



University of North Dakota
Drug-Free Schools and Campuses Regulations [EDGAR Part 86]
Biennial Review: 2024

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Table of Contents

Introduction / Overview	3
Biennial Review Process.....	4
Annual Policy Notification Process	4
Alcohol and Other Drug (AOD) Prevalence/Incidence Rate, Needs Assessment and Trend Data.	5
American College Health Association-National College Health Assessment	5
AOD Policy, Enforcement, and Compliance Inventory	5
Inventory of Policies	5
Violations/Infractions/Enforcement.....	6
AOD Comprehensive Program /Intervention Inventory & Related Process and Outcomes/Data	7
Community Activities/Initiatives	7
College/University Activities/Initiatives	7
Programs for Special Populations.....	7
Individual Based Programs/Interventions	8
Group Based Programs/Interventions.....	9
Universal or Entire Population Based Programs Programs/Interventions.....	9
Environmental/Socio-Ecological Based Programs.....	10
Alcohol and Other Drug Comprehensive Program Goals and Objectives for Biennium.....	10
Alcohol and Other Drug Strengths and Weaknesses	11
Conclusion.....	12
Appendices.....	13
Appendix A: The UND Alcohol and Drugs Policy.....	13
Appendix B: The Code of Student Conduct.....	13
Appendix C: 2024 Annual Security and Fire Safety Report; UND	13
Appendix D: EDGAR 86 Worksheets	13
Appendix E: UND Executive Summary Spring 2024 - ACHA-NCHA III	13

Introduction / Overview

The University of North Dakota (UND) is committed to an environment that supports the academic success and health of our staff and students and has a Drug-Free Campus Program that serves to provide the campus with activities and services designed to encourage a healthy and drug-free lifestyle.

In keeping with the requirements of the Drug-Free Schools and Campuses Regulations (EDGAR Part 86), the University of North Dakota has an Alcohol and Drugs Policy that describes standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on UND property or as part of any UND sponsored activities. The policy includes the following:

1. A description of legal sanctions under federal, state, or local law for the unlawful possession use or distribution of illicit drugs and alcohol;
2. A clear statement of disciplinary sanctions, UND will impose on students and employees for violations of the standards of conduct;
3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
4. A description of the drug and alcohol counseling and treatment resources available to students and employees.

As outlined in the “Complying with the Drug-Free Schools and Campuses Regulations” (EDGAR Part 86), the policy is distributed to all students and employees as part of our Drug-Free Campus Program.

This required Biennial review has the following two objectives. First, to determine the effectiveness of, and to implement necessary changes to the Alcohol [Tobacco] and Other Drugs (AOD/ATOD) Prevention Program. Secondly, to ensure that campuses enforce the disciplinary sanctions for violating standards of conduct consistently.

Biennial Review Process

This review covers the period of 2022-2024. Specifically, the fall 2022 semester through the summer of 2024.

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Location of Biennial Review

The most current Biennial Review for the University of North Dakota will be posted on the UND website for Student Consumer Information: <https://und.edu/about/student-disclosure-information/student-consumer-information.html>. A copy of the report is on the file with the UND Wellness & Health Promotion department and University Counseling Center. A hard copy will be made available upon request.

Annual Policy Notification Process

Content of Alcohol/Drug Abuse Prevention Statement

The UND Alcohol and Drugs policy can be found online (link and document in Appendix A): <https://und.policystat.com/policy/11848378/latest/>

Notification Process for Employees

All benefitted UND Faculty and Staff are required to complete an Annual Notification of Policies, which includes reviewing policies related to Drug-Free Workplace, Alcohol and Drugs, Tobacco-Free, and the Employee Assistance Program, among other policies. This is required to be reviewed annually by all faculty and staff by December 31st. The Human Resources and Payroll Services Office monitors employee compliance with this review through the Vector Solutions website.

Notification Process for Students

All student employees of UND are also required to complete the Annual Notification of Policies, as described above. All students are required to abide by the *Code of Student Life* (link and document in Appendix B): <https://und.edu/student-life/code-of-student-life>. The *Code of Student Life (Code)* outlines the rights and responsibilities enjoyed by the students who make up the UND community. Students are expected to be familiar with the processes and policies contained within the *Code* and to act in compliance with them at all times. The *Code* includes information related to possession or use of prohibited items, such as alcohol, and drugs or drug paraphernalia, as outlined in the Alcohol and Drugs policy: <https://und.policystat.com/policy/11848378/latest/>. An email containing information related to campus policies is distributed over the official student listserv each semester.

Alcohol and Other Drug (AOD) Prevalence/Incidence Rate, Needs Assessment and Trend Data.

The University of North Dakota regularly participates in needs assessments and surveys related to health behaviors. Data from the most recent surveys have been shared with community groups (Grand Forks Tobacco Prevention Committee and the Grand Forks Substance Abuse Prevention Committee), campus departments (University Counseling Center and Student Health Services) and is used to direct health promotion programming for the university community.

American College Health Association-National College Health Assessment

UND participated in the American College Health Association-National College Health Assessment (ACHA-NCHA) in February of 2024. The ACHA-NCHA survey assesses college health factors impacting academic and personal success of college students. The ACHA-NCHA survey was initiated in conjunction with support from the North Dakota University System. UND had a response rate of 9.6% which consisted of 1295 respondents.

In terms of general health, 53.8% of UND college students surveyed described their health as *very good or excellent*. In relation to *Tobacco, Alcohol, and Other Drug Use*, UND students surveyed reported their highest use of use of tobaccos, alcohol, and other drugs use in the 3 months prior to the survey as follows:

- Use of Tobacco or nicotine delivery products: 24.8%
- Use of Alcoholic beverages: 72.4%
- Use of Cannabis (non-medical use): 18.2%

The *UND Executive Summary Spring 2024 - ACHA-NCHA III* can be found in Appendix E.

AOD Policy, Enforcement, and Compliance Inventory

Inventory of Policies

All policies related to alcohol, drugs, substance abuse, etc. at the University of North Dakota can be found via the following link: <https://und.policystat.com/policy/11848378/latest/> (and document in Appendix A). The document includes sections related to the policy statement, reason for policy, scope of the policy, definitions, related information/external links, contacts related to the policy, the policy principles, procedures, and responsibilities.

Alcohol and Drugs Policy Statement

University of North Dakota (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, State Board of Higher Education policies, and other related requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs.

Tobacco-Free Campus Policy Statement

University of North Dakota (UND) 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 university-owned and controlled property.

Substance Abuse Education Programs Policy Statement

The University of North Dakota (UND) recognizes substance abuse as a treatable condition and offers programs and services for employees and students with substance dependency problems. The programs provide services related to substance use and abuse including dissemination of informational materials, educational programs, counseling services, and referrals.

Code of Student Life Overview

The University of North Dakota (University) welcomes you to its community of more than 15,000 students, faculty, and staff. Our university community is made up of individuals representing the rich diversity and heritage of the populations of North Dakota, the nation, and the world. The University is ideally suited to make campus life a positive educational experience through the sharing of a multitude of ideas, experiences, lifestyles, cultures, and beliefs. The mission of the University is to provide transformative learning, discovery, and community engagement opportunities for developing tomorrow's leaders. As part of its mission, the University intends to nurture and sustain a learning environment which permits all to learn from the diversities brought to campus by members of the University community.

The Code of Student Life (Code) outlines the rights and responsibilities enjoyed by the students who make up our university community. The purpose of the information contained in the Code is to promote and maintain a learning environment appropriate for an institution of higher education and to serve as a basic guide to help prevent abuse of the rights of others. Members of the University community are expected to be familiar with the policies and processes contained within the Code and to act in compliance with them at all times. The Code is intended to be a general handbook to give guidance and direction to members of a very diverse University community. Although it is not possible to cover every conceivable situation that might arise, specific questions relating to the Code may be directed to the Office of Student Rights and Responsibilities or the Office of the Vice President for Student Affairs and Diversity.

Nothing within the Code is intended to limit or restrict freedom of speech or peaceful assembly. General statements of philosophy and principles to which the University subscribes are found in the State Board of Higher Education (SBHE) statement of academic freedom ([SBHE 401.1](#)).

The Code is published periodically and is subject to amendment or revision. Members of the University community are encouraged to submit amendments or revisions to the Code of Student Life Review Committee (CSLR Committee) for consideration.

Violations/Infractions/Enforcement

Information regarding the number of drug and alcohol-related incidents and fatalities that occur on campus (including on-campus residences, non-campus and public) can be found beginning on page 78 in the 2024 Annual Security and Fire Safety Report (link and document in Appendix C):

<https://campus.und.edu/safety/files/docs/annual-security-report.pdf>

Number of requests for permission/authorization (request for alcohol sales/serving):

This information is not collected. As per the Alcohol and Drug Policy, exceptions must be submitted to the Vice President of the respective area, the Office of the President, or the Vice President for Student Affairs and Diversity, depending on the audience and event function.

AOD Comprehensive Program /Intervention Inventory & Related Process and Outcomes/Data

Community Activities/Initiatives

Grand Forks Substance Abuse Prevention Committee

The Grand Forks Substance Abuse Prevention Committee (SAPC) is part of the Prevention area of the Mayor's Call to Action. Staff from the University Counseling Center participates in the monthly SAPC meetings.

Tobacco Free Coalition

The Grand Forks Tobacco Free Coalition (GFTFC) has been an integral partner of the Grand Forks Tobacco Prevention & Control Program for over three decades. Established in the early 1990s to address minor's access to tobacco products, the GFTFC was a pioneer organization in the tobacco prevention movement in both the community and the state. Other successes of the collaboration between the coalition and the local tobacco prevention program include Tobacco Retailer Licensing and Vending Laws, Smoke-Free Workplace Laws (2005, 2010, 2012) and Youth Access to E-Cigarette Laws (2014, 2015.)

The Health Promotion staff from UND Wellness & Health Promotion participate in the GFTFC meetings. The most recent work of this team has revolved around the new prohibiting the sales of tobacco products, including ENDS products, to anyone who is under 21 years of age. Local enforcement continues to be an issue.

College/University Activities/Initiatives

There were several campus-wide drug and alcohol awareness events during the report timeframe. These events were open to the entire campus community. Some examples to note:

Informational Tables

Education and information regarding alcohol, drugs, and bystander intervention was provided in conjunction with other events occurring on campus including a major event held each semester called, *De-Stress Fest*. Nearly 1,200 students participated in the De-stress Fest events taking place from the fall of 2022 through the spring of 2024.

Programs for Special Populations

Presentations and outreach events are provided on an "as requested" basis. These requests usually come from athletic teams, Resident Assistants within Housing, or Into to University Life class instructors.

Educational presentations led by Wellness & Health Promotion staff related to Alcohol, Tobacco or Other Drugs were conducted for the following special populations:

- Housing - Resident Assistant Training
- Greek Life (Fraternities and Sororities)
- U-Life classes (Athletes and Nursing students)
- Housing Event (Selke/Noren/Brannon)
- Various Academic Classes, as requested by Faculty

The above groups have participated in at least one presentation, such as: Health & Wellness Jeopardy, Continuum of Substance Abuse, Choices About Alcohol, UND Bystander Intervention, or Alcohol and Other Drug Jeopardy.

Educational presentations led by the UND @ CVIC team related to alcohol, bystander intervention, healthy relationships, and dating violence were conducted for the following special populations:

- Greek Life (Fraternities and Sororities)
- U-Life classes
- Women & Gender Studies
- Army ROTC
- UND Athletics
- Association of Residence Halls – Residence Hall Honorary

The University Counseling Center (UCC) provides substance use outreach programs for groups throughout the UND campus. Licensed addiction counselors provide education on substance use to assist participants in identifying ways that substance use may impact mental health along with other aspects of their lives. Substance use outreaches inform students about high-risk and low-risk alcohol and other substance use, how to identify problematic drinking behavior, and how to talk with peers about their substance use, among other requested topics.

Individual Based Programs/Interventions

A variety of programs and interventions are conducted on campus, mostly from the University Counseling Center (UCC) and Student Health Services (SHS) clinic. Both departments utilize Motivational Interviewing techniques when discussing substance use. The following substance use programs are conducted at UND:

Brief Assessment and Screening for College Students (BASICS)

BASICS is a brief intervention program for students who incur a first-level violation related to alcohol. This program is recognized among college campuses as an effective program to reduce high-risk drinking with an overarching goal to encourage students to reflect on the risks related to substance use and offer tools for students to make better decisions to prevent future problems. Students participating in BASICS will complete an online self-assessment and have an individualized follow up session with a BASICS provider at UCC.

Full Substance Use Evaluation/Overview of Treatment Options

The UCC provides substance use evaluations for those who are required to complete an alcohol and drug evaluation or self-referral.

Consultations

Enrolled UND students who have concerns about their own substance use or concerns about a peer or loved one's substance use can meet with a licensed addiction counselor at the UCC with no cost or obligations.

Alcohol Use Disorders Identification Test (AUDIT)

Alcohol Use Disorders Identification Test (AUDIT) is conducted every 120 days for students with appointments at Student Health Services. The nurse is able to view their score and uses motivational interviewing techniques to recommend further assessments and counseling (if needed). The AUDIT is also used at the UCC during the initial appointment each semester for students.

Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) is available to all UND employees and members of their household. Confidential assessment, counseling, and referral services are available on a variety of Drug and Alcohol topics, as well as other areas. Employees can contact UND Human Resources for more information on how to access EAP resources.

Group Based Programs/Interventions

The University Counseling Center (UCC) provide group-based programs and interventions related to alcohol and other drugs:

Prime for Life (PFL)

Prime for Life is an engaging prevention and early intervention program designed to assist students in reflecting on their own substance use. Students are able to self-assess their own risk level and learn strategies for making low-risk choices when it comes to substance use.

UCC offers an eight-hour Prime for Life classroom curriculum in two four-hour blocks.

This program was implemented in UCC Substance Use Programming starting in August 2019.

Level One Licensed Outpatient Treatment Program

UCC understands that the progression of substance use disorders are one that if caught early in life is preventable and treatable. We offer a low-level outpatient experience unique to UND students that allows them to treat their substance use disorder while staying engaged in the campus community. This program is individualized after a full alcohol and drug evaluation is completed.

Peer Support Group

UCC offers a weekly support group for students that focuses on establishing sober support to gain abstinence from substance use. The group provides a safe place for group members to share their struggles with abstinence in a college environment. Group members can enhance their ability to create connections to assist in gaining positive supports in their lives.

Universal or Entire Population Based Programs Programs/Interventions

All first-time first-year and transfer students to UND are required to complete the online alcohol educational program entitled Campus Clarity: Think About It. This program aims to reduce risky student behavior and prevent sexual assaults on campus. Oversight of the Campus Clarity module is provided by the Office of Student Rights & Responsibilities.

Environmental/Socio-Ecological Based Programs

Alcohol-Free Residence Facilities/Wellness Programming Facilities

The possession or consumption of alcoholic beverages is prohibited in University residence halls and dining facilities. In addition, beverages that are sold as “imitation alcohol products” are not allowed. Students are expected to abide by local ordinances and state laws regarding the consumption or possession of alcoholic beverages.

Campus housing offers a Wellness Living Learning Center in one of the dorms on campus. This living environment creates a community of support for those who are actively trying to incorporate healthy living and dimensions of wellness as a part of their daily life. In addition to this living environment, UND has a Student Wellness Center that serves as a central facility on-campus for various wellness programs and activities, aimed at enhancing student wellness and overall well-being.

Alcohol and Other Drug Comprehensive Program Goals and Objectives for Biennium

In the prior Biennial Review report, the following recommendations were made for the 2022 biennium time frame.

Recommendations/Goals from previous Biennial Review report:

1. Continuation of collaborative efforts with other departments on campus on substance abuse prevention efforts.
 - a. Promote protective behaviors, normalizing low-risk choices, and focusing on the reduction of harm from binge drinking through active bystander intervention.
 - b. Enhance opportunities for expanded collaboration and programming with the Wellness Living Learning Center in the Noren Hall dormitory.
2. Increase the presence of substance abuse prevention efforts and harm reduction messages across campus. Some ideas include:
 - a. Develop marketing specifically related to substance abuse services at the University Counseling Center.
 - b. Create pre-recorded webinars/training sessions to educate student groups.
 - c. Develop a wellness presentation and educational materials to be delivered at First-Year and Transfer Student Orientation.
3. Continue to implement best-practices related to substance abuse prevention on college campuses.

Recommendation/Goal #1:

A Substance Use Prevention Committee was formed in July 2023, led by the Associate Director of Operations at the University Counseling Center. This committee was a collaborative group made up of a mix of appropriate faculty and staff, who were active stakeholders with substance use prevention. This

group commenced meetings and discussions to identify current gaps in substance use prevention processes and programming on campus. Collaborative efforts with the Noren Hall Wellness Living Learning Center were put on delay due to housing staff transitions. An effort to commence intentional program and planning will occur in the fall of 2024.

Recommendation/Goal #2:

Intentional efforts to utilize social media for substance use prevention messaging was implemented throughout the year. We find that our students actively engage with our university departments through social media but we are having difficulty measuring the impact of promoting messages through this medium. We have decided future plans to do more direct tabling and program education, where education on issues such as substance use can be better deployed in an active setting. We continue to offer in-person presentations to campus student groups and organizations. Most of the groups that we provide outreach and education to are the campus fraternities and sororities. We now do a presentation on general health and wellness and related services, during new student orientation during the each summer.

Recommendation/Goal #3:

We plan to continue our efforts to reach students through active engagement at large campus events, such as De-Stress Fest. At these events, we combine active engagement in activities while taking opportunities to provide students with education, tools, and practical information to help them achieve personal wellness.

Alcohol and Other Drug Strengths and Weaknesses

Based on the review of the past two years, the AOD committee noted several areas as strengths and other areas were noted for needing improvement.

- A. **Strengths:** The University of North Dakota has thoroughly reviewed policies in place at our institution to provide structure and direction on substance use issues and response. The Code of Student Life provides clarity on the boundaries for student behavior along with guidance on response and potential sanctions. Also, beginning the fall of 2023, a steering team began to meet and develop a new campus structure to advance wellness and well-being at the University of North Dakota. This structure has support from the Vice President of Student Affairs, as well as the President of UND and his Executive Council.
- B. **Weaknesses:** We need to continue to strengthen our campus collaborative structures to ensure that good direction on goals and tasks are in alignment with larger outcomes. Items like the Biennial Report and the Edgar 86 should be managed directly by the staff who oversee the areas specifically related to substance use efforts on campus. Also, our campus does not engage in regular collaborative discussion around our substance use program (Biennial review), only at times to review and update the document. We are in the process of changing this model through a new campus coalition that has been in development since the fall of 2023.
- C. **Recommendations for next biennium:** The re-implementation of the Substance Use Prevention has been a positive step forward for our campus. Our focus is to ensure that this committee can

be a part of a larger collaborative structure for our campus, whereas we can focus on several wellness and well-being priorities. It is recommended that we continue with our plans to incorporate our Substance Use Prevention Committee into our larger Campus Coalition for Advancing Wellness and Well-being. Our structure is to have Substance Use Prevention as on the top pillars (priorities) for our campus. The Substance Use Prevention committee will become an advisory group made up of Students, Staff, and Faculty. The work of this advisory group should report to the larger Campus Coalition Leadership Team, so that communication about challenges, goals, and programming are communicated to a broader audience around campus. It is also recommended that the Substance Use Prevention Advisory Team, annually review the Biennial Report, with plans to chart progress and updates as needed.

Conclusion

Over the prior biennium, we were able to attain some of our goals, specifically related to enhancing our collaborative efforts to advance work on wellness and well-being. We have identified Substance Use Prevention as one of the top 6 priority areas for our campus. The newly formed Substance Use Prevention Advisory team will give much needed support and attention to this important aspect of our work to advance student well-being. At the University of North Dakota, we are fortunate to have string support from our university administration, including support from the President of UND and the Vice President of Student Affairs. This support has allowed up to develop and create a new campus coalition that will serve to strengthen collaboration, reduce duplication of efforts, integrate wellness approaches, and aim to hit developed goals and targets. Our goals over the next biennium is to implement this new coalition, established long-term and short- term goals in an effort to align our movement from a committee effort, but to a campus wide effort.

Goals for the next biennium:

1. Align substance use prevention efforts with the UND Healthy Hawks Campus Coalition to Advance Wellness & Well-being.
 - a. Identify and commit to Substance Use Prevention as a priority area for UND.
 - b. Form the Advisory Team on Substance Use Prevention, meeting monthly to identify gaps and needs for substance use prevention efforts.
2. Aim to reduce campus-wide duplication of programs and education between departments and university divisions.
 - a. Engage and update the Campus Coalition Leadership team with on-going program and events.
 - b. Seek out campus partners to align common goals and implement larger and more effective programs.
 - c. Work with various groups on campus to reach students from various populations (housing, Greek life, etc.).
4. Continue to implement best-practices related to substance use prevention on college campuses.

Appendices

Appendix A: The UND Alcohol and Drugs Policy

<https://und.policystat.com/policy/11848378/latest/>

See Appendix Document A below

Appendix B: The Code of Student Conduct

<https://und.edu/student-life/code-of-student-life>

See Appendix Document B below

Appendix C: 2024 Annual Security and Fire Safety Report; UND

<https://campus.und.edu/safety/files/docs/annual-security-report.pdf>

See Appendix Document C below

Appendix D: EDGAR 86 Worksheets

See Appendix Document(s) D below

- A. 2020
- B. 2021
- C. 2022
- D. 2023
- E. 2024

Appendix E: UND Executive Summary Spring 2024 - ACHA-NCHA III

<https://und.edu/student-life/wellness-center/health-promotion/student-health-data.html>

See Appendix Document E below

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Owner Rodney Clark:
AVP for Public
Safety/Chief of
Police
Area Public Safety
References ADA, Clery
Act, DEA
+ 12 more

Alcohol and Drugs

POLICY STATEMENT

University of North Dakota (UND) enforces federal and state alcohol and drug laws, and 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, State Board of Higher Education policies, and other related requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs.

REASON FOR POLICY

UND is responsible for maintaining alcohol and drug policies in compliance with federal and state laws including, but not limited, to the Jeanne Clery Act, the Drug Free Workplace Act, the Drug-Free Schools and Communities Act, and the North Dakota Century Code.

UND must adhere to State Board of Higher Education policies 615 and 918.

SCOPE OF POLICY

This policy applies to:

- President
- Vice Presidents
- Deans, Directors & Department Heads
- Area Managers & Supervisors
- Faculty
- Staff
- Students
- Others: Campus Guests, Individuals Conducting Business for the University

DEFINITIONS

Academic Function	A University-sponsored activity related to a student's or employee's purpose or role at the University.
Alcohol or Alcoholic Beverages	Any liquid suitable for drinking by human beings, except prescription drugs or over-the-counter medications, which contains one-half of one percent or more of alcohol by volume.
Association of Residence Halls (ARH)	ARH is the elected representational body for all students living in the UND Residence Halls. ARH is not a recognized student organization but is held to the same procedural and operational standards as are other units of the University.
Clery Act	The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law requiring all institutions of higher education, that participate in the federal student financial aid program, to disclose information about crime on their campuses and in the surrounding communities.
Controlled Substance	A drug, substance, or immediate precursor in schedules I through V as identified in NDCC Chapter 19-03.1 as amended; or a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of the Controlled Substances Act [21 U.S.C. 801 et seq., as amended]. The term does not include distilled spirits, wine, malt beverages, or tobacco.
DEA	Drug Enforcement Administration – Entity designed to enforce the controlled substances laws and regulations of the United States.
Drug	Substances recognized in NDCC Chapter 19-03.1 as amended or 20 USC sec. 321 et seq., as amended, as drugs in the official United States Pharmacopeia, National Formulary, or Homeopathic Pharmacopeia of the United States, or any supplement to any of them; substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and substances intended for use as a component of any article noted above. See also Controlled Substance.

EAP	Employee Assistance Program – 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).
Employee	All full-time, part-time, temporary and/or non-benefited employees including but not limited to staff and faculty (e.g., professor, associate professor, assistant professor, instructor, tenured, non-tenured, etc.).
FERPA	Family Educational Rights and Privacy Act – Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.
Illegal Drug	A controlled substance as identified in the Controlled Substances Act [21 U.S.C. 801 et seq. as amended] but does not include a substance that is legally possessed or used under the supervision of a licensed healthcare professional, except medical marijuana, or that is legally possessed or used under any other authority under that Act or under any other provision of federal law. Medical marijuana permitted by NDCC 19-24 is still considered a controlled substance and is a violation of federal law.
Illegal Use of Drugs and Other Substances	The use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act [21 U.S.C. 801 et seq. as amended] and/or NDCC. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of federal or state law.
Impairment	Under the influence of alcohol and/or legal (including prescription medication) or illegal drugs, 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.
Medical Marijuana	Three ounces or less of usable marijuana (dried leaves and flowers of the marijuana plant, and any mixture or preparation of those dried leaves and flowers, including but not limited to tinctures, ointments, and other preparations) used to treat or alleviate a registered patient's debilitating medical condition or symptoms associated with the registered patient's debilitating medical condition.
NDCC	North Dakota Century Code – Codification of the latest versions of state law as of the date of their enactment.
NIDA	National Institute on Drug Abuse
Prescription Drug	A drug as defined in the Federal Food, Drug, and Cosmetic Act and under which definition its label is required to bear the statement, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only."
Recognized Student	Student groups that have received constitutional approval from

Organizations	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.
SBHE	State Board of Higher Education
Student Conduct Administrators	Individuals who determine, at an informal conference or student conduct hearing, whether a student or student organization has violated the <i>Code of Student Life</i> , and who impose sanctions when a violation is determined.
Student Government	Student Government is the representational elected body of the entire student population. Student Government is held to the same procedural and operational standards as are other units of the University.
Substance Abuse	The illegal use or abuse of drugs, including substances listed in schedules I through V of the Controlled Substances Act [21 U.S.C. 801 et seq. as amended]; the abuse of inhalants; or the use of alcohol, tobacco, or other related product as such use is prohibited by federal, state, or local law.
USC	United States Code – Codification by subject matter of the general and permanent laws of the United States.

