning a student which may be released publicly. It includes the following:

1. Student Name *
2. Hometown (city, state)
3. Campus e-mail address
4. Height, weight, and photos of athletic team members
5. Major field of study (all declared majors)
6. Minor field of study (all declared minors)
7. Class level
8. Dates of attendance
9. Enrollment status (withdrawn, half-time, full-time)
10. Names of previous institutions attended
11. Participation in officially recognized activities and sports
12. Honors/awards received
13. Degree earned (all degrees earned)
14. Date degree earned (dates of all degrees earned)
15. Directory photos, photographs and video recordings of students in public or non-classroom settings (photographs from classrooms or class-related activities are NOT directory information)

Under the Family Educational Rights and Privacy Act, students have the right to request directory information not be made public by contacting the Office of the Registrar. Campuses will honor student requests to withhold directory information until the student makes the request in writing to lift the restriction.

The university receives inquiries for 'directory information' from a variety of sources including, but not limited to, prospective employers, other colleges and universities, graduate schools, licensing agencies, government agencies, news media, parents, friends, and relatives. VCSU has no responsibility to contact a student for subsequent permission to release directory information after the student has requested a restriction.

* If a student provides a preferred name, the college or university tries to use it when communicating directly with the student. The preferred name is also used in class/grade rosters, academic requirement reports, email addresses, etc. Preferred name is a supported business practice, unless there is a documented business or legal reason to use a student's legal name. When communicating with outside third parties, including parents, the college or university generally uses a student's legal name. Please note the collection and use of preferred names across campuses is an evolving practice.

** Campus email addresses are only disclosed to requestors who agree to not use them for solicitation.

STUDENT FINANCIAL AID SATISFACTORY PROGRESS POLICY V531.01 INTRODUCTION

Federal Regulations require that all institutions participating in Title IV Student Financial Aid Programs establish, publish, and apply standards of satisfactory progress for each student enrolled.

To ensure compliance with these regulations, the following policy governing standards of satisfactory progress for all students attending Valley City State University who apply for financial assistance will be in effect beginning with the Fall term of 1985. Students who fail to meet these standards of satisfactory progress will be ineligible to receive financial assistance as listed below until eligibility has been reestablished.

For the purpose of this policy, financial aid is defined as Pell Grants, Perkins Loans, University Work-Study, State Student Incentive Grants, Stafford Student Loans, Parent Loan for Undergraduate Students and Institutional Scholarships.

SATISFACTORY PROGRESS POLICY

In order to be eligible to receive financial aid at Valley City State University, a student must be enrolled, must be in good academic standing, and must be making satisfactory progress toward the completion of a degree, pre-professional, or certificate program.

To be considered in good standing, a student must be eligible to enroll at the University and meet the University's established minimum grade point average requirements. Students on academic suspension will be considered not eligible to receive financial aid.

To maintain satisfactory progress, a full time student is required to complete a minimum of 66% of the credit hours attempted in an academic year. Part-time students (i.e., 3/4 time, 1/2 time, and less than 1/2 time) must also complete 66% of the credit hours attempted in an academic year. On a semester by semester basis, all students must complete a minimum of 25% hours attempted.

A student who continues to meet the minimum satisfactory progress standards according to this policy is eligible to receive financial aid at Valley City State University up to a maximum of 192 credit hours attempted for a baccalaureate program.

All credits transferred to the University and/or credits earned at VCSU as of September 1, 1985 will apply towards the maximum number of credits allowed.

