

# 2023

## ANNUAL SECURITY & FIRE SAFETY REPORT



# President's Message

Dear Community Member:

I am pleased to introduce the *2023 Annual Security and Fire Safety Report* for the 2022 calendar year for the University of North Dakota. This report is prepared by a comprehensive team representing various campus sectors: Equal Opportunity & Title IX, Community Standards & Accessibility for Students, Department of Public Safety, Housing & Residence Life, Legal Counsel, and the Office of the Vice President for Finance & Operations. Not only does this report comply with the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act, it is part of our ongoing effort to inform you of the safety programs and services available and the steps you can take to maintain your safety and the security of others.

The safety and well-being of our students, faculty, staff, and visitors are our foremost concern. The best protections against campus crime are: a strong law enforcement presence; an aware, informed, alert campus community; and a commitment to reporting suspicious activities and using common sense when carrying out daily activities.

The University of North Dakota works diligently to reduce risk and the potential for crime. However, despite our best efforts, crimes may occur. Safety and security is a shared responsibility, and we expect all current and prospective community members to contribute to the safety and security of our campus.

If you have any questions or suggestions concerning this publication, please contact the Department of Public Safety at (701) 777-3491.

Best wishes,

Andrew Armacost, President

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Campus, Non-campus and Public Property

# Quick Reference: Resources

## UND Police Department (On-campus)

Emergency .....	9-1-1
Non-emergency.....	701-777-3491
Hearing Impaired .....	701-777-2796
North Dakota Relay.....	7-1-1
<a href="https://campus.UND.edu/safety/police">https://campus.UND.edu/safety/police</a>	

## Local Law Enforcement (Off-campus)

Emergency .....	9-1-1
Non-emergency:	
Grand Forks Police .....	701-787-8000
Grand Forks County Sheriff.....	701-780-8280
North Dakota State Highway Patrol.....	701-795-3832
East Grand Forks Police (Minn.) .....	218-773-1104
Polk County Sheriff (Minn.) .....	218-281-0431
Hearing Impaired (North Dakota Relay) .....	7-1-1

## Fire Department (Off-campus)

Emergency .....	9-1-1
Non-emergency:	
Grand Forks Fire Department.....	701-746-2566
East Grand Forks Fire Department (Minn.).....	218-773-2403
Hearing Impaired (North Dakota Relay) .....	7-1-1

## Health

### Student Health Services..... 701-777-4500

2891 2nd Avenue N, McCannel Hall, Room 100

Medical Services

Information and Appointments

Monday-Friday 8 a.m. – 4:30 p.m.

<http://UND.edu/student-life/student-health>

(Quick Reference: Resources listing continued on Page 4.)

**University Counseling Center ..... 701-777-2127**

2891 2nd Avenue N, McCannel Hall, Room 200  
 Counseling and therapy, consultation, couples and group  
 counseling, and assistance with referrals  
<http://UND.edu/student-life/counseling-center>

**Altru Health System ..... 701-780-5000**

1200 S Columbia Road  
[www.altru.com](http://www.altru.com)  
 Emergency Department ..... 701-780-5000  
 Room Information ..... 701-780-5234

**Altru Express Clinic | Family Medicine Residency ..... 701-780-6800**

725 Hamline Street

**Altru Family Medicine Center ..... 701-795-2000**

1380 S Columbia Road

**Additional Campus Offices**

Office Hours Monday-Friday 8 a.m. – 4:30 p.m.

**Athletics ..... 701-777-2234**

2751 2nd Avenue N, Hyslop Sports Center, Room 120  
<http://fightinghawks.com>

**Community Violence Intervention Confidential Advisor .... 701-777-6550**

2891 2nd Avenue N, McCannel Hall, Room 200  
<http://UND.edu/student-life/violence/cvic.html>

**Department of Public Safety ..... 701-777-3341**

3851 Campus Road  
<http://campus.UND.edu/safety>

**Emergency Management ..... 701-777-3341**

3851 Campus Road  
<http://campus.UND.edu/safety/emergencies>

**Equal Opportunity & Title IX ..... 701-777-4171**

264 Centennial Drive, Twamley Hall, Room 102  
<http://campus.UND.edu/equal-opportunity>

**Facilities Management ..... 701-777-2591**

3791 Campus Road  
<http://campus.UND.edu/facilities-management>  
 Maintenance/24 hours ..... 701-777-2591

**Housing & Residence Life ..... 701-777-4251**

525 Stanford Road  
<http://UND.edu/student-life/housing>  
 Residence Hall Information (weekends/evenings) 701-777-3903

**Human Resources ..... 701-777-4226**

264 Centennial Drive, Twamley Hall, Room 313  
<http://campus.UND.edu/human-resources>  
 Employee Assistance Program ..... 800-627-8220

**International Programs and Center ..... 701-777-4231**

2091 University Avenue, Memorial Union, Room 240  
<http://UND.edu/academics/international-center>

**Office of Safety ..... 701-777-3341**

3851 Campus Road  
<https://campus.UND.edu/safety/public-safety>

**Community Standards & Accessibility for Students (weekdays) ..... 701-777-2664**

2901 University Avenue, Memorial Union, Room 240  
<http://UND.edu/student-life/student-rights-responsibilities/index.html>  
 Care Team (days: Community Standards & Accessibility for Students) ..... 701-777-2264  
 Care Team (weekends/evenings: UPD) ..... 701-777-3491

**Student Diversity & Inclusion ..... 701-777-4291**

2901 University Avenue, Memorial Union, Room 201  
<http://UND.edu/student-life/diversity>

**Title IX ..... 701-777-4171**

264 Centennial Drive, Twamley Hall, Room 102  
<http://campus.UND.edu/equal-opportunity>

**Grand Forks Community Services**

Community Violence Intervention Center (weekdays) 701-746-0405  
**Rape and Abuse Crisis Line (24 hours) ..... 701-749-8900**  
 Grand Forks County Social Services ..... 701-787-8500  
 Northeast Human Service Center ..... 701-795-3000  
**Crisis Line ..... 701-775-0525**

**Campus Ministries:**

Christus Rex Lutheran Campus Center (ELCA) ..... 701-775-5581  
 St. Thomas Aquinas Newman Center (Roman Catholic) ..... 701-777-6850  
 Wittenberg Lutheran Chapel (LCMS) ..... 701-772-3992

**National and Statewide Hotlines**

Poison Control ..... 800-222-1222  
 Road Emergency Assistance ..... 800-472-2121  
 National Suicide Prevention Hotline ..... 800-273-TALK (8255)  
 Suicide Hotline ..... 800-SUICIDE (784-2433)

# The Clery Act

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial, and geographic considerations, the issue of campus safety is a vital concern.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Clery Act affects virtually all public and private IHEs and is enforced by the U.S. Department of Education. Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program.

The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Clery's parents lobbied Congress to enact the law when they discovered students at Lehigh hadn't been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery's murder.

## Compliance with the Clery Act

The Clery Act requires the University of North Dakota (UND) to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make their campus security policies available to the public. The act also requires UND to collect, report, and disseminate crime data to everyone on-campus and to the Department of Education annually.

When the Higher Education Opportunity Act (HEOA) was signed into law in 2008, it amended the Clery Act by adding a number of safety- and security-related requirements to the Higher Education Act of 1965. To be in full compliance with the law, UND must do the following:

1. Publish and distribute an Annual Security Report to current and prospective students and employees by October 1 of each year. The report must provide crime statistics for the past three years, detail campus and community policies about safety and security measures, describe campus crime prevention programs, and list procedures to be followed in the investigation and prosecution of alleged sex offenses.
2. Provide students and employees with timely warnings of crimes that represent a threat to their safety. The University of North Dakota Police Department (UPD) must also keep and make available to the public a detailed crime log of all crimes reported to them in the past 60 days. Crime logs must be kept for seven years, and logs older than 60 days must be made available within two business days upon request.
3. Keep the past three years of crime statistics detailing crimes that have occurred: on-campus; in university residential facilities; in public areas on or near campus; and in certain non-campus buildings, such as fraternities/sororities and remote classrooms. UND must also report liquor and drug law violations and illegal weapons possession if they result in a disciplinary referral or arrest.

4. Disclose missing student notification procedures that pertain to students residing in any on-campus student housing facilities.
5. Disclose fire safety information related to any on-campus student housing facilities. This includes maintaining a fire log that is open to public inspection and publishing an Annual Fire Safety Report containing policy statements and fire statistics associated with each on-campus student housing facility. These statistics must include the location, cause, injuries, deaths and property damage of each fire.
6. Submit the collected crime and fire statistics to the Department of Education each fall.
7. Inform prospective students and employees about the availability of the Annual Fire Safety Report.

UND has a vested interest in campus security and the personal safety of its students and employees. The following pages contain specific information, including crime prevention, fire safety, law enforcement authority, crime reporting policies, disciplinary procedures and other matters of importance related to security and safety on campus. This report also contains information about campus crime statistics.

Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. The report is available on the Internet at [www.UND.edu/annual-security-report](http://www.UND.edu/annual-security-report). Every member of UND receives an email that describes the report and provides its website address. For more information, contact the Department of Public Safety at 701-777-3491.

# Campus Safety

This report contains emergency management information, campus crime statistics and critical campus safety information such as policies, crime prevention, crime reporting, and resources to aid you in becoming more safety-minded. The best protections against campus crime are: a strong law enforcement presence; an aware, informed, and alert campus community; and a commitment to reporting suspicious activities and using common sense when carrying out daily activities. UND strives to be a safe place to learn, live, work and grow.

## Notice of Nondiscrimination

UND is committed to the principle of equal opportunity in education and employment. UND does not discriminate on the basis of race, color, national origin, religion, sex, age, disability, sexual orientation, gender identity, genetic information, creed, marital status, veteran's status, political belief or affiliation or any other status protected by law. Pursuant to Title IX of the Education Amendments of 1972, UND does not discriminate on the basis of sex in its educational programs and activities, employment and admission. UND will promptly and equitably investigate reports of discrimination or harassment and take disciplinary action as appropriate.

Retaliation in any form against a person who reports discrimination or participates in the investigation of discrimination is strictly prohibited and will be grounds for separate disciplinary action.

## University Police Department

The University of North Dakota Police Department (UPD) is a full-service law enforcement agency that operates 24 hours a day, 365 days a year, from its headquarters in the Safety Building. The department employs sworn officers who patrol the campus.

As the law enforcement agency for UND, UPD's mission is to protect lives and property, maintain order, prevent crimes, receive and investigate reports of crimes, and provide other law enforcement services, all while being responsive to the special needs of the large and diverse University community.

## Law Enforcement Authority

The University of North Dakota (UND) desires to maintain a secure and accessible campus for students, employees, contractors, visitors and guests.

The University of North Dakota Police Department (UPD) is the law enforcement agency serving UND. The officers of UPD are trained and certified under guidelines of the state of North Dakota Police Officer Standards and Training Commission, and are sworn officers with full powers of arrest; empowered and mandated to enforce all applicable federal and state laws, local ordinance, and State Board of Higher Education and University policies.

UND's campus falls under the jurisdiction of several police agencies. UPD personnel work closely with all local, state, and federal police agencies, and have a direct working relationship with the Grand Forks Police Department through a joint powers agreement (JPA). UPD is also a part of the 9-1-1 Emergency System and is dispatched through the Grand Forks Public Safety Answering Point.

All offenses such as sexual offenses, murder, aggravated assault, robbery, and auto theft are reported to UPD. When appropriate, joint investigative efforts with investigators from UPD and local law enforcement are deployed to resolve these various crimes.

Whenever information is received by Community Standards & Accessibility for Students from law enforcement outside of UPD that has a nexus to the University, a follow-up for judicial or other purposes will be scheduled.

## Accurate and Timely Reporting of Criminal Offenses

Prompt and accurate reporting of criminal offenses aids in providing a timely response and timely warning notices to the community when appropriate, and assists in compiling accurate crime statistics. Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents in an accurate and timely manner to the University of North Dakota Police Department (UPD) or local law enforcement.

To report a crime or an emergency on the University of North Dakota (UND) campus, call 9-1-1. To report a non-emergency security or public safety related matter, call UPD at extension 7-3491 or, from outside the University phone system, 701-777-3491.

Dispatchers are available at these telephone numbers 24 hours a day. In response to a call, UPD will take the required action, dispatching an officer or asking the complainant to report to UPD to file an incident report.

Individuals on campus may also report crimes to a designated campus security authority (CSA):

- Vice President for Student Affairs or designee (701-777-2724)
- Dean of Students or designee (701-777-2664)
- Associate Vice President for Student Affairs or designee (701-777-2724)
- Faculty advisors for UND student organizations (701-777-4200)
- Coordinator for Fraternity & Sorority Life or designee (701-777-3620)



- Medical providers in Student Health Services (701-777-4500)
- Director of Athletics or designee (701-777-2234)
- Associate and Assistant Directors of Athletics or designees (701-777-2234)
- Head coaches and assistant head coaches (basketball, cheer, cross country, dance, football, golf, hockey, soccer, softball, tennis, track and field, and volleyball) or designees (701-777-2234)
- Medical providers in Athletics (701-777-2234)
- Director of Housing or designee (701-777-4251)
- Housing & Residence Life personnel (assistant and associate directors of housing, resident directors, community assistants, resident assistants, resident managers) or designees (701-777-4251)
- Title IX Coordinator or designee (701-777-4171)
- Title IX/Civil Rights Investigator (701-777-4399)
- Deputy Title IX coordinators: Associate Vice President for Human Resources (701-777-4361), Dean of Students (701-777-2664), Associate Athletic Director, Internal Operations (701-777-5585), Director of Policy & Administration for Academic Affairs (701-777-2049), Assistant Director and Director, Community Standards & Accessibility for Students (701-777-2664), Title IX/Civil Rights Investigators (701-777-4399), Equity Compliance & Education Manager (701-777-4171), and Student Service Coordinators (701-777-2664)
- Provost/Vice President for Academic Affairs or designee (701-777-2167)
- Director of International Center or designee (701-777-4231)
- Director of Student Diversity & Inclusion or designee (701-777-4362)
- Director of Pride Center or designee (701-777-5890)
- Director of Indigenous Student Center or designee (701-777-6175)

These designated individuals have significant responsibility for student and campus activities, and as such are provided notice by UND as to the extent of their responsibility and how to report crimes to UPD.

A student's privacy concerns are weighed against the needs of UND to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

Information reported to UPD is treated as confidential during the investigative phase, except as required by law. When major incidents occur, the Grand Forks Police Department may also respond.

Applicable UPD incident reports are forwarded to appropriate campus department offices for review and potential action. UPD will investigate a report when it is deemed appropriate. Additional information obtained via the investigation may also be forwarded to the appropriate campus department.

Campus professional counselors, when employed as a counselor and acting within the scope of their employment at the University of North Dakota, are not considered to be CSAs and are not required to report crimes for inclusion in the annual disclosure of crime statistics. However, campus professional counselors are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics.

UND does not employ campus pastoral counselors.

Medical providers, when acting as such, are considered to be CSAs and are required to report crimes for inclusion in the annual disclosure of crime statistics.

## Access to and Security of Campus Facilities

The University of North Dakota (UND) is a public institution and, with the exception of restricted and high security areas, is accessible to the public during normal building hours (time, place, and manner restrictions apply). With the exception of essential personnel and services, and others as designated, buildings are locked and access, after normal building hours, is permitted only with proper authorization and identification.

Building hours may vary. Buildings will be secured according to schedules developed by the department responsible for the building. A building safety and security representative, building manager or an emergency contact is responsible for providing the building schedule to UPD and Facilities Management when changes occur.

Facilities Management is the only entity that may make changes, additions, or alterations to University approved or installed mechanical access systems (equipment). Hasps, padlocks, or other privately supplied locking devices are not allowed. These devices will be removed by Facilities Management and the department or individual responsible will be charged for all costs incurred.

UPD, Facilities Management and Department of Public Safety have access to all areas with the exception of specifically identified restricted or high security areas.

In order to protect the safety and welfare of students and employees of the University and to protect the property of the University, all persons on property under the jurisdiction of the University behaving in a suspicious or threatening manner may be asked to identify themselves by a University official. Individuals identify themselves by giving their name, complete address, and stating truthfully their relationship to the University. Individuals may be asked to provide proof of identification which is subject to verification.

If any person refuses or fails upon request to present evidence of their identification and proof of their authorization to be in the building or on the campus, or if it is determined that the individual has no legitimate reason to be in the building or on campus, the person will be asked to leave and may be removed from the building or campus. UPD is available to assist with this request.

Persons who behave in a suspicious or threatening manner or are involved in suspicious or threatening activities should be reported to UPD.

## Security Considerations

Proper lighting and building security are major factors in reducing crime on campus. Facilities Management maintains the University buildings and grounds with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made as quickly as possible. All members of the campus

community are encouraged to report safety hazards, such as a broken locks and windows, to Facilities Management, the Office of Safety or UPD. UPD completes campus lighting checks regularly. Facilities Management is notified when there are burned out or damaged street and building lights. This inspection strives to ensure maximum lighting for the public at night in UPD's jurisdiction.

To prevent injury and promote campus safety, the campus community is invited to take part in an annual lighting tour of campus. Together, students and staff tour the campus in small groups—after dark—to look for any lighting issues, obstacles, emergency blue light performance, and other items that could impede someone's safety on the campus. After the tour, notes are collected, compiled, and shared with attendees and forwarded to the appropriate departments. Shrubs are trimmed, lights changed, and improvements made to make campus a safer environment for the campus community.

Keys/electronic door access (EDA) devices must be secured at all times. Assigned keys/EDA devices should remain in the care, custody and control of the assigned employee and not be given to other individuals.

Any violations of this policy can result in discipline up to and including termination in accordance with UND Human Resources policies.

Procedures directly related to this policy may be found online: <https://UND.policystat.com/?lt=nEb9f5IPhIT42yu4MlKV8w&next=/policy/6517276/latest/>

## Missing Student Notification

The University of North Dakota (UND) will investigate any report of a missing UND student residing on-campus (residence halls, University Place and University Apartments) and take appropriate action to ensure all notifications and actions comply with legal mandates. Investigation of such reports will be initiated immediately by the University of North Dakota Police Department (UPD) and local law enforcement. UND's ability to respond to situations involving students living in off-campus housing is limited. Procedures are governed by federal and state laws, local ordinance, and University policy, and are implemented by internal standard operating practices.

### Registering Information

All students are encouraged to provide emergency contact information in the Campus Connection system.