CONTACTS

Specific questions should be directed to the following:

Subject	Contact	Telephone/ Fax	Office or Department E-Mail / Web Address
Policy Clarification	VPFO Policy Office	(701) 777-2121	Policy Office Website
Alcohol Exception	Office of the President	(701) 777-2121	Alcohol Exception Website
Alcohol/Drug Counseling, Treatment & Referral (employees)	The Village	(800) 627-8220	The Village Family Service Center Website
Alcohol/Drug Counseling, Treatment & Referral (students)	University Counseling Center	(701) 777-2127	University Counseling Center Website
Alcohol/Drug Education, Information and Referral	Wellness & Health Promotion	(701) 777-2097	Wellness & Health Promotion Website
Alcohol/Drug Use in the Workplace	Human Resources	(701) 777-4361	UND.humanresources@UND.edu Human Resources Website
Complaints of Discrimination or Harassment	Equal Opportunity & Title IX	(701) 777-4171	Equal Opportunity & Title IX Website

Domestic / International Student Field Trips	Office of Safety	(701) 777-3341	Office of Safety Website
Employee Assistance Program (EAP)	The Village	(800) 627-8220	The Village Family Service Center Website
Housing & Residence Life	Housing & Residence Life	(701) 777-4251	Housing & Residence Life Website
Insurance Requirements for Alcohol Service at Events	Risk Management	(701) 777-3341	Department of Public Safety Website
Permission to Advertise Alcohol on Campus	Marketing & Communications	(701) 777-2731	Marketing & Communications Website
Security/Law Enforcement	University Police Department	(701) 777-3491	UND Police Department Website
Student Discipline/Code of Student Life	Community Standards & Care Network	(701) 777-2664	UND.communitystandards@UND.edu Community Standards & Care Network Website
Study Abroad and Overseas Programs	Study Abroad	(701) 777-4231	Study Abroad Website

PRINCIPLES

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.

Permission to serve alcoholic beverages in or on University property may be granted through specific authorization by the president of the University or as authorized in SBHE policy 918.

Alcohol- 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 their 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. 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 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.

PROCEDURES

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 (see [Contacts](#)).

For more information about the exception process, contact the Office of the President or the vice president who 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 (see [Forms](#)); 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.

Events at the Memorial Union follow additional procedures (see [Related Information](#)).

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 provided and served by a licensed alcohol 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, Student Affairs, and the respective vice president 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 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 enforces federal and state alcohol and drug laws, and 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 UCC. 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.

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
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 UCC. 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*. The *Code of Student Life* 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 groups that have completed the process for becoming a recognized student organization 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. Recognized student organizations may not participate in any activity or promotion or accept good or funds from 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 enforces federal and state alcohol and drug laws, and 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 affects 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 in the Related Information section of this document.

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 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 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 1 or 2, the court also may sentence a violator to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44. For a second or subsequent violation of subsection 1 or 2, the court also shall sentence a violator to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44.
4. The court, under this section, may refer the individual to an outpatient addiction facility licensed by the department of health and human services for evaluation and appropriate counseling or treatment.
5. The offense of consumption occurs in the county of consumption or the county where the offender is arrested.
6. An individual under twenty-one years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene, or was the individual in need of medical assistance and cooperated with medical assistance and law enforcement personnel on the scene. The maximum number of individuals who may be immune for any one

occurrence is five individuals.

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, violations are as follows:

1. 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 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.
2. An individual under twenty-one years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene and cooperated with medical assistance and law enforcement personnel on the scene, or was the individual in need of medical assistance. The maximum number of individuals that may be immune for any one occurrence is five individuals.
3. If an individual is convicted of this section for delivering alcoholic beverages to an individual under twenty-one years of age, the court shall consider the following in mitigation:
 - a. After consuming the alcohol, the underage individual was in need of medical assistance as a result of consuming alcohol; and
 - b. Within twelve hours after the underage individual consumed the alcohol, the defendant contacted law enforcement or emergency medical personnel to report that the underage individual was in need of medical assistance as a result of consuming alcohol.

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 § 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 § 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 8:00 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 N.D.C.C. § 5-01-01.
2. For the purposes of this section, a person is not twenty-one years of age until 8:00 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 § 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 8:00 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 N.D.C.C. § 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 8:00 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 8:00 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. A passenger on a licensed commercial pedal car, as defined at Grand Forks City Code section 21-1601(2), while the passenger is upon said commercial pedal car may not be charged with a violation of this City Code section 9-0219.

Under NDCC section 19-03.1-23, Prohibited Acts A – 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.
 - b. Any other controlled substance classified in schedule I, II, or III, or a controlled substance analog, except marijuana or tetrahydrocannabinol is guilty of a class B felony.
 - c. Marijuana, tetrahydrocannabinol, or a substance classified in schedule IV, is guilty of a class C felony.
 - d. A substance classified in schedule V, is guilty of a class A misdemeanor.
2. A prior misdemeanor conviction under subsection 7 or a prior conviction under subsection 3 or 4 of section 19-03.4-03 may not be considered a prior offense under subsection 1.
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 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. 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.

5. Except for a prior conviction equivalent to a misdemeanor violation of subsection 7 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 subsection 1. 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.
6. 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. A person who violates this subsection is guilty of a class C felony.
7.
 - a. 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.
 - b. 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 this subsection and a class C felony for a second or subsequent offense under this subsection.
 - c. 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 involves marijuana or tetrahydrocannabinol.
 - d. A person who violates this subsection by possessing:
 - i. Marijuana:
 - a. In an amount of less than one-half ounce [14.175 grams] is guilty of an infraction.
 - b. At least one-half ounce [14.175 grams] but not more than 500 grams of marijuana is guilty of a class B misdemeanor.
 - c. More than 500 grams of marijuana is guilty of a class A misdemeanor.

- ii. Tetrahydrocannabinol:
 - a. In an amount less than two grams is guilty of an infraction.
 - b. At least two grams but not more than six grams of tetrahydrocannabinol is guilty of a class B misdemeanor.
 - c. More than six grams of tetrahydrocannabinol is guilty of a class A misdemeanor.
 - e. 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 treatment program, the department shall release the individual from imprisonment to begin any court-ordered period of probation.
 - f. If the individual is not subject to any court-ordered probation, the court shall order the individual to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.
 - g. Probation under this subsection may include placement in another facility, treatment program, drug court, mental health court, or veterans treatment docket. 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.
 - h. An individual incarcerated under this subsection as a result of a second probation revocation is not eligible for release from imprisonment upon the successful completion of treatment.
 - i. 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.
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 or two grams or less of tetrahydrocannabinol 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.
10. Upon successful completion of a drug court program, mental health court program, or veterans treatment docket, a person who has been convicted of a felony under this section and sentenced to drug court, mental health court, or veterans treatment docket is deemed to have been convicted of a misdemeanor.
11. If a person convicted of a misdemeanor under this section is sentenced to drug court, mental health court, or veterans treatment docket and successfully completes a drug court program,

mental health court, or veterans treatment docket, the court shall dismiss the case and seal the file in accordance with section 12.1-32-07.2.

12. If an individual under the age of twenty-one pleads guilty or is found guilty of a first offense regarding possession of one-half ounce [14.175 grams] or less of marijuana, the court also may sentence the individual to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44. For a second or subsequent offense regarding possession of one-half ounce [14.175 grams] or less of marijuana, the court also shall sentence the individual to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44.

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. A person violating this subsection 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 or tetrahydrocannabinol, 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 or tetrahydrocannabinol, 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 tetrahydrocannabinol, 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, or repack marijuana or tetrahydrocannabinol 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 or tetrahydrocannabinol or possess with the intent to use drug paraphernalia to store or contain marijuana or tetrahydrocannabinol in violation of chapter 19-03.1. A person violating this subsection is guilty of an infraction.
5. A person sentenced to the legal and physical custody of the department of corrections and rehabilitation under this section may be placed in a drug and alcohol treatment program as designated by the department. Upon the successful completion of the drug and alcohol treatment program, the department shall release the person from imprisonment to begin any court-ordered period of probation. If the person is not subject to court-ordered probation, the court may order the person to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.
6. Probation under this section may include placement in another facility, treatment program, or drug court. If the person 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.

Under NDCC section 19-03.1-22.3, Ingesting a Controlled Substance – Venue for Violation – Penalty, violations are as follows:

1. Except as provided in subsection 2, 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 A misdemeanor. This subsection does not apply to ingesting, inhaling, injecting, or otherwise taking into the body marijuana or tetrahydrocannabinol.
2. A person who is under twenty-one years of age and intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance that is marijuana or tetrahydrocannabinol, unless the substance was medical marijuana obtained in accordance with chapter 19-24.1, is guilty of a class B misdemeanor.
3. 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 360 days 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 \$1,000 fine. Any person convicted of an infraction who, within one year before commission of the infraction of which the person was convicted, has been convicted previously at least twice of the same offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint must specify the offense is a misdemeanor.

Federal trafficking penalties are provided under the Drug Enforcement Administration. 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.

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, in State Board of Higher Education policy 608.2 for employees excluded from the broadbanding system who are not faculty.

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.

UND is responsible for preparing and disclosing alcohol- and drug-related statistics in compliance with the Jeanne Clery Act, 20 U.S.C. Section 1092. This federal mandate requires the disclosure of certain alcohol and drug statistics in addition to crime statistics so current and potential families, students, and employees can be knowledgeable about the safety of college campuses. The complete Annual Security and Fire Safety Report may be found online.

RESPONSIBILITIES

Athletics	<ul style="list-style-type: none"> Enforce alcohol and drug policies set forth by the NCAA, and all federal, state and local laws, and SBHE and University policies, and the <i>Code of Student Life</i>.
Community Standards & Care Network or designee	<ul style="list-style-type: none"> Notify parents/guardian after a student's second alcohol offense and any subsequent alcohol offense if the student is under 21 years of age. Notify parents/guardian of a first alcohol offense if the violation is more serious: driving under the influence of alcohol, incident involving violence or property damage and student is under 21 years of age. Notify parents/guardian of a drug offense if the student is under 21 years of age. May notify parents/guardian during a medical emergency involving a student.
Department Chair, Supervisor, Administrator	<ul style="list-style-type: none"> Contact Human Resources, Title IX, or the next level of administration for assistance when notified of a staff or faculty member suspected of alcohol or controlled

	<p>substance abuse.</p> <ul style="list-style-type: none"> • Recommend staff or faculty member contact EAP if suspected of alcohol or controlled substance abuse.
EAP	<ul style="list-style-type: none"> • Provide a variety of services, including alcohol and drug dependence services, to benefited employees and their immediate family members.
Employees	<ul style="list-style-type: none"> • Adhere to federal, state and local laws, NDCC, SBHE and University policies and regulations regarding the consumption or possession of alcoholic beverages and controlled substances. • Report a colleague or co-worker under the influence of alcohol or unlawful use of a controlled substance to their department chair or supervisor. • Report a supervisor or department head under the influence of alcohol or unlawful use of a controlled substance to next level of supervision or administration.
Equal Opportunity & Title IX	<ul style="list-style-type: none"> • Provide information on disability issues related to and enforcement of this policy.
Human Resources	<ul style="list-style-type: none"> • Follow-up on reports of faculty/staff substance abuse.
Office of the President	<ul style="list-style-type: none"> • Distribute Alcohol Permit form as necessary. • Review/approve Alcohol Permit applications.
Student Conduct Administrators	<ul style="list-style-type: none"> • Respond to reports of the illegal use of substances by students.
Students	<ul style="list-style-type: none"> • Adhere to federal, state and local laws, SBHE policies, and University policies and regulations, and the <i>Code of Student Life</i> regarding the consumption or possession of alcoholic beverages and controlled substances.
UND Police	<ul style="list-style-type: none"> • Responsible for safety and the enforcement of law on campus including the referral of individuals to the court system. • Refer persons in violation of drug and alcohol policies and applicable laws to the appropriate student conduct administrator, supervisor, campus officials and/or court system.

	<ul style="list-style-type: none"> • Report crime statistics in accordance with the Clery Act.
University Counseling Center	<ul style="list-style-type: none"> • Provide students individual and group counseling, alcohol and drug use assessment, referral for further evaluation and treatment, and educational programming. • Use classroom and counseling modes to provide education and elicit understanding of the cultural and biological implications of the use, illegal use, and abuse of alcohol and drugs. • Used as sanctioning referral for most drug, most second alcohol, or most serious alcohol-involved violations. • Prescribe substance use evaluation or recommend treatment through a private counselor, as needed (done by a licensed addiction counselor).
Wellness & Health Promotion	<ul style="list-style-type: none"> • Increase awareness of alcohol and other substance use/abuse issues and programs. • Offer information and referral services. • Provide first level alcohol sanctions.

RELATED INFORMATION

- [20 USC – Food and Drugs, Section 321 – Definitions; Generally](#)
- [21 USC – Food and Drugs, Section 1523 – Definitions](#)
- [21 USC – Food and Drugs, Section 802 – Definitions](#)
- [42 USC – The Public Health and Welfare, Section 12111 – Definitions](#)
- [Americans with Disabilities Act \(ADA\)](#)
- [Clery Act](#)
- [DEA Drug Fact Sheets](#)
- [DEA Federal Trafficking Penalties](#)
- [Drug-Free Workplace Requirements, Implementation of OMB Guidance](#)
- [Employee Assistance Program](#)
- [Family Medical Leave Act \(FMLA\)](#)
- [FERPA](#)
- [Grand Forks City Code Section 9-0113 – Minor in Possession of or Consuming Alcoholic Beverages](#)
- [Grand Forks City Code Section 9-0114 – Minor Purchasing/Attempting to Purchase Alcoholic Beverages](#)

- [Grand Forks City Code Section 9-0115 – Purchase or Procurement of Alcoholic Beverages for Minors Prohibited](#)
- [Grand Forks City Code Section 9-0116 – Furnishing Money for Purchase of Alcoholic Beverages for Minors](#)
- [Grand Forks City Code Section 9-0117 – Minor on Licensed Premises](#)
- [Grand Forks City Code Section 9-0118 – False Statement or Identification](#)
- [Grand Forks City Code Section 9-0219 – Consumption of Alcoholic Beverages Prohibited on Public Streets or Alleys](#)
- [NDCC § 12.1-32-01. – Criminal Code, Penalties and Sentencing, Classification of Offenses – Penalties](#)
- [NDCC Chapter 19-03.1 – Uniform Controlled Substances Act](#)
- [NDCC Chapter 19-03.4 – Drug Paraphernalia](#)
- [NDCC Chapter 5-01 – Alcoholic Beverages, General Provisions](#)
- [NDUS Human Resource Policy Manual 25 – Job Discipline/Dismissal](#)
- [NDUS Procedure 615 – Drug-Free Workplace](#)
- [NIDA Commonly Abused Drugs](#)
- [NIDA Commonly Abused Prescription Drugs](#)
- [SBHE Policy 507 – Student Publications](#)
- [SBHE Policy 608.2 – NDUS Employees - Non-renewal and Dismissals](#)
- [SBHE Policy 615 – Drug-Free Workplace](#)
- [SBHE Policy 918 – Alcoholic Beverages](#)
- [UND Annual Security and Fire Safety Report](#)
- [UND Code of Student Life](#)
- [UND Procedure - Alcohol Service for Events in the Memorial Union](#)

FORMS

- [Activity/Event Approval Request Form](#)
- [Alcohol Exception](#)
- [Field Trip Form and Instructions](#)

APPENDICES

There are no appendices associated with this policy.

Approval Signatures

Step Description

Approver

Date

President	Andrew Armacost: President	08/2024
Policy Office	Jennifer Rogers: Director of University Policy	08/2024
	Rodney Clark: AVP for Public Safety/Chief of Police	08/2024

References

ADA, Clery Act, DEA, DoL, EAP, FERPA, FMLA, GF City Code, NDCC, NDUS HR Manual, NDUS Procedure, NIDA, SBHE Policy, UND Policy, USC

COPY



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Next Review 08/2027

Owner Alex Pokornowski:
Dean of Students/VP
SA
PAG Liaison
Area Community Standards & Care Network

Code of Student Life

I. Introduction to the *Code of Student Life*

The University of North Dakota (University) welcomes you to its community of more than 15,000 students, faculty, and staff. Our University community is made up of individuals representing the rich diversity and heritage of the populations of North Dakota, the nation, and the world. The University is ideally suited to make campus life a positive educational experience through the sharing of a multitude of ideas, experiences, lifestyles, cultures, and beliefs.

The mission of the University is to provide exceptional experiences that enrich the lives of North Dakotans and the global community through excellence in teaching, innovative research, and meaningful engagement.

In support of its mission, the University strives to nurture and sustain a learning environment that permits all to learn from the diversities brought to campus by members of the University community.

To strengthen the sense of community at the University, we affirm the following:

1. That everyone be allowed to work, learn, and live in a safe, caring, and inclusive environment.
2. That everyone learn about, understand, appreciate, and respect varied cultures.
3. That everyone matters.
4. That all individuals be respected and treated with dignity and civility.
5. That everyone continue to share in the responsibility of making UND a better place.

The *Code of Student Life (Code)* outlines the rights and responsibilities enjoyed by the students who make up our University community. The purpose of the information contained in the *Code* is to promote and maintain a learning environment appropriate for an institution of higher education and to serve as a basic guide to help prevent abuse of the rights of others. Members of the University community are

expected to be familiar with the policies and processes contained within the *Code* and to act in compliance with them at all times. The *Code* is intended to be a general handbook that provides guidance and direction to members of a diverse community. Although it is not possible to cover every conceivable situation that might arise, specific questions relating to the *Code* may be directed to Community Standards & Care Network or the Office of the Vice President for Student Affairs.

Nothing within the *Code* is intended to limit or restrict freedom of speech or peaceful assembly. General statements of philosophy and principles to which the University subscribes are found in the State Board of Higher Education (SBHE) statement of academic freedom ([SBHE 401.1](#)).

The *Code* is published periodically and is subject to amendment or revision. The *Code* published online at <http://und.edu/code-of-student-life/> is the current version in use by the University. Members of the University community are encouraged to submit proposed amendments or revisions to the *Code of Student Life* Review Committee (CSLR Committee) for consideration.

A. Authority

The authority for student discipline, also referred to as student conduct, is derived from the president, who has delegated authority to the vice president for student affairs (VPSA). The VPSA further delegates authority to the dean of students. The dean of students administers the policies, procedural rules, and programs for student conduct hearings consistent with provisions of the *Code*, federal and state laws, and University and SBHE policies.

The dean of students may further delegate the authority for student conduct and appoint individuals to serve as student conduct administrators (SCA).

SCAs are the individuals identified or appointed by the University to manage the student conduct process, conduct an investigation, or serve as a decision-maker. Identified SCAs include members of the Community Standards & Care Network staff, members of the Equal Opportunity & Title IX staff, and Housing staff responsible for the daily operation of the residence hall and apartment communities.

The VPSA is the final authority for interpretation or application of the *Code*.

Student behavior may also be subject to academic standards, review, and actions in accordance with expectations that are established by an academic program in which the student participates.

B. Jurisdiction

University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates federal, state, or local laws, ordinances, or regulations and/or the *Code* (that is, if both possible violations result from the same factual situation) without regard to pending civil or criminal litigation, criminal arrest, or prosecution. Proceedings under the *Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the dean of students or designee.

Determinations made or sanctions imposed under the *Code* will not be changed solely because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced,

or resolved in favor of or against the student.

Each student is responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the student's conduct is not discovered until after a degree is awarded). The *Code* applies to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

The dean of students or designee will determine whether the *Code* will be applied. The dean of students or designee may also determine not to apply the *Code* to the conduct of a student filing a complaint or participating in the investigation of a complaint.

If a complaint alleges that a violation occurred while a previous version of the *Code* was in effect, the alleged behavior will be evaluated based upon the version of the *Code* and/or applicable policies that were in effect at the time of the alleged violation. The student conduct process in effect at the time that the complaint is filed will be utilized.

C. Code Development & Amendment Process

The *Code* is published online and is subject to periodic amendment and revision. On an as-needed basis, the dean of students will make routine (such as new contact names, department names, position titles, and e-mail or Web addresses) and required (such as changes in federal law, state law, and state board policy) changes to the *Code*. The date of such changes will be noted on the revision record. Routine updates will not require endorsement through the *Code* review process. All other changes to any portion of the *Code* will be made through the utilization of the *Code* Review Process.

1. Code Review Process

The *Code of Student Life Review* (CSLR) Committee is an advisory group responsible for reviewing and recommending amendments and revisions to the *Code*. The CSLR Committee is chaired by the dean of students and comprised of representatives from the following areas:

- a. Community Standards & Care Network,
- b. Equal Opportunity & Title IX,
- c. Association of Residence Halls (ARH),
- d. General Counsel,
- e. Interfraternity Council,
- f. Panhellenic Council,
- g. Student Government,
- h. Director, Student Diversity and Inclusion,
- i. University Police Department (UPD),
- j. University Senate, and
- k. Additional members chosen by the committee.

CSLR Committee members will be selected annually, serve one academic year and will meet on an as-needed basis.

When the CSLR Committee has provided its final feedback regarding recommended amendments and revisions to the *Code*, the dean of students or designee will determine which amendments and revisions will move forward.

The dean of students or designee will present the proposed changes to the University Senate Executive Committee (SEC) for review and feedback. The SEC provides leadership for the senate, ensures that University Senate policies are implemented, and acts as a liaison between the University Senate, the University of North Dakota, and the North Dakota University System.

The dean of students or designee will present the proposed *Code* changes to the Policy Advisory Group (PAG) for review. PAG is a standing committee with broad University representation that is appointed by the vice president for finance and operations. PAG is charged with assisting in the formulation of new policies, the revisions of existing policies, and recommending review and endorsement to the Executive Council.

The Policy Office, responsible for PAG oversight, will post the proposed *Code* changes to its website for a minimum two-week campus comment period. The CSLR Committee will consider all feedback and determine whether and how these responses will be incorporated.

If the feedback results in substantial changes, the proposed *Code* will be represented to the members of PAG and posted for a second campus comment period. The CSLR Committee will again consider all feedback and determine whether and how these responses will be incorporated.

The PAG will review all final proposed revisions and amendments to the *Code* and will submit them to the Executive Council for endorsement. The president will have final approval.

If the president approves the changes, the dean of students or designee will update the *Code* and communicate the final changes to the University community through a formal announcement. If the president does not approve the changes and recommends additional edits, the dean of students or designee and CSLR Committee will coordinate appropriate edits and additional reviews as necessary prior to returning the changes to the Executive Council for further review and subsequent approval by the president. If the president does not approve the changes, no changes will be made and the *Code* will stand unamended.

2. Policy Development Authority in University Residences

The director of housing & residence life is responsible for the operations of residence halls and university apartments (university residences). Housing staff are responsible for providing a residential environment which is conducive to students' academic success. Policies for university residences may be developed in addition to those in the *Code*. All university residence policies go through the residence hall government and policy development process.

Residence Hall Government and Policy Development Process:

- a. Residence policies are clarified by the appropriate channels through the Housing & Residence

- Life Office and are subject to the review and approval of the VPSA and the president,
- b. The occupants of each residence hall, by merit of paying ARH fees, are members of their respective hall government and of ARH,
 - c. ARH may recommend or endorse rules governing life within the residence halls. ARH is not the approval body for rules governing the residence halls. Proposed rules endorsed by various hall governments may be considered by ARH, and
 - d. Recommended rules endorsed by ARH are subject to approval by the director of housing & residence life or designee and/or through the appropriate university policy review and approval processes.

3. Temporary & Provisional Changes to the Code

All policies and procedures within the *Code* are intended to be consistent with state and federal laws and regulations and University and SBHE policies. As such, modifications to the *Code* may be made on a temporary or provisional basis to ensure consistency with all laws, regulations, and policies. Temporary or provisional changes to the *Code* are approved by the president or designee.

4. Mandatory Student Trainings

The CSLR Committee is responsible for reviewing and making recommendations to the President and the Executive Council regarding proposed mandatory student trainings. The President may require mandatory student trainings. Mandatory student trainings include trainings that all students, or a substantial subset of students, must complete. For purposes of this section of the *Code*, mandatory student trainings do not include trainings required of students to participate in a specific course, program, or educational opportunity.

II. General University Policies, Regulations, & Prohibited Acts

The *Code* defines the rights and responsibilities that students have as members of the academic community.

All students are expected to maintain an appropriate standard of conduct. The *Code* applies to students online, on-campus, and off-campus.

Appropriate conduct in a community of scholars includes obeying the law, showing respect for authority, meeting contractual obligations, honestly communicating with the University, and maintaining integrity and individual honor in scholastic work.

A student is expected to be responsible for their actions whether acting individually or in a group. The term student includes both a student acting as an individual and to students acting in a group and/or a student organization, unless otherwise noted.

Any attempted act that, if completed, would constitute a violation of the *Code* will be treated as a completed act.

SCAs may initiate the student conduct process if a student engages in or is alleged to have engaged in any of the following:

A. Violations of Criminal or Civil Law

Behavior that may constitute a violation of federal, state, or local laws, ordinances, or regulations.

B. Acts of Dishonesty

Including, but not limited to:

1. **Academic Dishonesty.** Academic integrity is the commitment to the open, honest, and ethical pursuit of scholarly activity. Academic integrity varies among academic disciplines and is a shared responsibility between instructors and students. Individual instructors may establish expectations for scholarly activity and define academic dishonesty for their respective course(s). Instructors should communicate clear definitions for academic dishonesty and clear expectations for scholarly activity; if a student is uncertain about what is expected, they should clarify expectations with their instructor.