ADDITIONAL STANDARDS USED TO EVALUATE SATISFACTORY PROGRESS

1. All students, including transfer students, enrolling at Valley City State University for the first time will be assumed to be making satisfactory progress.
2. Credit hours attempted for each academic term will include the number of hours for which a student is officially registered at the time student financial aid is disbursed at the beginning of each term of the academic year.
3. Students must be making satisfactory progress according to the requirements of this policy PRIOR to receiving financial aid.
4. Credit hours completed with a grade of D or better or S if attempted on a Satisfactory/Unsatisfactory basis will be used to calculate hours earned per quarter and cumulative hours earned as well as all GPA calculations.
5. Grades of Failed (F), Unsatisfactory (U), Incomplete (I), Withdrawn (W), and Not Reported (NR), count as credits attempted but not completed and will be applied towards the maximum number of credits attempted.
6. Courses that are repeated will count in the calculation of hours attempted and completed hours earned if the student receives a passing grade.
7. Courses taken for audit only will not impact eligibility to receive aid.
8. Any student who withdraws from the University because of extenuating circumstances beyond the control of the students such as lengthy and serious illness, family emergencies, legal, or emotional reasons and thus fails to make satisfactory progress may appeal to reestablish financial aid eligibility. Such cases will be dealt with on an individual basis by the Financial Aid Committee.

EVALUATION

Student academic transcripts will be reviewed at the end of each semester and at the end of each academic

year to determine each student's financial aid eligibility status. Those students currently receiving financial aid and who fail to meet these standards of satisfactory progress will receive notification regarding financial aid probation or financial aid suspension by letter. However, since all students are required to meet these standards of satisfactory progress, the academic transcripts of those students who have not previously received financial aid will be reviewed at the time they make application for financial aid and they will be notified regarding their eligibility status at that time.

PROBATION

Students not maintaining satisfactory progress will be allowed one semester of financial aid probation to regain the standards of this policy. Financial aid will be awarded for the semester that a student is on probation. Financial aid eligibility for future semesters will be determined at the end of the probation semester. In certain cases, EXCEPTIONS may be granted by the Director of Financial Aid with approval from the VCSU Financial Aid Committee. For example, a student has been placed on academic probation and completes the following semester with a 2.0 or higher GPA but the cumulative GPA still falls below the minimum standards. In this case, financial aid could be awarded for each succeeding semester at VCSU as long as the student continued to earn at 2.0 or higher GPA on a semester by semester basis as a full-time student. A student who is enrolled and has moved from an academic suspension to a continued on probation status could be reviewed likewise.

TERMINATION

Any student failing to meet the standards of this policy and those students on academic suspension will be considered not eligible to receive financial aid.

REESTABLISHING ELIGIBILITY

Any student being dropped from consideration for financial aid per the provisions of this policy may, after successfully completing at least one semester without financial aid at the University, apply and be considered for financial aid. Implicit in this provision is the fact that the student must be in good standing and making satisfactory progress before financial aid eligibility can be reestablished. (i.e., successful completion of 66% of hours attempted and meeting the minimum GPA standards.)

Students who are determined ineligible to receive financial aid will be encouraged to remain in school in order to reestablish their eligibility.

Credit hours earned during the Summer Session at Valley City State University may be used to reestablish eligibility. If, after adding credit hours attempted and earned during the Summer Session to those attempted and earned during the academic year, a student now meets the satisfactory progress standards, the student's eligibility may be reestablished.

Students may reestablish eligibility following a three-year period of non-enrollment at the University.

A student may also reestablish eligibility by completing course work and removing an Incomplete from his/her transcript if he/she meets the Satisfactory Progress requirements.

APPEAL

A student who has been placed on financial aid suspension may appeal by submitting an appeal in writing to the Financial Aid Director. This appeal will be reviewed by the Financial Aid Committee and the student will be notified regarding the results.

The Financial Aid Committee shall consist of the President or his/her appointed representative, the Vice

President for Academic Affairs or his/her appointed representative, the Faculty President, the Director of Admissions, a representative of the Athletic Department, and the Director of Financial Aid. A further appeal of the Committee's decision may be referred in writing to the University Hearings and Appeals Board.

TOBACCO FREE CAMPUS V917

Rationale for Prohibiting Tobacco Use

Valley City State University is committed to a healthy and safe environment for students, employees and visitors. Use of tobacco products, including e-cigarettes, is prohibited on all campus property. This includes all property, both indoor and outdoor, that is owned, operated, leased, occupied or controlled by the Valley City State University. Including, but not limited to, all buildings, green spaces, athletic fields, parking lots, sidewalks, walkways and state vehicles. This policy applies to all employees, students, visitors and contractors.

