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 misconduct. 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 violence, domestic violence, dating violence, and instances of stalking.

In these situations, UND is committed to providing crisis intervention 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.

The University of North Dakota prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision federal or state law, including Title IX and the Campus SaVE Act, or this policy.

Prevention Efforts

UND attempts to foster a safe living, learning, and working environment for all members of the campus community. To accomplish this, UND considers the educational programming that addresses all aspects of domestic violence, dating violence, sexual assault, and stalking (safety precautions and prevention, crisis management, reporting, medical and counseling services, the UND discipline systems, academic schedules, living arrangement, etc.), the campus response to sexual violence, domestic violence, dating violence, and instances of stalking, and physical surroundings throughout the campus community.

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. For additional information about campus educational programs concerning domestic violence, dating violence, sexual assault, and stalking, contact the Title IX coordinator, the Housing Office, the Women’s Center, Human Resources, Dean of Students Office, sexual respect and violence prevention coordinator, the Committee on Sexual Violence Prevention, and/or Grand Forks Community Violence Intervention Center (CVIC).

First-year students are required to participate in Think About It, a Title IX and Campus SaVE Act education program that combines sexual assault and substance abuse prevention in a comprehensive online training program. Think About It: Part I 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. Think About It: Part II and Part III follow up with students early in their college lives to track how their attitudes and behavior have shifted. They also reinforce critical lessons from Think About It: Part I about intervening in high-risk situations.

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.

(Adapted from Stanford University)

**Risk Reduction Tips**

With no intent to victim blame and recognizing that only rapists are responsible for rape, 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 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 him or her 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 that 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 domestic violence, dating violence, sexual assault, or stalking 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.
Alternatives to Immediately Filing a Police Report

The States Attorney makes all decisions regarding the prosecution. However, it does aid in the preservation of valuable evidence if the police force the complainant to file charges and prosecute the respondent. Reports may improve the preparation of a viable prosecution. There may be consequences to waiting to file a police report. Early police will then advise the complainant of the legal process. 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.

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.

Consider Filing a Police Report

A report to the police can empower the complainant by exercising her/his 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 complainant is presented with options about how s/he may pursue the complaint. If the complainant does not choose to file a police report, s/he may still file an administrative complaint. The complaint will be referred to other agencies if appropriate. Specifically, a complainant may be encouraged to seek assistance at UCC, the Women's Center and/or EAP. Support may also be sought from Student Health, the Title IX coordinator, and/or various community resources such as CVIC.

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

Ongoing Care

Students may seek assistance at any time from the UND Counseling Center 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.

Benefited staff and faculty may seek assistance at any time from any medical facility or the Employee Assistance Program (EAP). Additionally, the Title IX coordinator may provide additional information.

On-Campus Investigation and Adjudication

UND's response to domestic violence, dating violence, sexual assault, or stalking incidents may involve a number of individuals and agencies (e.g., UPD, Dean of Students Office Care Team, medical and counseling services personnel, and CVIC). In addition, for cases involving campus community members, there is a timely, campus-based investigation which is private and protects individual rights and process. The complainant is presented with options about how s/he may pursue the complaint.

Title IX complainants, including those reporting violence or concerned about UND's compliance with Title IX or Department of Education policies, may be directed to the Title IX coordinator in the Equal Employment Opportunity/Affirmative Action Office, University of North Dakota, Twamley Hall Room 401, 264 Centennial Drive Stop 7907, Grand Forks, ND 58202, or the U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202. Complaints may also be directed to any other federal agency.

For Students

The Code describes the procedures followed when a violation of the Code is reported to a student conduct administrator (SCA). Reports of violence involving students are generally directed to the DOS Office, which manages investigations, and may act as SCAs.
or judicial officers when charges are brought.

Mediation, including referral to the Conflict Resolution Center for the purpose of mediation between the parties, will not be used to resolve sexual violence complaints.

The Code outlines the process and protection of rights of both the complainant (the student who brings the grievance or makes the complaint) and the respondent (the student or individual about whom the grievance or complaint is brought). Both complainant and respondent have certain shared or complementary rights in disciplinary hearings. The rights below apply as addenda to the protocols identified in the Code.