Academic dishonesty includes, but is not limited to, cheating, plagiarism, and collusion. Students are expected to follow all direction provided by the instructor as it relates to academic work. At the discretion of the instructor, cases of academic dishonesty may be referred to student conduct as a disciplinary matter in addition to being responded to by an academic unit. Any incidents previously addressed by an academic unit may be considered in process decisions when a student is alleged to be in violation of the *Code* for academic dishonesty.

Instructors may address incidents of dishonesty for that instructor's course, including (but not limited to) assigning a grade based on the instructor's determination that the student engaged in academic dishonesty related to that course. If the student has a grievance related to this action, that grievance would be directed to the college or school in which the course is housed. The grievance is processed according to the rules of the college or school and as outlined in Academic Grievances portion of the *Code*.

Additionally, the instructor may refer the case as a disciplinary matter to the dean of students. The dean of students may further refer the case to the student conduct process.

- a. **Cheating.** Cheating includes, but is not restricted to:
 - i. Copying from another's work in a manner that is not authorized by the instructor or designee;
 - ii. Possessing or using material related to any academic work (e.g. test, homework, quiz, assignments) not authorized by the instructor or designee;
 - iii. Collaborating with or seeking aid from another related to any academic work without permission from the instructor or designee;
 - iv. Knowingly using, buying, selling, stealing, transporting, or soliciting in whole or in part the contents of unadministered academic work;

- v. Substituting for another student or permitting another student to substitute for oneself to participate in academic work; and/or
 - vi. Bribing another person to obtain an unadministered academic work or information about an unadministered academic work.
 - b. **Plagiarism.** The appropriation, buying, receiving as a gift, or obtaining by any means another person's work and the unacknowledged submission or incorporation of it in one's own work.
 - c. **Collusion.** The unauthorized collaboration with another person in preparing any academic work offered for credit.
2. **Document Misuse.** Misusing, falsely representing, defacing, mutilating, or stealing a University document.
 3. **Election Tampering.** Tampering with the election of any University recognized student organization or representational body.
 4. **False Information.** Furnishing false information to or withholding required information from any University document, representative, faculty member, or official.
 5. **Forgery.** Forgery, alteration, or misuse of any official document, record, or instrument of identification, including University documents, records, or instrument of identification or presenting such forged, altered, or falsified records to a University official.
 6. **ID Misuse.** The lending, giving to another person, or the use by a person to whom the document was not issued, of a University ID card or any document that is intended for use solely by the individual to whom the document was issued. The U-Card is considered the official University ID card. Theft of U-Card services, duplication, and/or altering of this card are prohibited.
 7. **Informal Resolution Violation.** Failure to comply with an informal resolution agreement.

C. Acts Against Self or Other Persons

Including, but not limited to:

1. **Assault.** Willfully or negligently causing bodily injury to another human being.
2. **Endangerment.** Physical abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any persons.
3. **Harassment.** See [Discrimination and Harassment policy](#).
4. **Hazing.** Hazing is defined as an act by an individual or group that is an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization that could be seen by a reasonable person as endangering the physical health of an individual or as causing mental distress to an individual. These acts may include, but are not limited to:
 - a. The destruction, damage, and/or removal of public or private property;
 - b. The consumption of alcohol or drugs;
 - c. The consumption of any substance to excess;

- d. Sexual activity;
- e. Sleep, food, and/or water deprivation;
- f. Forced physical activity;
- g. Extended isolation;
- h. Overexposure to weather; or
- i. Any behavior described in [NDCC Chapter 12.1-17-10](#).

If behavior is found to be consistent with the definition of hazing, it will be treated as hazing regardless of whether individuals consented to the hazing. Anyone who is found to have knowingly planned, actively or passively participated in, or in any other way facilitated hazing is also responsible for hazing. Appropriate activities associated with University groups (e.g., physical activity required for participation in University-sponsored athletic teams) are not considered violations of this policy. For purposes of this section, "University group" includes, but is not limited to, recognized student organizations, clubs, teams, or any other group affiliated with the University.

- 5. **Interference.** Conducting one's self in a manner that significantly interferes with the operations of the University or endangers the health or safety of members of the University community and/or campus visitors, including actions that (a) substantially interfere with, or (b) are taken with a general intent to engage in actions to substantially interfere with, another's educational opportunities, peaceful enjoyment of residence, physical security, or terms/conditions of employment.
- 6. **Menacing.** Knowingly places another person in fear through threats of imminent and serious harm.
- 7. **Stalking.** See [Sexual Misconduct](#); [Title IX Sexual Misconduct](#); or [Preventing and Responding to Domestic Violence, Dating Violence, Sexual Assault, and Stalking](#) policies.
- 8. **Surreptitious intrusion.** Intruding upon or interfering with the privacy of another by secretly or without authorization gazing, staring, peeping upon, photographing, recording, amplifying, or broadcasting sounds or events of another.
- 9. **Terrorizing.** Threatening to commit an act of violence and/or an act that would endanger another person's safety.

D. Disruptive Activity or Disorderly Conduct

Including, but not limited to:

- 1. **Abuse of the University student conduct system**, including but not limited to:
 - a. Disruption or interference with the orderly conduct of a *Code* proceeding;
 - b. Falsification, distortion, or misrepresentation of information to an SCA;
 - c. Influencing another person to commit an abuse of the student conduct system;
 - d. Discouraging an individual's proper participation in, or use of, the student conduct system;

- e. Intimidating an SCA, a participant in a conduct hearing, or a person hearing an appeal prior to, during, and/or after a student conduct proceeding;
 - f. Initiating, in bad faith, an action under the *Code*;
 - g. Participating, in bad faith, in an action under the *Code*; and/or
 - h. Retaliating against someone because they are participating in or declining to participate in a *Code* proceeding.
2. **Campus Disruption.** Participating in any behavior that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; or intentionally obstructing or unreasonably interfering with freedom of movement, either pedestrian or vehicular, on campus.
 3. **Classroom Disruption.** Engaging in behavior that substantially and/or repeatedly interrupts either a faculty member's ability to teach or student learning in any setting where a student is engaged in work toward academic credit or the satisfaction of program-based requirement or related activities.
 4. **Failure to Comply with University Officials or Law Enforcement.** Failing to comply with the directions of University officials or law enforcement officers acting in performance of their duties; failure to identify oneself to these persons when requested to do so; and/or failure to comply with the sanction(s) or interim/supportive measure(s) imposed under the *Code*.

E. Violation of any University Policy, Rule, or Regulation

Violation of any published SBHE or University policy, rule, or regulation, including violations of the [Residence Hall Room and Board License Agreement and policies](#), or the University Apartment Policy Book. University policies, rules, and regulations include, but are not limited to:

1. Possession/Use of Prohibited Items

- a. **Alcohol.** See [Alcohol and Drugs policy](#).
- b. **Drugs/Paraphernalia.** See [Alcohol and Drugs policy](#).
- c. **Medical Amnesty Act and Overdose Prevention and Immunity.** See [Alcohol and Drugs policy](#).
- d. **Weapons.** See [Weapons policy](#).

2. Acts Involving Property

Including, but not limited to:

- a. **Computer and Network Misuse.** Theft or other abuse of computer facilities and resources, including any action which violates SBHE Policy on Computing Facilities ([1901.2](#)), the [Student Acceptable Use policy](#) and/or the [Digital Millennium Copyright Act](#).
- b. **Fire Equipment Misuse.** Maliciously and/or negligently tampering with fire alarms or fire equipment.
- c. **Theft/Property Damage.** Theft of and/or damage to property within the premises or

jurisdiction of the University, including University property or any property of a member of the University community and/or contractor(s), vendor(s), or guest(s) of the University.

- d. **Trespassing/Unauthorized Entry.** Unauthorized presence on or use of University premises, facilities, or property. Violating protocols listed in the [Access to and Security of Campus Facilities Policy](#) or through other means circumventing locks in university facilities or other unauthorized presence on or use of University premises, facilities, or property.

3. Sexual Misconduct

Sexual misconduct includes dating violence, domestic violence, sexual assault, sexual exploitation, and sexual harassment. Sexual misconduct also includes assault, stalking, and other acts prohibited by the Code when the behavior is based on an intimate relationship and/or actual or perceived gender, gender expression, sex, or sexual orientation. For more information, see the [Title IX and Sexual Violence and Discrimination and Harassment](#) policies.

- a. **Dating Violence.** See [Sexual Misconduct](#) or [Title IX Sexual Misconduct](#) policy.
- b. **Domestic Violence.** See [Sexual Misconduct](#) or [Title IX Sexual Misconduct](#) policy.
- c. **Sexual Assault.** See [Sexual Misconduct](#) or [Title IX Sexual Misconduct](#) policy.
- d. **Sexual Exploitation.** See [Sexual Misconduct](#) policy.
- e. [Sexual Harassment.](#) See [Sexual Misconduct](#) or [Title IX Sexual Misconduct](#) policy.

F. Additional University Policies & Documents:

University, state board, and system policies are available through the [UND Policy Office](#).

1. Criminal, Disciplinary Background Check at Admission to UND

Students making application to the University of North Dakota are asked about their criminal history and any disciplinary history at other colleges and universities. If an applicant answers in the affirmative to these questions, they will be asked to provide additional information. The risk posed to the community by the applicant is considered by campus stakeholders before an admission decision is made. Certain conditions may be required of those students who are admitted under this process.

An affirmative response does not automatically deny admission. Some programs - undergraduate, graduate, and professional - may have more stringent requirements. See [SBHE Policy 511](#).

2. Disability Accommodations

The University provides reasonable accommodations to qualified students with disabilities to ensure access to all programs and services. Students must contact [Student Disability Resources & Academic Support](#), 701.777.2664, to request accommodations.

3. Assemblies and Demonstrations

Refer to the [Events, Demonstrations, Fixed Exhibits, and Short-Term Rentals](#) policy for information

regarding assemblies and demonstrations.

4. Policy on Graduate Assistants and Special Employees with Co-Required Student Status

All graduate assistants (graduate teaching assistants, graduate research assistants, and graduate service assistants), and special employees who are concurrently required to be students (e.g., certified flight instructors, residence hall staff) are students and are responsible for abiding by all policies as outlined in the *Code*. Additionally, they are subject to the ethical precepts and code of their academic profession, the laws of the state of North Dakota regarding its employees, and the University of North Dakota policies which govern their institutional obligations. Violation of these constitutes a basis for disciplinary action in accordance with distributed University procedures.

5. Sage, Sweetgrass, and Cedar

Spiritual use of plants such as sage, sweetgrass, cedar, or other herbs in accordance with their well-established manner of use within indigenous ceremonial traditions for the purpose of purification and prayer, is permitted on-campus. For more information see the [Tobacco-Free Campus policy](#).

6. Suggestions and Complaints

The University welcomes suggestions and/or complaints from students, faculty, and staff. These suggestions and complaints should be directed to the unit or personnel most directly involved. It is only in this way that the institution can become aware of potential problems and take appropriate action. The University may review with accrediting agencies a log of anonymously tracked written student complaints. See student conduct complaint process for filing complaints for student misconduct with Community Standards & Care Network.

III. Student Conduct Process

A. Student Conduct Complaint

Any member of the University community may file a complaint against a student for an alleged violation of the *Code*. The University will presume that the student alleged to have violated the *Code* is not responsible for the alleged violation until a determination regarding responsibility is made at the end of the student conduct process. The presumption does not preclude the University from taking emergency action as described in the emergency restrictions and/or conditions process of the *Code*.

A complaint should be submitted as soon as possible after the event takes place or when an individual is made aware of a potential event of concern. Community Standards & Care Network assists members of the University community in answering questions and addressing concerns.

The institutional response will be determined by the severity of the alleged behavior. The individual who filed the complaint may indicate their desired response to the complaint. The wishes of the individual who filed the complaint will be taken into consideration in determining the institutional response.

Respecting one's right to privacy is important to the University with respect to the privacy of the involved individuals. 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 bodies, FERPA).

A student's privacy concerns are weighed against the needs of the University to respond to acts of harassment, including sexual misconduct. Information is shared on a limited basis and only with individuals who need to know to provide assistance and/or response to the complaint. When an individual files a complaint and requests that their name not be revealed to the accused person, the University's ability to respond may be limited.

Harassment and discrimination complaints may also be directed to the [University's Assistant Vice President for Equal Opportunity & Title IX](#). Please see the [Discrimination and Harassment policy](#) for additional information.

Reports taken by Housing staff members, reports created by University members, and reports from police will be considered complaints. The University may choose to consider information received from individuals and organizations outside of the University as a complaint.

All complaints will be reviewed by an SCA for consideration in the student conduct process. In review of a complaint, it may be determined that:

- a. Additional information is needed to determine a course of action. If it is determined that additional information is needed, an SCA may investigate the nature of the complaint to determine if a violation of the *Code* may have occurred;
- b. The complaint does not state circumstances which, if found to be true, would demonstrate a violation of the *Code*. If it is determined that the behavior as reported would not violate the *Code*, the complaint will be closed; or
- c. The complaint indicates that a violation of the *Code* may have occurred. If it is determined that a complaint does indicate a possible violation of the *Code*, the complaint will be referred to the administrative student conduct process or the student conduct suspension process.

If at the conclusion of an investigation it is determined that the information indicates that a violation of the *Code* did not occur or that there is insufficient information to indicate a violation of the *Code* did occur the complaint will be closed.

A closed complaint is a final decision. In rare circumstances, a closed complaint may be reopened if the University receives new information regarding an alleged violation of the *Code*. If a complaint is reopened, the accused student will be notified that the complaint has been reopened and have an opportunity to respond to the information. The dean of students, or designee, has the discretion to reopen a complaint.

If the complaint alleges that violence, harassment, or an act of sexual misconduct has occurred, the complainant may have additional rights within the student conduct process.

The Assistant Vice President for Equal Opportunity & Title IX, or designee, will be consulted by the SCA if appropriate.

Only relevant information will be considered in making decisions within the student conduct process.

In some circumstances, the SCA may determine that an informal resolution is an appropriate response to alleged behavior. Further, the SCA may determine that the non-conduct resolution or endangerment process, as outlined in the informal resolution section, is appropriate.

B. Student Rights

A student has the following rights:

1. To be treated fairly;
2. To be notified of any proceeding which they are able to attend;
3. To be notified of the alleged violation(s) of the *Code*, also known as charges, and the possible consequences that may result;
4. To be heard by a fair and impartial decision maker;
5. To know the identity of those who made the complaint;
6. To choose to be accompanied by a personal advocate;
7. To choose to offer information on their own behalf;
8. To be notified in writing of any sanctions or actions which have been assessed;
9. To be notified in writing of the appeal process; and
10. To review their discipline record.

In certain circumstances a student may have the following additional rights:

1. In an incident of alleged violence or sexual misconduct, the individual who submitted the complaint may be notified of the outcome of any student conduct process as allowed by FERPA, and
2. In an incident of alleged sexual misconduct, the individual who submitted the complaint and the accused student may have the same rights as allowed by FERPA and [SBHE Policy 514](#).

A student may choose to participate or not participate in any portion of the student conduct process. If a student does not attend a scheduled student conduct proceeding, the student conduct proceeding will continue in their absence. Choosing not to participate or failing to attend any portion of a student conduct process is not interpreted as an admission of responsibility nor a basis for additional sanctions.

C. Standard of Determination

The student conduct process is educational in nature and determination of responsibility for all alleged violations of the *Code* is based on the preponderance of information standard. The preponderance of information standard is also used for appeals of student conduct decisions. The preponderance of information standard is defined as more likely than not. An anonymous complaint cannot provide satisfactory information to determine that a student has violated the *Code*. A finding of a court of law after the completion of a student conduct process does not change the outcome, but it may be considered during an appeal process.

D. Administrative Student Conduct Process

Students involved in alleged misconduct that may involve a violation of the *Code* will be referred to the student conduct process. The administrative student conduct process details the process taken by the University after receiving notification of a possible violation of the *Code*. The process includes:

- i. Pre-hearing conference,
- ii. Administrative hearing, and
- iii. Appeal process.

A complaint that is referred to the student conduct process does not have to result in an administrative hearing. If during the student conduct process it becomes clear that the information does not indicate a violation of the *Code* occurred the complaint may be closed.

1. Pre-Hearing Conference

Upon receiving information indicating a possible violation of the *Code*, the University will consider the information a complaint and initiate a student conduct process.

An SCA will be assigned to the accused student. The SCA will review the following with the accused student:

- a. Student rights in a student conduct process,
- b. The administrative student conduct process,
- c. The retaliation prohibited statement,
- d. The nature of the complaint,
- e. Campus and community resources available to the student, and
- f. Interim measures that may be imposed on the student.

The SCA may determine that an informal resolution is an appropriate response to the alleged violation. If so, the accused student will have the opportunity to indicate if they wish to resolve the complaint through an informal resolution process.

If informal resolution is not utilized, the accused student will be given the opportunity to provide information regarding the complaint. The student may choose to proceed to an administrative hearing or indicate to the SCA that they have violated the *Code*. If the student indicates that they have violated the *Code*, the SCA and the student may discuss appropriate sanctions and may resolve the complaint. If the SCA and the student agree to sanctions the sanctions will be imposed and an administrative hearing will not be scheduled. If the SCA and the student do not agree to sanctions an administrative hearing will be scheduled.

The SCA may determine that additional information is needed to make a determination as to whether or not a violation of the *Code* occurred, if so, the SCA may further investigate the complaint prior to scheduling an administrative hearing and/or refer the complaint to another SCA.

An administrative hearing will be scheduled between three and fifteen business days following the pre-hearing conference. The accused student may waive the minimum time requirement. The SCA may extend the maximum time requirement for an ongoing investigation or due to extenuating circumstances presented by the accused student.

2. Administrative Hearing

- a. Hearings will be conducted in private.
- b. In hearings involving more than one accused student the SCA has the discretion to permit the hearings concerning each student to be conducted either separately or jointly.
- c. The accused student is responsible for presenting their own information, and therefore, personal advocates are not permitted to participate directly in the hearing. The personal advocate may offer support, guidance, and advice to the student in a manner that does not disrupt the proceedings.
- d. The accused student may present or arrange for witnesses to present pertinent information to the SCA. Pertinent information includes, but is not limited to, records, exhibits, and written statements.
- e. The SCA may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing, and in whatever manner, as determined to be appropriate in the sole judgment of the SCA.
- f. Formal rules of process, procedure, and/or technical rules of evidence, such as those that are applied in criminal or civil court, are not used in the *Code* proceedings. All procedure questions are subject to the final decision of the SCA.

3. SCA Decision

- a. After the administrative hearing concludes, in which all pertinent information has been received, the SCA will determine whether the accused student has violated the *Code* and if so, determine sanction(s).
- b. The SCA may determine that more information is necessary before reaching a decision or that referral of the received information to another SCA is warranted, and, with notice to the accused student, continue or refer the investigation of the complaint.
- c. Any decision will be rendered to the student in writing within five business days of the conclusion of the administrative hearing. In hearings involving more than one student, the SCA has five business days from the date of the last hearing to render a decision.

4. Appeal Process

After being found in violation of the *Code*, the accused student has the right to appeal the outcome of the administrative student conduct process.

- a. Appeals of decisions made within the administrative student conduct process for individual students are made to the dean of students.
- b. Appeals must be made in writing to the dean of students within five business days after the

notification of any administrative student conduct process decision. A notice of appeal will contain the student's name and contact information, the date of the decision or action, the reason for appeal, and the name of the student's personal advocate, if any.

- c. Grounds for appeal may be based on such things as:
 - i. New information,
 - ii. Contradictory information, and/or
 - iii. Information that indicates the student in violation was not afforded due process.
- d. The reason and rationale for an appeal should be clearly stated within the appeal. The appeal should indicate the desired outcome of the appeal.
- e. An appeal will be reviewed by the dean of students or designee. The dean of students or designee may consider the appeal, police reports, transcripts, the outcome of any civil or criminal proceedings directly related to the appeal, and information presented during the administrative student conduct process in their review of the appeal. The dean of students or designee will make all decisions regarding the appeal.
- f. After reviewing the appeal, the dean of students or designee will determine if a valid ground(s) for an appeal has been presented. If the dean of students or designee determines the ground(s) presented are not valid, the appeal will be dismissed and the previously made decision is final. Providing information that was available and not provided during the administrative student conduct process is not considered new or contradictory information.
- g. If it is determined that the ground(s) for appeal is valid, the dean of students or designee may:
 - i. Modify the decision. The dean of students or designee may overturn all or some of the decisions regarding violations of the *Code* and/or modify or vacate any sanction;
 - ii. Order a new hearing. The dean of students or designee may void all or some of the determinations and call for a new student conduct hearing. The dean of students or designee may provide specific instructions to those participating in the student conduct hearing regarding the rights of a student, the hearing process and/or information that is or is not relevant to the hearing; or
 - iii. Uphold the decision.
- h. The dean of students or designee has ten business days from the receipt date of the appeal in which to issue a written determination on the appeal. Such written determination will be forwarded to the accused student and the SCA.
- i. The action of the dean of students or designee is final.
- j. In extraordinary circumstances when previously unknown information relative to the decision is made available the dean of students or designee may choose to review a decision after the end of the appeal process. The dean of students or designee will have the sole authority to determine what does and what does not constitute an extraordinary circumstance.

E. Student Conduct Suspension Process

Students involved in alleged misconduct that may result in a suspension from the University will be referred to the student conduct suspension process, herein referred to as a suspension process.

Alleged misconduct that may result in a suspension includes, but is not limited to, behavior that poses a threat of danger and/or injury to self or others, destruction of property, physical assault, sexual misconduct, possession or involvement in the sale or manufacture of drugs and/or weapons, false emergency reporting, repeat violations of the *Code*, non-compliance with sanctions imposed through a student conduct process, bias-motivated offenses, interfering, and/or disrupting University activities and/or educational processes.

Emergency restrictions and/or conditions may be considered if the alleged misconduct indicates that the student's behavior poses a significant threat of danger and/or injury to self or others, a threat of disruption of the educational process for others, or a threat of destruction of property.

The suspension process details the process taken by the University after receiving notification of a possible violation of the *Code* that may result in a suspension. The process includes:

- a. Rights and responsibilities meeting,
- b. Investigation,
- c. Pre-hearing conference,
- d. Suspension hearing, and
- e. Appeal process.

A complaint that is referred to the suspension process does not have to result in a suspension. If during the process it becomes clear that the information does not indicate a violation of the *Code* occurred, or that suspension is not warranted, the complaint may be referred to a different process outlined in the *Code* or closed.

The accused student may identify and waive specific time requirements associated with the student conduct suspension process.

1. Rights and Responsibilities Meeting

Upon receiving information indicating a possible violation of the *Code* that may result in suspension, the University will consider the information a complaint and initiate a student conduct suspension process.

A university employee or agent trained in the student conduct suspension process will provide the following to the accused student:

- a. Student rights in a student conduct process.
- b. The suspension process.
- c. The retaliation prohibited statement.
- d. The nature of the complaint.
- e. Campus and community resources available to the student.
- f. Interim measures that may be imposed on the student.
- g. The name of the process advisor, investigator(s), and hearing officer assigned to the case.

The accused student may challenge the investigator and/or hearing officer for bias. The hearing officer

has the responsibility to determine if the investigator should be removed for bias upon receiving a challenge. The dean of students, or designee, has the responsibility to determine if the hearing officer should be removed for bias upon receiving a challenge. Bias is defined as the inability of the individual to be fair and impartial.

2. Investigation

An SCA or designee will conduct an investigation of an alleged violation of the *Code*.

The investigator will gather information from members of the University community who were involved in the alleged violation of the *Code* or who may have witnessed or have knowledge of the alleged violation of the *Code*. In some instances, the investigator may gather information from individuals outside of the University community.

After completing the investigation, the investigator will create an investigation summary. The investigation summary will include the following:

- a. The complaint.
- b. A summary of the investigation and information gathered.
- c. Summaries of any interviews.
- d. Any additional information or documents obtained by the investigator.

The investigation summary will be provided to the accused student at the completion of the investigation.

Upon receipt of the investigation summary the accused student has three business days to respond to the hearing officer regarding the investigation summary, and may do so in the following ways:

- a. Indicate that they believe that the investigation is complete and/or provide a written supplement. An accused student indicating that the investigation is complete does not mean that the accused student agrees with all of the information provided in the investigation summary.
- b. Request a supplemental investigation. If an accused student requests further investigation be done, the accused student should also indicate what ought to be done and why it ought to be done.
- c. Decline to respond to the investigation summary. An accused student declining to respond to an investigation summary does not indicate that they do or do not believe that the investigation is complete.

If a supplemental investigation is requested, the hearing officer will have the sole authority to determine if the requested supplemental investigation is or is not needed. The hearing officer will notify the accused student of the decision to further investigate the complaint within three business days of receiving the request.

If the hearing officer determines a supplemental investigation is needed, the hearing officer or the hearing officer's designee will conduct the supplemental investigation. Additional information gathered during a supplemental investigation will be provided to the accused student.

If the accused student indicates that the investigation is complete, declines to respond to the investigation summary, or the hearing officer determines that a supplemental investigation is not needed the complaint will continue to the pre-hearing conference.

Upon the completion of the investigation the hearing officer may continue with the suspension process, refer the complaint to a different process as outlined in the *Code*, or close the complaint.

3. Pre-Hearing Conference

A pre-hearing conference will be scheduled at least five days following the completion of the investigation stage of the suspension process. Notice of the pre-hearing conference will include the date, time, and location of the pre-hearing conference and the charged violations of the *Code*.

During the pre-hearing conference, the hearing officer will review the suspension hearing process with the student. The student may choose to proceed to a suspension hearing or accept responsibility for the charged violations of the *Code*.

If the student accepts responsibility for the charged violations of the *Code*, the student and the hearing officer will discuss appropriate sanctions and may resolve the complaint during the pre-hearing conference. If the student and the hearing officer agree to a resolution, any identified sanctions will be imposed and a suspension hearing will not be held. If the student and the hearing officer do not agree to a resolution a suspension hearing will be held.