Prohibition of Tobacco Use and Advertising

1. Tobacco Use: Valley City State University prohibits the use of all forms of tobacco products on campus property and at all off-campus, school-sponsored events at all times. This tobacco-free policy includes all events held on campus property, whether or not such events are sponsored by, or associated with, Valley City State University.
2. No tobacco related advertising or sponsorship shall be permitted on campus property or in campus publications. "Tobacco related" refers to the use of a tobacco brand, corporate name trademark, logo, or any other product identifiable with any brand of tobacco or Tobacco Company.
3. Sales: Valley City State University prohibits the sale or free sampling of Tobacco Products on Campus Property and at Off-Campus, School-sponsored Events.

Assistance for tobacco cessation is available through the Office of the University Health Nurse. Individuals requesting assistance with tobacco cessation services, will be referred to NDQuits (www.NDHealth.gov/NDquits), the North Dakota Department of Health multi-media tobacco cessation program. This is a free cessation service provided to anyone currently residing in North Dakota.

Exemptions

It is not a violation of this policy for an adult Native American to use tobacco as part of a traditional Native American spiritual or cultural ceremony. Contact the Vice President of Student Affairs to obtain approval for an on-campus ceremony. All parties impacted by the ceremony will be informed and an agreement will be reached regarding the date and time for the ceremony.

"Native American" is a person who is an enrolled member of a federally recognized tribe.

This policy does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.

Communication of tobacco-free policy

This policy will be printed in the employee and the Student handbooks. Valley City State University shall post signs indicating that the campus property is tobacco-free in all locations and in the manner identified in NDCC 23-12-10.4.1(a) and (b). In addition, notices should be posted in other highly visible places on Campus Property including, but not limited to, walkways, athletic fields, parking lots and at all Off-Campus, School-sponsored Events. In accordance with Valley City State University's plan for communicating this policy, the University Nurse will communicate the importance of the tobacco-free campus policy at least once per semester via campus-wide emailing to all students, employees and staff.

Responsibility/Enforcement

Enforcement of this policy will depend upon the cooperation of all faculty, staff and students to not only comply with the policy, but also to encourage others to comply in order to promote a healthy environment in which to work, study and live.

Violations of this policy should be referred to the appropriate administrative office for review and appropriate action: for faculty, the Office of the Vice President for Academic Affairs; for staff, the Office of the Vice President for Business Affairs; for students, the Office of the Vice President for Student Affairs.

SPECTATOR CONDUCT

The NAIA (National Association of Intercollegiate Athletics) has launched a program entitled “Champions of Character Recognition Program.” Valley City State University, a member of the NAIA which totals over 300 in membership, has committed to the program. The main objective of the program is to encourage member institutions to establish goals that will enhance positive attitudes in athletics. Athletes and spectators are expected to exemplify good sportsmanship and maintain the highest standards of fair play. All VCSU students are asked to support the “Champions of Character” efforts by displaying appropriate conduct at sporting events. Students are expected to refrain from the use of profanity and other behaviors contrary to sportsmanship.

Students attending university sponsored athletic events are governed by the Student Code of conduct and are subject to the disciplinary procedures outlined in that document.

FIREARMS/WEAPONS V916.01

I. Purpose and Scope

To set forth Valley City State University’s (VCSU) policy on firearms or dangerous weapons on campus and to provide that violation of this policy may subject employees and students to internal VCSU disciplinary processes.

II. Definitions

A. **Employee:** for the limited purposes of this policy, any individual who is employed by VCSU, whether full or part time, including but not limited to staff, faculty, contractors, and volunteers.

B. **Student:** a person who is currently, or was at the time of the offense, matriculated and/or registered in any class or program of instruction or training offered by VCSU at any level, whether or not for credit.

C. **Campus:** Campus is defined as all VCSU owned buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under VCSU’s ownership or control. This policy applies to all state vehicles.