In addition to providing a general emergency contact, students residing in on-campus residence halls, University Place and apartment housing have the option to identify an individual whom UND will contact in the event the student is determined to be missing for more than 24 hours. All students in on-campus residence facilities identify a contact by entering and updating information under Emergency Contacts within the Housing Self Service login in Campus Connection. This contact information is kept confidential and will only be used by authorized campus officials in a missing student investigation.

For a person under the age of 18 (who is not emancipated), and for purposes of missing student notification, the person(s) to be contacted must be a custodial parent or guardian.

## Reporting a Missing Student

Any concerned person should notify a campus security authority (CSA) of a belief that a student is missing for 24 hours. CSAs include, but are not limited to, Housing & Residence Life staff members such as a community assistant, resident director, resident assistant or resident manager. The phone number for Housing & Residence Life is 701-777-4251. Alternative CSAs include officers of UPD or staff members at Community Standards & Accessibility for Students. The missing student report must be referred immediately to UPD.

A student enrolled at the University at either a full- or part-time status, who is perceived by the reporting person to be overdue in reaching home, campus, or another specific location, and there is an identifiable concern for the well-being of the student, may be reported as a missing student.

Any University employee receiving a complaint of a missing student must notify UPD and provide further information related to the reported missing student.

## Investigation

UPD will investigate the report of a missing student utilizing established police investigative procedures and appropriate UND resources as necessary. UPD will notify the Grand Forks Police Department or the appropriate law enforcement agency within 24 hours that the student is determined to be missing.

## Notifying Designated Contacts

Individuals identified by the student, and/or the parent(s) if the student is under 18 years of age, will be contacted by UPD, Housing & Residence Life or Community Standards & Accessibility for Students within 24 hours of the initial report to the CSA/UPD.

In situations in which the student has failed to designate a contact for missing student notification, UPD will use University records and resources to continue its investigation. Family members, including those not formally identified by the student, may be contacted during the course of the investigation to resolve a report of a missing student.

## Methods of Contacting a Reported Missing Student

CSAs may work in cooperation and share records and information as appropriate to assess the status of a student reported as missing. Methods of attempting to locate a reported missing student include, but are not limited to, the following:

- Checking phone numbers and email addresses provided as well as social networking sites;
- Surveying the student's room or apartment, including contacting those with whom the student may live;
- Contacting friends, family members, known associates, faculty and other campus community members;
- Contacting extra jurisdictional law enforcement for assistance; and
- Assessing student's use of campus resources, such as ID card access or computer network systems.



## ***Resolution of Missing Student Status***

Missing student contacts will be advised of the resolution of a student's missing status. These contacts will further be advised of law enforcement options in cases where the student is not contacted through measures in this protocol. Contact notification will be made by a CSA in Housing & Residence Life, Community Standards & Accessibility for Students, or UPD.

## **Emergency Response and Evacuation**

The University of North Dakota (UND) Emergency Operation Plan (EOP) describes the responsibilities and duties of campus personnel, departments, agencies, and nongovernmental organizations in event of an emergency or dangerous situation involving an immediate threat. The EOP is designed to assist UND employees to respond appropriately when emergency conditions exist. To ensure emergency plans are appropriate, UND conducts emergency response exercises annually. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

The EOP allows for immediate response procedures, thereby minimizing danger to the campus and students.

Moreover, UND subscribes to the UND-Alert emergency notification system. Participation in UND-Alert is mandatory for all UND students and employees. To ensure the emergency notification system is functioning appropriately, UND conducts a test of UND-Alert at least once each semester.

### ***How to Report an Emergency***

The campus community is encouraged to call 9-1-1 to report any situation on-campus that could constitute a significant emergency or dangerous situation involving an immediate or on-going threat to the campus. Dialing 9-1-1 is also the best way to help expedite an emergency notification to alert the rest of the campus community of the threat.

### ***Response Procedures for an Emergency or Dangerous Situation***

When a serious threat or disaster to the campus community occurs, the University of North Dakota Police Department (UPD) and the University will coordinate with other first responders, which may include the Grand Forks Police Department, the Grand Forks Fire Department, and the Grand Forks County Sheriff's Department. UND incident response resources include the Office of Safety and the Office of Emergency Management, and can help mitigate impacts to the campus. Depending on the nature and magnitude of the incident, other local, state, and federal agencies may be called upon for assistance.

### ***Confirming a Significant Emergency or Dangerous Situation***

First responders and essential personnel in the Department of Public Safety are responsible for initiating emergency warnings. Those responsible include, but are not limited to:

- Associate Vice President for Public Safety/Chief of Police or designee
- Police officer on duty
- Director for Safety or designee
- Director for Emergency Management or designee

UPD works in close collaboration with agencies and departments both on and off campus to gather and assess information related to events that may pose an immediate threat or hazard to the University. UPD, as the first responders, will investigate all reported incidents to determine if the incident poses an immediate threat to the University Community. UPD will relay a situation update to the UND Operations Center where the incident will be confirmed as a threat and implement procedures to minimize the impact of the incident to the campus community.

The Operations Center is the physical location at which the coordination of information and resources to support campus incident management activities takes place. The Operations Center is the location of the emergency operations center. It is a centrally located facility with a full-time staff that is trained to notify and deploy university resources to an emergency or dangerous situation. It is also responsible for pushing information to and pulling information from the incident site to local responders and UND leadership. Furthermore, if a large-scale situation exceeds, or is likely to exceed, available campus capabilities and resources, the Operations Center will contact the City of Grand Forks and Grand Forks County for additional resources.

### ***Authorized Officials***

During or in the time leading up to an emergency that threatens life, safety, or security, it will be necessary for notification to be provided to the UND community with speed and accuracy. Conditions may not allow time for responders or other officials to seek approval to send notification messages.

For this reason, UND has designated specific campus officials to serve as authorized officials who are empowered to authorize the issuance of emergency notifications. Each authorized official is expected to act within their realm of responsibility as defined by department mission and authorize emergency notification when experience and prudence indicate that emergency conditions warrant such actions be taken.

It is important to draw a distinction between the authorization of an emergency notification and the issuance of a notification. Authorizing a notification involves:

- Making a determination that notification is necessary,
- Formulating message content,
- Selecting the appropriate segment of the campus to receive notification, and
- Choosing the appropriate communication tool(s).

In contrast, issuing a notification is the physical act of using a communication tool to send a notification message to the population. Authorized officials likely will have not received training for all of the emergency notification systems, nor is this necessary. Upon authorization of an emergency notification, the authorized official will either issue the notification or contact an individual who is trained to

operate the system to send it.

The following individuals are the authorized officials at UND (in the order listed below). Such authority is delegated to the highest ranked official on the list with whom the Operations Center is able to contact in a timely manner:

1. President
2. Vice President for Academic Affairs and Provost
3. Vice President for Finance & Operations/Chief Operating Officer
4. Vice President for Student Affairs
5. Vice President for Marketing & Communications
6. Vice President for Health Affairs
7. Associate Vice President for Public Safety/Chief of Police
8. Senior police supervisor on-duty

In cases of imminent threat to the University community, such as a tornado warning, the Operations Center staff may send out initial emergency warning messages upon confirmation of such threat with the National Weather Service or the Grand Forks County Emergency Management personnel.

### ***Notifying the Campus***

Decisions concerning whether to issue a notification will be made on a case-by-case basis using the following criteria:

- Nature of the situation
- Continuing danger to the campus community
- Possible risk of compromising law enforcement efforts

The Operations Center, after receiving confirmation from an authorized official, will, without delay, and taking into account the safety of the campus community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Operations Center will activate the appropriate emergency notification system(s).

A library of notification statements are scripted for anticipated emergencies and may be found in UND's EOP. The Operations Center is responsible for disseminating these statements when immediate campus notification is necessary. The release of all subsequent information is collaborated upon by first responders, the Operations Center and UND administration, and is released as the situation unfolds.

### ***Notification Methods***

The following methods may be used to notify the campus community of various emergencies that may affect the campus community:

- UND-Alert
- Phone
- Text message
- Email
- Outdoor warning sirens
- Official UND website and Office of Emergency Management website
- UND television channels
- Local media
- SafeCampus App
- UPD social media
- Automated building alarms

UND-Alert is UND's campus-wide emergency notification system. UND-Alert is used when there is a severe or imminent threat to the public safety and health of the entire campus. Phone numbers entered by students into Campus Connection and by employees into Employee Self-Service are utilized by the UND-Alert emergency notification system to disseminate emergency alerts by telephone and/or text. Students and employees must check information in Campus Connection and Employee Self-Service respectively at least once each semester to ensure data is current and up-to-date. Additional details regarding UND-Alert registration and a comprehensive list of frequently asked questions may be found at <http://UND.edu/public-safety/emergencies/und-alerts.cfm>.

Instructors may require students to turn off cell phones while in class only if the instructor has a registered cell phone capable of receiving emergency messages. The instructor's cell phone must be available for use at all times while students are required to turn off their cell phones.

Individuals and organizations outside the campus community are notified of emergency and dangerous situations through the use of local media (i.e., radio and television), UND's website, and UND social media platforms. The Division of Marketing & Communications receives information to update these sources from the Operations Center and provides such updates to the media. Additionally, as part of the Grand Forks County 9-1-1 Emergency System, UPD is able to notify multiple agencies through one dispatch center when situations arise.

### ***Procedures for Evacuation in Emergency or Dangerous Situations***

In the event of an emergency or dangerous situation, the Operations Center will direct students, faculty, staff, and guests to evacuate a building, several buildings, a portion of the campus, or the entire campus. The campus community will be asked to follow building and campus evacuation protocols and to obey directions from UND and on-scene emergency responders.

Certain events, like a hazardous materials release, may require the UND community and the general public to shelter-in-place to prevent exposure to harmful elements.

### ***Drills and Exercises***

The University will test emergency response and evacuation procedures at least annually.

Additional building evacuation and sheltering drills are encouraged for UND campus buildings and external campus locations. If building occupants wish to have a drill, the building safety and security representative (BSSR) and/or building safety team will coordinate the drill and document it.

The Office of Emergency Management may assist in departmental planning, implementation and evaluation of any drills that personnel wish to undertake in their building. Certain types of drills (e.g., lockdown, shelter-in-place, unannounced drills other than fire drills, etc.) require advanced planning and technical assistance, and should only be developed with assistance from, and consultation with, Office of Emergency Management personnel.

Fire and severe weather drill evaluation forms are available on the Office of Emergency Management website: <http://UND.edu/public-safety/emergencies>. Drill evaluation forms are useful in tracking and improving building drills from year to year. BSSRs are responsible for completing these documents.

UND leadership and departments participate in tabletop exercises and emergency drills on-campus, in the community, and with state officials. The Office of Emergency Management designs and orchestrates these simulations and recruits volunteers from the campus and local community to serve as role players during the exercises. All exercises are conducted utilizing standard National Incident Management System and Incident Command System principles. In addition, comprehensive reviews are completed for each campus drill, tabletop exercise, and full-scale simulation.

Two full-system tests of UND-Alert are conducted each calendar year.

### ***Promoting Emergency Procedures***

UND promotes its emergency procedures through training sessions, drills, and extensive web content found on the Office of Emergency Management, Office of Safety, and UPD websites.

Students living on-campus receive training upon move-in and participate in drills held throughout the academic year.

BSSRs are selected for every building on campus and trained to follow the building and emergency action plan for their designated area. This includes promoting proper emergency procedures to faculty and staff housed in each building.

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## **Communication About Campus Crime**

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### **Timely Warnings**

The University of North Dakota (UND) will issue a timely warning when it receives a report of a crime that represents a serious or continuing threat to the safety of members of the campus community. UND may also issue a warning to the campus community when other instances pose a safety concern (see Emergency Response and Evacuation section).

#### ***Initiating Timely Warnings***

First responders and essential personnel in the Department of Public Safety are responsible for initiating timely warnings. Those responsible include, but are not limited to:

- Associate Vice President for Public Safety/University of North Dakota Police Department (UPD) Chief of Police or designee
- Police officer on duty
- Director for Safety or designee
- Director for Emergency Management or designee

The University in conjunction with various campus offices will distribute timely warning announcements when there appears to be a threat to the safety and security of persons on campus for the following crimes:

- Aggravated assault
- Arson
- Burglary
- Negligent manslaughter
- Motor vehicle theft
- Murder/non-negligent manslaughter
- Robbery
- Sexual offenses
- Domestic violence, dating violence, and stalking
- Violations of liquor law, drug law, or weapons possession law
- Any other crime in which the victim was chosen on the basis of race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

Decisions concerning whether to issue a timely warning will be made on a case-by-case basis using the following criteria:

- Nature of the crime
- Continuing danger to the campus community
- Possible risk of compromising law enforcement efforts

If the threat is sudden and serious, a warning will be issued immediately and will be continually updated until the threat is contained or neutralized. If a threat is less immediate, the warning will be fully developed and distributed after that point in time.

Crimes that could constitute a continuing threat include, but are not limited to:

- Serial crimes that target certain campus populations such as sex crimes or race-based crimes in which the perpetrator has not been apprehended, and
- Ongoing criminal activity in which there is no apparent connection between perpetrator and victim.

Crimes that would not constitute a continuing threat include, but are not limited to:

- Crimes in which the perpetrator has been apprehended, thereby eliminating the threat, and
- Crimes in which an identified perpetrator targets specific individuals to the exclusion of others, such as domestic violence.

### ***Warning Content***

The warning contains sufficient information about the nature of the threat to allow members of the campus to take protective action:

- A succinct statement of the incident
- Possible connection to previous incidents if applicable
- Date, time, and location of the warning
- Description and drawing of the suspect, if available
- Risk reduction and safety tips
- Other relevant and important information

In some cases, UPD may need to keep some facts confidential to avoid compromising an ongoing investigation.

### Notification Methods

The following methods may be used to notify the campus community of various emergencies that may affect the campus community:

- UND-Alert
- Phone
- Text message
- Email
- Outdoor warning sirens
- Official UND website and UPD website
- SafeCampus App
- Local media
- Targeted communication – posters, letters, group meetings, etc.
- UPD social media

### How to Report a Criminal Offense

Reporting a crime or notifying law enforcement of suspicious activity helps to protect University of North Dakota (UND) property and the campus community. To report a crime, the campus community should contact the University of North Dakota Police Department (UPD) (701-777-3491). For emergencies dial 9-1-1. Reports may also be made to an identified campus security authority (CSA) or an appropriate law enforcement agency off-campus. For any suspicious activity or circumstance which could cause an emergency situation and necessitate the need of an emergency alert to campus, contact UPD.

A secondary method of reporting crimes is to contact an identified campus security authority (CSA). CSAs include but are not limited to:

- Vice President for Student Affairs or designee (701-777-2724)
- Dean of Students or designee (701-777-2664)
- Associate Vice President for Student Affairs or designee (701-777-2724)
- Faculty advisors for UND student organizations (701-777-4200)
- Coordinator for Fraternity and Sorority Life or designee (701-777-3620)
- Medical providers in Student Health Services (701-777-4500)
- Director of Athletics or designee (701-777-2234)
- Associate and Assistant Directors of Athletics or designees (701-777-2234)
- Head coaches and assistant head coaches (basketball, cheer, cross country, dance, golf, football, hockey, soccer, softball, tennis, track and field, and volleyball) or designees (701-777-2234)
- Medical providers in Athletics (701-777-2234)
- Director of Housing or designee (701-777-4251)
- Housing & Residence Life personnel (assistant and associate directors of housing, resident directors, community assistants, resident assistants, resident managers) or designees (701-777-4251)
- Title IX Coordinator or designee (701-777-4171)
- Title IX/Civil Rights Investigator (701-777-4399)
- Deputy Title IX coordinators: Associate Vice President for Human Resources (701-777-4361), Dean of Students (701-777-2664), Associate Athletic Director - Internal Operations (701-777-5585), Director of Policy & Administration for Academic Affairs (701-777-2049), Assistant Director and Director, Community Standards & Accessibility for Students (701-777-2664), Title IX/Civil Rights Investigators (701-777-4399),

Equity Compliance & Education Manager (701-777-4171), and Student Service Coordinators (701-777-2664)

- Provost/Vice President for Academic Affairs or designee (701-777-2167)
- Director of International Center or designee (701-777-4231)
- Director of Student Diversity & Inclusion or designee (701-777-4362)
- Director of Pride Center or designee (701-777-5890)
- Director of Indigenous Student Center or designee (701-777-6175)

For off-campus options, you may refer to the local law enforcement with jurisdictional authority. UPD and the Grand Forks Police Department have a mutual aid and joint powers agreement. Each department augments the other within their jurisdictions during mutual investigations, arrest, and prosecutions.

### Limited Voluntary Confidential Reporting

UPD encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, UPD cannot hold reports of crime in confidence. Anonymous reports may be filed for statistical reporting purposes. A student's privacy concerns are weighed against the needs of UND to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. In compelling situations, UND reserves the right to take reasonable action in response to any crime report, and information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community. All reports submitted on a confidential or anonymous basis are evaluated for purposes of issuing a campus-wide "timely warning" as well as inclusion in the annual crime statistics.

### Alternatives to Immediately Filing a Police Report

- Report the crime at a later date.
- Make a complaint to Community Standards & Accessibility for Students. Such a complaint may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.
- Make an anonymous report to the police. UPD has website that may be used to report crimes anonymously (<http://UND.edu/public-safety/resources/report-a-crime.cfm>).
- Make a complaint to the Title IX coordinator in the Equal Opportunity & Title IX Office. Such a complaint may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.
- Contact a referral agency for help: the Housing & Residence Life, CVIC at UND, or the Title IX coordinator in the Equal Opportunity & Title IX Office.

Victims and witnesses may report a crime through the University system or criminal justice system at a later date.

### Definitions of Criminal Offenses

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

**Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property, etc.

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

**Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

**Drug abuse violations** are defined as the violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

**Hate crimes** are committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability.

**Liquor law violations** are defined as the violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition.)

**Motor vehicle theft** is the theft or attempted theft of a motor vehicle.

**Murder and non-negligent manslaughter** is the willful (non-negligent) killing of one human being by another.

**Negligent manslaughter** is the killing of another person through gross negligence.

**Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Sex offenses** are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

**Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

**Weapons violations** are defined as the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

## Definitions of Geography

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around UND's campus.

### *On-Campus Buildings or Property*

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and
2. Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

### *Non-Campus Buildings or Property*

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

## Public Buildings or Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

The University of North Dakota crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

## Preparation and Disclosure of Crime Statistics

The University of North Dakota (UND) is responsible for preparing and disclosing crime statistics in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C. Section 1092. This federal mandate requires the disclosure of certain crime statistics so current and potential families, students, and employees can be knowledgeable about the safety of college campuses.