If needed, a suspension hearing will be scheduled between seven and fifteen calendar days following the pre-hearing conference. The hearing officer may extend the maximum time requirement due to extenuating circumstances.

4. Suspension Hearing

If the suspension process does result in a suspension hearing, the hearing will be closed to the public.

The accused student will be notified of a suspension hearing at least seven calendar days prior to the scheduled hearing date. Included in the notification will be the date, time, and location of the suspension hearing. The notification will request the accused student to provide the hearing officer, within three business days of receipt, the following:

- i. The identity of the student's personal advocate, if any, and whether or not the personal advocate is a licensed attorney, and
- ii. A list of witnesses to be called on behalf of the accused student and copies of any documents or other materials to be presented by the accused student at the hearing.

Additionally, the notification will include an overview of a suspension hearing, the purpose of the hearing, and the names of any witnesses being called by the hearing officer during the hearing. In most circumstances the hearing officer will not call any witnesses during the hearing.

The hearing officer may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing, and in whatever manner, as determined to be appropriate in the judgment of the hearing officer.

Formal rules of process, procedure, and/or technical rules of evidence, such as those that are applied in criminal or civil court, are not used in the *Code* proceedings. All procedure questions are subject to the final decision of the hearing officer.

a. Purpose of the Hearing

The purpose of a suspension hearing is to determine, by a preponderance of the information, if the accused violated the *Code*, and if so, determine appropriate sanction(s).

b. Preliminary Hearing

Suspension hearings are attended by the hearing officer and the accused student. The accused student may also have their process advisor and personal advocate, if any, in attendance. The University may have additional people in attendance for safety and logistical considerations and/or for training purposes.

Prior to the presentation of information, the hearing officer will indicate that the hearing is being recorded and that the recording is the property of the University and will serve as the sole verbatim record of the hearing.

c. Presentation of Information

During a suspension hearing, the accused student may present relevant information to the hearing officer. This includes the opportunity to make an opening statement, call and question witnesses, and make a closing statement. Additionally, the hearing officer may call and question witnesses.

Every witness may be questioned, for the purpose of clarification, by the accused student and hearing officer. If the accused student chooses to provide information during the hearing, the accused student may be questioned by the hearing officer.

The University will make available the investigator as a witness. The accused student and hearing officer may call the investigator as a witness. Questions directed to the investigator are limited to information gathered and decisions made during the investigation.

d. Hearing Decision

At the conclusion of the hearing the hearing officer will have up to five business days to reach a decision regarding responsibility and, if necessary, sanctions.

Information that may be used to determine sanctions includes, but is not limited to, character and impact witnesses and/or statements, whether the accused student has previously been found in violation of the *Code*, and sanctions imposed due to previous violations of the *Code*.

Suspension and/or other sanctions placed by the hearing officer are effective immediately following the notification of the student, unless otherwise noted by the hearing officer. This may initially be done verbally. The official notification of the hearing officer's decision is a suspension hearing decision letter. A suspension hearing decision letter will outline the decision regarding the alleged policy violations and the rationale used for making the decision and, if applicable, any sanctions imposed as a result of the violations and the rationale for the sanctions.

5. Appeal Process

The accused student has the right to appeal the outcome of a suspension hearing or an agreed upon recommendation.

- a. Appeals of decisions made within the suspension process are made to the VPSA.
- b. Appeals must be made in writing to the VPSA within one year after the notification of any suspension hearing or agreed upon recommendation decision. An appeal should contain the student's name and contact information, the date of the decision or action, the reason for appeal, and the name of the student's personal advocate, if any.
- c. Grounds for appeal may be based on such things as:
 - i. New information,
 - ii. Contradictory information, and/or
 - iii. Information that indicates the student in violation was not afforded due process ([SBHE 514](#)).
- d. The reason and rationale for an appeal should be clearly stated within the appeal. The appeal should indicate the desired outcome of the appeal.
- e. An appeal will be reviewed by the VPSA or designee. The VPSA or designee may consider the appeal, police reports, transcripts, the outcome of any civil or criminal proceedings directly related to the appeal, and information presented during the suspension process in review of the appeal. The VPSA or designee will make all decisions regarding the appeal.
- f. After reviewing the appeal, the VPSA or designee will determine if a valid ground(s) for an appeal has been presented. If the VPSA or designee determines the ground(s) are not valid the appeal will be dismissed and the previously made decision is final. Providing information that was available and not provided during the student conduct suspension process is not considered new or contradictory information.
- g. If it is determined that the ground(s) for appeal is valid, the VPSA or designee may:
 - i. Modify the decision. The VPSA or designee may overturn all or some of the decisions regarding violations of the *Code* and/or modify or vacate any sanction.
 - ii. Order a new hearing. The VPSA or designee may void all or some of the decisions and call for a new student conduct hearing on all or some of the issues originally considered. The VPSA or designee may provide specific instructions to those participating in the student conduct hearing regarding the rights of a student, the hearing process, and/or information that is or is not relevant to the hearing.
 - iii. Uphold the decision.
- h. The VPSA or designee has 21 business days from the receipt date of the appeal in which to issue a written determination on the appeal. Such written determination will be forwarded to the accused student, the dean of students, and the hearing officer.
- i. The action of the VPSA or designee is final.
- j. In extraordinary circumstances when previously unknown information relative to the decision is made available the VPSA or designee may choose to review a decision after the end of the

appeal process. The VPSA or designee will have the sole authority to determine what does and what does not constitute an extraordinary circumstance.

- k. If the appeal results in a reversal of the decision or lessening of the sanction(s), the institution may reimburse the student for any tuition and fees paid to the institution for the period of suspension which had not been previously refunded ([SBHE Policy 514](#)).

6. Sexual Misconduct and Title IX Sexual Misconduct

For alleged violations of sexual harassment, as defined by Title IX, or sexual violence the process and procedures defined by the Sexual Misconduct or Title IX Sexual Misconduct policy and the associated protocol will be used for all complaints.

The decision maker(s) in a hearing held under the Sexual Misconduct or Title IX Sexual Misconduct Violence policy have the authority to suspend a student if they determine it to be an appropriate sanction for a found violation.

If there are multiple alleged violations of the *Code*, and at least one of the alleged violations is covered by the Sexual Misconduct or Title IX Sexual Misconduct policy, the Sexual Misconduct or Title IX Sexual Misconduct process will be utilized. However, decisions regarding responsibility for alleged violations of the *Code* for alleged violations not covered by the Sexual Misconduct or Title IX Sexual Misconduct will be based on the rules established within the *Code*.

The decision maker(s) in a Sexual Misconduct or Title IX Sexual Misconduct hearing may determine that suspension is not an appropriate sanction. If it is determined that a student has violated the *Code* and that suspension is not appropriate, the decision maker(s) may refer the determination of sanctioning to a SCA.

F. Emergency Restrictions and/or Conditions Process

The University is committed to providing an optimal educational environment for all of its students. Any person who has information that indicates the continued presence of a student on the University campus poses a substantial threat should provide the information to the dean of students. The dean of students or designee will convene the [Behavioral Intervention Team](#) (BIT) to review information that indicates:

- a. A student's behavior poses a significant threat of danger and/or injury to self or others,
- b. A student's behavior poses a threat of disruption to the educational process for others, and/or
- c. A student's behavior poses a threat of destruction of property.

Upon review, the BIT will provide a recommendation to the dean of students or designee. The BIT has the authority to recommend emergency restrictions and/or other conditions. The dean of students or designee has the authority to impose emergency restrictions and/or other conditions.

Restrictions and conditions that may be imposed include, but are not limited to:

- a. Restricting a student from physically and/or virtually being on campus or specific campus locations. If permitted, a student may request from their faculty member(s) consideration in

adjustments of course timelines or methods of teaching or testing. Faculty member(s) are under no obligation to agree to such requested accommodations,

- b. Other actions itemized in the Restrictions or Educational Activities Sanctions and/or Interim/ Supportive Measures portions of the Code, and/or
- c. Requiring further evaluation of the student through appropriate experts. In such a case, the dean of students or designee may postpone a final decision until after further evaluation results are received.

Emergency restrictions and/or other conditions are effective immediately following the notification of the student. The dean of students or designee may initially notify the student verbally of any restrictions and/or other conditions. The dean of students or designee will notify the student in writing within three business days.

Emergency restrictions and/or other conditions remain in effect until the conclusion of the student conduct process or until lifted by the dean of students or designee.

A student may request, in writing to the dean of students, a review of any emergency restrictions and/or other conditions that have been imposed. After receiving such a request, the dean of students or designee will meet with the student within five business days. At this time, the student may present and/or provide additional information for consideration by the dean of students or designee. The student may have a personal advocate during the review process. A process advisor will be assigned to the student upon the student requesting a review of the emergency restrictions and/or conditions or upon the initiating of a student conduct process, whichever initiates first.

Upon review of the information, the dean of students or designee will determine if the emergency restrictions and/or other conditions should remain in effect until the matter is resolved. The student will be notified in writing of the review decision within three business days. The dean of students or designee may notify the student of the decision verbally prior to the student receiving the written notification.

G. Informal Resolution Processes

At times, the University may offer to respond to a reported violation of the *Code* through the informal resolution process. If the University determines that it is appropriate to use the informal resolution process, a student will have the option to engage in the informal resolution process with an SCA or engage in a student conduct process. The SCA will send a pre-hearing conference notification letter outlining the resolution options available to the student. If the student does not attend the pre-hearing conference or elects not to engage in the informal resolution process, the student conduct process will continue as outlined in the letter.

No finding of policy violation(s) will be made in the informal resolution process. An agreed upon informal resolution is considered the end of the process once the student completes any associated items. An informal resolution may be revisited and modified due to changes in circumstances.

If the SCA determines that an informal resolution cannot be agreed upon or the student has not fulfilled the requirements of the resolution, the SCA will refer the complaint to the student conduct process for review.

Additional types of informal resolutions include:

1. Non-Conduct Resolution Process

Non-conduct resolution is an alternative method of resolving disputes and conflicts outside of other student conduct processes. It is a voluntary process requiring the participation of an SCA who operates from an impartial basis and whose primary role is to facilitate an agreement. Non-conduct resolution will typically only be used in complaints between students in which the accused student and complainant student indicate a desire for the non-conduct resolution process be utilized. It may also be used in instances where students file complaints against one another for the same incident. Involved parties within the non-conduct resolution process are the accused student, the complainant student, and any other individual identified by the SCA as an involved party.

When a non-conduct resolution is suggested, the dean of students or designee will determine if that process is appropriate and will coordinate necessary arrangements. An SCA will facilitate a conversation, directly and/or indirectly, between the involved parties regarding the complaint and the desired resolution. The SCA will present a non-conduct resolution agreement to the accused student and complainant student separately. If all agree to the resolution, the SCA will provide the accused student and complainant student with the final non-conduct resolution in writing within five business days. The accused student and complainant student have five business days to request a review of the non-conduct resolution. If a review is requested, the previously shared resolution is considered not agreed upon and the non-conduct resolution process continues as such.

No finding of policy violation will be made in the non-conduct resolution process. A non-conduct resolution is a finalized agreement and considered the end of a complaint. The non-conduct resolution may be revisited and modified if the accused student or complainant student request the agreement be reviewed due to changes in circumstances regarding the implementation of the agreed upon resolution.

If the SCA determines that a non-conduct resolution cannot be agreed upon, the SCA will refer the complaint to the student conduct process for review. No information learned from the non-conduct resolution process will be used in any further process; however, if a student fails to comply with the agreed upon resolution, they may be subject to the student conduct process due to failure to comply with the non-conduct resolution agreement.

2. Endangerment

In the event that the University receives information indicating that a student may be a danger to themselves or others the University reserves the right to refer the student for a personal or behavioral evaluation. The referral may be made prior to or in lieu of a student conduct process.

A student may be referred for a behavioral evaluation if the information indicates that they are or may be a risk to themselves and/or others. Behavioral evaluations are not available at the University Counseling Center, so they must be completed elsewhere with a licensed mental health care provider of the student's choice. Behavioral evaluations are considered complete once the provider has informed the referring office that the student has completed the evaluation. The student may also be required to complete any identified recommendations made by the provider.

A student may be referred for a personal evaluation if the information is not being considered for a referral to the student conduct suspension process. Personal evaluations may be completed at the University Counseling Center or elsewhere with a licensed mental health care provider of the student's choice. Personal evaluations are considered complete once the provider has informed the referring office that the student has completed the evaluation.

Failure to complete a referral in a timely manner may result in a student conduct process and/or the student being prohibited from registering. If a student has already pre-registered and fails to complete the referral in a timely manner, the student's classes may be canceled.

A student may elect to proceed to a student conduct process instead of completing a personal or behavioral evaluation. The student may receive a similar referral as a sanction through the student conduct process if the student is found in violation of the *Code*.

H. Interim and Support Measures

An SCA may enact and interim and support measures during a student conduct process in the best interest of the academic experience and well-being of members of the University community. Interim measures may be placed during the investigative phase of the student conduct process. Interim measures may also be placed during a period of time where an individual is deciding whether or not to file a formal complaint. This period is typically less than 30 days. Interim measures may also stay in place after a formal complaint has been filed and prior to the start of the investigative phase if there is a delay. All interim measures will be removed upon the completion of the student conduct process.

Interim measures include, but are not limited to:

- a. Alter an academic schedule and/or coordinate arrangements with instructors to assist in offsetting potential academic problems;
- b. No Contact Directive;
- c. Restriction(s) on access to all or to specified campus facilities, buildings, or other locations; services; or events;
- d. University housing transfer, restricted access within university housing, restricted access to dining services, and removal and/or ban from university housing and/or dining services for a specified period of time.
- e. Restriction(s) on driving on or parking in University-controlled streets, roads, and parking lots; and/or
- f. Emergency Suspension.

The University may also offer supportive measures to those involved in the student conduct process or who have brought information forward regarding a possible complaint.

I. Sanctions

If a student is found in violation of the *Code* the student is subject to any, and all, sanctions imposed through the student conduct process.

1. Status Sanctions

- a. **Written Reprimand.** Written reprimand refers to official censure of a student's conduct in violation of a regulation of the University community. A written reprimand indicates no ongoing status change for the student.
- b. **Warning Probation.** Warning probation indicates that further violations of the *Code* may result in more severe disciplinary action. Warning probation is imposed in conjunction with other sanctions for the period of time that other sanctions are pending. Upon completion of all pending sanctions or one calendar year, whichever comes first, the student is automatically removed from warning probation.
- c. **Conduct Probation.** Conduct probation indicates that further violations of the *Code* may result in suspension. Conduct probation is imposed for a period of not more than one year and the student is removed from conduct probation automatically when the imposed period expires.

2. Restrictions or Educational Activities Sanctions

The SCA or hearing panel may impose additional sanctions. Such sanctions may include, but are not limited, to:

- a. **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, e-mail, telephone, or through third parties. Failure to adhere to a no contact directive may result in further disciplinary action.
- b. Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations; services; or events.
- c. University housing transfer, restricted access within university housing, restricted access to dining services, and removal and/or ban from university housing and/or dining services for a specified period of time.
- d. Restitution for cleaning, replacing, or restoring a specific area or thing when loss or damage was a result of the student's disciplinary violation.
- e. Referral for an assessment to a mental health provider.
- f. Mandated participation in one or more campus or community activities, lectures, service, and/or workshops.

In student conduct processes involving student organizations, the SCA or hearing panel may impose sanctions that include but are not limited to:

- a. Restrictions on activities involving the recruitment of new members.
- b. Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations, services, or events.
- c. Restitution for cleaning, replacing, or restoring a specific area or thing when loss or damage was a result of the organization's disciplinary violation.
- d. Mandated participation in special activities or campus events.

- e. Restrictions on, or suspension of, requesting funds from the Student Organization Funding Agency.
- f. Restrictions on, or suspension of, practices related to the solicitation of funds on campus for the support of organized activities.

3. Suspension

Suspension is a withdrawal of enrollment privileges and a ban from campus owned, leased, or controlled property and university events and activities. Student organizations that are suspended from the University will have their recognition as a student organization revoked.

Suspension may be imposed as the result of the student conduct suspension process. Suspension may be imposed in conjunction with other sanctions.

Suspension will generally be for at least the remainder of the semester in which the sanction is imposed and result in the cancelation of registration of the student. Suspension may be imposed for a specific period, up to five years, an indefinite amount of time, or permanently. If an indefinite suspension is imposed, it will be in place for a minimum of five years. A permanent suspension is referred to as an expulsion. Conditions to be met prior to reinstatement may be included with a fixed-term or indefinite suspension.

4. Enhanced Sanctions for Bias-Motivated Violations

A student found in violation of the *Code* may receive more severe or enhanced sanctions up to, and including, suspension if the violation is determined to be motivated by bias.

Bias means behavior motivated by actual or perceived race, color, genetic information, national origin, religion, sexual orientation, gender identity, sex, age, creed, marital status, veteran's status, political belief or affiliation, or physical, mental, or medical disability of another person or group.

J. Compliance with Sanctions

1. Student Compliance with Sanctions

A student in violation is responsible for completing the sanctions imposed through the student conduct process within the timeframe stated in the decision letter. If a student does not complete the sanctions or violates the sanctions as prescribed, the student will be prohibited from registering.

If a student has already pre-registered and the sanction has not been completed, the student's registration may be canceled.

2. Student Organization Compliance with Sanctions

Student organizations that do not complete the sanctions or violate the sanctions as prescribed will no longer be considered in good standing and will not be entitled to the rights or privileges of student organizations.

3. Reinstatement Following a Suspension

Reinstatement for students following a suspension involves the following procedure:

- a. The suspended student applies in writing to the dean of students for reinstatement,
- b. The dean of students or designee reviews the record and ensures that the conditions (if any) for reinstatement have been satisfied and that the terms of the suspension have not been violated, and
- c. If the student has met the conditions for reinstatement and has not violated the terms of the suspension the student is reinstated. The student must still complete the readmission process through the University.

Reinstatement for student organizations following a suspension involves the following procedure:

- a. The suspended student organization applies to the dean of students for reinstatement,
- b. The VPSA or designee reviews the record and ensures the conditions for reinstatement have been satisfied.

4. Reinstatement Following an Indefinite Suspension

- a. The suspended student or student organization completes Reinstatement Following a Suspension process, and
- b. The VPSA reviews the suspended students request for reinstatement. The VPSA may consider information such as the request from the suspended student, information provided during the student conduct suspension process, and the outcomes of any civil or criminal proceedings involving the suspended student in determining whether to reinstate a suspended student with an indefinite suspension.
- c. A suspended student may only request to be reinstated from an indefinite suspension once per semester.

K. Disciplinary Records

Disciplinary records are separate from the student's academic record. Disciplinary records are considered a part of the student's educational record. A student's disciplinary record is confidential and may not be disclosed in whole or in part except as allowed in the Educational Records section of the *Code*, upon written request of the student, or in response to a court order.

1. An individual student's disciplinary record consists of:
 - a. A copy of the notification letter sent to the accused student;
 - b. All documents, information, and materials admitted in the hearing or provided to the student during the student conduct process;
 - c. If applicable, the audio recording of the hearing, which is the sole official verbatim record of the hearing and is the property of the University of North Dakota; and
 - d. A copy of the decision, if applicable.

2. The result of a hearing involving a student organization is not subject to FERPA. The records of student members of student organizations are subject to FERPA. The charges, findings, and sanctions for the student organization will be considered public information. Personally identifiable information will be redacted or omitted from any disclosure document.
3. The office of record for disciplinary records is Community Standards & Care Network. Records are kept according to the general records retention schedule. Records are considered active until the matter is resolved. After the matter is resolved the records are retained in accordance with the general records retention schedule, currently six years following the current academic year.
4. Students who wish to review their disciplinary or hearing records may contact Community Standards & Care Network to schedule an appointment to conduct a review of these records.

Students who wish to challenge specific data or information in an educational record or who wish to amend their records should refer to the Educational Records section of the *Code*.

IV. The Use of University Facilities

It is the policy of the University to support recognized student organizations, the University community, and other individuals or groups in their presentation of events which further the missions of the University, provide opportunities for social growth and cultural understanding, and serve the recreational needs of the campus community.

The University permits the orderly use of its facilities by recognized student organizations, University-related groups, and, in some instances, non-University-related organizations to further its educational mission. For information related to access to University property refer to the [Access to and Security of Campus Facilities policy](#).

"Facility" is defined as any University classroom, auditorium, residence hall, other building, or outdoor area. University-related activities are given precedence over the use of facilities by outside groups. For information related to what constitutes University property, contact the office of Facilities.

A. [Events, Demonstrations, Fixed Exhibits and Short-Term Rentals](#)

The University reviews proposed events, demonstrations, fixed exhibits, and short-term rentals to ensure that they do not represent an unreasonable risk to participants, other members of the campus community, or University property. The review is view-point and content neutral. For information regarding the review of events, demonstrations, fixed exhibits and short-term rentals and guidance regarding what events needs to go through the review process refer to the [Events, Demonstrations, Fixed Exhibits and Short-Terms Rentals policy](#).

B. Solicitation Policy

1. Solicitation is to include the sale or offer for sale of any property or service and/or receipt of or request for any gift or contribution.
2. No solicitation may be conducted in any building or structure on the campus of the University except by the agents or employees of the University acting in the course and scope of their

agency or employment, or by recognized student organizations or renters of space within the Memorial Union. Solicitors' actions must be in accordance with this section and University policy.

- a. In the case of the Memorial Union, the director of the Memorial Union or designee may permit on- or off-campus persons, groups or organizations to reserve, lease, and/or use portions of the building for the purpose of selling products and/or services to the campus community.
 - b. In the case of requested solicitation outside of the Memorial Union, please refer to the [Events, Demonstrations, Fixed Exhibits and Short-Term Rentals](#) process.
3. Solicitation must be conducted in a way that:
- a. Is in keeping with the educational mission of the University and complies with other policies and procedures contained in the *Code*.
 - b. Will not disturb or interfere with the regular academic or institutional programs or other programs being conducted on the campus.
 - c. Will not interfere with the free and unimpeded flow of pedestrian or vehicular traffic on sidewalks, streets, or within buildings.
 - d. Will not impede entrance to or egress from campus buildings, or into, from, or through common areas of campus buildings.
 - e. Will not harass, embarrass, or intimidate the person or persons being solicited.
 - f. Will create no conflict with contractual obligations of the University.
 - g. When in the Memorial Union, the sale or distribution of food items will comply with Memorial Union facility use policies.
 - h. Off-campus persons, groups, or organizations not affiliated with the University must be properly licensed to sell the products and/or services being offered.
 - i. Conforms to all applicable state and federal laws and city ordinances, including those related to charitable gaming (raffles, etc.) when applicable.
4. Recognized student organizations may collect membership fees or dues or conduct other solicitation defined in this section at activities of such organizations scheduled in accordance with the facilities-use regulations outlined in this section.
5. Admission fees may be collected for an exhibition, movie, or other program that is sponsored by the University, a recognized faculty group, or a recognized student organization and that is scheduled in accordance with the facilities-use regulations in this section.
6. Regulations for sales:
- a. All activities involving University funds or services are subject to University and state audit and may be subject to city and/or state sales tax.
 - b. Cash boxes may be checked out from the Student Involvement Center.

C. Donated Goods Policy

Donated goods such as T-shirts, pamphlets, and/or food, may be donated to the University or to

University organizations as long as the following conditions are met:

1. The donating entities must be licensed by the city of Grand Forks or by the states of North Dakota or Minnesota.
2. There can be no out-of-pocket or in-kind charge to the University, organization, or consumers of the products.
3. All requests to donate goods to the University for use by recognized student organizations must abide by University policies.
4. Goods donated must be distributed on campus by University employees, representatives, and/or students but not by representatives of the donor.
5. No goods or funds may be donated to recognized student organizations by makers, dealers, or purveyors of alcoholic beverages.

V. Student Organizations

Involvement in co-curricular activities provides students the opportunity to engage in experiences that will enhance their personal and academic development; thus the University supports and encourages involvement in student organizations as part of their total educational experience.

Because the University so firmly believes in the educational benefits of co-curricular involvement, it provides facilities and professional staff expertise to support and enhance the experiences of the students involved in campus organizations. Students are encouraged to utilize staff members in achieving the mission and goals of their organizations.

The University provides support to each recognized student organization regardless of the nature of the organization's activity and/or ideology. Organizations are independent units which exist on the UND campus and are not considered agents of the University. However, organizations are advised that records related to certain activities carried on in furtherance of the University's educational mission may be subject to North Dakota's open records laws, especially where such activities constitute public business or a governmental function. Relevant factors may include whether the organization is supported entirely by public funds, and whether courses for which academic credit is awarded are being administered by the organization.

A. UND Student Government

UND Student Government is the representational body of the entire student population.

1. The structure and operation of Student Government is established in a written constitution which has been approved by a vote of the general student body and by the president of the University. Student Government does not fall into the category of a recognized student organization as defined in this document.
2. Student Government is held to the same procedural and operational standards as are other units of the University. Student Government has a responsibility to allocate student activity fees in a fair and impartial manner in such a way that the welfare and interests of all students are considered. Allocation of funds may not be used as a device of censorship or to suppress viewpoints or ideas.

3. The VPSA designates an advisor to Student Government. The advisor is the supervisor for human resources and employment actions relating to all students appointed to and/or hired to fill paid positions within Student Government.

B. Association of Residence Halls (ARH)

ARH is the representational body for all students living in UND residence halls. Residents of each hall are represented directly by their Hall Government, which elects representatives to serve on various boards. The ARH Policy Board, on which each Hall Government selects a representative to serve, is ARH's overall governing council and makes recommendations on residence hall policies, approves Hall Government and ARH Board constitutions, and represents the interests of students living in UND residence halls. ARH does not fall into the category of a recognized student organization as defined in this document.