D. **Firearm or dangerous weapon:** for purposes of this policy a firearm or dangerous weapon includes, but is not limited to, the following:

1. Any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches or more (A Leatherman or other small pocket knife is permissible, as long as the blade is 5 inches or less in length. Knives intended to be used as eating utensils, and stored or maintained in kitchens or lunchrooms do not represent a violation of this policy)
2. Any throwing star, nunchaku, or other martial arts weapon;
3. Any billy, blackjack, sap, bludgeon cudgel, metal knuckles, or sand club;
4. Any slingshot; any bow and arrow, crossbow, or spear;
5. Any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun;
6. Any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance;
7. A firearm, whether loaded or unloaded, from which a shot may be discharged including but not limited to handguns, pistols, revolvers, shotguns, rifles, air rifle, and bb guns;
8. Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
9. Any destructive device;
10. Any device designed as a weapon and capable of producing great bodily harm, including but not limited to, stun guns, stun batons;
11. An electric weapon such as a taser gun;
12. Any combustible or flammable liquid, or other substance, device, or instrumentality that, in a manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm.

III. 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 work place 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.

IV. Procedure

A. Student violations will be addressed according to the disciplinary procedures outlined in V520.01 Code of Student Conduct.

B. Staff violations will be addressed according to the disciplinary procedures outlined in NDUS Human Resource Policy Manual Section 25 Job Discipline/Dismissal.

C. Faculty violations will be addressed according to NDUS 605.3 Nonrenewal, Termination or Dismissal of Faculty; and V605.03 Non-renewal, Termination or Dismissal and Sanction of Faculty Members.

D. When appropriate a referral to law enforcement may be made which may result in criminal charges.

V. References

A. State Law

N.D.C.C. §62.1-01-01 Definitions- General Provisions
N.D.C.C. §62.1-02-01 Persons who are not to possess firearms– Penalty
N.D.C.C. §62.1-02-05 Possession of a firearm or dangerous weapon at a public gathering; Penalty– Application
N.D.C.C. §62.1-02-06 Discharge of firearm within city–Penalty–Application
N.D.C.C. §62.1-02-09 Possession of explosive and destructive device in government building–Penalty
N.D.C.C. §62.1-02-10 Carrying loaded firearm in certain vehicles prohibited–Penalty–Exceptions
N.D.C.C. §62.1-02-11 Possessing explosive prohibited–Exception–Penalty
N.D.C.C. §62.1-02-05 Possession of secured firearm–Prohibition by employer prohibited

B. Policies

NDUS Human Resource Policy Manual Section 25 Job Discipline/Dismissal
NDUS 605.3 Nonrenewal, Termination or Dismissal of Faculty
NDUS 916.1 Possession of a Firearm or Dangerous Weapon in a Campus Residence
V520.01 Code of Student Conduct
V605.03 Non-renewal, Termination or Dismissal and Sanction of Faculty Members.

POLICIES RELATED TO INFORMATION TECHNOLOGY SERVICES

Students must comply with all VCSU and NDUS (North Dakota University System) policies and procedures

regarding information technology services. Related VCSU policies are located on the VCSU Technology Services web site at the following URL: <https://onestop.vcsu.edu/support/solutions/10000048939>

In particular, students should pay particular attention to the following policies:

- V916.05 Viking Card Terms and Conditions
- V1901.02.01 Full-Time Access to VCSU Laptop Computers (Procedures for part-time students to gain full-time access to a laptop computer)
- V1901.06 Social Media Policy (Regulates VCSU's presence on Social Media sites)
- V1902 Emergency Notification Systems (Explains System policies and how students can participate)
- V1912.02 Student Records – Directory Information (Explains what student information is considered directory information, how this information is used, and how you can restrict the use of this information.)
- V1912.04 Electronic Surveillance (Regulates the implementation and use of electronic surveillance at VCSU)
- V1901.2 Computing and Network Usage Procedures (Guide to appropriate use for all users)
- V1901.02 Computing and Network Usage Procedures (This is actually an addendum to the North Dakota University System procedure 1901.2)

A few notable excerpts from the VCSU V1901.02 policy include the following:

Appropriate use of electronic messaging systems at VCSU

Sending an unauthorized message to a large group of users is prohibited. Students or recognized student organizations may request authorization to send electronic messages to groups of faculty, staff and/or students by contacting the Vice President for Student Affairs.