The associate vice president for public safety and chief of police at UND is responsible for collecting and reporting the annual crime statistics from the local police agencies and campus security authorities. This information is included in UND's Annual Security and Fire Safety Report (ASFSR). By October 1 of each year, notification of the new ASFSR is emailed to current students and employees. A hard copy of the report is available upon request at the University of North Dakota Police Department (UPD), Office of the Vice President for Finance and Operations, and University Admissions. The crime statistics are also submitted to the U.S. Department of Education on an annual basis.

UPD collects its own statistics, and accepts supplemental numbers from recognized student conduct administrators and other campus security authorities (CSA) in their subordinate reporting roles. Housing & Residence Life and Community Standards & Accessibility for Students provide statistics to UPD. A working relationship between UPD and specific departments that routinely provide services at non-campus locations has been established. Additionally, UPD sends an annual notice to these departments and the University community to solicit additional on-campus location information. UPD then annually requests statistical information from the appropriate law enforcement agencies for non-campus operations. Clery reporting covers the preceding calendar year, January 1 to December 31.

UND protocols specify that aggravated assault, arson, negligent manslaughter, burglary, motor vehicle theft, murder/non-negligent manslaughter, robbery, and any case classified as a hate crime under the Clery Act are reported to UPD, either by having a CSA or the student contact UPD. In cases of sexual assault, domestic violence, dating violence, and stalking, the victim or witness may report to UPD, the Title IX coordinator, or file as an anonymous report (a statistical notation absent any names). Anonymous reports are reviewed at the end of the year for reporting purposes.

All relevant crime data are compiled by the associate vice president for public safety/chief of police and are included in UND's submission to the Department of Education annually by October 15.

The associate vice president for public safety/chief of police, assisted by the Clery Working Group, produces the Annual Security and Fire Safety Report which contains policies, procedures and crime data as required by the Clery Act.

UPD annually requests statistical information from the appropriate law enforcement agencies for non-campus operations. UND's Online and Distance Education Department generates a report detailing what classroom space – including dates the spaces were occupied by UND students – was used during the previous calendar year at its off-campus locations. These sites are classified as non-campus property and vary year-to-year based on UND's program and outreach activities. UPD uses the information provided by the Online and Distance Education Department to send a letter to the appropriate law enforcement units requesting crime data for the specified locations. Figure 1 shows statistical information UND received as a result of these requests. Statistics requested regarding, but not received from the law enforcement agency that has jurisdiction for or may have otherwise responded to, the non-campus locations are shown in Figure 2.

Relevant crime data from those law enforcement agencies that responded to UPD requests regarding UND's non-campus operations are shown on Figures 1 and 2. When received and usable, raw statistics provided by law enforcement agencies are categorized accordingly. UPD may be unable to determine if these statistics adhere to the UCR-defined categories utilized by Clery reporting. Further, statistics received may describe an area that is more expansive than the space controlled by UND when and where instruction is offered.

## Security Awareness and Crime Prevention Programs

Security awareness and crime prevention programs encourage students and employees to be aware of their responsibility for their own security and the security of others. University Police Department in cooperation with other University organizations and departments, is responsible for presenting security awareness and crime prevention programs to the campus community on an ongoing basis.

### Security Programs

#### For Students

- Housing resident directors, community assistants, resident assistants, and resident managers facilitate training for residents with UPD, Office of Safety, Grand Forks Fire Department, and others as appropriate: Ongoing
- New student orientation and SafeCampus App notification: Ongoing

#### For Employees

- New employee orientation: Ongoing Online
- Key inventory and update meeting: Annually Online
- Bomb threat seminars: Ongoing
- Site protection course: Ongoing
- Residence life training: Ongoing

(Security Awareness and Crime Prevention Programs,  
continued on Page 16.)

**Figure 1: Campus Crime Statistics**

	On-Campus			On-Campus Residence*			Non-Campus			Public			Unfounded Cases		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Aggravated Assault	1	0	0	1	0	0	2	0	0	0	0	0	0	0	0
Arson	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary: Total	6	4	12	4	0	3	0	1	1	0	0	0	0	0	0
Forcible Burglary	2	2	6	1	0	1	0	0	1	0	0	0	0	0	0
Unlawful Entry - No Force	4	2	6	3	0	3	0	1	0	0	0	0	0	0	0
Attempted Forcible Entry	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0
Sexual Offenses: Total	12	4	5	10	3	4	1	0	1	0	0	0	0	0	1
Rape	5	4	3	5	3	2	1	0	1	0	0	0	0	0	1
Fondling	7	0	2	5	0	2	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	5	0	0	1	0	0	1	0	1	0	0	0	0
Domestic Violence	0	4	3	0	3	2	1	0	0	2	0	0	0	0	0
Dating Violence	0	2	2	0	2	2	1	1	0	0	0	0	0	0	0
<b>ARRESTS</b>															
Liquor Law Violations	19	36	89	13	26	15	4	9	5	22	33	85	0	0	0
Drug Violations	17	8	13	1	2	11	3	1	7	35	43	31	0	0	0
Weapons Violations	1	0	0	0	0	0	0	1	1	1	0	1	0	0	0
<b>NON-ARREST CAMPUS REFERRALS</b>															
Alcohol	100	97	62	91	89	58	7	3	3	4	6	1	0	0	0
Drug Violations	15	6	4	13	5	4	2	1	1	4	11	2	0	0	0
Weapons Violations	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0

*In 2021, one report was taken regarding a simple assault characterized by sexual orientation bias at a non campus location.  
There were no hate crimes reported in 2020.*

\* On-Campus Residence crimes are included in the On-Campus numbers.

**Figure 2: Non-Responding Locations****North Dakota**

Belfield Anthropology Department <sup>1</sup> – Belfield (2020)  
UND Center for Family Medicine <sup>1</sup> - Bismarck (2021)

**Notes for Figure 2**

<sup>1</sup> Indicates a property permanently owned or controlled by UND, and therefore will always be reported in UND's Clery Statistics and affiliated ASR.



**For Campus Community**

*(Security Awareness and Crime Prevention Programs, continued from Page 14.)*

- Defensive driving training: Ongoing
- Escort program: Ongoing
- Title IX compliance training: Ongoing
- Domestic violence, dating violence, sexual assault, and stalking prevention and awareness training: Ongoing

### **Programs Encouraging Personal Security and the Security of Others**

**For Students**

- Online new student education program: Ongoing
- Self-defense course sponsored by UPD: Ongoing

**For Parents/Families**

- Welcome Weekend information sponsored by Involvement & Parent Programs Center: Annually

**For Employees**

- Campus lighting checks performed by UPD: Ongoing

**For Campus Community**

- Campus safety tour sponsored by Public Safety: Annually

### **Crime Prevention Programming**

Campus crime prevention programming is done through the partnership of various UND departments and UPD on an ongoing/as needed basis.

**Adopt-A-Cop Program**

To provide the best quality of service to the University of North Dakota community, UPD and Housing & Residence Life have partnered to educate and inform University residents on the topics of campus and personal safety. The Adopt-A-Cop program developed from this partnership. University police officers take part in the Adopt-A-Cop program and conduct periodic safety programming, spend extra time patrolling their assigned residential area, and are readily available to speak with residents on safety related questions or concerns. Adopt-A-Cops work closely with the residence life staff to assure resident safety.

### **Alcohol Awareness Programs, Driving Under the Influence, Minor in Consumption, and Minor in Possession Enforcement**

UPD uses both a proactive and reactive approach to addressing the problems of underage drinking and drunk driving. Using a proactive approach, police officers go to various segments of the campus community and provide educational programs regarding the problems associated with alcohol abuse and misuse and its relationship to crimes such as drunk driving. In a reactive approach, UPD officers arrest drunk drivers, and cite violators for minor in consumption and minor in possession of alcohol. In addition, the Wellness & Health Promotion and the University Counseling Center provide education on substance use and abuse issues.

**Bystander Intervention Training**

CVIC at UND offers prosocial behavior and bystander intervention program that educates students to be proactive in helping others. The goals of the program are to raise awareness of helping behaviors, increase motivation to help, develop skills and confidence when responding to problems or concerns, and to enhance the safety and well-being of self and others.

**Campus Lighting Checks**

UPD officers complete campus lighting checks regularly. Facilities Management is notified when there are burned out or damaged street and building lights. This inspection ensures adequate lighting for the public at night in UPD's jurisdiction. The department also participates in an annual campus public safety tour with other members of the University community. Together, students and staff tour the campus in small groups—after dark—to look for any lighting issues, obstacles, and other items that could impede someone's safety on the campus. After the tour, notes are collected, compiled, and shared with attendees and forwarded to the appropriate departments. Shrubs are trimmed, lights changed, and improvements made to make campus a safer environment for the campus community.

**Clothesline Project**

The Clothesline Project, sponsored by CVIC at UND, is a visual display of shirts with written messages and illustrations that graphically demonstrate the impact of violence. These shirts are designed by survivors of violence, their families and/or friends. This display exposes students to the effects of violence. Viewing this project provides opportunity for a higher understanding of the effects of violence, the need for social responsibility, as well as compassion for others. This display allows students to bear witness to the survivors as well as victims of violence; to help with the healing process for people who have lost a loved one or are survivors of violence; to educate; to document; and to raise society's awareness of the extent of the problem of violence within the state of North Dakota.

**Community Policing Presentations**

UPD presents, upon request, programming to inform the community about the community policing philosophy, the department's efforts towards adopting that philosophy, and how members of the campus community can assist UPD in fighting crime on-campus.

**Community Violence Intervention Center Relationship**

The vision of the Community Violence Intervention Center (CVIC), an off-campus resource, is to build a violence-free community by working together to promote human dignity, justice and peace. CVIC offers a holistic approach to violence that provides a long-term safety net for those impacted by violence and proactive prevention efforts through education, treatment, and collaborative work for peace involving the entire community. Community Standards & Accessibility for Students, Equal Opportunity & Title IX, UPD, CVIC at UND and others work collaboratively with CVIC to provide educational programming and services on topics of violence including domestic violence, dating violence, sexual assault, and stalking to UND students, faculty and staff as appropriate.

The confidential advisor is available to provide support and resources to any campus community member who has experienced sexual violence, domestic violence, dating violence or stalking. The confidential advisor may also provide support services to friends or

family members of an individual who has experience sexual violence. There is no charge to individuals who use these services.

The campus prevention and education specialist is available to provide outreach and training surrounding sexual violence, healthy relationships, bystander intervention, stalking and bullying.

#### **Expos and Wellness Fairs**

UPD participates in activities such as wellness fairs and expos by having a crime prevention and campus police information booth at these events whenever manpower conditions permit. UPD officers and other representatives of the department pass out crime prevention and other informational materials at the booth to better inform members of the campus community about the department's services and how people can better protect themselves from becoming the victims of crime.

#### **Housing Residence Life Training**

Housing & Residence Life, in coordination with other UND departments, provides training to all residence life staff. Topics include campus security authority responsibilities, Title IX, crime prevention, safety, security and emergency preparedness.

#### **Informational Correspondence**

The University publishes information on how to access the campus crime statistics, campus police services, fire statistics, and important phone numbers. This information is made available to all UND employees and students.

#### **Online Sexual Assault and Substance Abuse Prevention Program**

A Title IX and VAWA education program that combines sexual assault and substance abuse prevention in a comprehensive online training program is required for all first-year undergraduate students. The program provides students with a comprehensive foundation in four areas: sex in college, partying smart, sexual violence, and healthy relationships. This course prepares students before they begin their life in college. A follow-up to the program is made available for all students annually in their college life as an optional ongoing training and awareness program. The ongoing program reinforces critical lessons from the required portion regarding intervening in high-risk situations.

#### **Take Back the Night Rally**

This rally, sponsored by CVIC at UND, coincides with the Clothesline Project and is an educational program about stopping violence in our community. It is open to students, employees and the community.

#### **Violence in Schools and the Workplace**

This training program offered by UPD is available to faculty, staff, and students and includes topics such as abductions, workplace violence, hostage situations, and active-shooter situations. Participants gain an awareness of the different types of violence that can develop and steps that can be taken to improve their chances of survival.

### **How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another, and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### **Disclosures to Victims of Alleged Crimes**

The University of North Dakota (UND) adheres to disciplinary procedures when students are involved in any violent crime or sex offense. In instances of violent crimes or sex offenses, UND may disclose the final results of any disciplinary proceeding conducted by UND. UND may not prohibit a complainant from disclosing this information to others.

If the complainant is deceased as a result of the crime or offense, UND will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Pursuant to the Family Educational Rights and Privacy Act (FERPA) and consistent with the Code of Student Life, a school is permitted to disclose to the harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student.

Further, when conduct involves a crime of violence or sex offense, FERPA permits postsecondary institutions to disclose to the complainant, upon written request, the final results of a disciplinary proceeding against the alleged perpetrator, regardless of whether the institution concludes a violation was committed. Additionally, the institution may, upon written request, disclose to anyone – not just the complainant – the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or sex offense, and, with respect to the allegation made, the student has committed a violation of the institution's rules or policies. The final results are limited to the name of the alleged perpetrator, any violation found to have been committed, and any sanction imposed against the perpetrator by UND.

UND may not prohibit a complainant from disclosing this information to others.

If the complainant is deceased as a result of the crime or offense, UND will provide the results of the disciplinary hearing to the victim's next of kin, if so requested. The records of deceased students may also be released or disclosed at the request of a parent, personal representative or other qualified representative of the student's estate, or pursuant to a court order or subpoena.

## Addressing Criminal Activity Off-Campus

The University of North Dakota Police Department provides law enforcement services to fraternities and sororities situated on non-campus locations, as all these recognized student organizations, with residences, are located within the jurisdiction of the University of North Dakota Police Department (UPD).

UND does not have any recognized student organizations in off-campus locations outside the jurisdiction described by North Dakota Century Code (NDCC).

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# Alcohol and Drugs

UND prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use, or sale of alcoholic beverages, controlled substances, and illegal drugs. This prohibition applies even if the North Dakota Department of Public Health has issued a certificate of registration permitting the individual to possess a limited amount of marijuana for medical purposes; those with medical marijuana cards are not permitted to use medical marijuana on campus property or at University-sponsored or hosted events. The impairment by alcohol or drugs of any student or employee while participating in an academic function, or of employees when reporting for work or engaging in work — during normal work hours or other times when required to be at work — is also prohibited. UND employees and students are required to abide by all federal and state laws, local ordinances, North Dakota State Board of Higher Education (SBHE) policies, and other related requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs.

Additionally, UND is concerned about the academic success of students and the safety of all members of the campus community and is committed to maintaining an academic and social environment conducive to the intellectual and personal development of students.

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## Alcohol-Free and Drug-Free Workplace Statement

The University of North Dakota is committed to protecting the safety, health and well-being of all employees and other individuals in its workplace. UND recognizes that alcohol abuse and drug use pose a significant threat to its goals, and has established an alcohol- and drug-free workplace program that balances respect for individuals with the need to maintain an alcohol- and drug-free environment.

UND encourages employees to voluntarily seek help with drug and alcohol problems.

### Covered Individuals

Any individual who conducts business for the institution, is applying for a job or is conducting business on UND's property is covered by its alcohol and drug policy. UND's policy applies to, but is not limited to students, employees, off-campus employees, contractors, volunteers, interns and job applicants.

### Applicability

UND's alcohol and drug policy is intended to apply whenever anyone is representing or conducting business for the university. This includes all working hours, while on call, paid standby and while on university property.

### Prohibited Behavior

It is a violation of UND's alcohol and drug policy to unlawfully manufacture, use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs, controlled substances or intoxicants, including medical marijuana. Moreover, it is a violation of policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action, which may include dismissal, will be taken if job performance deteriorates, a loss of license occurs (in a position where a license is required), and/or accidents occur.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription, except medical marijuana. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of

their job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., use sick leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

### **Notification of Convictions**

Any employee convicted of violating a criminal alcohol or drug statute in the workplace, or one which affects their job responsibilities must inform his/her department chair or supervisor of such conviction (including pleas of guilty and nolo contendere) within five calendar days of the conviction occurring. Failure to inform the supervisor or department head will subject the individual to disciplinary action up to and including dismissal for the first offense. Under the Drug-Free Workplace Act of 1988 involving employees on federal grants or contracts, UND, through the Vice President for Research and Economic Development, is required to notify the appropriate federal contracting officer within 10 days of receiving notice of such a conviction.

### **Consequences**

One of the goals of UND's alcohol- and drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If an individual violates the policy, the consequences can be serious even if the employee begins a treatment program.

In the case of applicants, if they violate the alcohol and drug policy, the offer of employment can be withdrawn.

Individuals suspected of violating either alcohol or drug policy may be referred to authorities for investigation. Conviction of either state or federal alcohol or drug statutes may subject a student or an employee to disciplinary action.

### **Assistance**

UND recognizes that alcohol and drug abuse and addiction are treatable illnesses, and realizes early intervention and support improves the success of rehabilitation. To support its employees, UND:

1. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem;
2. Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help;
3. Offers all benefited employees and their immediate family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP); and
4. Allows the use of accrued paid leave while seeking treatment for alcohol and drug problems.

Treatment for substance use disorders (e.g., alcohol dependence, alcohol abuse, alcoholism, drug abuse, etc.) may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Supervisors should refer students to UND Health and Wellness for information pertaining to alcohol and drug use/abuse assistance programs.

### **Confidentiality**

All information received by the organization through the drug-free workplace program is confidential communication. North Dakota Century Code (NDCC) section 44-04-18.1 provides: "Any record of a public employee's medical treatment or use of an employee assistance program is not to become part of that employee's personnel record and is confidential and may not be released without the written consent of the employee."

Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

### **Shared Responsibility**

A safe and productive alcohol- and drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

Employees are not to report to work or be permitted to work while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or drugs.

In addition, employees are encouraged to:

1. Be concerned about working in a safe environment;
2. Not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or drugs;
3. Support fellow workers in seeking help;
4. Use the Employee Assistance Program; and
5. Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

1. Remind employees of the UND's alcohol and drug policy;
2. Observe employee performance;
3. Investigate reports of dangerous practices;
4. Document negative changes and problems in performance;
5. Counsel employees as to expected performance improvement;
6. Refer benefited employees to the Employee Assistance Program;
7. Suggest non-benefited employees seek help through a community assistance program; and
8. Clearly state consequences of policy violations.

### **Communication**

Communicating UND's alcohol and drug policy to all individuals is critical to its success. To ensure all employees are aware of their role in supporting UND's alcohol- and drug-free workplace, all employees will receive a summary of the alcohol and drug policy and a Web link to access the complete policy document during the annual notification of policies.

Various University departments are responsible for developing marketing, communications, advertising, and educational campaigns designed to promote the responsible use of alcohol.