C. Recognized Student Organizations

Recognized student organizations are those student groups that have completed the process for becoming a recognized student organization at UND, remain active, and comply with the forming guidelines and the responsibilities of recognized student organizations.

D. Establishing a New Student Organization

1. Forming a student organization (other than a fraternity or sorority):

- a. The prospective student organization member(s) indicate their intent to form a student organization by completing the intent to organize form. The form must indicate the names of at least five current UND students who will be members as well as the name of the faculty or staff member who will serve as the organization's advisor.
- b. Staff will:
 - i. Provide interested students forming guidelines,
 - ii. Explain the recognition process, and
 - iii. Assist the group in the recognition process.
- c. The prospective student organization member(s) must submit a constitution for their proposed organization. The constitution must include:
 - i. An acknowledgement that all officers and voting members must be current UND students.
 - ii. A reference that no academic credit will be available based on membership in the organization.
 - iii. A non-discrimination statement must be included in each constitution that conforms to one of the following standards:
 1. **Option 1. Inclusion of a Non-Discrimination Statement.**
Membership in [this organization] is without regard to race, color, genetic

information, national origin, religion, sexual orientation, gender identity, sex, age, creed, marital status, veteran's status, political belief, or affiliation or physical, mental, or medical disability unrelated to the purpose of the organization. (Federal law through Title IX permits fraternities and sororities to remain as single sex organizations provided there is equal opportunity to join similar organizations.)

2. **Option 2. Inclusion of a modified Non-Discrimination Statement.**

Generally, no student is to be excluded from membership or participation on the basis of race, color, genetic information, national origin, religious status or historic religious affiliation, sexual orientation, age, marital status, veteran's status, or physical, mental or medical disability unrelated to the purpose of the organization, and except when exempt under Title IX, sex, gender, or gender identity. However, groups may select their members on the basis of commitment to a set of beliefs (e.g., religious or political beliefs) and may limit membership and participation in the organization. Such a group may perceive an incongruence between their key principles or beliefs and elements of the Non-Discrimination Statement.

3. **Option 3. Petition for Exemption**

The prospective student organization member(s) may petition the consideration of their constitution for an exemption from including one or more populations listed in the Non-Discrimination Statement. The student organization officer will hear the petition and respond to the group representative(s) whether one or more populations may be excluded from the Non-Discrimination Statement, which will otherwise appear in the prospective group's constitution. A decision will be rendered within 30 business days. Criteria for such a decision includes substantiation of the claim for redress as demonstrated in the organization's mission statement, statement of purpose, and/or founding documents, including the documents of any national affiliate to which the group may subscribe.

- d. Upon approval of the newly formed organization's constitution, the group will become a UND recognized student organization.

2. Forming a fraternity or sorority

Students wishing to establish a chapter of a national fraternity or sorority should consult the coordinator for fraternity and sorority life. In addition to becoming a recognized student organization, the prospective group must follow the procedures outlined by the Interfraternity or Panhellenic Council. The coordinator for fraternity and sorority life and the appropriate council may modify the procedures as needed.

E. Privileges of Student Organizations

A recognized student organization may use:

1. The University's name in the title of the organization.
2. University facilities per departmental or building specific policies.

3. The University's trademarked/copyrighted logos and images with University approval.
4. An on-campus financial account.

F. Responsibilities of Recognized Student Organizations

A recognized student organization has the responsibility to:

1. Register each fall semester by the established deadline.
2. Maintain an advisor who is a faculty or staff member.
3. Notify the Student Involvement Center of any changes to the officer list and/or advisor within two weeks of any changes.
4. Maintain a current copy of their approved constitution in the Student Involvement Center.
5. Keep their on-campus financial account in good standing.
6. Abide by the [UND Equal Opportunity Policy statement](#).
7. Abide by the laws of the state of North Dakota, the policies and procedures of the SBHE, city ordinances of Grand Forks, and the policies and procedures, including those found in the *Code*. If the organization's property is the site of activity that is in violation of the *Code*, then the organization is subject to University sanctions.

If a student organization fails to comply with the requirements of a recognized student organization the student organization may:

1. Be designated as inactive.
2. Be dissolved if the student organization remains inactive for two consecutive years.

The University will notify the president and advisor of record of the recognized student organization of any status change for the student organization.

G. Status of Recognized Student Organizations

1. **Good Standing.** A recognized student organization will be considered in good standing when it fulfills the responsibilities of recognized student organizations.
2. **Inactive.** A recognized student organization will be designated inactive if it fails to comply with the responsibilities of recognized student organizations.
3. **Dissolved.** If an organization fails to comply with the responsibilities of recognized student organizations for two consecutive years, it will be designated dissolved and no longer recognized by the University and no longer eligible to receive the privileges of student organizations. Additionally:
 - a. Any existing funds in an on-campus account of a dissolved student organization will be transferred to a general student leadership account when the organization is dissolved.
 - b. Should a dissolved organization complete the recognition process within 12 months

from the date of dissolution, funds that were in the on-campus account at the time of dissolution will be returned to the organization. Beyond twelve months the funds will not be returned.

- c. Members of a dissolved student organization who wish to become a recognized group again must apply through the establishing a new student organization process.

VI. Student Records

Student records maintained by the University fall into three general categories: directory information, educational records, and treatment records. As custodian of student records in compliance with the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, the University assumes the trust and obligation to ensure protection of student records which includes maintaining the confidentiality of student records. The University has developed policy guidelines for access to the student record with respect to the rights of eligible students and parents of dependent eligible students. All information contained in University records is considered confidential, except for directory information which may be released publicly in printed, electronic, or other form. The administrative procedures outlined in this section are to be complied to by University personnel who have or accumulate student records that are in a personally identifiable form. The term "student" in this section means an eligible student under FERPA (a student enrolled at UND). Students may review a copy of FERPA and the regulations at the following offices: University Registrar, Community Standards & Care Network, Vice President of Academic Affairs, Vice President for Student Affairs, and Equal Opportunity & Title IX.

A. Directory Information

1. Directory information is information concerning a student that may be released publicly. It includes the following: student name*, hometown (city, state), campus email address, height, weight, and photos of athletic team members, major field of study (all declared majors), minor field of student (all declared minors), class level, dates of attendance, enrollment status (withdrawn, half-time, full-time), names of previous institutions attended, participation in officially recognized activities and sports, honors/awards received, degree earned (all degrees earned), date degree earned (dates of all degrees earned), degree photos, photographs and video recordings of students in public or non-classroom settings (photographs from classrooms or class-related activities are not directory information).
2. Under FERPA, students have the right to request directory information not to be made public by notifying the Office of the Registrar. Students should be aware that information might be collected for use in publications in advance of printing. In order to effectively suppress release of directory information, students should restrict their information as early in the term as possible. To restrict release of all directory information, students must personally contact the Office of the Registrar. The University receives many inquiries for directory information from a variety of sources including, but not limited to, prospective employers, other colleges and universities, graduate schools, licensing agencies, government agencies, news media, parents, friends, and relatives. Students should consider very carefully the consequences of their decision to withhold release of any or all directory information items. Campuses have no

responsibility to contact students for subsequent permission to release directory information after it is restricted. The University will honor student requests to withhold directory information until the student specifically and officially requests to lift these restrictions. To reverse existing directory restriction, students must personally contact the Office of the Registrar.

B. Educational Records

1. Educational records are those records, files, documents, and other materials which contain information directly related to a student and are maintained by the University or a party acting on behalf of the University. Educational records include more than academic records. Educational records, with the exception of those designated as directory information, may not be released without the written consent of the student to any individual, agency, or organization other than the following:
 - a. School officials who have legitimate educational interests;
 - i. A school official is someone employed by the University in an administrative, supervisory, academic, research, or support staff position; a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person or organization acting as an official agent of the University and performing a business function, or service on behalf of the institution; a person serving on the State Board of Higher Education; a student serving on an official or recognized committee, such as a disciplinary or grievance committee; or assisting another school official in performing their tasks.
 - ii. A school official has a legitimate educational interest if the official needs to access the educational record in order to fulfill their responsibility on behalf of the University. This means performing a task that is specified in their position description or contract.
 - b. Officials of other institutions in which the student seeks or intends to enroll.
 - c. Authorized representatives of the comptroller general, the secretary of education, the administrative head of an educational agency, state education authorities, or the attorney general when investigating government sponsored or affiliated programs.
 - d. Officials responsible for acting in conjunction with the student's application for, or receipt of, financial aid.
 - e. Authorized individuals or organizations conducting studies for or on behalf of the University for the purpose of developing, validating, or administering predictive tests; for administering student aid programs; and for improving instruction. These studies must be conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of the University or such organizations. This information is to be destroyed when it is no longer needed for the purpose for which it was collected. Authorization for such activities will come from the appropriate vice president.
 - f. Accrediting organizations for purposes necessary to carry out their functions.
 - g. A complainant student of discriminatory or harassing behaviors or other act of

responsible for a particular record. Requests for assistance in locating individual educational records may be directed to the Office of the Vice President of Student Affairs. Within a reasonable time period, University personnel must produce for inspection all records, with the exception of those previously noted, which pertain to that student. Access to records should occur as soon as reasonably practicable, but in no instance more than 45 days after the request. Students seeking access to their records are subject to the following procedure:

- a. Student must provide proper identification;
 - b. Students are free to examine the content of the record;
 - c. No materials are to be removed from the record; and
 - d. Designated staff or personnel should review and interpret the contents of the record with the student.
6. A student has the right to ask the University to amend the education record if the student believes the records relating to the student contain information that is inaccurate, misleading, or in violation of the student's right of privacy. The student should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate. When a student has challenged specific data or information and has requested amendment of the record:
- a. The designated department or staff member may agree to amend selected information; or,
 - b. In the event the designated department or staff member does not concur with the student's request to amend the information, the student should follow the procedures developed by the department and/or college in which the department is located.
Note: In the event of a challenge to a grade, the student must first follow the Academic Grievance procedures defined in the *Code*.
 - c. If after following the above procedures, resolution has not occurred (that is, the student still feels the record is inaccurate or misleading), the student may submit, in writing, a request for a hearing to the University Registrar.
 - d. Hearings will be conducted by a University official who does not have a direct interest in the outcome of the hearing. The student will be afforded a full and fair opportunity to present evidence relevant to the reasons for the challenge. The hearing officer will render a decision, in writing, noting the reasons and summarizing the evidence presented within a reasonable period of time after the challenge is filed.
 - e. Should the appeal be in favor of the student, the record will be amended accordingly. Should the request be denied, the student may choose to place a statement with the record commenting on the accuracy of the information in the record and/or setting forth any basis for inaccuracy. When disclosed to an authorized party, the record will always include the student's statement and notice of the board's decision, as long as the student's record is maintained by the University.
7. For records to be released other than as outlined in the *Code*, there must be a written consent form completed by the student.

8. If the student has previously signed a waiver releasing their records and wishes to revoke this waiver, the student must make a request in writing at the Registrar's Office to revoke the waiver.
9. Each University office which releases student records must maintain permanently in the student's file a signed written form indicating the date of release for records (except when released to University personnel) and the legitimate educational or other interest that each person, University employee, agency, or organization had in seeking the information.
10. Student record information can be transferred to a third party for an approved purpose only on the condition that the third party will not in turn release the record to another party. This third party limitation will be noted on all information released to the third party.
11. Areas of the University maintaining educational records are required to have a copy of their records policy available to students.
12. Disclosure of University of North Dakota graduation rates: The University of North Dakota [graduation rate information](#) is available online. A paper copy of this report is also available by calling the Office of the Registrar at 701.777.2711.

C. Treatment Records

1. A student's medical records are exempt from FERPA's definition of education records so long as they meet the definition of "treatment records." Treatment records are records that are made or maintained by a health care professional; are used only for your medical or psychological treatment; and are available only to treatment providers. Treatment records are not subject to the HIPAA Privacy Rule's restrictions on use and disclosure.
2. Treatment records are maintained by the University under the guiding principles of FERPA. Treatment records will only be released as allowed in this section or after receiving a written request from the student.
3. A student's treatment records are confidential and are available to the student at the student's request through the office that maintains the record. The University may arrange for a health care provider to be with a student when the student reviews their treatment records in order to explain the records and/or answer any questions.
4. HIV, drug and alcohol, and other case sensitive information will not be disclosed without an explicit request from the student. A special release of information is required which authorizes the specific information to be disclosed.
5. FERPA regulations list other situations in which the University may disclose a student's medical or treatment records without prior written consent. See section 2(1)(a)-(j) above. If a student's medical or treatment record is released for any purpose other than treatment, the released record becomes an education record and is released according to FERPA. The following are examples where the University may disclose a student's medical or treatment records without consent:
 - a. To comply with a lawfully issued court order or subpoena;
 - b. Disclosure to a court in connection with a legal proceeding involving the University and a student or the student's parents;
 - c. Disclosure in connection with a health or safety emergency if knowledge is

- necessary to protect the health and safety of a student or other persons; or
- d. Disclosure according to North Dakota state law.
6. Contact your health care professional's office for information pertaining to patient rights and responsibilities including how your information may be shared with others.
 7. In situations in which it has been determined that a student's life is in danger or in which their condition results in a danger to others, the facts pertaining to this danger may be communicated to the student's nearest responsible relative, without the student's consent, if judged necessary by the student's primary health care provider.

D. Law Enforcement Records

Records generated by UPD personnel are assignable into two categories: administrative and law enforcement. Some records may be assignable into both.

1. Administrative records, including those created by UPD personnel, are maintained for the benefit and purposes of the University, and include those referred to Community Standards & Care Network, Housing, or other offices for educational purposes, such as disciplinary action(s), are educational records.
2. Law enforcement records, which for this section are those records submitted to the states attorney's office ([NDCC, Chapter 11-16](#)) or other criminal court division. Law enforcement records are subject to the North Dakota open records laws ([NDCC, Chapter 44](#)).

E. Official Transcripts of Academic Records

1. The registrar compiles, maintains, and administers official transcripts of record.
2. Each student's official transcript of record may include, but is not limited to, the following information:
 - a. Legal name of student;
 - b. Date of birth;
 - c. Name of the high school attended and the year of graduation;
 - d. Transfer credits or summary of credits accepted in transfer, if any;
 - e. Courses taken, hours completed, grades received, grading system, and grade point average;
 - f. A statement of probation/dismissal;
 - g. President's Honor Roll, Degree, Honors;
 - h. Academic degree(s) granted by the University;
 - i. Date(s) of graduation from the University.
3. The Office of the Registrar will send, issue, or release a student's official transcript or record only:
 - a. At the student's written request; or,
 - b. In accordance with the Student Records section of the *Code*.

4. A transcript or record will contain the information described in the Official Transcripts of Academic Records section of the *Code*, and will not be furnished in part or with information omitted or deleted.
5. The registrar maintains a register of requests for official transcripts. This register of requests is part of the student record.
6. A student who fails to pay a debt owed to the University may have their official transcript withheld until the debt is paid.
7. The president or VPSA may withhold the issuance of an official transcript for an academic degree pending a hearing against a student who violates a rule or regulation of the University when, in the opinion of the official, the interest of the University would be served by interim action.

F. Annual Notice

The University of North Dakota gives annual notice of the following to students attending the University:

1. Rights guaranteed under the Family Educational Rights and Privacy Act (FERPA) of 1974 as amended and this policy;
2. Locations where copies of this policy may be obtained; and
3. The right to file a complaint regarding a violation of FERPA with:
The Office of the Registrar:
264 Centennial Drive, Stop 8382 Room 201
Grand Forks, ND 58202-8382
Phone 701.777.2711
Fax: 701.777.2696
E-mail address: scott.correll@und.edu
or with
The Family Policy Compliance Office, U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-5920
The complaint must contain specific allegations of fact giving reasonable cause to believe that a violation of the Act has occurred. The U.S. DOE will investigate each timely complaint to determine if the institution has failed to comply with the provisions of FERPA.
4. The VPSA is responsible for ensuring that this notice is published at least once each year in this document. A copy of the current [Code](#) is available online to each student and also is available in each University office maintaining educational records.

VII. Definition of Terms

- a. **Accused Student.** Accused student applies to a student, or student organization, who is alleged to have violated the *Code*.
- b. **Complainant Student.** Complainant student applies to a student, or student organization, who has filed a complaint. A student may be considered a complainant student even if another member of the University community submitted the complaint itself.
- c. **Faculty Member.** All members of the academic staff, excluding only coaches and

administrators in their capacities as coaches and administrators ([SBHE Policy 605.1](#)).

- d. **Hearing Officer.** The hearing officer is responsible for reviewing the investigation and determining recommendations on behalf of the University as it relates to alleged violations of the *Code* and, when applicable, sanctions. When applicable, the hearing officer is also responsible for presenting recommendations to the hearing panel. A hearing officer is a student conduct administrator.
- e. **Investigator.** If a complaint warrants an investigation the University will assign an investigator to review the complaint. The University may choose to hire an external investigator to investigate a complaint.
- f. The investigator is responsible for gathering information not for determining responsibility as it relates to possible violations of the *Code*.
- g. **Members of the University Community (University Community).** Members of the University community includes students, faculty, staff, and administrators of the University.
- h. **Personal Advocate.** The accused, and if applicable, complainant, student may each have one personal advocate present during all portions of the student conduct process in which the student participates.

A personal advocate may, but does not need to, be an attorney. An attorney who is serving as a personal advocate is expected to follow the North Dakota Rules of Professional Conduct. If a student selects a personal advocate who is an attorney the University reserves the right to reschedule any portion of the student conduct process to ensure the University's legal representation may also be present. To assist in scheduling, the University asks that a student notify the University of their intent to have an attorney as a personal advocate. Advocates are selected by the student. The student is responsible for sharing and communicating all information with their personal advocate unless other arrangements are made. If applicable, the student is responsible for any and all expenses associated with the personal advocate.

A student should select a personal advocate whose schedule allows attendance at a previously scheduled date and time for any portion of the student conduct process. If a student has selected a personal advocate prior to a portion of the student conduct process being scheduled, the student can provide their personal advocate's contact information and availability for consideration in scheduling.

If the personal advocate is unable to attend a previously scheduled student conduct proceeding, the student is encouraged to inform Community Standards & Care Network that their personal advocate is unable to attend. Upon request the student conduct proceeding may be rescheduled.

In any student conduct process the personal advocate has the right to provide support, guidance, and advice to the student. Personal advocates may not disrupt student conduct proceeding.

In a student conduct suspension process the personal advocate has the right to represent the student. Representing the student includes making opening and closing statements, calling and questioning witnesses, and providing support, guidance, and advice to the student. The student may limit their personal advocate's role within the student conduct suspension process. A personal advocate cannot serve in another role during the student conduct process.

- i. **Process Advisor.** A process advisor is appointed to an accused student and, if applicable, the

complainant student involved in a suspension process. The process advisor helps the accused student understand the suspension process, assist the student in preparing for the process, coordinates interim measures, and serves in a support capacity during the process. The process advisor has no standing in the process, does not represent the student in the process, does not have speaking privileges during a hearing, and must not disrupt the process. A student may request a different process advisor. Such a request should be made in writing and directed to the dean of students.

- j. **Student.** For purposes of this *Code*, the term student applies to all persons taking courses at and/or receiving instruction through the University, whether credit hours are earned, full-time or part time, pursuing undergraduate, graduate, non-degree, or professional studies. The term student includes all persons who withdraw after allegedly violating the *Code*, who are not enrolled for a particular term but have a continuing relationship with the University, who have been notified of their acceptance for admission, or who are living in University residence facilities designated for students regardless of their current enrollment status. The term student includes both a student acting as an individual and to students acting in a group and/or a student organization, unless otherwise noted.
- k. **Student Conduct Administrator (SCA).** SCAs are the individuals identified or appointed by the University to manage the student conduct process, conduct an investigation, or to serve as a decision-maker.
- l. **Student Organization.** The term student organization means any number of persons who have complied with the formal requirements for University recognition/registration.
- m. **Student Organization Advisor.** The term student organization advisor means a person registered in the Student Involvement Center to act in an advisory role for a student organization.
- n. **University Premises.** The term University premises means all land, buildings, facilities, and other property in possession of, or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- o. **Witness.** Anyone who is believed to have information that that may be relevant to a determination of violation of the *Code*.

VIII. APPENDICES

A. Dismissal/Grievance Procedures for Student Employees

1. Dismissal Procedure

If a student employee's performance proves unsatisfactory, the supervisor will advise the student of the dissatisfaction and indicate what improvements are necessary. If the problem is not resolved, termination procedures may be initiated and the student employee notified of the release. Departments must notify the student of unsatisfactory performance due to inefficiency, inability to perform an assigned task, tardiness, etc. and provide a minimum of two weeks for the problem to be resolved before termination procedures are initiated. However, a student employee may be dismissed immediately from

employment without prior notice for just cause including dishonesty, insubordination, gross negligence, or conduct unbecoming an employee in which the health, welfare, or safety of another employee/ employer, person, or the workplace is negatively affected.

If a student employee feels they have been treated unfairly or has a justifiable complaint that could not be resolved through a discussion with the immediate supervisor, the student should contact the supervisor's supervisor. The supervisor's supervisor will attempt, through discussion with the student employee and/or the supervisor, to resolve the grievance and file documentation and their decision is final.

2. Informal Grievance Procedure

If a student employee feels they have been treated unfairly or has a justifiable complaint that could not be resolved through a frank discussion with the immediate supervisor, the student should contact the supervisor's supervisor or the Student Financial Aid Office. The director of student financial aid or designee within the Student Financial Aid Office will attempt, through discussion with the student employee and/or the supervisor, to resolve the grievance and file documentation.

3. Formal Grievance Procedure

If, after these conversations, the aggrieved student is still not satisfied, the student may pursue the formal grievance procedure. The vice provost of strategic enrollment management (VPSEM) or designee will act as a facilitator to assist in the grievance procedure. The student employee's first step is to submit a written grievance to the VPSEM within five business days after the contact with the Student Financial Aid Office relative to the informal grievance discussion.

The VPSEM or designee will assemble the Student Employee Grievance Board within 10 business days of the receipt of the written grievance. The Board will be diversified and comprised of three members appointed by the VPSEM or designee and will consist of two staff and/or faculty members and one student.

All proceedings of the Student Employee Grievance Board will be administered by the VPSEM or designee. The Student Employee Grievance Board will meet with the persons concerned in the case. The Board meeting must be closed unless the aggrieved student employee requests an open meeting. The student employee and the department involved may be present and each may have one representative of their choosing present during the testimony. Each party may have other individuals provide information at the meeting. The names of those to present information must be submitted in writing to the VPSEM or designee at least two business days prior to the meeting and the relevance of each person should be stated.

Within five business days after the meeting, the Student Employee Grievance Board will forward written notification of its decision to the student employee, the department involved, and the VPSEM or designee.

If the student employee is not satisfied with the Student Employee Grievance Board's decision, the student should, within five business days of the Grievance Board's decision, submit a written appeal to

the VPSEM. Within ten business days after receiving the appeal, a final decision by the VPSEM will be made. The VPSEM will announce the decision by a written communication to the student employee, the employing department, and the director of student financial aid.

B. Academic Concerns/Information/Freedom

The University's commitments to academic quality and integrity, as well as to academic freedom, rest upon honesty and fairness in all aspects of scholarly endeavor. Faculty must test, grade, and review student work in a manner that is fair and reasonable, and students must maintain scholastic honesty beyond reproach. Disputes that arise about fairness and honesty are best resolved through open and sincere communication among all parties — students, faculty, committees, and administrators. This section on academic concerns addresses procedures for resolving academic grievances, instances of scholastic dishonesty, and concerns about communications proficiency.

1. Academic Grievances

a. Definition

The term "academic grievance" is defined as: a statement expressing a complaint, resentment, or accusation lodged by a student about an academic circumstance (such as assessment, grading, testing, quality of instruction) which is thought by the student to be unfair.

Academic issues subject to grievance procedures differ from those subject to the academic petition process. The petition process includes a request by the student to have a University, college, or program requirement waived or modified. It may include the right to appeal under circumstances outlined in the petition process. The substance of petitions and appeals is under the jurisdiction of individual colleges, schools, programs, or designated University committees. If a student thinks that a petition has not been handled fairly, the student may initiate a grievance based upon unfair treatment, but not upon the substantive issue.

b. The Grievance Process

- i. Each undergraduate, graduate, and professional school or college shall have written procedures for academic grievances. Unless a school or college has specified a shorter time, a student must initiate a grievance according to the school or college written procedures within 120 calendar days from the recording of the final grade (including an "Incomplete") in the course in which the grievance arose. A grievance is initiated when the grieving student begins the discussion with the Faculty Member, committee, or administrator with whom the student has a grievance. If the grievance is not resolved at this stage, then the student may advance the grievance through the procedures of the college or school in which the grievance originated. (In grievances brought by Graduate School students that involve Graduate School policies, the relevant school is the Graduate School.)
- ii. Grievances not resolved at the level of the college or school may be brought by any of the parties to the Student Academic Standards Committee (Registrar's Office) within 30 calendar days of the final decision of the college or school. If the grievance results from an action of a committee not associated with a specific college, it may be taken directly to the Student Academic Standards Committee. Grievances must be presented in writing to the chair of the

committee. This written statement should describe the grievance, indicate how it affects the individual or unit, and include the remedy sought from the committee. All documents pertinent to the review must accompany the grievance. It will be the committee's charge to review the academic grievance, consult with all parties significantly involved in the grievance, tape record its proceedings, and make a final decision within a reasonable length of time (not to exceed 20 school days, except upon agreement of the parties or the inability of the committee to make a quorum) after the grievance has been filed. All submitted documents will be made a permanent part of the student's educational record. A copy of the decision will be sent to the originator of the grievance, the dean of the college or school involved, and those against whom the grievance originated. This committee has the authority to resolve the grievance by such actions as upholding an earlier decision, requiring a re-examination or review, and, in extreme cases, changing a grade. The committee, however, has no authority to take or recommend disciplinary action in these cases either with faculty, administrators, or students or to require permanent changes in classroom, administrative, or committee procedures. The decision of this committee is the final step in the University Academic Grievance process.