Connecting computer or network devices to the VCSU network

All computers and network devices must be registered with and approved by the VCSU Information Technology Security Officer, prior to being connected to the VCSU network. The IT Security Officer has discretion to immediately remove a device from the network, if necessary to maintain the integrity, security or functionality of other systems or data. VCSU does not assume any liability for damages to devices connected to the network, even in cases where connection to the network caused the damage.

Authorized use for registered students and specially designated VCSU affiliates

Registered students, Regional Technology Center Tenants, and organizations housed on the VCSU campus that pay fees to cover the cost of network services or computers are authorized to use the network services and computers for personal use, private business or compensated employment, provided such use does not impede the computer or network from performing intended, institutional purposes, and such use complies with all other policies set forth in this document and all state and federal laws.

VCSU Email is an Official Means of Communication

Recognizing the importance of timely, efficient, and consistent communication with students and employees, Valley City State University (VCSU) declares electronic mail or 'email' as an official means of communication.

Each student and employee is responsible for information conveyed via an official email account assigned by VCSU, hereafter referred to as VCSU Email. Examples of information conveyed via VCSU Email include the following: policies/procedure changes, deadlines, event announcements, emergency notices, course schedule changes, and general course announcements.

VCSU Email accounts shall use the 'vcsu.edu' domain, e.g. firstname.lastname@vcsu.edu. Employees shall use the actual VCSU Email account. If a student chooses to forward email from the VCSU Email account to another account, he or she accepts full responsibility for the consequences of lost or corrupted email messages and attachments.

PROCEDURES FOR VIOLATIONS OF COMPUTER AND NETWORK USAGE POLICIES V1901.02

The following is the VCSU procedure for administering sanctions for violations of the Computer and Network Usage Policies. The "Class" of a particular violation and the corresponding sanctions will be determined by the Vice President for Student Affairs in consultation with Technology Services personnel. Technology Services personnel will investigate allegations in an attempt to identify additional information that may assist in understanding the situation. Judicial procedures outlined in the VCSU Student Code of Conduct will be followed.

Classification of Offenses:

- Class A** Serious violations of the Computer and Network Usage Policies that violate civil law. Examples include illegal distribution of software, distribution of malicious software (viruses), deliberately accessing restricted or confidential information, posting illegal material on the Internet, or possession of a notebook computer beyond the dates set forth in the student Computing Resources Contract.
- Class B** Serious violations of the Computer and Network Usage Policies that are malicious in nature or that deliberately use excessive network resources, thereby denying these resources to others. Examples include the following: deliberately sending large volumes of data to multiple users via the computer network causing the network system to “crash”, deliberately exposing others to material that is lewd or otherwise offensive, or unauthorized use of another person’s network accounts. These examples become Class A offenses if they violate civil laws.
- Class C** Common offenses that are not malicious in nature. Examples include the following: forwarding chain e-mail (letters), sending e-mail messages to large groups of users without permission of the Vice President for Student Affairs, displaying wallpaper backgrounds that are viewable and offensive to others, printing material that is viewable and offensive to others, sending unsolicited e-mail or network broadcasts without the permission of the Vice President for Student Affairs. These examples become Class B offenses if they are malicious in nature or Class A if they violate civil laws.

University officials will actively assist other agencies with prosecuting violations of state and federal laws. Individuals who repeatedly violate the computing resources policy or who have committed other violations involving the Student Code of Conduct will be assessed greater sanctions. Technology Services staff has the authority to immediately revoke network related privileges to contain threats or problems involving the integrity or security of network resources.

In addition to sanctions outlined in the VCSU Code of Student Conduct, students found to be in violation may also lose e-mail privileges and be denied access to the university computing network for a specified amount of time. Serious or re-occurring offenses may result in a loss of access to a notebook computer.

ALLEN MEMORIAL LIBRARY

Allen Memorial Library is located between Vangstad and the Student Center. We have materials for research, education, and fun, space to study and hang out, and a dedicated staff who are here to help you!

HOW CAN I CONTACT THE LIBRARY?

You can contact the library by phone, email, chat, or social media.