UND will make all good faith efforts to have and to maintain an alcohol- and drug-free workplace.

## Alcohol Exception

Per State Board of Higher Education (SBHE) policy 918, alcoholic beverages are prohibited upon land or in buildings owned by UND unless the president approves an exception for its use. All exceptions are subject to applicable state and local laws and ordinances.

If approved, alcohol must be provided and served by a licensed alcohol vendor. The vendor must meet State of North Dakota insurance requirements. The responsible party (sponsor, coordinator, or entity responsible for event) is accountable for making all arrangements with the alcohol vendor and must complete an event approval request form in advance of the activity. For more information, contact Risk Management or the Office of Safety.

For more information about the exception process, contact the Office of the President or the vice president whom oversees the department requesting the exception.

### ***Annual Exception by Location***

Annual exceptions are applicable to venues that are utilized for several events throughout the fiscal year (e.g., North Dakota Museum of Art and Gorecki Alumni Center). Annual exceptions may be requested at any time by completing an alcohol exception form; however, venues are strongly encouraged to submit the request prior to the start of each fiscal year. UND's fiscal year runs July to June.

Venues with an annual exception must have the responsible party complete the single event exception if there is a potential for UND students under the age of 21 to be the primary audience in attendance for an event.

### ***Single Event Exception***

Single exceptions are applicable for single events, in a specific location and on a specific date. To seek an exception, an alcohol exception form must be completed by the responsible party at least three weeks prior to the event.

### ***Single Event Exception (For Events at Which UND Students Under the Age of 21 May be the Primary Audience)***

Exceptions of this nature must be submitted by a UND or affiliate employee representing a University department/affiliate or a faculty, staff or alumni advisor of a recognized student organization. Exceptions will only be considered for events under the following circumstances:

1. The event must include non-alcoholic beverages and appropriate amounts and types of food (e.g. heavy appetizers or a meal). All food must be provided by University Catering.
2. Alcohol must be served by a licensed vendor. The vendor must meet State of North Dakota insurance requirements.
3. The event must be a private, invitation only event.
4. The event cannot include an after-meal component (e.g. dance, games, etc.) involving the service of alcohol. The service of alcohol must conclude at the end of the meal or food service.
5. A social prior to the meal or food service involving alcohol cannot last longer than 60 minutes.

## ***Exception Review Process***

Exception requests are reviewed by Risk Management, Public Safety, and Student Affairs prior to being sent to the president for final review and action. At any point in time, additional information may be requested to inform the decision-making process.

Whether approved or denied, a statement indicating the action taken by the president is sent to the requesting responsible party. Copies are also sent to the reviewers.

## ***Alcohol Advertising Permission***

The advertising and/or promotion of alcohol on campus may be permitted by UND, pursuant to a statement of permission signed by the Vice President for Marketing & Communications or designee.

Entities wishing to use businesses whose primary product or services relates to liquor, or whose business requires patrons to be 21 years of age or older to enter as a listed sponsor, advertiser, etc. in on-campus materials must petition the Vice President for Marketing & Communications. The petition must describe the nature of the advertising, and the date(s) and place(s) where the advertising of alcoholic beverages will take place. Furthermore, decision-making on the approval or denial of alcohol advertising will be based on student participation. The Division of Marketing & Communications will craft guidelines that will address alcohol advertising at events where students may be in attendance.

Permission may be granted for a single advertising occurrence or for advertising occurring periodically during a period of not more than one year.

Recognized student organizations, the UND Student Government and the Association of Residence Halls will not be permitted to advertise and/or promote alcohol. The Dakota Student, a student publication subject to SBHE policy 507 regarding student publications, is exempt from the UND alcohol advertising and/or promotion policy.

Lease agreements between UND and entities leasing UND land and/or property should be reviewed at the time of initial agreement or at the time of renewal to include verbiage restricting the advertising and/or promotion of alcohol on campus by lessees.

For more information or to request permission to advertise alcohol on campus, contact the Division of Marketing & Communications.

## Student Use of Alcohol and Drugs

### ***Student Alcohol and Drug Policy***

UND prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use, or sale of alcoholic beverages, controlled substances, and illegal drugs, including medical marijuana. The impairment by alcohol or drugs of any student while participating in an academic function, or as an employee when reporting for work or engaging in work – during normal work hours or other times when required to be at work – is also prohibited. UND students are required to abide by all federal and state laws, local ordinances, State Board of Higher Education policies, and other

related requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs.

### ***Marijuana Use***

Use or possession of marijuana, including medical marijuana used or possessed under Chapter 19-24 of the North Dakota Century Code is strictly prohibited on campus. Any such use or possession is a violation of the *Code of Student Life*.

### ***Alcohol-Free Opportunities***

Students are encouraged to take advantage of alcohol-free programming on and off campus.

### ***Student Housing***

The use and possession of illegal drugs or medical marijuana is prohibited in all university housing. Alcohol and alcohol containers are not allowed in any of the University's residence halls or University Place. University Apartment residents and their guests who choose to consume alcohol must be twenty-one or older and must act responsibly while doing so.

### ***Domestic and International Field Trips/ Study Abroad/Overseas Programs***

Students participating in domestic field trips or academic programs, or visiting foreign countries to attend field trips or academic programs abroad are reminded that they may be subject to arrest and legal sanctions for alcohol or drug offenses under the laws and regulations of that particular state, country or institution in addition to the sanctions described in the Code of Student Life and those adopted by the Office of International Programs.

### ***On-Campus Employment***

Students employed on-campus are considered University employees while working and should reference the Employee Use of Alcohol and Drugs section for additional information.

### ***Alcohol Use/Abuse Education***

The University educates students about potentially life-threatening consequences of alcohol use/abuse, and calls on student leaders, administration, faculty, and staff to serve as role models and promote good decision making regarding the risks and consequences surrounding alcohol use/abuse.

UND programs such as the Wellness & Health Promotion Team Program and the University Counseling Center (UCC) Prime for Life and BASICS are intended to increase awareness of issues related to substance abuse and other issues impacting the health, well-being and academic success of students.

The UCC functions to assist students by anticipating and intervening in situations where substance use/abuse may negatively influence student performance in the University and surrounding community. Individual and group counseling, alcohol use assessment, referral for further evaluation and treatment, and educational programming are important components of this service.

Students who are concerned about their own alcohol use and/or about that of others are encouraged to contact the University Counseling Center. When appropriate, students may be referred to off-campus medical providers.

### ***Medical Amnesty Act and Overdose Prevention and Immunity***

The safety of health of students is a primary concern at the University of North Dakota. As such, any student can seek assistance from the University Police for themselves or others who are intoxicated or drug-impaired.

North Dakota Century Code (NDCC) section 5-01-08(6) provides that an individual, under the age of 21, is immune from criminal prosecution if that individual:

1. Contacts law enforcement or emergency medical services to report another individual under the age of 21 in need of medical assistance due to alcohol consumption, provides assistance to that individual until assistance arrives, and remains on the scene; or
2. Is in need of medical assistance and cooperates with medical assistance and law enforcement personnel on the scene.

It further provides that the maximum number of individuals who may be immune for any one occurrence is five.

NDCC chapter 19-03.1 provides that an individual is immune from criminal prosecution if that individual:

1. Contacts law enforcement or emergency medical services and reports that the individual was or that another individual was in need of emergency medical assistance due to a drug overdose, and remains on the scene until assistance arrived; and
2. The overdosed individual must have been in need of emergency medical services.

It further provides that the maximum number of individuals who may be immune for any one occurrence is three.

Individuals contacting law enforcement or emergency medical services in either situation must cooperate with medical assistance and law enforcement personnel on the scene. If they do not, their protection under these laws is jeopardized. While neither the student who is impaired or the student(s) assisting the impaired student are exempt from facing disciplinary action under the Code of Student Life, all efforts made by students to positively impact the health and safety of others will be taken into consideration and may lessen possible disciplinary outcomes.

The amnesty does not apply to other prohibited conduct, including but not limited to, assault, violence, property damage, or the distribution of dangerous substances, whether legal or illegal.

### ***Drug Use/Abuse Education***

The University educates students about potentially life-threatening consequences of drug or alcohol use/abuse, and calls on student leaders, administration, faculty, and staff to serve as role models and promote good decision making regarding the risks and consequences surrounding drug or alcohol use/abuse.

UND programs such as the Wellness & Health Promotion Team Program and the University Counseling Center (UCC) Prime for Life and BASICS are intended to increase awareness of issues related to substance abuse and other issues impacting the health, well-being and academic success of students.

The UCC functions to assist students by anticipating and intervening in situations where substance use/abuse may negatively influence student performance in the University, community and environment. Individual and group counseling, drug use assessment, referral for further evaluation and treatment, and educational programming are important components of this service.

Students who are concerned about their own drug or alcohol use and/or about that of others are encouraged to contact the University Counseling Center. When appropriate, students may be referred to private counselors.

### **Disciplinary Actions**

The University responds to reports of the illegal use of substances through its discipline system.

Students in violation of UND's alcohol and drug policy will face disciplinary actions as noted in the Code of Student Life (Code). The Code applies to conduct that occurs on University premises and University-sponsored activities, and to off-campus conduct that adversely affects the University Community and/or the pursuit of its objectives. Additionally, University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both criminal law and the Code of Student Life (that is, if both possible violations result from the same factual situation).

### **Parental Notification**

In accordance with a 1998 amendment to FERPA, UND school officials have the discretion to notify parents or guardians of students who, at the time of disclosure, are under the age of 21, and have violated any federal, state, or local laws, or violated any rule or policy of the institution governing the use or possession of alcohol or controlled substance. Attempt at parental notification may be made:

1. After the finding of a second alcohol offense and any subsequent alcohol offense; or after the finding of a first alcohol offense if the violation is more serious, such as but not limited to, driving under the influence of alcohol or in conjunction with another violation, especially one involving violence or property damage;
2. For any drug offense; or
3. During a medical emergency involving a student.

Exceptions to parental notification may be made based on circumstance as determined by school officials with legitimate educational interest.

### **Recognized Student Organizations**

Recognized student organizations are those student groups that have received constitutional approval from the Student Policy Committee and have open membership, in keeping with the UND Equal Opportunity Policy. These groups include national honorary organizations, fraternities and sororities, and all other affiliated and non-affiliated organizations. "Fraternities" and "sororities" refer

to chapters of national Greek organizations which have received approval for inclusion in the fraternal system at UND from the Interfraternity Council or Panhellenic Council at UND.

UND Student Government is the representational body of the entire student population and the Association of Residence Halls (ARH) is the representational body for all students living in UND Residence Halls. However, Student Government and ARH and its standing committees are held to the same procedural and operational standards as are other units of the University.

Recognized student organizations and the UND Student Government are required to abide by local ordinances and state law, as well as SBHE and University policies/procedures regarding the consumption or possession of alcoholic beverages both on- and off-campus.

1. No University funds, including those raised by a recognized student organization, may be used either directly or indirectly for the purchase of alcoholic beverages.
2. Recognized student organizations may not sell alcoholic beverages.
3. If a recognized student organization is sponsoring an event involving alcoholic beverages, the student organization is responsible for verification of the ages of its guests and will be held responsible for ensuring that alcoholic beverages are legally dispensed.
4. At a recognized student organization sponsored event involving alcoholic beverages, the cost of alcoholic beverages may not be included in any admission, meal, or entertainment charge.
5. Recognized student organizations may not collect a cover charge, donation, or admission fee, which entitles a guest to alcoholic beverages.
6. Recognized student organizations may not utilize alcoholic beverages as contest prizes.
7. No goods or funds may be donated to recognized student organizations by makers, dealers, or purveyors of alcoholic beverages.
8. Recognized student organizations may not participate in any activity or promotion with an establishment whose primary business function is the selling of alcoholic beverages. The student organization may not enter into an agreement with said establishment as regards the sale or distribution of alcoholic beverages. This shall include, but is not limited to, any of the following arrangements:
  - a. The student organization sells or otherwise shares in the profit from sales of alcohol or serves as a co-sponsor of an event involving alcohol with an establishment whose primary business is the selling of alcoholic beverages.
  - b. The student organization advertises or distributes advertising for programs or activities sponsored by an establishment whose primary business function is the selling of alcoholic beverages.
  - c. The student organization receives free or discounted room rental rates, or other goods or services, in exchange for holding an event with alcohol, or meeting a bar receipt minimum.



## Employee Use of Alcohol and Drugs

### *Employee Alcohol and Drug Policy*

UND prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use, or sale of alcoholic beverages, controlled substances, and illegal drugs, including medical marijuana. The impairment by alcohol or drugs of any employee while participating in an academic function, or of employees when reporting for work or engaging in work — during normal work hours or other times when required to be at work — is also prohibited. UND employees are required to abide by all federal and state laws, local ordinances, SBHE policies, and other related requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs.

All employees are expected and required to report to work in an appropriate condition to carry out their responsibilities. In particular:

1. While performing work for the University, operating any University vehicle, or conducting University business, faculty and staff are prohibited from using, being under the influence of, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia and medical marijuana). Any illegal drugs or drug paraphernalia found on University property will be turned over to University Police and may result in criminal prosecution.
2. Employees are prohibited from being impaired or under the influence of alcohol and/or legal drugs, including prescription medication, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or others, or creates an unnecessary risk for the University. If taking necessary medication could compromise workplace safety or affect work performance, the employee is responsible for communicating with their supervisor to evaluate temporary job modification/re-assignment during the course of the treatment.
3. Any employee who is convicted of unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or other criminal drug statute in the workplace, or receives a conviction that effects their job responsibilities is required to notify their department head no later than five working days after such conviction. Failure to notify the appropriate University official(s) of a drug-related conviction shall be grounds for disciplinary action up to and including dismissal.

Any employee violating this policy is subject to discipline up to and including dismissal. Employees in the workplace suspected of violating either alcohol or drug statutes may be referred to criminal authorities for prosecution and sanctions.

Together with UND's alcohol and drug policy, campus departments may have additional policies and procedures in place that employees must follow. These UND departments include, but are not limited to, Aerospace, Athletics and EERC. These department documents must be reviewed by General Counsel and approved by the President prior to implementation and enforcement.

### *Suspicion of Alcohol or Drug Use*

An employee who suspects that a colleague or co-worker is impaired by alcohol or drug use on the job should contact their department head or supervisor immediately. An employee who suspects a supervisor or department head is impaired by alcohol or drug use should contact the next level of supervision or administration.

Behaviors which may suggest alcohol/drug abuse include (but are not limited to) the following:

1. Repeated accidents (on- or off-campus);
2. Repeated illness absences;
3. Chronic lateness or early departures;
4. Significantly diminished task performance (with no other explanation); and
5. Odor of alcohol, slurred speech, unsteady gait, disorientation, paranoia, hallucinations, and other physical signs of impaired function, not caused by a known medical condition.

For drug descriptions, methods of abuse, and various effects on the body and mind, review the Drug Enforcement Administration's Drug Fact Sheets at <http://www.justice.gov/dea/druginfo/factsheets.shtml>.

If a department chair, supervisor, or administrator has been contacted or suspects that an individual is under the influence of drugs or alcohol, they should:

1. Assess the situation and call for assistance if necessary. If assistance is needed, notify the University Police Department if on campus, or the local police department, if not on campus;
2. Not touch the employee;
3. Document observations and other relevant information fully;
4. Prohibit the individual from continuing to work and from driving;
5. Not leave the impaired employee alone;
6. Handle information confidentially; and
7. Consult with Human Resources staff.

### *An Incident of Intoxication or Impairment*

If an employee appears to be intoxicated or otherwise drug-impaired, a supervisor should not touch the employee, unless contact is necessary to protect them. If safety concerns are present, the supervisor should contact University Police (or local police department for off-campus incidents) for assistance. If possible, the employee should not be left alone unless the supervisor feels threatened. Supervisors should not allow the employee to continue working or to drive home. The supervisor will ask the employee if they have been drinking alcohol or taking any drugs and document the employee's answer.

If the employee states that they have not been drinking alcohol or taking any drugs, the employee will be asked to submit to a blood and/or urine test to disprove the suspicions. If there has been a critical incident that jeopardizes the safety of any individual, the employee will be required to submit to a blood and/or urine test. The supervisor or Human Resources representative must call the University Police Department to determine how the employee should be transported to a facility for testing. The supervisor and a representative from Human Resources or other designated official will accompany the employee to an approved facility for testing. Upon completion of the testing, a copy of the results will be provided to the supervisor.

If a person admits to being under the influence of alcohol or drugs, alcohol/drug testing of the individual may not be necessary. If an employee refuses testing, the employee may be disciplined as if the testing had been positive. The supervisor will offer to contact a friend or relative of the employee to drive them home, or to obtain transportation for the employee. If the employee refuses such assistance, the supervisor should call University Police and advise them that the employee, who is believed to be impaired, is leaving the workplace

### **Observations**

In proving that an employee was under the influence, the supervisor's observations of the employee's behavior, not a test, are the key elements in the university's case. The supervisor must be able to testify, in detail, what they saw that indicated that the employee was under the influence. A supervisor that testifies that the employee "seemed intoxicated" merely states a conclusion which is unsupported by any factual evidence. The supervisor must be able to provide information about the employee's actions that lead to the conclusion that the employee was under the influence, such as "the employee was staggering and had slurred speech or had a strong odor of alcohol on their breath." When feasible, it may be helpful to have another supervisor observe the behavior.

### **Documentation**

Documentation of the incident in which the employee exhibited drunken or drugged behavior is critical to protecting the credibility of the supervisor. If the employee challenges any disciplinary action taken, the supervisor may be called upon to testify months after the incident occurred. The supervisor can avoid having to recall the incident from memory if an account of the incident is written down immediately after it occurs. Those notes should be copied. One copy should be given to the appropriate vice president and the other copy should be retained by the reporting supervisor.

### **Confidentiality**

Supervisors should treat an employee's alcohol or drug problem confidentially. Only those management personnel who have a need to know about the incident should be informed. If only a few people know of an employee's alleged substance abuse, the employer is better able to defend against allegations that the information was handled indiscreetly and will avoid embarrassing the employee.

### **After the Incident**

1. After the immediate "crisis" has been handled, consultation with Human Resources should occur.
2. The employee will be immediately placed on paid administrative leave for a minimum of the remainder of their work day.
3. The supervisor will encourage a benefited employee to seek assistance from the Employee Assistance Program, or a personal health care provider for all other employees.
4. If the employee is found to be under the influence of alcohol or drugs they will be subject to disciplinary actions up to and including dismissal. Any employee suspected to be under the influence of alcohol or drugs who refuses to submit to a blood and/or urine test will be subject to disciplinary actions up to and including dismissal, as if the employee had tested positive.
5. Sick leave, vacation, or provisions of FMLA can be used by employees to seek supervised rehabilitation services through a licensed care provider.