- iii. Students who wish to challenge specific data or information in an educational record or who wish to amend their records should refer to the Educational Records section of the *Code* for procedures.

2. Communications Proficiency of Faculty

Since some instructional personnel do not have native or native-like English-language proficiency, students may experience difficulty understanding them. Students are encouraged to make an effort to become accustomed to an unfamiliar accent or dialect, but if the difficulty is pervasive, should act before the term is so advanced that resolution becomes difficult. In this circumstance, students may register a complaint by initiating the following procedure.

- i. The student has multiple points of entry for reporting a complaint. Reports about an instructor's English language proficiency are investigated by the Office of the Provost. The initial report may be made to the Office of the Provost, Community Standards & Care Network, the dean of the college, or the chair/director of the department/school in which the course is offered. **Complaints should be reported within 15 working days (three weeks) of the beginning of a term**, after the student has made an effort to become accustomed to an unfamiliar accent or dialect but before the term is so advanced that resolution becomes difficult. In all cases, the Office of the Provost must be notified when a student has registered a complaint.
- ii. It is the department chair's responsibility, in conjunction with the provost or designee, to determine the extent of the perceived problem (e.g., how many students are experiencing difficulty) and then to provide a solution. Suggested solutions include, but are not limited to, moving the student(s) to a different section, replacing the instructor, or offering the student(s) with difficulty special tutorial assistance along with regular participation in the class.
- iii. Students who believe that the resolution of their complaint was unfair have a right to file an academic grievance. Procedures for filing grievances are specified in Academic Grievances section of the *Code*.
- iv. The complete policy on communications proficiency can be obtained from the offices of the Provost or the Vice President for Student Affairs or Community Standards & Care Network.

3. Academic Warning/Probation/Dismissal Policy

a. Undergraduate

- i. Any student who does not maintain minimum academic requirements is subject to placement on warning or to suspension or dismissal from the University.
- ii. See Undergraduate Warning, Suspension, and Dismissal Policy in the Undergraduate Academic Information section of the Academic Catalog.

b. Graduate

- i. Please refer to the Graduate Academic Catalog section on Academic Standards.

4. Financial Aid Information

a. Federal Student Financial Aid Penalties for Drug Law Violations

HEA Section 484 of the Higher Education Act of 1965, as amended

The U.S. Department of Education (ED) has rescinded the student eligibility requirements for Title IV aid, and a student no longer faces penalties or suspension due to a drug-related conviction while receiving Title IV aid.

Students' eligibility is no longer impacted by reported drug convictions on the FAFSA, but the Anti-Drug Abuse Act of 1988 remains in place. The Anti-Drug Abuse Act of 1988 includes the authorization for federal and state judges to deny certain federal benefits, including student aid, to persons convicted of drug trafficking or possession. All FAFSA applications are checked with the Central Processing System (CPS) which holds a file of individuals who have received such a judgment. Student files with matching records will receive a comment code identifying the restriction of Title IV aid. Students will receive an email communication to their UND email address with further information if identified.

UND annually distributes drug and alcohol abuse prevention materials and information to students, and has an established drug and alcohol prevention program that meets the following standards.

Standards for a qualified drug rehabilitation

A qualified drug and alcohol rehabilitation/prevention program must include at least two unannounced drug tests and must satisfy at least one of the following requirements:

- i. Be qualified to receive funds directly from a federal, state, or local government program;
- ii. Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company;
- iii. Be administered or recognized by a federal, state, or local government agency or court; or
- iv. Be administered or recognized by a federal or state-licensed hospital, health clinic, or medical doctor company.

b. Additional Financial Aid Information

For more general information regarding financial aid please contact One-Step Student Services,

701.777.1234.

5. Academic Freedom ([SBHE 401.1](#))

The University's statement regarding academic freedom is available in the [Faculty Handbook](#).

C. Notice of Federal Compliance

1. Notice of Annual Security & Fire Safety Report

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the University of North Dakota publishes an Annual Security and Fire Safety Report. The report includes the university's policies, procedures, and programs concerning safety and security, as well as three years' of crime statistics for our campus. As a student, you are entitled to a copy of this report. The report and statistical data can be found online at https://campus.und.edu/safety/_files/docs/annual-security-report.pdf. You may also request a paper copy of the report from the UND Police Department located at 3851 Campus Road, Grand Forks, ND, 58202.

2. Notice of Title IX and VAWA Compliance

Title IX of the Education Amendments of 1972 (Title IX), and its regulation, prohibit discrimination on the basis of sex and/or gender in education programs and activities operated by recipients of federal financial assistance. Sexual harassment that creates a hostile environment, including sexual assault and other forms of sexual misconduct, is a form of discrimination prohibited by Title IX. The regulation implementing Title IX requires that the University adopt and publish grievance procedures providing a prompt and equitable resolution of complaints that allege any action that would be prohibited by Title IX, including sexual assault, sexual harassment, and other forms of sexual misconduct. Similarly, the Violence Against Women Reauthorization Act of 2022 (VAWA) requires prompt, fair and impartial investigation and resolution of allegations of stalking, dating violence, and domestic violence.

For complaints regarding sexual assault, harassment, or other forms of sexual misconduct UND uses the procedures outlined within the *Code*, the [Title IX Sexual Misconduct policy](#), and/or the [Sexual Misconduct policy](#).

3. [Notice of Non-Discrimination](#)

The University of North Dakota (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, (including limited English proficiency), religion, sex, age, disability, sexual orientation, gender identity, pregnancy or pregnancy-related condition, genetic information, marital or parental 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.

The University's policies and procedures for complaints of discrimination or harassment are found at:

- [Discrimination and Harassment Policy](#)
- [Sexual Misconduct Policy](#)
- [Title IX Sexual Misconduct Policy](#)

Concerns regarding UND's equal opportunity and nondiscrimination policies, including Title IX, Title VI, Title VII, ADA, and Section 504 may be addressed to:

Donna Smith
Assistant Vice President & Title IX/ADA Coordinator

Equal Opportunity & Title IX
Twamley Hall Room 401
264 Centennial Dr Stop 7097
Grand Forks, ND 58202-7097
P: 701.777.4171

UND.EO.TitleIX@UND.edu
donna.smith@UND.edu

A complaint or concern regarding discrimination or harassment may also be sent to the following or any other federal agency:

Office for Civil Rights
U.S. Department of Education
230 South Dearborn Street, 37th Floor
Chicago, IL 60604
Phone: 312.730.1560
Fx 312.730.1576
OCR.Chicago@ed.gov

Approval Signatures

Step Description	Approver	Date
Policy Office	Jennifer Rogers: Director of University Policy	08/2024
Policy Owner	Alex Pokornowski: Dean of Students/VP SA PAG Liaison	08/2024

2024

ANNUAL SECURITY & FIRE SAFETY REPORT



President's Message

Dear Community Member:

I am pleased to introduce the *2024 Annual Security and Fire Safety Report* for the 2023 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 & Care Network, Department of Public Safety, Housing & Residence Life, Legal Counsel, and Policy Office. Not only does this report comply with the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act, but it is also 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 are 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

Published August 15, 2024

Table of Contents

Quick Reference Resources..... 3
 On-Campus and Off-Campus First Responders 3
 Health 3
 Campus and Community Offices 4
 National and Statewide Hotlines 4

The Clery Act 5

Campus Safety 6
 Notice of Nondiscrimination 6
 Law Enforcement Authority..... 6
 Accurate and Timely Reporting of Criminal Offenses 7
 Access to and Security of Campus Facilities 8
 Missing Student Notification 11
 Emergency Response and Evacuation 12

Communication about Campus Crime 15
 Timely Warnings 15
 How to Report a Crime..... 16
 Preparation and Disclosure of Crime Statistics..... 17
 Security Awareness and Crime Prevention Programs..... 21
 Disclosure to Victims of Alleged Crimes 22
 Addressing Criminal Activity Off-Campus 22

Alcohol and Drugs 23
 Alcohol- and Drug-Free Workplace Statement 23
 Alcohol Exception 24
 Alcohol Advertising Permission 25
 Student Use of Alcohol and Drugs 25
 Employee Use of Alcohol and Drugs 28
 Legal Sanctions 30
 Institutional Response..... 34
 Substance Abuse Education Programs 34

Preventing Sexual Violence 36
 Title IX Sexual Misconduct..... 38
 Responding to Reports of Title IX Sexual Misconduct 40
 Sexual Misconduct 55
 Responding to Reports of Sexual Misconduct..... 56
 Sex Offender Registration..... 72

Annual Fire Safety Report..... 73
 Portable Electrical Appliances, Smoking and
 Open Flames in Student Housing..... 73
 Smoking/Tobacco-Free Campus 74
 Fire Evacuation Procedures..... 75
 Fire Safety Systems in On-Campus Housing 75

Associated Tables & Figures 77
 Campus Crime Statistics..... 78
 Fire Safety Systems in On-Campus Locations 79
 Statistics and Related Information Regarding Fires in
 Residential Facilities: 2021, 2022, 2023..... 81
 Campus Map 87

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
<https://campus.UND.edu/safety/police>

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>

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
 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

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

Additional Campus Offices

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

Athletics.....701-777-2234
 2625 2nd Ave N, Hyslop at Memorial Village
<http://fightinghawks.com>

**Community Violence Intervention
 Confidential Advisor**.....701-777-6550
 264 Centennial Drive, Twamley Hall, Room 102
<http://UND.edu/student-life/violence/cvic>

Department of Public Safety.....701-777-3341
 3851 Campus Road
<http://campus.UND.edu/safety>

Emergency Management701-777-3341
 3851 Campus Road
<http://campus.UND.edu/safety/emergencies>

Equal Opportunity & Title IX701-777-4171
 264 Centennial Drive, Twamley Hall, Room 401
<http://campus.UND.edu/equal-opportunity>

Facilities Management701-777-2591
 3791 Campus Road
<http://campus.UND.edu/facilities-management>
 Maintenance/24 hours 701-777-2591

Housing & Residence Life701-777-4251
 525 Stanford Road
<http://UND.edu/student-life/housing>
 Residence Hall Information (weekends/evenings)... 701-777-3903

Human Resources701-777-4226
 264 Centennial Drive, Twamley Hall, Room 409
<http://campus.UND.edu/human-resources>
 Employee Assistance Program 800-627-8220

International Programs and Center701-777-4231
 2091 University Avenue, Memorial Union, Room 300
<http://UND.edu/academics/international-center>

Office of Safety701-777-3341
 3851 Campus Road
<https://campus.UND.edu/safety/public-safety>

**Community Standards &
 Care Network (weekdays)**701-777-2664
 2901 University Avenue, Memorial Union, Room 240
<http://UND.edu/student-life/student-rights-responsibilities>
 Care Team (days: Community Standards &
 Care Network)..... 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 IX701-777-4171
 264 Centennial Drive, Twamley Hall, Room 401
<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 Line701-775-0525

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 several 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 preceding three calendar 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 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 (including limited English proficiency), religion, sex, age, disability, sexual orientation, gender identity, pregnancy or pregnancy-related condition, genetic information, marital or parental 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.

The University's policies and procedures for complaints of discrimination or harassment are the Discrimination and Harassment Policy, the Sexual Misconduct Policy and the Title IX Sexual Misconduct Policy.

Concerns regarding UND's equal opportunity and nondiscrimination policies, including Title IX, Title VI, Title VII, ADA, and Section 504 may be addressed to: Donna Smith, Assistant Vice President & Title IX/ADA Coordinator, Equal Opportunity & Title IX, Twamley Hall Room 401, 264 Centennial Dr Stop 7097, Grand Forks, ND 58202-7097. Phone: 701.777.4171. Email: UND.EO.TitleIX@UND.edu or donna.smith@UND.edu.

A complaint or concern regarding discrimination or harassment may also be sent to the following or any other federal agency: Office for Civil Rights, U.S. Department of Education, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604. Phone: 312.730.1560. Fax: 312.730.1576. Email: OCR.Chicago@ed.gov.

Law Enforcement Authority

The University of North Dakota Police Department (UPD) is a full-service law enforcement agency serving the University of North Dakota 24 hours a day, 365 days a year. 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 SBHE and University policies.

UND desires to maintain a secure and accessible campus for students, employees, contractors, visitors, and guests. 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.

Determining law enforcement authority for UND's campus is directed by North Dakota Century Code (NDCC) sections 15-10-17 and 44-08-20, the State Board of Higher Education (SBHE) and the Clery Act.

Jurisdiction

Per NDCC 15-10-17, a law enforcement officer employed by UND has jurisdiction on all property owned or leased by the SBHE and property on and within the boundaries of:

- The intersection of DeMers Avenue and North 55th Street,
 - North 55th Street north to University Avenue,
 - University Avenue east to North 42nd Street,
 - North 42nd Street north to Gateway Drive,
 - Gateway Drive east to North Columbia Road,
 - North Columbia Road south to 10th Avenue North,
 - 10th Avenue North east to North 25th Street,
 - North 25th Street south to 6th Avenue North,
 - 6th Avenue North east to North 20th Street,
 - North 20th Street south to 5th Avenue North,
 - 5th Avenue North west to North 23rd Street,
 - North 23rd Street south to University Avenue,
 - University Avenue east to North 21st Street,
 - North 21st Street south to Dyke Avenue,
 - Dyke Avenue east to North Washington Street,
 - North Washington Street south to DeMers Avenue, and
 - DeMers Avenue west to North 55th Street.
- Jurisdiction also includes Grand Forks International Airport.

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 & Care Network 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

Students, faculty, staff, and visitors are strongly encouraged to report all criminal and suspicious activity, public safety related incidents, and any emergency occurring on UND's property, to the University of North Dakota Police Department (UPD) or local law enforcement in an accurate and timely manner. Reports may be made on behalf of another, when, for example, the victim of a crime elects to or is unable to make such a report.

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

Dispatchers are available on 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 (701-777-2724)
- Dean of Students (701-777-2664)
- Associate Vice President for Student Affairs (701-777-2724)
- Associate Vice President for Student Inclusion (701-777-2443)
- Coordinator for Fraternity and Sorority Life (701-777-3620)
- Student Organization Faculty Advisors (701-777-4200)
- Community Standards & Care Network: Assistant Directors and Coordinators (701-777-2664)
- Director of Housing & Residence Life (701-777-4251)
- Housing & Residence Life personnel: Associate and Assistant Directors of Housing, Resident Director, Community Assistants, Resident Assistants, Resident Managers (701-777-4251)
- Director of Athletics (701-777-2234)
- Deputy Director of Athletics (701-777-2234)
- Senior Associate, Associate and Assistant Directors of Athletics (701-777-2234)

- Athletics: Head Coaches, Assistant Head Coaches, Associate Head Coaches, and Office Operations (basketball, cross country, football, golf, hockey, soccer, softball, tennis, track and field, volleyball) (701-777-2234)
- Medical Providers in Athletics (701-777-2234)
- Athletics: Directors (Operations, Communication, Learning Enhancement, Student-Athlete and Sports Medicine Insurances Services, Video Content) (701-777-2234)
- Athletics: Coordinators (Athletics Administration, Business Operations, Compliance Graphic Design, Equipment Operations, Licensing) (701-777-2234)
- Sports Broadcaster in Athletics (701-777-2234)
- Administrative Assistant in Athletics (701-777-2234)
- Title IX Coordinator (701-777-4171)
- 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 and Administration for Academic Affairs (701-777-2049), Title IX/Civil Rights Investigators (701-777-4399), Equity Compliance & Education Manager (701-777-4171)
- Provost/VP for Academic Affairs (701-777-2167)
- Director of International Center (701-777-4231)
- Director of Student Diversity and Inclusion (701-777-4362)
- Director of Indigenous Student Center (701-777-6175)
- Director of Pride Center (701-777-5890)
- Student Health Services Medical Personnel (701-777-4500)

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 on 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 a CSA 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 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 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). Except for 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 the Department of Public Safety have access to all areas except for 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. A person 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.

The University strives to maintain a secure and accessible campus for students, employees, visitors, guests, and affiliates. This campus access policy complies with the requirements established by the Clery Act.

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

Facilities Management is responsible for key cutting, distribution, and annual inventory. UND Emergency Management, Operations Center, is responsible for EDA device creation, distribution, and annual inventory. With prior written approval, departments may maintain a supply of EDA devices and will work directly with the Operations Center to activate and deactivate these devices.

Facilities Management oversees campus space and is responsible for recoring all door locks. UND Emergency Management, Operations Center, is responsible for activation and deactivation of EDA devices, and will work with departments to establish schedules for EDA devices.

Housing & Residence Life facilitates the process for all residents' keys/EDA devices.

In order to maintain a safe working environment for students, faculty and staff, a key/EDA device checkout is available through the Operations Center. Departments are encouraged to use this service to allow intermittent access to buildings and rooms outside of building hours.

Access Requests

Requests for access must be submitted on a UND access request form to the Operations Center. Incomplete, illegible, incorrect, or unsigned forms will be returned to the requesting department. Alteration of the form will preclude its use.

Departments can request access for those rooms and areas they are preassigned according to the Facilities Management space management software. For more information or to review pre-assigned space, contact Facilities Management.

Justification statements for outside door, laboratory, restricted area, building master, grand master or specialty access are required. Requests for these areas must be approved and signed by the associate vice president for public safety. If approved, the request will be forwarded to Facilities Management for processing.

Housing

Housing & Residence Life staff provide access to those spaces assigned to them, including the Office of Housing & Residence Life, according to this policy document and established Housing & Residence Life procedures in accordance with this policy and their established procedures.

After Hours Access

Individuals needing access to or utilizing facilities outside of posted hours of operation must contact the Operations Center and provide notification that they are in the building. Individuals in classrooms, labs, and other areas after hours are also encouraged to use the "work alone/study alone" feature in the UND SafeCampus app.

Authorized Signatures

A UND access request form must be completed and signed by the dean, department chair/head or an authorized designee whose name is kept on file by the Department of Public Safety. Persons authorized to sign requests cannot authorize their own request. Requests by these individuals must be authorized by an immediate supervisor.

Requests for outside door, laboratory, restricted area, building master, grand master or specialty access must be acknowledged by the BSSR of the building the request is for and signed by the associate vice president for public safety.

Any change to the authorized signer must be submitted to the Office of Safety within 10 days of the effective date of change. Authorization will be reviewed annually during the key/EDA device inventory audit.

Key/EDA Device Issuance Facilities Management and University Information Technology

Following approval of the UND access request, the requested key/EDA device will be issued. When a key/EDA device is ready for pick up the individual for whom access was granted will be contacted by email. Keys/EDA devices must be picked up by the key/EDA device holder, and a picture ID must be presented at the time of pick up. Pick up will take place at the Operations Center unless otherwise instructed. A receipt will be provided that contains important information regarding access holder responsibilities.

Housing

Housing & Residence Life staff issue access to residential buildings by virtue of application and assignment. A picture ID is required to obtain a key/EDA device.

Multiple Key Requests Facilities Management and Department of Public Safety

Requests for multiple keys must provide justification on the request before sending to the Operations Center. The form will be routed to the associate vice president for public safety for approval. All multiple key holders must adhere to the multiple key checkout procedures listed below and utilize the temporary key checkout form. Failure to follow these procedures may result in the department's loss of multiple key privileges.

- The multiple key holder must have the multiple key user complete the temporary key checkout form each time the user checks out a key.
- The multiple key holder is responsible for ensuring the multiple key user reads and understands the terms of usage.
- Keys not used during the course of a calendar year are to be returned with a copy of the temporary key checkout sheet to the Operations Center at the time of the annual key inventory.

Multiple key requests will be reviewed by the associate vice president for public safety only if the department has returned its current key inventory and temporary key checkout sheet(s) to Facilities Management. The exception would be if the

multiple key request was submitted during the 30 days granted to departments to complete the key inventory.

The determination of responsibility for the fee for a lost multiple key will be reviewed on a case-by-case basis and the responsible party and department head will be notified by Facilities Management.

Key boxes are available for the storage of multiple keys. Individuals, with proper authorization, may check out keys from these boxes as necessary.

Housing

Room, apartment, and outside door keys are stored in secure key boxes. SOPs are in place for the key boxes within Housing & Residence Life areas.

Key/EDA Device Inventory Audit Facilities Management and University Information Technology

A Key/EDA device Inventory Audit List will be issued to each department annually. It is the department's responsibility to conduct an annual inventory of each person's access (key/EDA device) on the audit list. The inventory must include a physical check of the key/EDA device. It is also the department's responsibility to return the completed audit list by the deadline date. The Inventory Audit Instruction Sheet and How to Read the Inventory Sheet provide additional information. Contact Facilities Management for this information.

When a key/EDA device is identified as "unaccountable" on the audit inventory, the lost or stolen key/EDA device notification and replacement request form must be completed and submitted to the Operations Center.

Multiple key holders within departments must return the temporary key checkout form(s) with the annual inventory.

If departments do not comply with inventory requirements, they will be referred to the appropriate director, department chair, dean, or associate vice president for follow up to ensure the inventory is completed and the department is in compliance.

New requests for a key/EDA device will not be processed for a department (or individual) if the current year inventory and temporary key checkout sheet(s) have not been completed.

Possession of unauthorized keys/EDA devices or alteration of keys/EDA devices is prohibited. If an individual is found to possess and/or use unauthorized keys/EDA devices or is found to have altered keys/EDA devices for unauthorized use, keys/EDA devices will be confiscated and disciplinary actions, including potential criminal charges or termination of employment, may apply.

In addition to the annual audit, the University reserves the right to conduct an inventory audit at any time.

Housing

Housing & Residence Life conducts its own key/EDA device audit for residential keys/EDA devices. Audits are conducted at the end of the academic year, and also take place upon resident turnover.

Key/EDA device numbers are maintained by Housing & Residence Life as is the verification of who has the keys/EDA devices. Student staff keys/EDA devices are issued to each staff member by a supervisor. Inventory lists and forms are maintained by the Housing & Residence Life department.

Returns

Department of Public Safety

All keys/EDA devices must be returned to the Operations Center or retained by the issuing department with prior written approval. In all instances the party returning the key/EDA device is responsible for obtaining a receipt for returned key/EDA device.

In the case of extenuating circumstances, a department may collect keys/EDA devices from the authorized holder. The department must issue the holder a department key/EDA device receipt upon the collection of key(s)/EDA device(s). It is then the responsibility of the department to return the key/EDA device to the Operations Center or the department may retain the key/EDA device with prior written approval.

Under special circumstances UPD may also collect keys/EDA devices and return them to the Operations Center.

Keys/EDA devices are the property of the UND and must be surrendered upon demand. Under no circumstance are keys/EDA devices to be discarded, destroyed or transferred to any other authorized individual without receiving a receipt.

Housing

All keys/EDA devices that are no longer needed must be returned to the appropriate Housing & Residence Life authority. Apartment leaseholders may transfer keys to spouses and/or authorized occupants as necessary.

Lost, Stolen, Non-Returned

Keys & EDA Devices

Department of Public Safety & Facilities Management

If a key/EDA device is lost or stolen it is the responsibility of the individual assigned the key/EDA device to immediately notify the Operations Center immediately, then notify the department who authorized it and complete the lost or stolen key/EDA device notification & replacement request form. Key(s)/EDA devices that are thought to be stolen should also be reported to the police, and a copy of the police report attached to the form. Failure to obtain a police report could result in a charge for replacement key(s)/EDA devices to the device holder. Upon receipt of the completed lost or stolen key/EDA device notification & replacement request form, the associate vice president for public safety/chief of police will notify facilities and conduct any necessary investigation. When necessary, written notification will be sent to the appropriate vice president, associate vice president, dean, department chair, or director when outside, laboratory, restricted area, master, grand master and specialty keys/EDA devices are lost or stolen.

Key retrieval procedures should be followed by the department to attempt to retrieve any outside, laboratory, restricted area, master, grandmaster or specialty key that is not accounted for. Fees will be assessed to individuals and/or department for keys which are lost or stolen. The determination of responsibility for any fees will be made on a case-by-case basis in accordance with this policy. If a key is determined to be missing, and more than 90 days have passed since the individual's last date of employment or enrollment, the department will incur the fee rather than the individual. If the key or return receipt can be produced after payment is made, a refund of the fee will be made to the key holder or department accordingly. The opportunity for a refund does not pertain to keys/EDA devices issued by Housing & Residence Life.

If an individual has two or more separate incidents of lost, stolen, or non-returned violations, the associate vice president for public safety reserves the right to revoke the holder's key/EDA device privileges.

The loss of keys to outside, laboratory, restricted area, master, grandmaster or specialty keys may constitute a security breach and a risk assessment will be completed by the Restricted Areas Subcommittee prior to the reissuing of any keys for the affected door(s). If a recore is necessary, the department will be notified by Facilities Management to approve a recore of the affected doors. If it is determined a significant security concern exists, the department will be notified and a recore will be initiated without department approval. In both instances, the department will be responsible for the associated costs of the recore. The results of the risk assessment may result in disciplinary action taken by the University, and key and/or EDA device privileges may be affected.

Housing

Housing & Residence Life determines both responsibility and costs for individuals (residents and students) held responsible for lost/stolen keys/EDA devices.

Housing & Residence Life will request Facilities Management recore a door. A new key/EDA device is issued to the resident and is billed accordingly. Upon recoring, obsolete keys must be returned to the Operations Center.

Restricted Areas

Facilities Management and Department of Public Safety

The request to restrict access to a building or room will be coordinated between the requestor (department dean, or chair/head) and the Restricted Areas Subcommittee.

When restricted access is designated for buildings/rooms, no maintenance, custodial, and other such services will be provided. In the event that emergency personnel need to enter the restricted area, and the designated individual responsible for accessing the restricted area is not available, the department may be charged for any and all damage that may occur when entry is made.