Call us: 701-845-7277

Email us: library@vcsu.edu

Chat with us: <https://library.vcsu.edu>

Find us on Facebook: [facebook.com/library.vcsu](https://www.facebook.com/library.vcsu)

Find us on Twitter & Instagram: @VCSULibrary

WHERE CAN I STUDY IN THE LIBRARY?

There are many study spaces in the library! We offer group and collaborative study space on the main floor of the library and in our many study rooms. We also have designated quiet study space in the lower level.

CAN YOU HELP ME WITH MY ASSIGNMENTS?

Absolutely! At the Research Help Desk we can help you get started, develop ideas, do research, find materials, and cite sources. Just stop by or send us a message!

WHAT TYPES OF MATERIALS DO YOU HAVE IN THE LIBRARY?

At the Allen Memorial Library you can find a wide array of materials. We have books, DVDs, musical scores, records, chargers, headphones, makerspace kits, and more! You can also find journals, magazines, eBooks, streaming video, and audiobooks on our website.

WHAT IF YOU DON'T HAVE THE BOOK OR ARTICLE I NEED?

If we don't own what you are searching for, you can request it from another library through our InterLibrary Loan (ILL). Simply sign in to your account through the library website to make a request. And if you need some assistance, we'll help you out!

HOW LONG CAN I CHECK THINGS OUT?

Books and government documents can be taken out for 4 weeks, while iPads, DVDs, and eReaders can be checked out for 1 week. New issues of magazines, newspapers, and journals can be checked out overnight, and back issues can be taken out for 3 days.

CAN I PRINT AT THE LIBRARY?

Of course! We have black and white laser printers on every floor. Color photocopier printing is also available for \$0.15 per page. To print in color, just email the document to library@vcsu.edu, and pick it up at the information desk.

CAN I EAT IN THE LIBRARY?

Yes! Beverage vending machines, complimentary tea and coffee, and a microwave are available for use in the library.

STUDENT FINANCIAL AID

FINANCIAL AID/FEE PAYMENT

VCSU is currently on the crediting system. Since assistance will not be disbursed until approximately 7-15 days into each semester, students must make arrangements to cover immediate expenses such as off-campus living arrangements and personal expenses.

FINANCIAL ASSISTANCE SATISFACTORY PROGRESS POLICY

All students should be aware of the Financial Aid Satisfactory Progress Policy (available on-line at www.vcsu.edu/financialaid/). The policy follows the same guidelines as the Academic Policy. However, in accordance with federal regulations, once a student is given a "warning", the student is allowed only one semester of warning to correct this status. Failure to meet policy guidelines the following semester results in Financial Aid Disqualification. Address further questions to the Financial Aid Director.

REFUND/REPAYMENT POLICY

Students who find it necessary to withdraw before a semester is completed should be aware that a calculation must be performed to determine if funds to the program(s) from which assistance is received must be immediately repaid. Before withdrawing, students must visit with the Financial Aid Director to determine liability and to take part in a student loan exit interview as required by federal regulations (should student have made a student loan while enrolled). Failure to attend classes, which then leads to a failing grade, will mean documentation of actual last date of attendance. This documented last day requires the calculation of a repayment to federal programs.

OTHER SERVICES

HEALTH SERVICES

Health Services are available free of charge to all students. These services include over the counter medications for common colds & illnesses, medical supplies, and treatment for minor injuries & conditions. Additionally, consultation and referral to clinics and hospitals are provided. Smoking Cessation Counseling is also available as VCSU is a tobacco-free campus. The Health Services Office is located on the first floor of Mythaler Hall and is staffed by the university nurse.