6. If the employee is not found to be under the influence of alcohol or drugs they may still be subject to disciplinary action up to and including dismissal for any job performance issues that may have occurred.
7. The disciplinary process will follow NDUS Human Resource Policy 25.

### **Substance Abuse Counseling, Treatment, and Referral**

The Employee Assistance Program (EAP) provides a variety of services, including alcohol and drug dependence services, to all benefited employees and their immediate family members (spouse and/or dependent children living in the same household as the employee or dependent children attending a college or university). The use of EAP services is confidential unless the employee signs to release information to specific people for a specific purpose. Release of information may be requested to support a disability accommodation request or leave of absence for Family Medical Leave Act or use of extended sick leave.

### **Reporting Requirements and Records Retention**

A department chair or supervisor who has disciplined an employee for alcohol- or drug-related problems or who has knowledge of an alcohol- or drug-related conviction must notify the appropriate vice president in whose area the employee is employed. The following information will be retained: employee's name, department, date and type of offense, date and type of action taken, and any follow-up or aftercare required.

Supervisors or department heads who are notified of an employee's criminal alcohol and/or drug conviction will immediately inform Human Resources and Payroll Services for staff, Academic Affairs for faculty, and the Dean's Office, School of Medicine and Health Sciences, for medical school academic staff and faculty. Notification to a federal contacting agency will be through the UND Grants Administration Office. The institution will take appropriate disciplinary action, up to and including dismissal, based on conviction within 30 days of notification. Other agencies may be notified if it is required under agency rules and procedures. Disciplinary reports on staff shall be submitted to the department head, vice president, and Human Resources which shall be the official repository of these data. Disciplinary reports on faculty shall be placed in their official personnel file with copies to their dean, department head, vice president or staff equivalent. Referral data for evaluation, treatment, or aftercare that are non-disciplinary or contain medical information shall be retained by EAP.

### **Off-Campus Activities / Domestic or International Field Trips / Study Abroad / Overseas Programs**

Employees are expected to uphold the standard promulgated by this policy and to act in a way that demonstrates the principle of "freedom with responsibility" by behaving in a responsible manner around alcohol and illegal drugs.

UND strongly discourages faculty from hosting off-campus activities where alcohol is served, or providing alcohol or purchasing alcohol for students participating in domestic or international field trips or study abroad programs. Employees are not permitted to purchase alcohol using University or program funds.

Employees must maintain their ability to respond to and report critical incidents and are expected to be able to perform duties as assigned.

Employees accompanying students in foreign countries are reminded that they and their students may be subject to arrest and legal sanctions for drug and alcohol offenses under the laws and regulations of that particular country or institution in addition to the sanctions described in this policy.

## Legal Sanctions

The state and city classification of offenses and the sanctions for violating specific alcohol or drug statutes are as follows.

Under North Dakota Century Code (NDCC) section 5-01-08, Individuals Under Twenty-one Years of Age Prohibited from Using Alcoholic Beverages or Entering Licensed Premises – Penalty, violations are as follows:

1. Except as permitted in this section and section 5-02-06, an individual under twenty-one years of age may not manufacture or attempt to manufacture, purchase or attempt to purchase, consume or have recently consumed other than during a religious service, be under the influence of, be in possession of, or furnish money to any individual for the purchase of an alcoholic beverage.
2. An individual under twenty-one years of age may not enter any licensed premises where alcoholic beverages are being sold or displayed, except:
  - a. A restaurant if accompanied by a parent or legal guardian;
  - b. In accordance with section 5-02-06;
  - c. If the individual is an independent contractor or the independent contractor's employee engaged in contract work and is not engaged in selling, dispensing, delivering, or consuming alcoholic beverages;
  - d. If the individual is a law enforcement officer or other public official who enters the premises in the performance of official duty; or
  - e. If the individual enters the premises for training, education, or research purposes under the supervision of an individual twenty-one or more years of age with prior notification of the local licensing authority.
3. An individual who violates this section is guilty of an infraction. For a violation of subsection 2, the court also may sentence a violator to alcohol and drug education.

Under NDCC section 5-01-08.1, Misrepresentation of Age – Penalty, any person who misrepresents or misstates that person's age or the age of any other person or who misrepresents that person's age through presentation of any document purporting to show that person to be of legal age to purchase alcoholic beverages is guilty of a class B misdemeanor.

Under NDCC section 5-01-09, Delivery to Certain Persons Unlawful, any individual knowingly delivering alcoholic beverages to an individual under twenty-one years of age, except as allowed under section 5-02-06, or to a habitual drunkard, an incompetent, or an obviously intoxicated individual is guilty of a class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2.

Under Grand Forks City Code section 9-0113, Minor in Possession of or Consuming Alcoholic Beverages, violations are as follows:

1. It is unlawful for any person under the age of twenty-one years to consume alcoholic beverages as defined in NDCC section 5-01-01 except as part of a recognized religious service. The term "consume" in this section shall also include consumed, consuming, and consumption.
2. This offense shall be presumed to have occurred within the city limits if actual consumption occurs within the city or the individual having consumed alcoholic beverages is arrested within the city limits.
3. It is unlawful for any person under the age of twenty-one years to be in possession of alcoholic beverages as defined in NDCC section 5-01-01 except as otherwise permitted in Grand Forks City Code section 21-0228
4. For the purposes of this section, a person is not twenty-one years of age until 8 a.m. on that person's twenty-first birthday.
5. This section does not apply to a person under the age of twenty-one years who purchases, attempts to purchase, or possesses alcoholic beverages while under the direct supervision of the police department, city health department, or city attorney's office for training, education, research, or enforcement purposes.

Under Grand Forks City Code section 9-0114, Minor Purchasing/ Attempting to Purchase Alcoholic Beverages, violations are as follows:

1. It is unlawful for any person under the age of twenty-one years to purchase or attempt to purchase alcoholic beverages as defined in NDCC section 5-01-01.
2. For the purposes of this section, a person is not twenty-one years of age until 8 a.m. on that person's twenty-first birthday.
3. This section does not apply to a person under the age of twenty-one years who purchases, attempts to purchase, or possesses alcoholic beverages while under the direct supervision of the police department, city health department, or city attorney's office for training, education, research, or enforcement purposes.

Under Grand Forks City Code section 9-0115, Purchase or Procurement of Alcoholic Beverages for Minors Prohibited, it is unlawful for any person to purchase or procure for any person under the age of twenty-one years any alcoholic beverage or to furnish or deliver such alcoholic beverage to any such person.

Under Grand Forks City Code section 9-0116, Furnishing Money for Purchase of Alcoholic Beverages for Minors, violations are as follows:

1. It is unlawful for any person under the age of twenty-one years to furnish money to any other person for the purpose of purchasing alcoholic beverages as defined in NDCC section 5-01-01 for any person under the age of twenty-one years.
2. For the purposes of this section, a person is not twenty-one years of age until 8 a.m. on that person's twenty-first birthday.
3. This section does not apply to a person under the age of twenty-one years who purchases, attempts to purchase, or possesses

alcoholic beverages while under the direct supervision of the police department, city health department, or city attorney's office for training, education, research, or enforcement purposes.

Under Grand Forks City Code section 9-0117, Minor on Licensed Premises, violations are as follows:

1. It is unlawful for any person under the age of twenty-one years to enter any licensed premises where alcoholic beverages as defined by NDCC section 5-01-01 are being sold or displayed except under the conditions permitted in section 21-0228 of the Grand Forks City Code.
2. For the purposes of this section, a person is not twenty-one years of age until 8 a.m. on that person's twenty-first birthday.
3. This section does not apply to a person under the age of twenty-one years who purchases, attempts to purchase, or possesses alcoholic beverages while under the direct supervision of the police department, city health department, or city attorney's office for training, education, research, or enforcement purposes.

Under Grand Forks City Code section 9-0118, False Statement or Identification, violations are as follows:

1. It is unlawful for any person under the age of twenty-one years to make any false statement or to furnish, present, or exhibit any false or fictitious registration card or other document or evidence for the purpose of gaining admission to any place where the person's presence is prohibited.
2. For the purposes of this section, a person is not twenty-one years of age until 8 a.m. on that person's twenty-first birthday.

Under Grand Forks City Code section 9-0219, Consumption of Alcoholic Beverages Prohibited on Public Streets or Alleys, it shall be unlawful for any person to consume any alcoholic beverages, or to serve, sell, or possess an open container which contains alcoholic beverages, upon any public right-of-way, street, alley, highway or public sidewalk within the city, except when such public right-of-way, street, alley, highway, or public sidewalk, or portion thereof, is included within an area for which the city council has granted authorization.

Under NDCC section 19-03.1-23, Prohibited Acts A – Mandatory Terms of Imprisonment and Fines – Unclassified Offenses – Penalties, violations are as follows:

1. Except as authorized by this chapter, it is unlawful for a person to willfully, as defined in section 12.1-02-02, manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance, or to deliver, distribute, or dispense a controlled substance by means of the internet, but a person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. A person who violates this subsection with respect to:
  - a. A controlled substance classified in schedule I or II which is a narcotic drug, or methamphetamine, is guilty of a class B felony and must be sentenced:
    - i. For a second offense, to imprisonment for at least three years.
    - ii. For a third or subsequent offense, to imprisonment for ten years.
  - b. Any other controlled substance classified in schedule I, II, or III, or a controlled substance analog is guilty of a class

B felony. Except for a person who manufactures, delivers, or possesses with the intent to manufacture or deliver marijuana, any person found guilty under this subdivision must be sentenced:

- i. For a second offense, to imprisonment for at least two years.
    - ii. For a third or subsequent offense, to imprisonment for five years.
  - c. A substance classified in schedule IV, is guilty of a class C felony and must be sentenced:
    - i. For a second offense, to imprisonment for at least three months.
    - ii. For a third offense, to imprisonment for at least six months.
    - iii. For a fourth or subsequent offense, to imprisonment for three years.
  - d. A substance classified in schedule V, is guilty of a class A misdemeanor.
2. A prior misdemeanor conviction under subsection 8 or a prior conviction under subsection 3 or 4 of section 19-03.4-03 may not be considered a prior offense under subsections 1 and 4.
  3. Except as authorized by this chapter, it is unlawful for any person to willfully, as defined in section 12.1-02-02, create, deliver, distribute, or dispense a counterfeit substance by means of the internet or any other means, or possess with intent to deliver, a counterfeit substance by means of the internet or any other means, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. Any person who violates this subsection with respect to:
    - a. A counterfeit substance classified in schedule I, II, or III, is guilty of a class B felony.
    - b. A counterfeit substance classified in schedule IV is guilty of a class C felony.
    - c. A counterfeit substance classified in schedule V, is guilty of a class A misdemeanor.
  4.
    - a. For second or subsequent offenses, in addition to any other penalty imposed under this section, if the person who violates this chapter was at least 21-years of age at the time of the offense, and delivered a controlled substance to a person under the age of 18, the person is subject to, and the court shall impose a term of imprisonment of at least four years.
    - b. Which is to run consecutively to any other sentence imposed. It is not a defense that the defendant did not know the age of the person protected under subdivision a.
    - c. The penalty in subdivision a does not apply to a person who manufactures, delivers, or possesses with the intent to manufacture or deliver marijuana.
  5. A person at least eighteen years of age who solicits, induces, intimidates, employs, hires, or uses a person under eighteen years of age to aid or assist in the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance for the purpose of receiving consideration or payment for the manufacture or delivery of any controlled substance is guilty of a class B felony and must be sentenced:

- a. For a second or subsequent offense, to imprisonment for at least three years.
  - b. It is not a defense to a violation of this subsection that the defendant did not know the age of a person protected under this subsection.
6. Accept for a prior conviction equivalent to a misdemeanor violation of subsection 8 or a prior conviction under subsection 3 or 4 of section 19-03.4-03, a violation of this title or a law of another state or the federal government which is equivalent to an offense with respect to the manufacture, delivery, or intent to deliver a controlled substance under this title committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsections 1, 4, and 5. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.
7. It is unlawful for a person to willfully, as defined in section 12.1-02-02:
- a. Serve as an agent, intermediary, or other entity that causes the internet to be used to bring together a buyer and seller to engage in the delivery, distribution, or dispensing of a controlled substance in a manner not authorized by this chapter; or
  - b. Offer to fill or refill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire.
  - c. A person who violates this subsection is guilty of a class C felony.
  - d. It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess a controlled substance or a controlled substance analog unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.
  - e. Except as otherwise provided in this subsection, any person who violates this subsection is guilty of a class A misdemeanor for the first offense under the subsection and a class C felony for a second or subsequent offense under this subsection.
  - f. If, at the time of the offense the person is in or on the real property comprising a public or private, elementary or secondary school or a public career and technical education school, the person is guilty of a class B felony, unless the offense involved marijuana.
  - g. A person who violates this subsection regarding possession of marijuana is guilty of a class B misdemeanor.
  - h. If an individual is sentenced to the legal and physical custody of the department of corrections and rehabilitation under this subsection, the department may place the individual in a drug and alcohol treatment program designated by the department. Upon the successful completion of the drug and alcohol program, the department shall release the individual from imprisonment to begin any court-ordered period of probation.
  - i. If the individual is not subject to any court-ordered probation, the court shall order the individual to serve the remainder of the sentence or imprisonment on supervised probation subject to the terms and conditions imposed by the court.
  - j. Probation under this subsection may include placement in another facility, treatment program, or drug court. If an individual is placed in another facility or treatment program upon release from imprisonment, the remainder of the sentence must be considered as time spent in custody.
  - k. An individual incarcerated under the subsection as a result of a second probation revocation is not eligible for release from imprisonment upon the successful completion of treatment.
  - l. A person who violates this subsection regarding possession of five or fewer capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or controlled substance analog is guilty of a class A misdemeanor.
8. Except as provided by section 19-03.1-45, a court may order a person who violates this chapter or chapter 19-03.4 to undergo a drug addiction evaluation by a licensed addiction counselor. The evaluation must indicate the prospects for rehabilitation and whether addiction treatment is required. If ordered, the evaluation must be submitted to the court before imposing punishment for a felony violation or a misdemeanor violation. A court shall order a person who violates subdivision e of subsection 8 to undergo the drug addiction evaluation.
9. If a person pleads guilty or is found guilty of a first offense regarding possession of one ounce [28.35 grams] or less of marijuana and a judgment of guilt is entered, a court, upon motion, shall seal the court record of that conviction if the person is not subsequently convicted within two years of a further violation of this chapter. Once sealed, the court record may not be opened even by order of the court. A court shall order a person who violates subdivision e of subsection 8 to undergo the drug addiction evaluation.
- Under NDCC section 19-03.4-03, Unlawful Possession of Drug Paraphernalia – Penalty:
1. A person may not use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of chapter 19-03.1. Any person violating this section is guilty of a class C felony if the drug paraphernalia is used, or possessed with intent to be used, to manufacture, compound, convert, produce, process, prepare, test, or analyze a controlled substance, other than marijuana, classified in schedule I, II, or III of chapter 19-03.1.
  2. A person may not use or possess with the intent to use drug paraphernalia to inject, ingest, inhale, or otherwise induce into the human body a controlled substance, other than marijuana, classified in schedule I, II, or III of chapter 19-03.1. A person violating this subsection is guilty of a class A misdemeanor. If a person previously has been convicted of an offense under this title, other than an offense related to marijuana, or an equivalent offense from another court in the United States, a violation of this subsection is a class C felony.
  3. A person may not use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal marijuana in violation of chapter 19-03.1. A person violating this subsection

is guilty of a class A misdemeanor.

4. A person may not use or possess with the intent to use drug paraphernalia to ingest, inhale, or otherwise introduce into the human body marijuana in violation of chapter 19-03.1. A person violating this subsection is guilty of a class B misdemeanor.

Under NDCC section 19-03.1-22.3, Ingesting a Controlled Substance – Venue for Violation – Penalty, a person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance, unless the substance was obtained directly from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, is guilty of a class B misdemeanor. The venue for a violation of this section exists in either the jurisdiction in which the controlled substance was ingested, inhaled, injected, or otherwise taken into the body or the jurisdiction in which the controlled substance was detected in the body of the accused.

Under NDCC section 19-03.1-22.5, Controlled Substance Analog Use – Venue for Violation – Penalty, violations are as follows:

1. The use of controlled substance analog includes the ingestion, inhalation, absorption, or any other method of taking the controlled substance analog into the body. An individual who intentionally uses a controlled substance analog is guilty of a class A misdemeanor for a first offense and a class C felony for a second or subsequent offense, unless the individual obtains the analog directly from a practitioner or pursuant to a valid prescription or order of a practitioner.
2. The venue for a violation under this section exists in the jurisdiction in which the substance was used or in which the substance was detected.

Under NDCC section 12.1-32-01, Classification of Offenses – Penalties, state offenses are divided into seven classes which are denominated and subject to maximum penalties, as follows:

1. Class AA felony: up to life imprisonment without parole;
2. Class A felony: up to 20 years imprisonment, \$20,000 fine, or both;
3. Class B felony: up to 10 years imprisonment, \$20,000 fine, or both;
4. Class C felony: up to 5 years imprisonment, \$10,000 fine, or both;
5. Class A misdemeanor: up to one year imprisonment, \$3,000 fine, or both;
6. Class B misdemeanor: up to 30 days imprisonment, \$1,500 fine, or both; or
7. Infraction: up to a \$1000 fine.

Federal trafficking penalties are provided under the Drug Enforcement Administration.

The violation of any offense may lead to disciplinary action by the University, as well as criminal prosecution. Disciplinary and appeal procedures for faculty are found in the Faculty Handbook, for staff in the Staff Personnel Policy Manual, and in State Board of Higher Education policy 608.2 for employees excluded from the broadbanding system who are not faculty.

Federal statutes are available as printed in the August 16, 1990, Federal Register as part of the final regulations for the Drug-Free Schools and Communities Act 1990.

## Institutional Response

All members of the campus community may refer individuals in violation of UND's alcohol and drug policy and applicable laws to the appropriate student conduct administrator, supervisor, campus official and/or University Police Department (UPD). Duly appointed administrative personnel who receive information pertaining to violations of this policy will initiate an institutional response. UPD is a resource that all members may use to report an individual in violation of this policy.

## Substance Abuse Education Programs

The University of North Dakota (UND) has a vested interest in the health and well-being of its students and employees. Providing students and employees access to substance abuse education materials promotes a healthy campus community. UND recognizes substance abuse as a treatable condition and offers programs and services for employees and students with substance abuse or dependency problems. The programs provide services related to substance use and abuse including dissemination of informational materials, educational programs, alcohol and drug assessments, counseling services, intervention programs, and referrals.