Housing

All residence hall areas are considered restricted and are accessible by designated access. Authorized University personnel may enter rooms for the purposes of routine inventory, maintenance or repair, or for health or safety inspections. Authorized University personnel may conduct an administrative search of the restricted area/room to determine compliance with University regulations and policies or federal, state or local criminal laws when there is a reasonable cause to believe that a violation has occurred or is taking place.

Vendors and Contractors Facilities Management

Vendors and contractors must obtain and complete a vendor/contractor authorization form from Facilities Management prior to receiving any key/EDA device. Upon completion and approval of the vendor/contractor authorization form by the director of facilities management, vendors and contractors are required to check out a key/EDA device from the Operations Center for any work that requires access to a building. A picture ID is required when picking up keys/EDA devices. These keys/EDA devices must be returned to the Operations Center each day prior to leaving the campus.

If keys/EDA devices are not returned, Facilities Management reserves the right to change lock cores on all affected doors and bill the vendor/contractor accordingly. All lost keys/EDA devices shall be reported to the Operations Center immediately. No duplication of keys/EDA devices is permitted.

If contractor cores are utilized, keys may be held for the duration of the job without being returned to the Operations Center.

Housing

Vendors and contractors will be escorted by UND personnel or student employees when entering or working in occupied rooms or apartments. During vacancy of the apartment or room, the vendors and contractors will follow the same process as Facilities Management vendors and contractors including obtaining and returning a key/EDA device at the Operations Center.

Electronic Door Access Standards

All electronic door access systems must comply with the standards established by the University. This pertains to new construction, renovation, and upgrades. These standards include the requirement to install electronic door access on selected outside door locations and high-hazard locations within the facility recommended and approved by the Department of Public Safety and University Information Technology. Please contact the Department of Public Safety or University Information Technology for questions or additional information. These approved systems are required to be integrated into the University's access control management system located at the Operations Center.

Video Surveillance Standards

The installation of video surveillance systems for the protection of persons and property must adhere to University policy regarding the use of these systems and must comply with the

standards established by the University. This pertains to new construction, renovation, and upgrades. These standards include the requirement to install video surveillance systems at entrances and exit locations, long corridors, any point-of-sale locations, or any designated high-hazard locations within the facility. While video systems are not required to be integrated into the University's video management system, the Department of Safety must be notified when a video system is installed. Please contact the Department of Public Safety or University Information Technology for questions or additional information.

Appeals

Individuals and departments have the right to appeal associate vice president (AVP) for public safety decisions based on policy and the interpretation of it. Appeals must be submitted in writing on the appeal form to the AVP for public safety within two weeks of receipt of its initial decision. The decision on an appeal by the AVP for public safety may be reviewed, upon request, by the vice president for finance and operations/ chief operating officer.

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 potential safety and security hazards, such as 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/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.

Missing Student Notification

Regardless of whether a student has identified a contact person, is above the age of 18, or is an emancipated minor, the University of North Dakota Police Department (UPD) and

local law enforcement must be notified of a missing student within 24 hours. 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 UPD and local law enforcement. 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 is only disclosed during a missing student investigation or as required by law.

For a student 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, in addition to the emergency contact person designated by the student. If the student is emancipated, UND follows its standard missing person notification/protocol.

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, residence 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 & Care Network. 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 & Care Network 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, not including those 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 & Care Network, 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 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.

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

UND-Alerts

UND-Alerts is UND's campus-wide emergency notification system and 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-Alerts emergency notification system to disseminate emergency alerts by telephone and/or text.

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, 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 here to draw a distinction between the authorization of an emergency notification and the issuance of a notification. Authorizing a notification involves:

- Determining 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 not have received training for all 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 Department of Public Safety can contact in a timely manner:

1. President
2. Vice President for Academic Affairs and Provost
3. Vice President for Finance and Operations/Chief Operating Officer
4. Vice President for Student Affairs
5. Vice President for Marketing and Communications
6. Vice President for Health Affairs
7. Associate Vice President for Public Safety and 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 Department of Public Safety, after receiving confirmation from an authorized official, will, without delay, and considering 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 then activate the appropriate emergency notification system(s).

A library of notification statements is scripted for anticipated emergencies and may be found in UND's Emergency Operation Plan. The Operations Center is responsible for disseminating these statements when immediate campus notification is necessary.

Following an initial statement of information, the release of all subsequent notifications to the campus community are collaborated upon by first responders, the Department of Public Safety, the Operations Center and/or UND administration, and are released by the Operations Center as the situation unfolds.

Timely warnings, as defined by the Clery Act, are not required when UND follows its emergency notification procedures.

Notification Methods

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

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

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 always be available for use while students are required to turn off their cell phones.

Individuals and organizations outside the campus community are notified of emergency and dangerous situations by 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 can notify multiple agencies through one dispatch center when situations arise.

UND-Alerts

Students and employees must check contact 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-Alerts registration and a comprehensive list of frequently asked questions may be found online).

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 tests emergency response and evacuation procedures at least annually, and two full-system tests of UND-Alerts are conducted every calendar year. Additional building evacuation and sheltering drills are encouraged for UND campus buildings and external campus locations. Building occupants have, at a minimum, one fire drill coordinated by the building safety and security representative (BSSR) and conducted by the Office of Safety annually. If building occupants wish to have a shelter in place drill, the BSSR will coordinate with the Office of Safety to conduct it. Documentation associated with drills is maintained by the Office of Safety.

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 (lock-down, 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.

UND leadership and departments regularly participate in tabletop exercises and emergency drills on-campus, in the community, and with state officials. The Office of Emergency Management regularly designs and orchestrates these simulations and recruits volunteers from the campus and local community to serve as role players during the exercise. 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.

Documentation

Drills and exercises may be announced or unannounced, are designed for assessment and evaluation and include appropriate follow-through activities. Documentation is maintained for each test, including a description of the exercise, the date, time, and whether it was announced or unannounced.

Fire and severe weather drill evaluation forms are available for use on the Office of Emergency Management website. Evaluation forms are useful in tracking and improving building drills from year to year. BSSRs are responsible for completing these documents.

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.

Communication About Campus Crime

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.

Initiating Timely Warnings

Department of Public Safety (DPS) personnel are responsible for determining the content of and initiating timely warnings. Those responsible include, but are not limited to:

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

Upon notification from DPS, the Operations Center activates the appropriate notification system(s) to 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
- 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, religion, disability, sexual orientation, ethnicity, national origin, or gender identity.

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.

UND is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor; UND does not employ campus pastoral counselors.

Warning Content

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

- 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 (e.g., victim names/information) 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
- SafeCampus App
- Official UND website and UPD website
- Local media
- Targeted communication – posters, letters, group meetings, etc.
- UPD social media

How to Report a Crime

To report a crime, the campus community should contact the University Police Department (UPD) at (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 if off-campus. For any suspicious activity or circumstance which could cause an emergency and necessitate the need of an emergency alert to campus, contact UPD.

All reports of criminal action and/or other emergencies are addressed by appropriate personnel.

Campus security authorities include but are not limited to:

- Vice President for Student Affairs (701-777-2724)
- Dean of Students (701-777-2664)
- Associate Vice President for Student Affairs (701-777-2724)
- Associate Vice President for Student Inclusion (701-777-2443)
- Coordinator for Fraternity and Sorority Life (701-777-3620)
- Student Organization Faculty Advisors (701-777-4200)
- Community Standards & Care Network: Assistant Directors and Coordinators (701-777-2664)
- Director of Housing & Residence Life (701-777-4251)
- Housing & Residence Life personnel: Associate and Assistant Directors of Housing, Resident Director, Community Assistants, Resident Assistants, Resident Managers (701-777-4251)
- Director of Athletics (701-777-2234)
- Deputy Director of Athletics (701-777-2234)

- Senior Associate, Associate and Assistant Directors of Athletics (701-777-2234)
- Athletics: Head Coaches, Assistant Head Coaches, Associate Head Coaches, and Office Operations (basketball, cross country, football, golf, hockey, soccer, softball, tennis, track and field, volleyball) (701-777-2234)
- Medical Providers in Athletics (701-777-2234)
- Athletics: Directors (Operations, Communication, Learning Enhancement, Student-Athlete and Sports Medicine Insurances Services, Video Content) (701-777-2234)
- Athletics: Coordinators (Athletics Administration, Business Operations, Compliance Graphic Design, Equipment Operations, Licensing) (701-777-2234)
- Sports Broadcaster in Athletics (701-777-2234)
- Administrative Assistant in Athletics (701-777-2234)
- Title IX Coordinator (701-777-4171)
- 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 and Administration for Academic Affairs (701-777-2049), Title IX/Civil Rights Investigators (701-777-4399), Equity Compliance & Education Manager (701-777-4171)
- Provost/VP for Academic Affairs (701-777-2167)
- Director of International Center (701-777-4231)
- Director of Student Diversity and Inclusion (701-777-4362)
- Director of Indigenous Student Center (701-777-6175)
- Director of Pride Center (701-777-5890)
- Student Health Services Medical Personnel (701-777-4500)

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 of 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 the 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 report to Community Standards & Care Network. Such a report may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.
- Make a report to the Title IX coordinator in the Equal Opportunity & Title IX Office. Such a report 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 a website that may be used to report crimes anonymously.
- Contact a referral agency for help: 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 or criminal justice system at a later date.

Preparation and Disclosure of Crime Statistics

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 the University of North Dakota 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 & 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 Police Department, 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.

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.

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, which 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, which 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.

Applicable Definitions: VAWA

The following VAWA definitions of criminal offenses are used/reportable within the ASFSR when they occur within UND's Clery geography.

- **Aggravated Assault** - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
- **Arson** - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- **Burglary** - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Criminal Homicide: Manslaughter by Negligence** - The killing of another person through gross negligence.
- **Criminal Homicide: Murder and Non-negligent Manslaughter** - The willful (non-negligent) killing of one human being by another.
- **Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

2. For the purposes of this definition —
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.
 3. For the purposes of complying with the requirements of this section and 34 CFR §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Domestic Violence**
 1. A felony or misdemeanor crime of violence committed
 - a. By a current or former spouse or intimate partner of the victim;
 - b. By a person with whom the victim shares a child in common;
 - c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - e. 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.
 2. For the purposes of complying with the requirements of this section and 34 CFR §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
 - **Drug Violations** - The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
 - **Hate Crime** - A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.
 - **Liquor Law Violations** - The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
 - **Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned— including joyriding.)
 - **Robbery** - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
 - **Sexual Assault** - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Unified Crime Reporting (UCR) program.
 - **Sex Offenses** - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent:
 1. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
 2. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
 - **Stalking**
 1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress.
 2. For the purposes of this definition:
 - a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - d. For the purposes of complying with the requirements of this section and 34 CFR §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
 - **Weapons Violations** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- Applicable Definitions:**
North Dakota State Law
 The following are jurisdictional definitions of criminal offenses as outlined in North Dakota Century Code (NDCC).
- **Consent** – North Dakota does not have a state law definition. However, see Consent as a Defense, below.
 - **Consent as a Defense** (NDCC §12.1-17-07-08)
 1. When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury by all persons injured or threatened by the conduct is a defense if:

- a. Neither the injury inflicted nor the injury threatened is such as to jeopardize life or seriously impair health;
 - b. The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
 - c. The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the person subject to such conduct or injury, having been made aware of the risks involved, consent to the performance or the conduct or the infliction of the injury.
2. Assent does not constitute consent, within the meaning of this section, if:
 - a. 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;
 - b. 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
 - c. It is induced by force, duress, or deception.
- **Dating Violence** - North Dakota does not have a state law definition. However, as the State includes “persons who are in a dating relationship” in its definition of “family or household member” under its domestic violence laws, any violence committed by dating parties would fall under the crime of domestic violence. See NDCC §14.07.1-01.
 - **Domestic Violence** (NDCC §12.1-17-01.2)
 1. For purposes of this section “family or household member” means family or household member as defined in section 14-07.1-01.
 2. A person is guilty of an offense if that person willfully causes:
 - a. Bodily injury to the actor’s family or household member;
 - b. Substantial bodily injury to the actor’s family or household member; or
 - c. Serious bodily injury to the actor’s family or household member.
 3. The offense is:
 - a. A class B misdemeanor for the first offense under subdivision a of subsection 2 and a class A misdemeanor for a second or subsequent offense under this section or sections 12.1-17-01, 12.1-17-01.1, or 12.1-17-02 involving the commission of domestic violence, as defined in section 14.-07.1-01. For purposes of this subdivision, a prior conviction includes a conviction of any assault offense in which a finding of domestic violence was made under a law or ordinance of another state which is equivalent to this section.
 - b. A class A misdemeanor for an offense under subdivision b of subsection 2 and a class C family for an offense under subdivision c of subsection 2.
 - c. A class B felony for an offense under subdivision b or c of subsection 2 if the victim is under twelve years of age.
 4. A person charged with an offense under this section must be prosecuted in district court.
 - **Family or Household Member** (NDCC §14.07-1.01) - A spouse, family member, former spouse, parent, child, person related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court under section 14-07.1-02.
 - **Sexual Assault** (NDCC §12.1-20-07)
 1. A person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:
 - a. That person knows or has reasonable cause to believe that the contact is offensive to the other person;
 - b. 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;
 - c. 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;
 - d. 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;
 - e. 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
 - f. The other person is a minor, fifteen years of age or older, and the actor is an adult.
 2. The offense is:
 - a. A class C felony if the actor’s conduct violates subdivision b, c, d, or e of subsection 1, or subdivision f of subsection 1 if the adult is at least twenty-two years of age; or
 - b. A class A misdemeanor if the actor’s conduct violates subdivision of subsection 1 if the adult is at least eighteen years of age and not twenty-two years of age or older, or if the actor’s conduct violates subdivision a of subsection 1.
 - **Stalking** (NDCC §12.1-17-07.1)
 1. As used in this section:
 - a. “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.
 - b. “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.

c. "Stalk" means:

- (1) To engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and which serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment; or
 - (2) The unauthorized tracking of the person's movements or location through the use of a global positioning system or other electronic means that would cause a reasonable person to be frightened, intimidated, or harassed and which serves no legitimate purpose.
2. A person may not intentionally stalk another person.
 3. 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.
 4. In any prosecution under this section, it is a defense that a private investigator licensed under chapter 43-30, or a peace officer licensed under chapter 12-63 was acting within the scope of employment.
 5. 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:
 - (1) The person previously has been convicted of violating section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2 12.1-17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07, or a similar offense from another court in North Dakota, a court of record in the United States, or a tribal court, involving the victim of the stalking;
 - (2) The stalking violates a court order issued under chapter 14-07.1 protecting the victim of the stalking, if the person had notice of the court order; or
 - (3) 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.

Applicable Definitions: Institution

In accordance with the Clery Act, the following is an institutional definition outlined by the University of North Dakota. Additional related definitions and associated content can be found in the UND sexual misconduct policy.

- **Consent** - 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 communicate a willingness to participate in a sexual act or contact.

UND uses this definition to determine if a violation of its sexual misconduct policies occurred.

Collecting Crime Data

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

Clery crime reporting covers the preceding calendar year, January 1 to December 31. 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 & Care Network provide statistics to UPD. The three departments comprise a Clery Working Subgroup that reconciles crime data on a monthly basis.

A working relationship between UPD and specific departments that routinely provide services at non-campus locations has been established. UPD sends an annual notice to these departments, CSAs, and the University community to solicit additional on-campus location information. Anonymous reports are reviewed at the end of the year for reporting purposes.

Crime Data for Non-Campus Operations

UPD annually requests statistical information from the appropriate law enforcement agencies for non-campus operations. UND's Strategic Programming & Initiatives 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 Strategic Programming & Initiatives to send a letter to the appropriate law enforcement units requesting crime data for the specified locations. 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 noted in the ASF SR.

Relevant crime data from those law enforcement agencies that responded to UPD requests regarding UND's non-campus operations are included in the ASF SR. 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 and are noted accordingly.

UND's crime statistics are available in Figure 1 at the end of this report.

Security Awareness and Crime Prevention Programs

The University Police Department (UPD), 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 & Programs Encouraging Personal Security and the Security of Others

Audience	Program	Frequency
Students	Orientation Programs	<ul style="list-style-type: none"> January (spring freshman/transfer students) July (fall freshman/transfer students) August (international students) On Demand: Online; Self-paced (graduate students)
Students in On-campus Housing	Public Safety	<ul style="list-style-type: none"> Upon request by Housing resident directors, community assistants, resident assistant, and resident managers
	Fire Safety	<ul style="list-style-type: none"> Upon request by Housing resident directors, community assistants, resident assistant, and resident managers
Employees	New Employee Information	<ul style="list-style-type: none"> On Demand: Upon Hire; Online; Self-paced
	Annual Notification of Policies	<ul style="list-style-type: none"> March
	Key Inventory	<ul style="list-style-type: none"> Fall Semester
Parents/Families	Welcome Weekend	<ul style="list-style-type: none"> August
Campus Community	Defensive Driving	<ul style="list-style-type: none"> On Demand: Online
	SafeCampus App	<ul style="list-style-type: none"> On Demand: Apple or Android App Store
	Escort Program	<ul style="list-style-type: none"> On Demand: "Friend Walk" accessible via SafeCampus App On Demand: Call UPD
	Blue Emergency Lights	<ul style="list-style-type: none"> On Demand: "Mobile Blue Light" accessible via SafeCampus App On Location
	Title IX Training	<ul style="list-style-type: none"> Fall Semester On Demand: Online Upon Request: In Person
	Run, Hide, Fight Training	<ul style="list-style-type: none"> Spring Semester On Demand: Online Upon Request: In Person
	Domestic Violence, Dating Violence, Sexual Assault, and Stalking Prevention and Awareness Training	<ul style="list-style-type: none"> Upon Request: In Person

Crime Prevention Programming

Campus crime prevention programming is done through the partnership of various University departments and University Police on an ongoing/as needed basis. Additional programming information can be found in UND's Sexual Violence Prevention Policy.

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.

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.

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.

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 workforce 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.

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.

Violence in Schools and the Workplace

This training program offered by the 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.

Disclosure 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, UND 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 UND 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, UND 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).

Alcohol and Drugs

University of North Dakota (UND) enforces federal and state alcohol and drug laws, and 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, State Board of Higher Education 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.

Alcohol- 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, 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 the 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 their 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.

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Confidentiality

All information received by the organization through the drug-free workplace program is confidential communication. 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 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 who 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.

Events at the Memorial Union follow additional procedures.

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 provided and served by a licensed alcohol 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, Student Affairs, and the respective vice president 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 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 enforces federal and state alcohol and drug laws, and 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 UCC. 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.

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
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 UCC. 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. The Code of Student Life 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 circumstances as determined by school officials with legitimate educational interest.

Recognized Student Organizations

Recognized student organizations are those groups that have completed the process for becoming a recognized student organization 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. Recognized student organizations may not participate in any activity or promotion or accept goods or funds from 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 to 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 enforces federal and state alcohol and drug laws, and 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 in the Related Information section of this document.

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, to 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 workday.
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 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 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 1 or 2, the court also may sentence a violator to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44. For a second or subsequent violation of subsection 1 or 2, the court also shall sentence a violator to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44.
 4. The court, under this section, may refer the individual to an outpatient addiction facility licensed by the department of health and human services for evaluation and appropriate counseling or treatment.
 5. The offense of consumption occurs in the county of consumption or the county where the offender is arrested.
 6. An individual under twenty-one years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene, or was the individual in need of medical assistance and cooperated with medical assistance and law enforcement personnel on the scene. The maximum number of individuals who may be immune for any one occurrence is five individuals.

The state and city classification of offenses and the sanctions for 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, violations are as follows:

1. 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 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.
2. An individual under twenty-one years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance

until assistance arrived and remained on the scene and cooperated with medical assistance and law enforcement personnel on the scene, or was the individual in need of medical assistance. The maximum number of individuals that may be immune for any one occurrence is five individuals.

3. If an individual is convicted of this section for delivering alcoholic beverages to an individual under twenty-one years of age, the court shall consider the following in mitigation:
 - a. After consuming the alcohol, the underage individual was in need of medical assistance as a result of consuming alcohol; and
 - b. Within twelve hours after the underage individual consumed the alcohol, the defendant contacted law enforcement or emergency medical personnel to report that the underage individual was in need of medical assistance as a result of consuming alcohol.

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 § 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 § 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 8:00 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 N.D.C.C. § 5-01-01.
2. For the purposes of this section, a person is not twenty-one years of age until 8:00 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 § 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 8:00 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 N.D.C.C. § 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 8:00 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 8:00 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. A passenger on a licensed commercial pedal car, as defined at Grand Forks City Code section 21-1601(2), while the passenger is upon said commercial pedal car may not be charged with a violation of this City Code section 9-0219.

Under NDCC section 19-03.1-23, Prohibited Acts A – 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.
 - b. Any other controlled substance classified in schedule I, II, or III, or a controlled substance analog, except marijuana or tetrahydrocannabinol is guilty of a class B felony.
 - c. Marijuana, tetrahydrocannabinol, or a substance classified in schedule IV, is guilty of a class C felony.
 - d. A substance classified in schedule V, is guilty of a class A misdemeanor.
2. A prior misdemeanor conviction under subsection 7 or a prior conviction under subsection 3 or 4 of section 19-03.4-03 may not be considered a prior offense under subsection 1.
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 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. 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.
5. Except for a prior conviction equivalent to a misdemeanor

violation of subsection 7 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 subsection 1. 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.

6. 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. A person who violates this subsection is guilty of a class C felony.
7.
 - a. 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.
 - b. 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 this subsection and a class C felony for a second or subsequent offense under this subsection.
 - c. 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 involves marijuana or tetrahydrocannabinol.
 - d. A person who violates this subsection by possessing:
 - (1) Marijuana:
 - (a) In an amount of less than one-half ounce [14.175 grams] is guilty of an infraction.
 - (b) At least one-half ounce [14.175 grams] but not more than 500 grams of marijuana is guilty of a class B misdemeanor.
 - (c) More than 500 grams of marijuana is guilty of a class A misdemeanor.
 - (2) Tetrahydrocannabinol:
 - (a) In an amount less than two grams is guilty of an infraction.
 - (b) At least two grams but not more than six grams of tetrahydrocannabinol is guilty of a class B misdemeanor.

- (c) More than six grams of tetrahydrocannabinol is guilty of a class A misdemeanor.
- e. 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 treatment program, the department shall release the individual from imprisonment to begin any court-ordered period of probation.
- f. If the individual is not subject to any court-ordered probation, the court shall order the individual to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.
- g. Probation under this subsection may include placement in another facility, treatment program, drug court, mental health court, or veterans treatment docket. 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.
- h. An individual incarcerated under this subsection as a result of a second probation revocation is not eligible for release from imprisonment upon the successful completion of treatment.
- i. 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.
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 or two grams or less of tetrahydrocannabinol 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.
10. Upon successful completion of a drug court program, mental health court program, or veterans treatment docket, a person who has been convicted of a felony under this section and sentenced to drug court, mental health court, or veterans treatment docket is deemed to have been convicted of a misdemeanor.
11. If a person convicted of a misdemeanor under this section is sentenced to drug court, mental health court, or veterans treatment docket and successfully completes a drug court program, mental health court, or veterans treatment docket, the court shall dismiss the case and seal the file in accordance with section 12.1-32-07.2.

12. If an individual under the age of twenty-one pleads guilty or is found guilty of a first offense regarding possession of one-half ounce [14.175 grams] or less of marijuana, the court also may sentence the individual to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44. For a second or subsequent offense regarding possession of one-half ounce [14.175 grams] or less of marijuana, the court also shall sentence the individual to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44.

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. A person violating this subsection 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 or tetrahydrocannabinol, 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 or tetrahydrocannabinol, 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 tetrahydrocannabinol, 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, or repack marijuana or tetrahydrocannabinol 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 or tetrahydrocannabinol or possess with the intent to use drug paraphernalia to store or contain marijuana or tetrahydrocannabinol in violation of chapter 19-03.1. A person violating this subsection is guilty of an infraction.
5. A person sentenced to the legal and physical custody of the department of corrections and rehabilitation under this section may be placed in a drug and alcohol treatment program as designated by the department. Upon the successful completion of the drug and alcohol treatment program, the department shall release the person from

imprisonment to begin any court-ordered period of probation. If the person is not subject to court-ordered probation, the court may order the person to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.

6. Probation under this section may include placement in another facility, treatment program, or drug court. If the person 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.

Under NDCC section 19-03.1-22.3, Ingesting a Controlled Substance – Venue for Violation – Penalty, violations are as follows:

1. Except as provided in subsection 2, 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 A misdemeanor. This subsection does not apply to ingesting, inhaling, injecting, or otherwise taking into the body marijuana or tetrahydrocannabinol.
2. A person who is under twenty-one years of age and intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance that is marijuana or tetrahydrocannabinol, unless the substance was medical marijuana obtained in accordance with chapter 19-24.1, is guilty of a class B misdemeanor.
3. 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 360 days 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 \$1,000 fine. Any person convicted of an infraction who, within one year before commission of the infraction of which the person was convicted, has been convicted previously at least twice of the same offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint must specify the offense is a misdemeanor.

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, 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.

UND is responsible for preparing and disclosing alcohol- and drug-related statistics in compliance with the Jeanne Clery Act, 20 U.S.C. Section 1092. This federal mandate requires the disclosure of certain alcohol and drug statistics in addition to crime statistics so current and potential families, students, and employees can be knowledgeable about the safety of college campuses. The complete Annual Security and Fire Safety Report can be found online.

Substance Abuse Education Programs

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, and meets requirements set by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

The University of North Dakota (UND) recognizes substance abuse as a treatable condition and offers programs and services for employees and students with substance dependency problems. The programs provide services related to substance use and abuse including dissemination of informational materials, educational programs, counseling services, 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.

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.

Additional substance abuse prevention resources may be found on the University Counseling Center's website.