CAREER SERVICES

Career Services at Valley City State University serves as a resource for major and career exploration, as well as assistance with a wide variety of internship and job searching activities. Services include assisting in finding potential on and off campus employment, internship opportunities, graduate school opportunities, and professional level employment. Individual appointments are offered, as well as campus-wide programming related to various career development topics. Career Services is available and free to all VCSU students and graduates of VCSU. Anyone with questions is invited to stop by the Career Services Office in McFarland 208A, or contact Director for Career Services, Kari Klettke, at: kari.klettke@vcsu.edu

INTERNSHIPS

Internship positions are career-related work experiences that all VCSU students have the opportunity to participate in after completing the sophomore year of school and maintaining a required GPA. Students may work full-time or part-time in positions that are related to their major, minor or career interest area. While working in an internship, the student receives VCSU academic credit. The internships can be paid or unpaid. Positions may be local, regional, national or even international. Some specific majors have departmental internship requirements. Please visit with your VCSU faculty advisor to find out if your major has a specific requirement. To learn more about internships, please stop by the Career Services Office in McFarland 208A, or contact Director for Career Services, Kari Klettke, at: kari.klettke@vcsu.edu

COUNSELING SERVICES

A student may discuss any personal concern or issue with one of the counselors. Student concerns typically involve relationships with others, unpleasant feelings, life decisions, values clarification, study problems, depression, eating disorders, sexual identity issues, alcohol or drug abuse, or general confusion. Any personal concern is appropriate to bring to the counselor. Group counseling, workshops and seminars, consultations, and referrals are also provided by the counselor. The Director of Counseling Services is a Licensed Professional Clinical Counselor (LPCC) and National Certified Counselor.

STUDENT EMPLOYMENT – HR/PAYROLL

Campus Job Opportunities can be found at www.vcsu.edu/jobs.

Student employees are required to complete the online hiring process prior to the first day of work. It is also a requirement to provide original documentation for Form I-9 verification (See Form I-9 Lists of Acceptable Documents) and original social security card for Form W-4 verification.

Direct Deposit is required per NDUS policy 702.5 Direct Deposit of Wages.

A background check may be required for your employment per V602.03 VCSU Criminal Records Check Policy.

Address, direct deposit, W4 and other personal payroll data can be updated in HCM Self-Service.

Payroll is processed semi-monthly with a two week pay lag. Pay dates are on the 15th and the last working day of each month. Pay advices can be reviewed in HCM Self-Service.

For further information, please contact the HR/Payroll Office, McFarland 211.

GAUKLER FAMILY WELLNESS CENTER

This facility will serve the VCSU campus and greater Valley City community by promoting active lifestyles, healthy communities, and strong wellness programs. VCSU's Health and Physical Education majors including exercise science, physical education, health, and athletic training will hold classes and labs in the facility. All VCSU students may obtain a membership at Gaukler Family Wellness Center by taking their class schedule and Viking Card to the administration desk. Upon verification of student status, students will receive a membership card to the wellness center. The wellness center consists of many great amenities which your membership allows you access to, including:

- Swimming pool with 4 lap lanes
- Hot tub
- VCSU HPE Department
- Basketball courts, volleyball courts, and badminton courts
- 3 lane track (about 10 $\frac{3}{4}$ laps per mile)
- 9,700 sq. ft. fitness center
- 2 group fitness rooms
- Indoor playground
- Party room for rental
- Fitness classes
- Child watch center while using the facility
- Locker space including men's, women's, and family locker rooms
- Parks and Recreation offices

GAUKLER FAMILY WELLNESS HOURS:

Monday-Thursday 5:00 am – 11:00 pm

Friday 5:00 am – 9:00 pm

Saturday 6:00 am – 9:00 pm

Sunday 8:00 am – 8:00 pm

*For updated swimming pool hours, visit <http://www.vcsu.edu/wellnesscenter/>

HEAD START

Community Action Region VI Head Start provides services to six counties. Stutsman and Barnes counties are served by the center as well as Home Base Head Start. Eddy, Foster, LaMoure, and Dickey counties are served by the Home Base option.

Both options provide for a comprehensive early childhood experience involving health, nutrition, education, family services, and parent involvement.

The Valley City Center provides both half-day and full-day classrooms, September through May. The home base option allows for a home base visitor to go into the home on a weekly basis and spend time with the parent/guardian as well as with the child.

Children must be between the ages of 3-5. An application process determines eligibility. Services are free for those who qualify. Transportation is provided within city limits. Tours of the facility are given upon request. For an application or more information: Call 845-0388.



VCSU

For the most current policies please visit:
<https://onestop.vcsu.edu/support/solutions/10000048939>