1. **The complainant and the respondent have the right to be assisted by an advisor, including an advisor they choose at their own expense.**
2. **The complainant and the respondent have the right to access and review any information that will be used in the hearing.**
3. **The complainant and the respondent will be advised of the date, time, and location of a hearing, when scheduled. Both may attend and participate.**
4. **The SCA may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or other witness during the hearing, in whatever manner and as determined in the sole judgment of a senior student conduct administrator (SSCA), to be appropriate.**
5. **The SCA shall render the decision to the respondent and the complainant simultaneously and in writing within five business days. The Code provides for the disclosure to the complainant of the final results of any disciplinary proceeding regarding a complaint of domestic violence, dating violence, sexual assault, or stalking.**
6. **Decisions may be appealed by both parties in accordance with the Code, as applicable. All parties will be informed in writing of the outcome of any appeal.**

The standard of proof that exists for campus disciplinary proceedings is preponderance of evidence, (i.e., more likely than not the event(s) occurred). If a complainant requests that his or her name not be revealed to the respondent or asks UND not to investigate or seek action against the respondent, UND will be limited in its ability to respond fully to the incident.

**Interim Arrangements and Post-Hearing Interventions**

UND actively provides services for all parties in domestic violence, dating violence, sexual assault, and stalking cases. 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.

**Administrative Services to Assist a Student Complainant or Respondent**

The Dean of Students Office (DOS) will assist students, including collaborating with UPD and other departments to provide:

1. Referral to a counselor at the University Counseling Center (UCC), or referrals to outside provider(s). (Counseling Center)
2. Escort services. (UPD)
3. Assistance in petitioning for a protection order. UND honors orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court. (Women’s Center, DOS, and/or CVIC)
4. Withdrawal from the University. (DOS)
5. An on-campus investigation and, if appropriate, initiate on-campus disciplinary procedures. (DOS)
6. Other referrals as necessary.

**Administrative Services to Assist Faculty or Staff Complainant or Respondent**

The Title IX coordinator will assist faculty and staff, including collaborating with UPD and other departments to provide:

3. The Title IX coordinator will then assign a Title IX investigator or investigators to investigate the incident.
4. The Title IX investigator(s) will investigate the incident and submit a final written report to the Title IX coordinator.
5. If it is determined that discipline or dismissal of a faculty or staff member is warranted, the following policies and procedures will be followed:
   a. Faculty – Faculty Handbook;
   c. Employees excluded from the broadbanding system who are not faculty – SBHE policy 608.2.
6. Both the complainant and respondent will be notified in writing of the final results of the investigation and any resulting actions.
7. Both the complainant and respondent may appeal the final determination pursuant to the Faculty Handbook and NDUS Human Resources Policy Manual section 27, Appeal Procedures.

The standard of proof that exists for campus disciplinary proceedings is preponderance of evidence (i.e., more likely than not the event(s) occurred). If a complainant requests that his or her name not be revealed to the respondent or asks UND not to investigate or seek action against the respondent, UND will be limited in its ability to respond fully to the incident.
1. Referral to the Employee Assistant Program.
2. Escort services. (UPD)
3. Assistance in petitioning for a protection order (Women's Center and/or CVIC). The University honors orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court. (Women's Center, and/or CVIC)
4. An on-campus investigation and, if appropriate, initiate disciplinary/dismissal procedures. (Title IX coordinator and/or Human Resources)
5. Other referrals as necessary.

Interim Conditions and Post-Hearing Interventions Applying to Complainants and Respondents

1. The complainant and/or respondent may have parking re-assigned.
2. The complainant and/or respondent may have on-campus residence changed.
3. The complainant and/or respondent may have his/her academic schedule altered and/or arrangements with instructors to assist in offsetting potential academic problems will be coordinated. This service is not applicable for a respondent who has been temporarily or immediately removed from campus and/or classes.
4. The respondent may be directed not to have contact, by any means, with a complainant.
5. The complainant may be directed not to have contact, by any means, with a respondent.
6. Any individual who is alleged to have committed a violent act, including domestic violence, dating violence, sexual assault, or stalking upon a member of the campus community, may be banned from campus and campus activities.
7. Other conditions as deemed appropriate.

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.

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 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 him or her;
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 him or her incapable of understanding the nature of his or her 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;
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 him 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.

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.

**University Disciplinary Sanctions for Students**

A Student Conduct Administrator may impose one or more UND sanctions as described below for violations of the Code.