## Code of Student Life

UND expects its students to comply with federal and state laws, local ordinances, and the Code of Student Life (Code) related to alcohol and other drugs. Continued or abusive use of alcohol and other drugs has health consequences. Violations of UND's alcohol and drug policy will be addressed by the University through the Code for students.

## Counseling Center

The UND Counseling Center (UCC), utilizing prevention models, (e.g., BASICS) as well as intervention models, assists students by anticipating and intervening in situations where substance abuse may negatively influence student performance in the community and environment. Individual and group counseling, alcohol and other drug use assessment, referral for further evaluation and treatment, and educational programming are important components of this service. Contact: University Counseling Center: <http://UND.edu/health-wellness/counseling-center>, 701-777-2127.

In an effort to be responsive to students' needs, the UCC website has been expanded to include six mental health screenings: depression, anxiety, eating disorders, substance abuse, bipolar disorder and post-traumatic stress disorder. These screenings can be done privately and the website may be accessed 24 hours a day, 7 days a week. There is no cost for the screenings or for counseling services at the UCC. All screenings are anonymous. No personal records are kept; only aggregate data for management of the site is collected. Contact: University Counseling Center: <http://UND.edu/health-wellness/counseling-center/self-help-assessment.cfm>, 701-777-2127.

## Online Alcohol Education for Incoming Students

As part of UND's commitment to foster a safe, welcoming, and respectful campus environment where all students can be successful, the University requires all incoming undergraduate students to complete an online education program. Incoming students must complete the online education prior to the tenth day of class or are subject to a registration hold being placed on their Campus Connection account. Contact: Wellness & Health Promotion: <http://UND.edu/health-wellness/outreach>, 701-777-9355.

## Peer Educators

Peer educators serve as members of UND's Wellness & Health Promotion Team. These individuals connect with students through presentations, programs, and outreach initiatives to support students in achieving their personal health and academic goals. Peer educators are trained to facilitate on- and off-campus presentations for alcohol, drugs, sexual health, general health, mental health, nutrition, and physical activity. Contact: Wellness & Health Promotion Peer Educators: <http://UND.edu/health-wellness/outreach/presentation-request.cfm>, 701-777-9355.

## Prime for Life

Prime of Life is an interactive, intervention-based program designed to investigate the role alcohol and/or other drugs play in the student's life. This program focuses on several issues related to the realities of chemical use or abuse. The program encourages each student to investigate his or her own opinions and attitudes about using mind-altering substances in our culture in general and within the campus culture in particular. Contact: University Counseling Center: 701-777-2127.

Additional substance abuse prevention resources may be found on UCC's website: <http://UND.edu/health-wellness/counseling-center>.

## Employee Assistance Program

Employees have access to the Employee Assistance Program (EAP), a free, confidential assessment/counseling/referral service staffed by trained professionals who can help employees and their family members evaluate problems and take positive action to resolve them. Contact The Village Business Institute EAP: <https://campus.UND.edu/human-resources/employees/benefits/eap.html>, 800-627-8220.

## University Police Department

UPD uses both a proactive and reactive approach to addressing the problems of underage drinking and drunk driving. Using a proactive approach, police officers go to various segments of the University community and provide educational programs regarding the problems associated with alcohol abuse and misuse and its relationship to crimes such as drunk driving. In a reactive approach, UPD officers arrest drunk drivers and cite violators for minor in consumption and minor in possession of alcohol. Contact: University Police Department: <https://campus.UND.edu/safety/police/index.html>, 701-777-3491.



# Preventing and Responding to Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The University of North Dakota (UND) will not tolerate domestic violence, dating violence, sexual assault, stalking, or other forms of sexual violence. Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. UND utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault, and stalking. These procedures are carried out by officials who receive specific annual training.

Sexual violence is a form of sexual harassment and services are available to students, faculty, and staff who experience sexual assault, domestic violence, dating violence, and instances of stalking.

In these situations, UND is committed to providing crisis intervention and supportive measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues. The University's process does not preclude adjudication under state law.

UND prohibits retaliation by its officers, employees, students, or agents against a person who exercises their rights or responsibilities under any provision federal or state law, including Title IX and the Violence Against Women Act Reauthorization Act of 2022 (VAWA), or this policy.

Reports of sexual misconduct or concern about UND's compliance with Title IX or Department of Education policies, may be directed to the Title IX coordinator in the Equal Opportunity & Title IX Office or the Office for Civil Rights, U.S. Department of Education. Complaints may also be directed to any other federal agency.

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## **Prevention Efforts**

UND is committed to creating a safe living, learning, and working environment for all members of the campus community. To support this, UND offers a variety of prevention education programming for students and employees.

UND develops educational programs concerning domestic violence, dating violence, sexual assault, and stalking. Involved students, faculty, staff, and community members provide information and promote discussion on interpersonal abuse and violence issues. The University Police Department (UPD) supports the educational programs by providing input and personnel to accomplish this task.

First-year students are required to participate in an online new student education program. The program addresses Title IX and VAWA education that combines sexual assault and substance abuse prevention in a comprehensive online training program. These courses prepare students before they begin their life in college. All other students receive access to a version of the new student education program. It reinforces critical lessons from the required program that new students complete, specifically about intervening in high-risk situations.

Employees participate in on-line prevention education as part of their new employee on-boarding process. Employees are also required to participate in annual on-line education to learn about their reporting

obligations, how to support someone who has experience sexual violence, and how to access available campus resources.

Additional prevention education is available through the Equal Opportunity & Title IX Office, Housing & Residence Life, CVIC at UND, Human Resources, Community Standards & Accessibility for Students, the Committee on Sexual Violence Prevention and Response, and/or CVIC.

The University continually reviews and modifies its physical surroundings to enhance security and safety, such as campus lighting, locking procedures, signage, etc. For additional safety information, contact UPD at 701-777-3491.

## **How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### ***Risk Reduction Tips***

Recognizing that only rapists are responsible for rape, not victims, the following are some strategies to reduce one's risk of sexual assault or harassment.

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.)**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- **Remember that being in this situation is not your fault**. You did not do anything wrong. It is the person who is making you uncomfortable who is to blame.
- **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- **Lie**. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route**. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking**, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### ***Reporting***

A guiding principle in the reporting of domestic violence, dating violence, sexual assault, and stalking is to avoid possible re-victimizing of the complainant by forcing the individual into any plan of action. It is recommended that a person who has experienced violence consider each of the following:

1. Getting to a safe place.
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. Post-assault medical care can be performed at a local emergency room. Many hospitals have a specialized examiner who can complete an exam for victims of sexual violence. Such an exam can help the victim receive an appropriate medical assessment and treatment, and can preserve evidence for possible future action.
4. Pursuing counseling services with appropriate agencies (e.g., UCC, EAP, CVIC (on- or off-campus), or private providers). Calling someone that is known and trusted, such as a friend or counselor, and discussing with this person the assault can help to evaluate the trauma to sort out next steps.
5. Making a police report. You can initiate a campus and/or criminal complaint. You may obtain assistance from campus authorities in this notification.
6. Making a report to a campus security authority (CSA), Title IX coordinator, deputy Title IX coordinator or designated officials under Title IX.
7. Making an anonymous report. An anonymous report to the police notifies them that an act of sexual violence has occurred but gives no names or identification.

**Consider Filing a Police Report**

A report to the police can empower the complainant by exercising their legal rights and can aid in the protection of others. UND staff will encourage the complainant to file a police report and will assist the complainant in notifying the police if requested. The police will then advise the complainant of the legal process.

1. On-campus investigation is typically conducted by UPD. UPD has both an administrative role and a law enforcement role.
2. Off-campus cases are usually investigated by the Grand Forks Police or other law enforcement agency. When an investigation or legal proceedings occur off-campus, services are still available through the University.

You may choose to file a police report immediately or at a later date. There may be consequences to waiting to file a police report. Early reports may improve the preparation of a viable prosecution. Filing a police report immediately following the incident does not force the complainant to file charges and prosecute the respondent. However, it does aid in the preservation of valuable evidence if the complainant decides to pursue charges at a later date.

The State's Attorney makes all decisions regarding the prosecution of alleged crimes reported to law enforcement.

**Alternatives to Filing a Police Report**

1. Make a report to a CSA, Title IX coordinator, deputy Title IX coordinator, or other Title IX-designated official with authority to take corrective action. The complainant will be offered supportive measures and information about UND's grievance processes, including how to file a formal complaint.
2. Contact a confidential resource such as CVIC at UND, UCC, Student Health, EAP, and/or CVIC.
3. Make an anonymous report to the police (a report that notifies the police that a domestic violence, dating violence, sexual assault, or stalking incident has occurred, but gives no names or identification).
4. Make an anonymous report to the Title IX coordinator. UND's ability to respond to anonymous reports may be limited.
5. Contact the Title IX coordinator or a deputy Title IX coordinator for more information about supportive measures and the grievance process or refer to UND's Title IX Misconduct and/or Sexual Misconduct policies.

The complainant may decline to notify campus police and campus authorities.

**Supportive Measures**

UND offers supportive measures to the complainant in cases of domestic violence, dating violence, sexual assault and stalking, whether or not a formal complaint is filed. Supportive measures are also offered to the respondent when a formal complaint is filed. UND continues a coordinated response system that attends to the complainant's and respondent's physical and emotional well-being as well as the safety of the community.

The Title IX coordinator or a deputy Title IX coordinator will assist students, including collaborating with UPD and other departments to provide:

1. Referral to UCC, EAP, or referrals to outside provider(s)
2. Extensions of deadline or other course-related adjustments
3. Modifications of work or class schedules
4. Campus escort services from UPD
5. Mutual no-contact directive
6. Changes in work or housing locations
7. Leaves of absence
8. Increased security and monitoring of certain areas of campus
9. Special circumstance requests for withdrawals
10. Other similar measures

Students may seek assistance at any time from UCC and/or CVIC at UND at no additional charge. Referrals may be made upon request for relatives, partners, and friends of either the complainant or respondent to various support agencies.

Students may seek assistance from UND's Student Health Services. Post-assault medical care includes testing and treating for sexually transmitted diseases (STDs). Costs for testing may be paid directly by the student or billed through insurance.

Employees may seek assistance at any time from CVIC at UND or a medical facility. In addition, benefited staff and faculty may seek assistance from EAP. The Title IX coordinator will provide information about supportive measures. The Title IX coordinator will provide information about supportive measures.

**Campus Based Grievance Procedures**

UND's response to domestic violence, dating violence, sexual assault, or stalking incidents may involve a number of individuals and agencies (e.g., UPD, Community Standards & Accessibility for Students, EO & Title IX, medical and counseling services personnel, and CVIC at UND). UND's campus-based grievance process is confidential and protects individual rights. A complainant may choose whether or not to file a formal complaint under the grievance procedures. The Title IX coordinator may also file a formal complaint. UND's grievance procedures are described in responding to Reports of Title IX Sexual Misconduct Procedures and/or Responding to Reports of Sexual Misconduct Procedures.

**Disciplinary Sanctions and Remedies**

If a formal complaint of domestic violence, dating violence, sexual assault, or stalking is not resolved through voluntary informal resolution, withdrawn by the complainant, or dismissed as provided in the Responding to Reports of Title IX Sexual Misconduct Procedures and/or Responding to Reports of Sexual Misconduct Procedures, a live hearing will be held to determine if UND's Title IX Sexual Misconduct and/or Sexual Misconduct policy(ies). Following a live hearing, the decision-maker will issue a written determination regarding responsibility that will also include any disciplinary sanctions or remedies to be implemented, as appropriate.

Remedies provided to the complainant after the conclusion of the grievance process on a finding of responsibility must be designed to restore or preserve the complainant's equal access to the education program or activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. Examples of remedies include continuation of supportive measures, no-contact directives, academic accommodations or academic support services, counseling services and residence accommodations. The Title IX coordinator or a deputy Title IX coordinator will be responsible to implement any remedies provided by the written determination.

### **Sanctions for Students**

Potential sanctions for students found in violation of the Title IX Sexual Misconduct and/or Sexual Misconduct policies ranges from status sanctions (written reprimand, warning probation, and/or conduct probation), restriction of educational activities, restrictions on access to locations, required educational activities, suspension (fixed-term, indefinite, or permanent), and other sanctions as deemed appropriate based on the reported behavior. Multiple sanctions can be applied to a single violation. A student who is suspended from the University will be required to comply with reinstatement conditions prior to or upon returning to the University. For more details, refer to the Sanctions Section of the Code of Student Life.

### **Sanctions for Staff**

Potential sanctions for staff found in violation of the Title IX Sexual Misconduct and/or Sexual Misconduct policies may include verbal counseling, written warning/letter of reprimand, unpaid suspension, or dismissal from employment.

The University will follow the disciplinary policies and procedures found in State Board of Higher Education (SBHE) policy 520, North Dakota University System Human Resource Policy Manual sections 25 and 27 and SBHE policy 608.2, as applicable. Please note that the Title IX Sexual Misconduct and Sexual Misconduct policies and SBHE policy 520 shall prevail in the event of any conflict between those policies and any other NDUS, SBHE, or UND policy governing staff disciplinary proceedings.

### **Sanctions for Faculty**

Potential sanctions for faculty found in violation of the Title IX Sexual Misconduct and/or Sexual Misconduct policies may include termination or dismissal; imposition of a sanction, which could include suspension, salary reduction or loss of salary, or restriction or loss of privileges imposed as a formal disciplinary measure; implementation of a performance improvement plan or other document placed in a personnel file.

The University will follow the disciplinary policies and procedures found in State Board of Higher Education (SBHE) policy 520, faculty handbook, and SBHE policies 605.3 and 608.2, as applicable. Please note that the Title IX Sexual Misconduct and/or Sexual Misconduct policies and SBHE policy 520 shall prevail in the event of any conflict between those policies and any other NDUS, SBHE, or UND policy governing faculty disciplinary proceedings.

## **Defining Acts Involved with Sex Offenses**

The following state definitions are informational and are not used to classify crime statistics in the UND Annual Security Report.

**Coercion** is the exploitation of fear or anxiety through intimidation, compulsion, domination, or control with the intent to compel conduct or compliance.

**Consent** is affirmative, informed, voluntary, and active permission to engage in a mutually agreed-upon sexual act or contact.

Consent is expressed by clear and unambiguous words or actions that a reasonable person in the circumstances would believe to communicate a willingness to participate in a sexual act or contact.

**A deviate sexual act** is any form of sexual contact with an animal, bird, or dead person.

An **object** is anything used in commission of a sexual act other than the person of the actor.

A **sexual act** is the sexual contact between human beings consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any other portion of the human body and the penis, anus, or vulva; or the use of an object which comes in contact with the victim's anus, vulva, or penis. For the purposes of this subsection, sexual contact between the penis and the vulva, the penis and the anus, any other portion of the human body and the anus or vulva, or an object and the anus, vulva, or penis of the victim, occurs upon penetration, however slight. Emission is not required.

**Sexual contact** is any touching, 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 of urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.

A person who engages in a sexual act with another, or who causes another to engage in a sexual act, is guilty of **gross sexual imposition** if:

1. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being;
2. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in North Dakota Century Code (NDCC) chapter 19-03.1, or other means with intent to prevent resistance;
3. That person knows or has reasonable cause to believe that the victim is unaware that a sexual act is being committed upon them;
4. The victim is less than fifteen years old; or
5. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders them incapable of understanding the nature of their conduct.

Additionally, when a person who engages in sexual contact with another, or who causes another to engage in sexual contact, is guilty of **gross sexual imposition** if:

1. The victim is less than fifteen years old;
2. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being; or
3. That person knows or has reasonable cause to believe that the victim is unaware that sexual contact is being committed on the victim.

A person who engages in a sexual act or sexual contact with another, or who causes another to engage in a sexual act or sexual contact, is guilty of **sexual imposition** and a class B felony if the actor:

1. Compels the other person to submit by any threat or coercion that would render a person reasonably incapable of resisting; or
2. Engages in a sexual act or sexual contact with another, whether consensual or not, as part of an induction, initiation, ceremony, pledge, hazing, or qualification to become a member or an associate of any criminal street gang as defined in NDCC section 12.1-06.2-01.

A person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of **sexual assault** if:

1. That person knows or has reasonable cause to believe that the contact is offensive to the other person;
2. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person's conduct;
3. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct, by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means for the purpose of preventing resistance;
4. The other person is in official custody or detained in a hospital, prison, or other institution and the actor has supervisory or disciplinary authority over that other person;
5. The other person is a minor, fifteen years of age or older, and the actor is the other person's parent, guardian, or is otherwise responsible for general supervision of the other person's welfare; or
6. The other person is a minor, fifteen years of age or older, and the actor is an adult.

**Incest** occurs when a person intermarries, cohabits, or engages in a sexual act with another person related to them within a degree of consanguinity within which marriages are declared incestuous and void by NDCC section 14-03-03, knowing such other person to be within said degree of relationship. Incest is a class C felony.

**Domestic Violence** includes physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members.

**Stalking**, as used in NDCC section 12.1-17-07.1:

1. "Course of conduct" means a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity.
2. "Immediate family" means a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.
3. "Stalk" means to engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment.
4. No person may intentionally stalk another person.
5. In any prosecution under this section, it is not a defense that the actor was not given actual notice that the person did not want the actor to contact or follow the person; nor is it a defense that the actor did not intend to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is prima facie evidence that the actor intends to stalk that person.
6. In any prosecution under this section, it is a defense that a private investigator licensed under NDCC chapter 43-30 or a peace officer licensed under chapter NDCC 12-63 was acting within the scope of employment.
7. If a person claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.
  - a. A person who violates this section is guilty of a class C felony if:
    - i. The person previously has been convicted of violating NDCC sections 12.1-17-01, 12.1-17-01.1, 12.1-17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07, or a similar offense from another court in North Dakota, a court of record in the United States, or a tribal court, involving the victim of the stalking;
    - ii. The stalking violates a court order issued under NDCC chapter 14-07.1 protecting the victim of the stalking, if the person had notice of the court order; or
    - iii. The person previously has been convicted of violating this section.
  - b. If subdivision a does not apply, a person who violates this section is guilty of a class A misdemeanor.

As used in NDCC section 12.1-17-07.1, assent does not constitute consent as a defense, within the meaning, if:

1. It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
2. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
3. It is induced by force, duress, or deception.

## ***Privacy and Respect of Information***

Respecting one's right to privacy is important to UND. Students can be assured that when they share information with medical, police, and/or University officials, such information will be handled professionally and within the framework of each agency's governing body privacy limitations (e.g., state law, licensing, FERPA, etc.).