**Status Sanctions**

1. Written Reprimand — Written reprimand refers to official censure of a student's conduct in violation of a regulation of the UND community. A written reprimand indicates no ongoing status change for the student.
2. Warning Probation — Warning probation indicates that further violations of the Code will result in more severe disciplinary action. Warning probation shall be imposed for a period of not more than one year and the student shall be removed automatically from probation when the imposed period expires.
3. Conduct Probation — Conduct probation indicates that further violations of the Code may result in Suspension. Conduct probation may not be imposed for more than one calendar year.
Restrictions or Educational Activities Sanctions
Having the intent of effecting a safer campus environment and/or promoting the development of a student determined responsible for Code violations, the SCA or judicial body may impose additional sanctions. Such sanctions may include but are not limited to:

1. The VPSA will direct a disciplinary withdrawal of a student who has been suspended by the SRC.
2. No Contact Directive: A directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, email, telephone, or through third parties.
3. Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations; or services; or events.
4. Residence hall transfer, residence hall floor transfer, restricted access within the residence halls, restricted access to dining services, and removal and/or ban from the residence hall system for a specified period of time.
5. Suspension of or restriction(s) on driving or parking in campus-controlled streets, roads, and parking lots.
6. Restitution to UND for cleaning, replacing, or restoring some specific area or thing when loss or damage was a result of the student's disciplinary violation.
7. Referral for a behavioral assessment, to the University Counseling Center (UCC), or another provider approved by the UCC Director.
8. Mandated community service and/or participation in campus educational programs.
9. Mandated participation in one or more campus activities, lectures or workshops, and/or other activity that employs an educational purpose and accepted pedagogy.
10. Enhanced Sanctions for Bias-Motivated Offenses – Violators of the regulations and policies outlined in this document whose violations are motivated by bias may face more severe or enhanced sanctions. Violations motivated by bias include the intentional selection of a person against whom the violation is committed because of the race, religion, color, genetic information, gender, disability, sexual orientation, gender identity, national origin, ethnicity, age, or ancestry of that person.

Suspension
The SRC may impose one or more University sanctions listed above and/or others and/or the UND sanction of suspension as described below.

Suspension will normally be for at least the remainder of the semester in which the penalty is imposed and will normally result in the cancellation of registration of the student. Suspension may be recommended for violations involving assault, domestic violence, dating violence, sexual assault, stalking, possession or trafficking in the sale of drugs or weapons, false emergency report, interference in UND activities (classes, administration, research, fire, police, etc.), or other serious offenses, or knowingly violating the terms of any disciplinary sanctions imposed in accordance with the Code.

1. Suspension — Suspension is a temporary withdrawal of enrollment privileges and ban from campus property and activities (student) or recognition (student organization) for a specific period. Suspension notification will include conditions of the suspension and terms for reinstatement. In some cases, short term suspension may be imposed depending on the nature and severity of the offense.
2. Indefinite Suspension — Indefinite suspension is a suspension which involves no definite time limit and may carry conditions which must be met before the student/student organization may request reinstatement.
3. Emergency Suspension — The Vice President for Student Affairs (VPSA) or designee may direct the temporary, immediate removal of a student in accordance with the Code.

Recommendation and Authority to Impose Suspension
DOS has the final authority in the recommendation of suspension. The VPSA or designee authorizes an Emergency Suspension, subject to an Emergency Suspension Review Hearing by the SRC. The SRC has the sole authority to impose suspension.

University Disciplinary Sanctions for Faculty and Staff
The University will follow the disciplinary policies and procedures in the Faculty Handbook for faculty. North Dakota University System Human Resources Policy Manual sections 25 and 27 will be followed for any disciplinary acts involving staff. For employees excluded from the broadbanding system, State Board of Higher Education (SBHE) policy 608.2 will be followed. Faculty are not included under SBHE 608.2.

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.).

University employees who have the authority to take action to redress sexual violence; who have been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or appropriate school designee; or whom a student could reasonably believe has this authority or duty shall report all complaints of sexual violence to the Title IX coordinator.

A student’s privacy concerns are weighed against the needs of UND to respond to acts of harassment, including domestic violence, dating violence, sexual assault, and stalking. 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. If a complainant requests that his or her name not be revealed to the respondent or asks UND not to investigate or seek
administrative action against the respondent, UND will be limited in its ability to respond fully to the incident. Title IX and the Campus SaVE Act include protections against retaliation. UND officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.

Campus University Counseling Center mental health counselors, Student Health Services employees, or any other person with a professional license requiring confidentiality or who is supervised by such a person will not report incidents of sexual violence to the Title IX coordinator in any way that identifies a student without the student’s consent.

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

**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, 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, 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 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 Level 3 Predatory Offender Information website: https://coms.doc.state.mn.us/Level3/.

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.