All information received is subject to inclusion, in statistical form, in annual UND-published reports.

Title IX and VAWA include protections against retaliation. UND officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.

### ***Exempt Records***

Pursuant to N.D.C.C. §44-04-18.28, any record at the University that is related to a complaint or investigation under Title IX and contains personally identifiable information about a party to the complaint is an exempt record under North Dakota's open records and meetings law. Except as otherwise specifically provided by law (i.e. FERPA), an exempt record is a record that is neither required by law to be open to the public, nor is confidential, but may be open in the discretion of the public entity. For purposes of that exemption, "personally identifiable information" means information that directly identifies an individual, and information that, alone or in combination with other information, is linked or linkable to an individual and would allow a reasonable person who lacks knowledge of the relevant circumstances to identify the individual."

### ***Confidentiality***

Notwithstanding Chapter 44-04 of the North Dakota Century Code, pursuant to Title IX, the identity of any individual who has made a report or formal complaint of sex discrimination or sexual harassment; the identity of any complainant, respondent or witness; and the content of any investigation, hearing or judicial proceeding arising thereunder, shall be confidential.

Confidentiality also exists in the context of laws that protect certain relationships, including with medical and clinic care providers (and those who provide administrative services related to the provision of medical and clinic care), mental health providers, counselors, employees of domestic violence or sexual assault programs, and ordained clergy, all of whom may engage in confidential communications under North Dakota law. UND has designated individuals who have privileged communications as "confidential employees." When information is shared by an individual with a confidential employee or a community professional with the same legal protections, the confidential employee and/or community professional) cannot reveal the information to any third party except when an applicable law, professional standard or a court order requires or permits disclosure of such information.

UND will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

UND employees who are not confidential employees and do not play a role in Title IX grievance procedures will only share information related to a report of sexual harassment or sexual violence with the

Title IX coordinator. The information will only be further shared, as necessary, with the limited circle of University employees who participate in the grievance procedures, such as by providing supportive measures, facilitating a grievance process or informal resolution, or as otherwise included in the procedures for Responding to Reports of Title IX Sexual Misconduct and Responding to Reports of Sexual Misconduct.

### ***Employee Reporting Obligations***

Specific employee reporting obligations are listed below. Sharing disclosures, reports or other known information about alleged sexual harassment or sexual violence with the Title IX coordinator allows the University to meet its state and federal obligations and to appropriately address any sexual harassment or sexual violence. Sharing such information with the Title IX coordinator also provides the University with the best opportunity to offer appropriate supportive measures to assist a complainant, assess any health or safety risk posed by the alleged sexual harassment or sexual violence, and take immediate and appropriate steps to respond to the report.

Employees shall not dissuade an individual from reporting possible sexual harassment or sexual violence. Employees with required reporting obligations should inform the individual of their reporting obligations as soon as it is reasonably known that the individual may disclose information about sexual harassment or sexual violence.

Employees are not required to make reports of sexual harassment or sexual violence when such a report would be prohibited by law.

### ***Confidential Employees***

A confidential employee will not disclose information about sexual harassment or sexual violence to the University's Title IX Coordinator, or others, in a way that identifies the involved individuals without the individuals' permission (subject to the exceptions set forth in Confidentiality section of this policy).

### ***Sexual Harassment or Sexual Violence in the Workplace***

All supervisors and/or managers are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual harassment or violence occurring in the workplace. Failure to do so may subject the supervisor or manager to appropriate discipline, up to and including termination of employment.

Employees who are not supervisors or managers of any level are strongly encouraged to report to the Title IX coordinator any information they know about suspected or potential sexual harassment or violence occurring in the workplace.

### ***Sexual Harassment or Sexual Violence Involving Students***

All employees, except those listed below, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual harassment or violence against students. Failure to do so may subject the employee to appropriate discipline, up to and including termination of employment.

The following employees are encouraged, but not required, to report suspected or potential sexual harassment or sexual violence against students:

- Student employees (except Resident Assistants, Undergraduate Instructors, and Graduate Assistants, who are required to report to the Title IX coordinator)
- Temporary employees

All information received is subject to inclusion, in statistical form, in annual UND-published reports.

### ***Retaliation***

Title IX, VAWA and UND policy prohibit retaliation against an individual who makes a report of sexual violence or participates in the investigation of a complaint. UND officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.

## **Sex Offender Registration**

All registered sex offenders are required to self-report their status to the UND Police Department (UPD) upon employment or enrollment. Some limitations and restrictions may apply to that employment and/or enrollment. In addition, UPD provides access to North Dakota and Minnesota sex offender information through links posted on its website.

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

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

### ***Employment and Enrollment of Sex Offenders***

Registered sex offenders are not barred from employment or enrollment at UND. Limitations and restrictions on employment and enrollment must be reasonable, job related (for employees), and directly related to areas of potential risk.

#### ***Employment***

Registered sex offenders are prohibited from working in or being on the premises, without proper authority, of any area of the University that is designated to provide service/care to minors. This prohibition includes, but is not limited to, the University Children's Center, Apartment Community Center, and various facilities used by University sponsored, affiliated, or hosted camps/groups. Other locations and/or events may be added at the discretion of University administration.

Registered sex offenders are also prohibited from working in residence halls and apartments. Furthermore, registered sex offenders are prohibited from being within the living areas of University residence halls, University Place, apartments, or any other living facilities owned or operated by UND.

Supervisors of registered sex offenders should not assign the employee to an area from which they are prohibited if other employees are available to complete the assignment. If the assignment of the sex offender is essential, their immediate supervisor must escort them for the entire time that they are working in the prohibited location.

#### ***Enrollment***

Registered sex offenders are prohibited from living in University residence halls, University Place, apartments, and University Place. Additionally, registered sex offenders are prohibited from being within the living areas of University residence halls, apartments or any other living facilities owned or operated by UND. Other locations and/or events may be added at the discretion of University Administration.

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

Registered sex offenders classified as moderate risk or high risk and who are employed with or enrolled at UND will be posted on the UPD website upon confirmed notice from the registered jurisdiction. The North Dakota Sex Offender website identifying all registered sex offenders in the state of North Dakota is available via Internet pursuant to North Dakota Century Code (NDCC) Section 12.1-32-15. The North Dakota Office of Attorney General is responsible for maintaining this registry. Follow this link to access the North Dakota Sex Offender website: <http://www.sexoffender.nd.gov/index.shtml>.

The Minnesota Level 3 Predatory Offender Information website identifying all Level 3 registered sex offenders in the state of Minnesota is available via Internet pursuant to Minnesota Statute Section 244.052. The Minnesota Department of Corrections is responsible for maintaining this registry. Follow this link to access the Minnesota Department of Corrections Search for Offenders & Fugitives website: <https://coms.doc.state.mn.us/publicviewer/>

Unlawful use of the information for purposes of intimidating or harassing another may be a crime and punishable by law.

The Adam Walsh Child Protection and Safety Act of 2006 (AWCPSA) is a federal law that provides for the tracking of convicted sex offenders. The AWCPSA requires state law enforcement agencies (in North Dakota, it is the North Dakota Bureau of Criminal Investigations) to provide UND with a list of registered sex offenders who have indicated that they are either enrolled or employed with UND.

This information is provided in compliance with the AWCPSA and the North Dakota Offender Registration requirements established by NDCC, section 12.1-32-15.



# Annual Fire Safety Report

The Campus Fire Safety Right-to-Know Act is an amendment to the Higher Education Opportunity Act. This amendment serves to increase campus fire safety awareness across the nation, providing students and their families with the fire safety records of colleges and universities. Signed into law on August 14, 2008, this amendment requires post-secondary institutions to publish fire safety information and statistics, much as is already done with other crime statistics, such as campus theft and assault.

Additionally, the National Student Loan Program requires all eligible Title IV institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The statistics include the number, cause, related injuries and deaths, and property damages associated with each fire. In addition, each institution is required to report fire safety information to the U.S. Department of Education.

Collectively, this information provides prospective and current students information regarding the policies, concerns, and fire safety conditions that are present at the University of North Dakota.

## Portable Electrical Appliances, Smoking and Open Flames in Student Housing

UND regulates portable electric appliances, smoking, and open flames in on-campus housing; and fire safety policies and procedures. See the Residence Hall/University Place policy website, Apartment Community policy website, and the Office of Safety for more information.

The University further reserves the right to direct residents to remove from their room any hazardous materials. The final decision regarding removal of such materials will be made by the director of housing or designee. Items may be confiscated and held in the hall office or by UPD if they violate hall fire safety and/or jeopardize security and community living.

### Portable Electrical Appliances

#### **Residence Halls**

The storage and use of electric grills, toasters, microwaves, toaster ovens, hotpots, or any other cooking appliance with a heating element is prohibited in rooms or suites. Additionally, space heaters and room air conditioners (window or portable) are not permitted in residence hall rooms.

The following electrical appliances, which must be UL-approved and in good condition, are permitted in student rooms: clocks, desk lamps, hair dryers, flat irons/curling irons, computer equipment, radios, TVs, razors, fans, heating pads, sewing machines, and stereo equipment. Microwaves are only permitted as part of leased microfridges approved by Housing & Residence Life. No more than two electrical appliances can be plugged into any double outlet. However, multiple outlet power strips which are UL-approved and fused are allowed in residence hall rooms with a limit of one per outlet.

#### **University Place and Apartments**

Electrical appliances are allowed. However, students are encouraged to maintain a safe number of appliances plugged in at any one time. Plugging too many appliances, especially heat producing appliances such as toasters, coffee pots, waffle irons, or electric frying pans into the same electrical outlet or circuit could overload circuits, overheat, or cause a fire.

### Open Flames and Flammable Storage

#### **Residence Halls and University Place**

Candles used for decorative purposes are prohibited. Candles and other devices with open flames, or the ability to smolder, including incense, are prohibited. Flammable liquids, such as propane, gasoline, petroleum-based solvents, paint thinners, and similar flammable materials, may not be stored in residence hall or University Place rooms/suites. The storage or use of charcoal, propane, wood, or camp grills and smokers is prohibited in student rooms/suites. Also, hazardous materials may not be stored in residence halls.

#### **Apartments**

Candles and other devices with open flames, as well as incense, are allowed. However, flammable liquids, such as propane, gasoline, petroleum-based solvents, paint thinners, and similar flammable materials, may not be stored in University apartments.

All barbecue grills must be attended by an adult at all times there are hot coals. Grills must be kept a safe distance away from buildings and vehicles. Hot coals must be doused with water when cooking is complete and are not to be disposed of on the ground or in a garbage dumpster. Only lighter fluids specifically designed for barbecues may be used. Gas grills may not be stored indoors.

## Smoking

The University of North Dakota is a tobacco-free campus. The use of tobacco is prohibited within university buildings, parking structures, walkways, arenas, in university or state fleet vehicles, and on any university-owned and controlled property. Tobacco includes any product that contains tobacco, is derived from tobacco or contains nicotine or other similar substances that are intended for human consumption, or is likely to be consumed, whether smoked, heated, inhaled, chewed, absorbed, dissolved, or ingested by any other means. This includes e-cigarettes and other electronic smoking devices, pipes, and rolling papers, but does not include any product that is 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.

## Sage, Sweetgrass, and Cedar Usage

Spiritual use of plants such as sage, sweetgrass, cedar, or other herbs in accordance with their well-established manner of use within the American Indian/Alaska Native ceremonial traditions for the purpose of purification and prayer, is permitted on-campus. Those using sage, sweetgrass, or cedar must abide by campus regulations concerning safety.

A member of the university community wishing to use sage, sweetgrass, or cedar smoke for spiritual purposes in a UND residence hall or apartment must contact the Office of Housing & Residence Life or their resident director.

Members of the university community wishing to use sage, sweetgrass, or cedar smoke for spiritual purposes on an on-campus location outside of a residence must contact the Office of Safety.

Members of the university community wishing to use similar items for spiritual or religious purposes should contact the Office of Safety.

## Fire Safety Education and Training Programs

UND promotes campus fire safety on an ongoing basis through various safety education and training programs.

Residence hall and apartment staff receive orientation to the operations and locations of the fire alarm system, as well as a review of their roles during a fire or fire drill. The resident assistants, resident directors, and community assistants receive general fire safety and fire extinguisher training from the Grand Forks Fire Department and UND Office of Safety during fall training. Students receive a general orientation to the fire systems present in the building during the first week of the residents' arrival. Staff also review evacuation and emergency procedures with residents. Residence hall students participate in one fire drill during both the fall and spring semesters.

## Reporting a Fire Occurring in an On-Campus University Student Housing Facility

Individuals discovering a fire at a UND on-campus student housing facility should dial 9-1-1 and activate the fire alarm system. The

fire alarm system in buildings on campus, when sounded, will not summon the fire department. They are for alerting occupants of the building only.

## Fire Drills

### Residence Halls and University Place

A fire drill is conducted at the beginning of each semester. The fire drills are designed to give students an opportunity to evacuate the residence hall in a non-emergency situation. All residents must leave the building when the alarm sounds for the drill. Failure to do so will result in disciplinary action.

### Apartments

Apartment residents receive information regarding fire safety and evacuation from their resident manager in their welcome packets. Apartment smoke detectors are checked twice a year, and all residents are encouraged to use this time to practice their evacuation procedures.

## Fire Alarm System

### Residence Halls

Each residence hall is equipped with a building fire alarm system, and each student room has a smoke detector. In accordance with North Dakota state law, when the building alarm sounds, all residents are required to leave the building. Residents cannot re-enter a building until permitted by hall staff. The interference with the operation of the smoke detector or any other fire safety equipment will result in disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.

### University Place

University Place is equipped with a building fire alarm system and smoke detectors are installed in all University Place apartments. Smoke detectors in University Place apartments do not require any resident maintenance or battery replacement. In accordance with North Dakota state law, when the building alarm sounds, all residents are required to leave the building. Residents cannot re-enter a building until permitted by hall staff. The interference with the operation of the smoke detector or any other fire safety equipment will result in disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.

### Apartments

All apartments have smoke detectors. The interference with the operation of the smoke detector or any other fire safety equipment will result in disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.

## Suppression System

The following UND housing facilities are equipped with fire suppression systems: Brannon Hall, Johnstone Hall, Fulton Hall, McVey Hall, Smith Hall, Swanson Hall, West Hall, University Place, and Hamline Court Apartments.

A sprinkler system is provided for additional safety in the event of a fire. Residents must be careful not to damage, tamper with, cover, or hang items from the sprinkler heads or an accidental discharge of water may result. In addition, residents may not store personal items within 18 inches of any sprinkler head.

## Fire Safety and Prevention

- Know every regular and emergency exit from the building you are in. Know how to activate the alarm system and what it sounds like. Know the location of fire extinguishers and how to operate them.
- Arrange room contents with fire safety in mind. Maintain clear and unobstructed access to your room door, from both the outside and the inside, at all times.
- Do not overload electrical outlets.
- Do not use broken, frayed, or cracked electrical cords. Do not suspend lamps or lights by their own cords.
- Do not allow excess clutter or flammable materials to accumulate.

## Fire Evacuation Procedures

### Students in On-Campus Housing

In the event of a continuous sounding of the fire alarm in the unit, students should proceed as follows:

1. All persons inside a residential or dining facility are required to leave the building immediately.
2. University staff may assist with the evacuation of the building as availability and safety permit.
3. It is the responsibility of all students to familiarize themselves with proper fire and emergency evacuation procedures.
4. Failure to respond to a fire alarm or to staff requests during an evacuation may result in University disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.
5. When an alarm sounds, follow these guidelines:
  - Close room doors and windows.
  - Wear shoes and carry or wear a coat.
  - Leave via the nearest, safest exit, path, or route.
  - Don't panic - move quickly outside the building to at least 50 feet away from the structure and to the designated assembly point, and check in with University staff.
6. Do not use elevators as exit routes. Use the closest stairwells.
7. Do not re-enter the building until the alarm is silenced and the "all clear" announcement is given by emergency personnel.
8. If you are on an upper floor, are hearing impaired, have mobility issues, or are unable to escape from your room:
  - Close your door and seal it off with a towel or blanket. Duct tape often works well to seal cracks.
  - Dial 9-1-1 and relay all information pertaining to the fire (i.e., location, floor, room, building, etc.) to the dispatcher. Don't hang up until directed to do so.
  - Hang a bright colored sheet or towel from your window to alert emergency crews to your location.
  - Open your upper window for fresh air if necessary. If smoke enters the room from the outside, CLOSE your window immediately.
  - Wait for rescue. Don't panic, open the door, or prematurely jump from your window.

## Campus Employees

It is important for employees to familiarize themselves with the procedures of fire reporting.

1. Safety of the People. Evacuate people as readily as possible. Close doors to isolate the fire. A person with an ambulatory disability should move to the opposite end of the building near a stairway and away from the fire, and wait for firefighters to arrive. Exit strategies should be discussed with supervisors.
2. Send the Alarm. Call the Fire Department, 9-1-1, and relay all information pertaining to the fire (i.e., location, floor, room, building, etc.). If the building is equipped with the fire pull boxes, break the glass, and pull the bar.
3. Notify Others in the Area. Use any alarm provided for this purpose. Move out to a safe area to give firefighters a clear field.
4. Assist Campus Police or Firefighters. Relate to them what is burning (i.e., special chemicals, radiation hazards) or any other pertinent information.

## Fire Safety Systems in On-Campus Housing

Nearly 3,000 students live in on-campus housing at the University of North Dakota (residence halls, University Place, and apartments).

Each student-housing facility is equipped with fire detection systems and pull boxes. The fire safety systems report is shown in Figure 3.

## Fire Safety Definitions

On-campus student housing facility is any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

**Cause of fire** is the factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Fire** is any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire drill** is a supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related injury** is any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term "person" may include students, employees, visitors, firefighters, or any other individuals.

**Fire-related death** is any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or dies within one year of injuries sustained as a result of the fire.

**Fire safety system** is any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

**Value of property damage** is the estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

### ***Fire Log***

UND has tracked fire alarms and fire calls for more than a decade. Figure 4 provides information pertaining to fires that have occurred at University of North Dakota on-campus housing facilities for the 2019, 2020, and 2021 calendar years.

UND maintains — available for public inspection upon request — a fire log, generated through a database system that includes a listing of all fires that occur in an on-campus student housing facility. The report includes the nature, date, time and general location of each fire. The log may be viewed at the Office of Safety, 3851 Campus Road, Grand Forks, ND 58202.

## **Post-Fire Contact Information**

Contact the Grand Forks Fire Department (GFFD) to report fires that have been successfully extinguished in on-campus housing: (701) 746-2566. The GFFD will investigate and generate a report as appropriate. Communication regarding insurance coverage and future fire prevention efforts may be directed to UND's Office of Risk Management and Insurance at (701) 777-3341. When calling, provide as much information as possible about the location, date, time and cause of the fire.

## **Plans for Future Improvements in Fire Safety**

The University of North Dakota continually evaluates its fire protection system in residential facilities. Upgrades to the system occur through replacements or building renovations. The remodeling of Brannon Hall and new construction of McVey and West Halls was completed during the 2022-2023 academic year. These buildings include updated fire suppression systems. Future remodeling and/or construction projects are being evaluated.

## **Additional Fire Safety Resources**

### ***Community Standards & Accessibility for Students***

<http://www.UND.edu/student-life/accessibility-for-students/>

### ***Office of Safety***

<http://campus.UND.edu/safety/public-safety/>

- General Fire Safety Information
- Fire Evacuation Maps

### ***Housing & Residence Life***

<http://UND.edu/student-life/housing/>

- Apartment Policies website
- Residence Hall and University Place Policies website

***The following items begin on Page 42:***

**Figure 3: Fire Safety Systems in On-Campus Housing**

**Figure 4: Statistics and Related Information Regarding Fires  
in Residential Facilities: 2020, 2021, 2022.**

**UND Campus Map: On-campus, Non-campus and Public Property**

**Figure 3: Fire Safety Systems in On-Campus Housing**

Building Address	Building Fire Alarm	Room Detection	Connected to Operations Center Pull Stations	Fire Evacuation Maps	Sprinkler	Fire Extinguisher(s)	Fire-Rated Doors	Fire Drills Conducted	
Bek Hall 425 Oxford St	YES	YES	YES	YES	YES	Full	YES	YES	1
Berkeley Drive Apartments (WG 3) 3702 - 3820 Berkely Dr	YES	YES	NO	NO	NO		YES	YES	
Brannon Hall 446 Stanford Rd	YES	YES	YES	YES	YES	Full	YES	YES	2
Carleton Court Apartments (WG 11) 550 and 580 Carleton Ct	YES	YES	YES	YES	YES		YES	YES	
Carleton Court Apartments (WG 9) 540, 560, 570 Carleton Ct	YES	YES	YES	NO	YES		YES	YES	
Conference Center 2724 University Ave	YES	YES	YES	YES	YES		YES	YES	3
Fulton Hall 3303 University Ave	YES	YES	YES	YES	YES	Full	YES	YES	3
Hamline Court Apartments (2 buildings) 1100 - 1150 Hamline St	YES	YES	YES	YES <sup>1</sup>	NO	Full	YES	YES	
Hancock Hall 350 Princeton St	YES	YES	YES	YES	YES		YES	YES	1
Johnstone Hall 3301 University Ave	YES	YES	YES	YES	YES	Full	YES	YES	4
Loren Swanson Apartment Complex (72 apts/3 buildings) (WG 12) 3600 Campus Rd/3605 Manitoba Ave/110 State St		YES	YES	YES	YES		YES	YES	
*McVey Hall 3570 University Ave	YES	YES	YES	YES	YES	Full	YES	YES	0
Mount Vernon and Williamsburg Apartments (72 apts/2 buildings) (WG 10) 3711-3719 University Ave/205-209 State St	YES	YES	NO	NO	NO		YES	YES	
Noren Hall 450 Stanford Rd	YES	YES	YES	YES	YES		YES	YES	4

<sup>1</sup>Building under construction in 2022.

**Figure 3 (continued): Fire Safety Systems in On-Campus Housing**

Building Address	Building Fire Alarm	Room Detection	Connected to Operations Center Pull Stations	Fire Evacuation Maps	Sprinkler	Fire Extinguisher(s)	Fire-Rated Doors	Fire Drills Conducted	
Selke Hall 448 Stanford Rd	YES	YES	YES	YES	YES		YES	YES	3
Smith Hall 3333 University Ave	YES	YES	YES	YES	YES	Full	YES	YES	4
Squires Hall 430 Princeton St	YES	YES	YES	YES	YES	Full	YES	YES	3
Swanson Hall 211 Cornell St	YES	YES	YES	YES	YES	Full	YES	YES	3
Tulane Court Town House Apartments (WG 5) 301-427 Tulane Ct	NO	YES	NO	NO	NO		NO	NO	
University Place 3601 University Ave.	YES	YES	YES	YES	YES	Full	YES	YES	4
Virginia Rose Apartments (WG 8) 3725 University Ave	YES	YES	NO	NO	NO		YES	NO	
Walsh Hall 3251 5th Ave N	YES	YES	YES	YES	YES	Full	YES	YES	3
*West Hall 3530 University Ave	YES	YES	YES	YES	YES	Full	YES	YES	0
Y Building Apartments (72 plex) (WG 5) 3904 University Ave	YES	YES	YES	YES	YES		YES	YES	
500 Tulane (WG 6) 500 Tulane Dr	YES	YES	NO	NO	NO		YES	YES	
510 Tulane (WG 7) 510 Tulane Dr	YES	YES	NO	NO	NO		YES	YES	
520 Tulane Drive Apartments (WG 7) 520 Tulane Dr	YES	YES	NO	NO	NO		YES	YES	
530 Tulane Drive Apartments (WG 7) 530 Tulane Dr	YES	YES	NO	NO	NO		YES	YES	

\*Building under construction in 2022.

**Figure 4: Statistics and Related Information Regarding Fires in Residential Facilities: 2020**

<i>Residential Facilities</i>	<i>Total Fires in Each Building</i>	<i>Fire Number</i>	<i>Cause of Fire</i>	<i>Number of Injuries Requiring Treatment at a Medical Facility</i>	<i>Number of Deaths Related to a Fire</i>	<i>Value of Property Damage Caused by Fire</i>
<b>Bek Hall</b>						
425 Oxford St.	0	0	N/A	N/A	N/A	N/A
<b>Berkeley Drive Apartments (WG 3)</b>						
3702-3820 Berkeley Dr.	0	0	N/A	N/A	N/A	N/A
<b>Brannon Hall</b>						
446 Stanford Rd.	0	0	N/A	N/A	N/A	N/A
<b>Carleton Court Apartments (WG 11)</b>						
550 and 580 Carleton Ct.	0	0	N/A	N/A	N/A	N/A
<b>Carleton Court Apartments (WG 9)</b>						
540, 560, 570 Carleton Ct.	0	0	N/A	N/A	N/A	N/A
<b>Conference Center</b>						
2724 University Ave.	0	0	N/A	N/A	N/A	N/A
<b>Fulton Hall</b>						
3303 University Ave.	0	0	N/A	N/A	N/A	N/A
<b>Gallery Apartments (WG 14)</b>						
715 N. 40th St.	0	0	N/A	N/A	N/A	N/A
<b>Hamline Court Apartments (2)</b>						
1100-1500 Hamline St.	0	0	N/A	N/A	N/A	N/A
<b>Hancock Hall</b>						
350 Princeton St.	0	0	N/A	N/A	N/A	N/A
<b>Harvard Duplex</b>						
506-510 Harvard St.	0	0	N/A	N/A	N/A	N/A
<b>Johnstone Hall</b>						
3301 University Ave.	0	0	N/A	N/A	N/A	N/A
<b>Loren Swanson Apartment Complex</b>						
(72 apts/3 buildings) (WG 21)	0	0	N/A	N/A	N/A	N/A
3600 Campus Rd./3605 Manitoba Ave./110 State St.						
<b>McVey Hall</b>						
3570 University Ave.	0	0	N/A	N/A	N/A	N/A
<b>Mount Vernon &amp; Williamsburg Apartments</b>						
(72 apts/2 buildings) (WG 10)	0	0	N/A	N/A	N/A	N/A
3711-3719 University Ave./205-209 State St.						
<b>Noren Hall</b>						
450 Stanford Rd.	0	0	N/A	N/A	N/A	N/A
<b>Princeton, 325</b>						
325 Princeton St.	0	0	N/A	N/A	N/A	N/A
<b>Selke Hall</b>						
448 Stanford Rd.	0	0	N/A	N/A	N/A	N/A



**Figure 4: Statistics and Related Information Regarding Fires in Residential Facilities: 2020**

<i>Residential Facilities</i>	<i>Total Fires in Each Building</i>	<i>Fire Number</i>	<i>Cause of Fire</i>	<i>Number of Injuries Requiring Treatment at a Medical Facility</i>	<i>Number of Deaths Related to a Fire</i>	<i>Value of Property Damage Caused by Fire</i>
Smith Hall						
3333 University Ave.	0	0	N/A	N/A	N/A	N/A
Squires Hall						
430 Princeton St.	0	0	N/A	N/A	N/A	N/A
Swanson Hall						
211 Cornell St.	0	0	N/A	N/A	N/A	N/A
Ten Plex						
1225 Stanford Rd.	0	0	N/A	N/A	N/A	N/A
Tulane Court Town House Apartments (WG 5)						
301-427 Tulane Ct.	0	0	N/A	N/A	N/A	N/A
University Place						
3601 University Ave.	0	0	N/A	N/A	N/A	N/A
Virginia Rose Apartments (WG 8)						
3725 University Ave.	0	0	N/A	N/A	N/A	N/A
Walsh Hall						
3215 5th Ave. N.	0	0	N/A	N/A	N/A	N/A
West Hall			Unintentional / Clothes			
3530 University Ave.	1	1	Dryer Fire	0	0	\$22,090.29
Y Building Apartments (72 plex) (WG 5)			Intentional Fire / Combustibles			
3904 University Ave.	1	1	in Oven & on Stove Top	1	0	\$13,726.55
500 Tulane (WG 6)						
500 Tulane Dr.	0	0	N/A	N/A	N/A	N/A
510 Tulane (WG 7)						
510 Tulane Dr.	0	0	N/A	N/A	N/A	N/A
520 Tulane Drive Apartments (WG 7)						
520 Tulane Dr.	0	0	N/A	N/A	N/A	N/A
530 Tulane Drive Apartments (WG 7)						
530 Tulane Dr.	0	0	N/A	N/A	N/A	N/A
5th Avenue N., 2920						
2920 5th Ave. N.	0	0	N/A	N/A	N/A	N/A
5th Avenue N., 3106						
3106 5th Ave. N.	0	0	N/A	N/A	N/A	N/A

**Figure 4: Statistics and Related Information Regarding Fires in Residential Facilities: 2021**

<i>Residential Facilities</i>	<i>Total Fires in Each Building</i>	<i>Fire Number</i>	<i>Cause of Fire</i>	<i>Number of Injuries Requiring Treatment at a Medical Facility</i>	<i>Number of Deaths Related to a Fire</i>	<i>Value of Property Damage Caused by Fire</i>
<b>Bek Hall</b>						
425 Oxford St.	0	0	N/A	N/A	N/A	N/A
<b>Berkeley Drive Apartments (WG 3)</b>						
3702-3820 Berkeley Dr.	0	0	N/A	N/A	N/A	N/A
<b>Brannon Hall</b>						
446 Stanford Rd.	0	0	N/A	N/A	N/A	N/A
<b>Carleton Court Apartments (WG 11)</b>						
550 and 580 Carleton Ct.	0	0	N/A	N/A	N/A	N/A
<b>Carleton Court Apartments (WG 9)</b>						
540, 560, 570 Carleton Ct.	0	0	N/A	N/A	N/A	N/A
<b>Conference Center</b>						
2724 University Ave.	0	0	N/A	N/A	N/A	N/A
<b>Fulton Hall</b>						
3303 University Ave.	0	0	N/A	N/A	N/A	N/A
<b>Hamline Court Apartments (2)</b>						
1100-1500 Hamline St.	0	0	N/A	N/A	N/A	N/A
<b>Hancock Hall</b>						
350 Princeton St.	0	0	N/A	N/A	N/A	N/A
<b>Johnstone Hall</b>						
3301 University Ave.	0	0	N/A	N/A	N/A	N/A
<b>Loren Swanson Apartment Complex</b>						
(72 apts/3 buildings) (WG 21)			Unintentional fire /			
3600 Campus Rd./3605 Manitoba Ave./110 State St.	1	1	Cooking	0	0	\$3,092.84
<b>McVey Hall</b>						
3570 University Ave.	0	0	N/A	N/A	N/A	N/A
<b>Mount Vernon &amp; Williamsburg Apartments</b>						
(72 apts/2 buildings) (WG 10)						
3711-3719 University Ave./205-209 State St.	0	0	N/A	N/A	N/A	N/A
<b>Noren Hall</b>						
450 Stanford Rd.	0	0	N/A	N/A	N/A	N/A
<b>Selke Hall</b>						
448 Stanford Rd.	0	0	N/A	N/A	N/A	N/A

**Figure 4: Statistics and Related Information Regarding Fires in Residential Facilities: 2021**

<i>Residential Facilities</i>	<i>Total Fires in Each Building</i>	<i>Fire Number</i>	<i>Cause of Fire</i>	<i>Number of Injuries Requiring Treatment at a Medical Facility</i>	<i>Number of Deaths Related to a Fire</i>	<i>Value of Property Damage Caused by Fire</i>
Smith Hall						
3333 University Ave.	0	0	N/A	N/A	N/A	N/A
Squires Hall						
430 Princeton St.	0	0	N/A	N/A	N/A	N/A
Swanson Hall						
211 Cornell St.	0	0	N/A	N/A	N/A	N/A
Tulane Court Town House Apartments (WG 5)						
301-427 Tulane Ct.	0	0	N/A	N/A	N/A	N/A
University Place						
3601 University Ave.	0	0	N/A	N/A	N/A	N/A
Virginia Rose Apartments (WG 8)						
3725 University Ave.	0	0	N/A	N/A	N/A	N/A
Walsh Hall						
3215 5th Ave. N.	0	0	N/A	N/A	N/A	N/A
West Hall						
3530 University Ave.	0	0	N/A	N/A	N/A	N/A
Y Building Apartments (72 plex) (WG 5)						
3904 University Ave.	0	0	N/A	N/A	N/A	N/A
500 Tulane (WG 6)						
500 Tulane Dr.	0	0	N/A	N/A	N/A	N/A
510 Tulane (WG 7)						
510 Tulane Dr.	0	0	N/A	N/A	N/A	N/A
520 Tulane Drive Apartments (WG 7)						
520 Tulane Dr.	0	0	N/A	N/A	N/A	N/A
530 Tulane Drive Apartments (WG 7)						
530 Tulane Dr.	0	0	N/A	N/A	N/A	N/A

**Figure 4: Statistics and Related Information Regarding Fires in Residential Facilities: 2022**

<i>Residential Facilities</i>	<i>Total Fires in Each Building</i>	<i>Fire Number</i>	<i>Cause of Fire</i>	<i>Number of Injuries Requiring Treatment at a Medical Facility</i>	<i>Number of Deaths Related to a Fire</i>	<i>Value of Property Damage Caused by Fire</i>
<b>Bek Hall</b>						
425 Oxford St.	0	0	N/A	N/A	N/A	N/A
<b>Berkeley Drive Apartments (WG 3)</b>			Unintentional fire /			
3702-3820 Berkeley Dr.	1	1	Cooking	0	0	\$470.35
<b>Brannon Hall</b>						
446 Stanford Rd.	0	0	N/A	N/A	N/A	N/A
<b>Carleton Court Apartments (WG 11)</b>						
550 and 580 Carleton Ct.	0	0	N/A	N/A	N/A	N/A
<b>Carleton Court Apartments (WG 9)</b>			Unintentional fire /			
540, 560, 570 Carleton Ct.	1	1	Cooking	0	0	\$9,478.35
<b>Conference Center</b>						
2724 University Ave.	0	0	N/A	N/A	N/A	N/A
<b>Fulton Hall</b>						
3303 University Ave.	0	0	N/A	N/A	N/A	N/A
<b>Hamline Court Apartments (2)</b>						
1100-1500 Hamline St.	0	0	N/A	N/A	N/A	N/A
<b>Hancock Hall</b>						
350 Princeton St.	0	0	N/A	N/A	N/A	N/A
<b>Johnstone Hall</b>						
3301 University Ave.	0	0	N/A	N/A	N/A	N/A
<b>Loren Swanson Apartment Complex</b>						
(72 apts/3 buildings) (WG 21)						
3600 Campus Rd./3605 Manitoba Ave./110 State St.	0	0	N/A	N/A	N/A	N/A
<b>McVey Hall</b>						
3570 University Ave.	0	0	N/A	N/A	N/A	N/A
<b>Mount Vernon &amp; Williamsburg Apartments</b>						
(72 apts/2 buildings) (WG 10)						
3711-3719 University Ave./205-209 State St.	0	0	N/A	N/A	N/A	N/A
<b>Noren Hall</b>						
450 Stanford Rd.	0	0	N/A	N/A	N/A	N/A
<b>Selke Hall</b>						
448 Stanford Rd.	0	0	N/A	N/A	N/A	N/A

**Figure 4: Statistics and Related Information Regarding Fires in Residential Facilities: 2022**

<i>Residential Facilities</i>	<i>Total Fires in Each Building</i>	<i>Fire Number</i>	<i>Cause of Fire</i>	<i>Number of Injuries Requiring Treatment at a Medical Facility</i>	<i>Number of Deaths Related to a Fire</i>	<i>Value of Property Damage Caused by Fire</i>
Smith Hall						
3333 University Ave.	0	0	N/A	N/A	N/A	N/A
Squires Hall						
430 Princeton St.	0	0	N/A	N/A	N/A	N/A
Swanson Hall						
211 Cornell St.	0	0	N/A	N/A	N/A	N/A
Tulane Court Town House Apartments (WG 5)						
301-427 Tulane Ct.	0	0	N/A	N/A	N/A	N/A
University Place						
3601 University Ave.	0	0	N/A	N/A	N/A	N/A
Virginia Rose Apartments (WG 8)						
3725 University Ave.	0	0	N/A	N/A	N/A	N/A
Walsh Hall						
3215 5th Ave. N.	0	0	N/A	N/A	N/A	N/A
West Hall						
3530 University Ave.	0	0	N/A	N/A	N/A	N/A
Y Building Apartments (72 plex) (WG 5)						
3904 University Ave.	0	0	N/A	N/A	N/A	N/A
500 Tulane (WG 6)						
500 Tulane Dr.	0	0	N/A	N/A	N/A	N/A
510 Tulane (WG 7)						
510 Tulane Dr.	0	0	N/A	N/A	N/A	N/A
520 Tulane Drive Apartments (WG 7)						
520 Tulane Dr.	0	0	N/A	N/A	N/A	N/A
530 Tulane Drive Apartments (WG 7)						
530 Tulane Dr.	0	0	N/A	N/A	N/A	N/A