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 obtaining 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: UND.edu/health-wellness/outreach/presentationrequest, 701-777-9355.

Prime for Life

Prime for 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 Sexual Violence

The University of North Dakota (UND) prohibits dating violence, domestic violence, sexual assault, stalking, and other forms of sexual violence and engages in prevention efforts to reduce the occurrence of these behaviors.

UND's programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. These programs include comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

The University's policy for addressing sexual misconduct is set forth in UND's Titles IX Sexual Misconduct and its Sexual Misconduct policies. These policies and related procedures include information on employee reporting obligations, how UND responds to a report, the grievance procedure (including possible sanctions and remedies), and supportive measures.

Prevention Efforts & Awareness Programs

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 prevention programs concerning dating violence, domestic violence, sexual assault, and stalking. Involved students, employees, and community members provide information and promote discussion on interpersonal abuse and violence issues. CVIC at UND, Equal Opportunity & Title IX Office, Community Standards & Care Network, Housing & Residence Life, Committee on Sexual Violence Prevention and Response, and University Police Department (UPD) support the educational programs by providing input and personnel to accomplish this task.

Community Violence Intervention Center Relationship

CVIC at UND is a partnership between UND and the Community Violence Intervention Center (CVIC) to provide prevention education and confidential support services to the UND community.

The vision of CVIC is to build a violence-free community by working together to promote human dignity, justice, and peace. CVIC offers a holistic approach to violence prevention 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. Several campus departments work collaboratively with CVIC to provide educational programming and services on topics of violence prevention, including dating violence, domestic violence, sexual assault, and stalking to UND students and employees.

On-Line Prevention Education

As part of UND's primary prevention and awareness program, first-year students are required to participate in on-line new student education programs. These programs address sexual violence and substance abuse prevention. All other students receive access to refresher courses covering similar information. The refresher courses reinforce critical lessons from the required programs that new students complete, specifically about intervening in high-risk situations.

Employees participate in on-line prevention education during their new employee on-boarding process as part of the institution's primary prevention and awareness program. Employees are also required to participate in annual on-line education to learn about their reporting obligations, how to support someone who has experienced sexual violence, and how to access available campus resources.

Prevention and Awareness Programming

Additional ongoing prevention and awareness campaigns and education are available through Equal Opportunity & Title IX Office, Housing & Residence Life Office, CVIC at UND, Human Resources, Community Standards & Care Network, the Committee on Sexual Violence Prevention and Response, and/or CVIC. A summary of signature annual prevention programming is below. Other prevention programs and educational activities are offered throughout the year.

Clothesline Project

The annual 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 created by survivors of violence, their families and/or friends. This display exposes attendees to the effects of violence. Viewing this project provides an opportunity for a higher understanding of the effects of violence and the need for social responsibility and compassion for others. This display allows attendees to bear witness to the survivors as well as victims of violence while helping with the healing process for

people who have lost a loved one or are survivors of violence. The Project educates the UND community, documents the experiences of those impacted by violence, and raises society's awareness of the extent of the problem of violence within North Dakota.

Take Back the Night Rally

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

Housing & Residence Life Training

The University provides annual training to Housing & Residence Life staff on topics including CSA responsibilities, sexual violence prevention and response, crime prevention, healthy relationships, and bystander intervention.

UND Student-Athlete Training

UND Athletics, led by CVIC at UND, provides trainings on topics including healthy and unhealthy relationships, sexual assault awareness and prevention, bystander intervention, and how to support peers to all UND student-athletes. This training occurs annually and as requested.

UND Fraternity & Sorority Life

UND Fraternity & Sorority Life, led by CVIC at UND, provides trainings to Greek chapters on topics including sexual assault awareness and prevention, bystander intervention, healthy and unhealthy relationships, and how to support peers. These trainings are provided to chapters that submit a request to CVIC at UND. A frequently requested training is Sexual Assault Awareness & Prevention Jeopardy.

Eat Your Heart Out: Valentines Day Dinner

This is an annual free dinner for students hosted by CVIC at UND. The event is set up as a "date night" and students are able to attend with a guest, such as a dating partner or friend. The evening focuses on discussion amongst students regarding healthy relationships while enjoying a free meal. It includes interactive activities for students to complete together, information about love languages, and signs of healthy relationships.

CVIC at UND Bingo

CVIC at UND hosts various bingo events that focus on topics including self-care, sexual assault awareness and prevention, and healthy and unhealthy relationships. This serves as an engaging way to provide prevention education to students. These events occur throughout the year.

Additional Prevention Programming by CVIC at UND

Throughout the year, CVIC at UND also provides collaborative opportunities with student groups for additional programming, such as Paint & Learn, Jeopardy, and Cover the Cruiser, and participates in tabling events focused on awareness. CVIC at UND provides education on topics including healthy/unhealthy relationships and preventing dating/domestic violence, sexual assault, and stalking to student groups, campus departments, and in classrooms as requested. In addition, CVIC at UND engages with student

interns, known as Prevention Peers, to assist with developing and updating programming, workshop information, and social media; identifying issues that impact college students; and presenting programming.

Prevention Programming by Equal Opportunity & Title IX Office

In addition to the above training, the Equal Opportunity & Title IX Office provides live annual training to first-year students in law school, medical school, and the Army ROTC programs on sexual violence prevention and response. Additional trainings given regularly include bystander intervention training for medical students, professional boundaries training for graduate students, and, upon request, prevention and response training to faculty in specific academic departments. To ensure a proactive approach to training, every division in the University is contacted throughout a three-year cycle with an offer to provide live training on topics including bystander intervention, support, and prevention.

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. UND promotes 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:

- 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 for support in health, counseling, or with legal assistance.

If you or someone else is in immediate danger, dial 9-1-1.

Risk Reduction Tips

College campuses can provide a sense of security — a feeling that everyone knows each other and watches out for one another. There are perpetrators who take advantage of this feeling of safety and security to commit acts of sexual violence.

Steps can be taken to increase safety on college campuses. As bystanders, students and employees can prevent crimes like sexual assault from occurring. When it comes to personal safety, there are steps you can take as well, and some of those tips are outlined below. No tips can absolutely guarantee safety — sexual violence can happen to anyone, and it's not the only crime that can occur on a college campus. It's important to remember that if you are sexually assaulted on campus, it is not your fault — help and support are available.

Increasing On-campus Safety

The following tips may reduce your risk for many different types of crimes, including sexual violence.

- **Know your resources.** Who should you contact if you or a friend or coworker needs help? Where should you go? Locate resources such as Student Health Services (students), the University Counseling Center (students), CVIC at UND (students and employees), the Village EAP (benefitted employees), UPD (all), Equal Opportunity & Title IX (all), and local sexual assault service provider such as CVIC. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.
- **Stay alert.** When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking UPD for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.
- **Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.
- **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends but give people time to earn your trust before relying on them.
- **Think about a back-up plan.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your residence or a friend's memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- **Be secure.** Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

Safety in Social Settings

It's possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

- **Make a plan.** If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- **Protect your drink.** Don't leave your drink unattended and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
- **Know your limits.** Keep track of how many drinks you've had and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.

- **It's okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.
- **Be a good friend.** Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.

Feeling Safe After an Assault

If you have experienced sexual assault, there are steps you can take to feel safer.

- **Make use of on-campus resources.** Colleges often provide a host of services to students for free, including security escorts, health centers, psychological services, and sexual assault services. At UND, these resources include CVIC at UND (students and employees), Student Health Services (students), University Counseling Center (students), the Village EAP (benefitted employees), and UPD (all).
- **Request a schedule or housing change.** If you have classes with the perpetrator or live in the same building, you can request a change from the Equal Opportunity & Title IX Office. Federal laws, such as the Campus SaVE Act, require colleges to honor these requests.
- **Access off-campus support services.** If you are concerned about anonymity, you can seek out resources located off campus in the community, like a local sexual assault service provider or domestic violence shelter such as CVIC, CAWS North Dakota, or RAINN.
- **Seek a civil restraining order or protection order.** Disorderly conduct restraining orders and protection orders are legal documents signed by a judge that prohibit an individual from certain types of contact with the person who is awarded the order. An individual who violates the terms of the restraining order or protection order can face criminal charges. CVIC at UND can assist in filing a disorderly conduct restraining order or protection order.
- **Create a safety plan.** If you are concerned for your ongoing safety, it can be worthwhile to create a safety plan. Safety planning is about finding ways to be safe in the present while planning for your future safety as well.

Title IX Sexual Misconduct

The University of North Dakota (UND/University) prohibits sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking that occurs within or in connection with a UND program or activity and is against a person in the United States. UND prohibits retaliation by its employees and students against a person who exercises their rights or responsibilities under any provision of state or federal law, including Title IX and the Violence Against Women Reauthorization Act (VAWA), or this policy.

Employees or students who violate this policy may face disciplinary action up to and including suspension, expulsion or termination. Third parties who commit sexual misconduct

may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

UND utilizes procedures that provide prompt, fair, and impartial investigation and resolution of cases of sexual misconduct. UND is committed to providing supportive measures; appropriate grievance procedures; and prevention education for campus community members.

Jurisdictional Statement

This policy applies to reports of sexual misconduct, as defined by this policy, which occur within or in connection with a University education program or activity and against a person in the United States.

The University's Sexual Misconduct Policy applies to reports of sexual misconduct occurring outside the scope of Title IX. The University's Discrimination and Harassment Policy applies to reports of discrimination based upon sex, sexual orientation, gender identity, pregnancy, parental status, and other protected classes.

If you Have Experienced Sexual Violence

If you have experienced sexual violence, there are several options available to assist you. Only you can decide what plan of action is right for you. However, you may 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.

Title IX Coordinator

The Title IX coordinator is charged with:

1. Monitoring the University's compliance with Title IX;

2. Ensuring appropriate education and training;
3. Coordinating the University's investigation, response, and resolution of all reports under this policy; and
4. Ensuring UND responds
 - a. Promptly and supportively to people alleged to be victims of sexual misconduct,
 - b. Resolves allegations of sexual misconduct promptly and accurately under a predictably fair grievance process that provides due process protections to alleged victims and alleged perpetrators, and
 - c. Effectively implements remedies for victims.

The Title IX coordinator is available to meet with any student, employee, or third party to discuss this policy or the accompanying procedures. The University has also designated deputy Title IX coordinators who may assist the Title IX coordinator in the discharge of these responsibilities. The Title IX coordinator and deputy Title IX coordinators receive appropriate training to discharge their responsibilities.

The Title IX coordinator may designate a deputy Title IX coordinator or other appropriately trained individual to carry out any of the tasks or functions described in this document. When this procedure refers to Title IX coordinator, it is presumed to mean Title IX coordinator or designee.

A list of deputy Title IX coordinators can be found on the Equal Opportunity & Title IX website.

Inquiries regarding UND's equal opportunity and nondiscrimination policies, including Title IX, Title VI, Title VII, ADA and Section 504 of the Rehabilitation Act may be addressed to:

Assistant Vice President, Equal Opportunity & Title IX
 Title IX/ADA Coordinator
 University of North Dakota
 Twamley Hall
 264 Centennial Drive Stop 7097
 Grand Forks, ND 58202-7097
 Phone: 701.777.4171
 Email: UND.eo.titleix@UND.edu
 Website: <https://campus.UND.edu/equal-opportunity/>

A complaint or concern regarding discrimination or harassment may also be addressed to:

Assistant Secretary for Civil Rights
 Office for Civil Rights
 U.S. Department of Education
 400 Maryland Avenue, SW
 Washington, DC 20202-1100
 Phone: 800.421.3481
 Email: OCR@ed.gov

In accordance with Title IX, UND notifies applicants for admission and employment, students, and employees of the name or title, office address, email address and telephone number of the Title IX coordinator. This information is prominently displayed on UND's website and in each handbook or catalog made available to the foregoing individuals.

Responding to Reports of Title IX Sexual Misconduct

Whether or not a formal complaint is filed, UND will respond promptly and without deliberate indifference when the Title IX coordinator or a deputy Title IX coordinator receives a report or otherwise has notice of sexual misconduct prohibited by this policy.

Presumption of Not Responsible

The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on UND.

Actual Knowledge of Sexual Misconduct

UND has actual knowledge of sexual misconduct when an official with authority to take corrective action receives notice of sexual misconduct or allegations of sexual misconduct. The official with authority is obligated to report the known information to the Title IX coordinator as soon as possible.

Whether or not a formal complaint is filed, UND will respond promptly and without deliberate indifference when UND has actual knowledge of sexual harassment (as defined by Title IX) within its educational program or activity in the United States.

Bias and Conflict of Interest

The Title IX coordinator, deputy Title IX coordinators, investigators, decision-makers, and all individuals who facilitate informal resolution processes, will be free from bias and conflict of interest. Examples of bias and conflict of interest include but are not limited to, personal animosity, illegal prejudice, and personal or financial stake in the outcome. Bias can relate to sex, race, ethnicity, sexual orientation, gender identity, religion, disability, national origin or other characteristics.

If a party believes any of the above individuals has a bias or conflict of interest that prevents them from serving impartially in the grievance process, the party may challenge that person's participation in the grievance process as provided in the procedures for Title IX Sexual Misconduct Response.

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 at 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 misconduct; 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 misconduct 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 Title IX Sexual Misconduct Response.

Confidential Resources

Consistent with the definition of confidential employees and licensed community professionals, there are a number of resources within the University and Grand Forks communities where students and employees can obtain confidential counseling and support. These resources include:

University Counseling Center (for students)
McCannel Hall Room 200
701.777.2127
<https://UND.edu/student-life/counseling-center/>

Student Health Services (for students)
McCannel Hall Room 100
701.777.4500
<https://UND.edu/student-life/student-health/>

CVIC at UND (for all)
 Twamley Hall, Room 102
 Campus Confidential Advisor: 701.777.6550
 Main Office: 701.746.0405
 24/7 Crisis Line: 701.746.8900 or 866.746.8900
<https://UND.edu/student-life/violence/cvic.html> or <http://cviconline.org>

Employee Assistance Program (for employees)
 800.627.8220
<http://VillageEAP.com>

The above resources may assist in providing referrals to local confidential resources for UND students and employees who reside in other locations.

Supportive Measures

Supportive measures may be offered to the complainant and the respondent regardless of whether a complainant files a formal complaint under this policy. If a formal complaint is filed, supportive measures will continue to be available to the complainant and respondent after the conclusion of the grievance process, as appropriate, whether there was a finding of responsibility or non-responsibility. The Title IX coordinator or deputy Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive measures to the complainant or respondent will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures. Supportive measures may not restrict any party's rights under the United States Constitution. The University will not provide supportive measures that are clearly unreasonable in light of the known circumstances.

Individuals are encouraged to report to the Title IX coordinator any concerns about the failure of another to abide by any restrictions imposed through supportive measure(s) such as mutual no-contact orders. In the event of an immediate health or safety concern, individuals should contact 911 immediately. Disciplinary action may be taken for failing to abide by certain supportive measure(s).

Amnesty

In order to encourage complainants and witnesses to make reports of prohibited conduct and for all parties and witnesses to fully participate in the investigation, the University will not pursue disciplinary action against students or employees for disclosure of personal consumption of alcohol or other drugs (underage or illegal) or other minor offenses, where the disclosure is made in connection with a good faith report or investigation of prohibited conduct and the personal consumption did not place the health or safety of any other

person at risk. The University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

Employee Reporting Obligations

Specific employee reporting obligations are listed below. Sharing disclosures, reports or other known information about alleged sexual misconduct with the Title IX coordinator allows the University to meet its state and federal obligations and to appropriately address any sexual misconduct. 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 misconduct, and take immediate and appropriate steps to respond to the report.

Employees shall not dissuade an individual from reporting possible sexual misconduct. 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 misconduct.

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

Confidential Employees

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

Confidential employees must explain to any person who informs the confidential employee of conduct that reasonably may constitute sexual misconduct:

- The employee's status as confidential under Title IX and this Policy, including when the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sexual misconduct;
- How to contact the Title IX Coordinator and how to make complaint; and
- That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate informal resolution process or investigation.

Sexual Misconduct Involving Students Regular/Benefitted and Temporary Employees

All employees, except confidential employees while acting within their confidential role and student employees, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual misconduct against students.

Student Employees

Students employed as Resident Assistants, Community Assistants, Resident Managers, Athletics Camp Coaches, Undergraduate Instructors, and Graduate Assistants, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual misconduct against students.

All other student employees are encouraged, but not required, to report suspected or potential sexual misconduct against students to the Title IX Coordinator.

Sexual Misconduct in the Workplace

Employees are strongly encouraged, but not required, to contact the Title IX Coordinator when they have been subject to conduct that reasonably may constitute sexual misconduct in the workplace. The Title IX Coordinator can provide information about supportive measures and resolution options.

Supervisors and Managers, Benefitted/Regular and Temporary

All supervisors and/or managers, including department chairs, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual misconduct occurring in the workplace.

Non-Supervisory Employees, Benefitted/Regular and Temporary

When employees who are not supervisors or managers become aware of suspected or potential sexual misconduct occurring in the workplace, they are encouraged to provide the Complainant with the Title IX Coordinator's contact information and information about how to make a complaint of sexual misconduct. Non-supervisory employees are encouraged, but not required, to report information about suspected or potential sexual misconduct in the workplace to the Title IX coordinator.

Student Employees

Student employees are encouraged but not required to report information about suspected or potential sexual misconduct in the workplace to the EO/Title IX office. However, they may still have reporting obligations as detailed in the preceding section. (Sexual Misconduct Involving Students).

Clery Act Reporting

Individuals designated as campus security authorities under the Clery Act have separate and additional reporting requirements under the Act.

Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information as appropriate when issuing timely warnings to the University community.

Training

All University employees who have obligations to report sexual misconduct (See Employee Reporting Obligations, above) are required to complete annual training regarding how to respond

to and report information about sexual misconduct.

All individuals involved in the grievance process, including, but not necessarily limited to, the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on the following areas:

- The definition of sexual harassment;
- The scope of the education program or activity;
- How to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision-makers must also receive training on the following areas:

- Any technology to be used at a hearing;
- Issues of relevance for questions and evidence, including when questions about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must also be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Advisors assigned by the University will receive training regarding their role in the process. Advisors are not expected or required to have any specific level of training or experience.

All training materials used to train the foregoing individuals will be made available to the public by posting on the Equal Opportunity & Title IX website.

Individuals who have not completed training as required by this policy shall not investigate, adjudicate, or otherwise be involved in the grievance procedures associated with this policy.

Non-Retaliation for Filing or Participating in a Sexual Misconduct Complaint

Neither the University nor any employee, student, or affiliate may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX Sexual Misconduct Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex misconduct, but arise out of the same facts or circumstances as a report or complaint of sexual misconduct, or a report or formal complaint of sexual misconduct, for the purpose of interfering with any right or privilege secured by the Title IX Sexual Misconduct Policy, constitutes retaliation.

Any complaint of retaliation shall be investigated as provided in the Procedures for Title IX Sexual Misconduct Response.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy. Charging an individual with a policy violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation prohibited by this Policy. However, a determination regarding responsibility alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Prohibition against False Statements

UND prohibits knowingly making false statements or knowingly submitting false information during the Title IX Sexual Misconduct grievance process. Doing so will subject the party making the knowingly false statement to disciplinary action.

Record Keeping

The University shall retain, for a period of seven years, records of:

- Each sexual misconduct investigation, including any determination regarding responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant.
- Any appeal and the result therefrom;
- In each instance, the University will document that the basis for its response to a report or complaint was not deliberately indifferent. Any informal resolution and the result therefrom;
- Any other actions, including supportive measures, taken in response to a report or formal complaint of sexual misconduct, or, if supportive measures were not provided, an explanation of why such a response was not clearly unreasonable in light of the known circumstances; and
- All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, which the institution must make available on its website.

Reporting Sexual Misconduct

The University encourages anyone who experiences sexual misconduct to report the incident to the University. Any person may report sexual misconduct (whether or not the person making the report is the victim of the alleged behavior). The report may be made in any of the following ways:

- In person: Equal Opportunity & Title IX Office, Twamley Hall, Grand Forks, ND
- By mail: 264 Centennial Drive Stop 7097, Grand Forks, ND 58202
- By email: UND.EO.TitleIX@UND.edu
- By using the on-line EO/Title IX report
- By any other means that results in the Title IX Coordinator receiving the report, regardless of the time of day.

Reporting to Law Enforcement

A complainant who wishes to pursue criminal action in addition to, or instead of, making a report under these procedures should contact law enforcement directly:

- 911 (for emergencies)
- University Police: 701.777.3491 (for non-emergencies) or anonymous crime report

- Grand Forks Police Department: 701.787.8000 (for non-emergencies)

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 assist the complainant in notifying the police if requested. The police will then advise the complainant of the legal process.

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

A complainant 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.

Filing a Formal Complaint

To request that UND investigate a report of sexual misconduct, or to engage in informal resolution processes, the complainant must file a formal complaint with the Title IX coordinator or a deputy Title IX coordinator. The formal complaint must be a written or digital document that identifies the complainant and respondent, provides a method to contact the complainant, and contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint. This complaint may be filed with the Title IX coordinator in person, by mail, or by electronic means using any of the contact information below:

- In person: Equal Opportunity & Title IX Office, Twamley Hall, Grand Forks, ND
- By mail: 264 Centennial Drive Stop 7097, Grand Forks, ND 58202
- By email: UND.EO.TitleIX@UND.edu
- On-line: by submitting the digital formal complaint form supplied by the Title IX coordinator

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of UND.

The Title IX coordinator has discretion to sign a formal complaint when the complainant does not do so. The Title IX coordinator may take circumstances into account such as whether there are allegations of a pattern of misconduct, threats, violence, use of weapons, or similar factors. When the Title IX coordinator signs the formal complaint, the Title IX coordinator is not a complainant or otherwise a party to the complaint.

If Complainant Declines to File Formal Complaint

When the complainant declines to file a formal complaint, UND will seek to honor the preferences of the complainant whenever possible. However, the Title IX coordinator may determine that the totality of the known circumstances indicate there is a risk to the safety of the campus community if a grievance process is not initiated. In that case, the Title IX coordinator may sign a formal complaint. In such circumstances, the Title IX coordinator is not the complainant.

In such cases, the Title IX coordinator will advise the complainant that UND intends to proceed with a grievance process, but that the complainant is not required to participate in the grievance process or in any other actions undertaken by UND. If the complainant declines to participate in the grievance process, the University's ability to meaningfully investigate and respond may be limited. The Title IX coordinator will make reasonable efforts to protect the privacy of the complainant. However, actions that may be required as part of the grievance process will involve speaking with the respondent and others who may have relevant information, in which case the complainant's identity may be disclosed.

Responding to Reports and Formal Complaints

The specific procedures for responding to reports and formal complaints of Title IX sexual misconduct are contained in the Procedures for Title IX Sexual Misconduct Response.

Supportive measures will be offered to the complainant and respondent before or after the filing of a formal complaint or where no formal complaint has been filed if the parties' identities are known to the University.

During the grievance process, the University will treat the complainant and respondent equitably. The University will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

The University will objectively evaluate all relevant evidence, including both exculpatory and inculpatory evidence, and ensure that credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The parties have equitable opportunities to appeal the determination regarding responsibility after a hearing or any mandatory or permissive dismissal of a formal complaint.

Standard of Evidence to Determine Responsibility

The University applies the preponderance of the evidence standard when determining whether this policy has been violated. Preponderance of the evidence means that it is more likely than not that a policy violation occurred.

Disciplinary Sanctions and Remedies

Any disciplinary sanctions or remedies become effective when the determination regarding responsibility is final. Details regarding sanctions and remedies are found in the Procedures for Title IX Sexual Misconduct Response.

Non-Punitive Response

The University may respond to conduct that does not meet the definition of a policy violation by taking non-punitive action designed to promote a welcoming, inclusive, and safe environment.

Time Frame for Completion of Grievance Process

UND will carry out the grievance process in a reasonable and timely manner. The length of time necessary to complete a fair and thorough process will vary depending upon the complexity of the facts, including the number of witnesses and volume of information provided by the parties; a request by law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of witnesses; to account for University breaks or vacations; or for other legitimate reasons.

UND aims to issue a determination regarding responsibility within 120 calendar days of receiving a formal complaint. If the parties choose an informal resolution process, UND aims to complete the process within 30 days of the date the parties agreed to use informal resolution. However, temporary delays or extensions of the time frames will be offered for good cause, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations for language or disability. The investigator(s) or Title IX coordinator will notify the parties in writing of any delays and provide an explanation for the delay.

Consolidation of Complaints Involving Multiple Parties

Complaints as to allegations of sexual misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances, may be consolidated as determined to be appropriate by the Title IX coordinator.

Involving Multiple Policies

Grievances or complaints filed through other University, SBHE or NDUS policies may have as a component to the grievance a complaint under the Title IX Sexual Misconduct Policy. If the Title IX coordinator determines that the policies and procedures applicable to all grievances/complaints can be followed, the grievances or complaints may be administered as one process. If the Title IX coordinator determines that the policies and procedures applicable to the grievances or complaints conflict with each other and the conflict cannot be resolved, separate processes may be required. The Title IX coordinator and the office(s) under which any concurrent grievances or complaints have been filed will collaborate, as appropriate, in the investigation and resolution of the complaints.

If a complaint made under the Title IX Sexual Misconduct Policy also contains an allegation of a violation of another policy, the sexual misconduct grievance procedures will be followed to make a determination of responsibility under the Title IX Sexual Misconduct Policy. Decisions regarding responsibility for alleged violations of other policies will be based upon that policy and the associated procedures.

If a determination of responsibility under the Title IX Sexual Misconduct Policy has been issued, the University has discretion whether to proceed with a determination of responsibility under the other involved policy.

Some conduct may be prohibited by more than one policy. While a complaint may allege that conduct violates multiple policies, a respondent will not receive multiple disciplinary actions for the same conduct. For example, a respondent may be charged with violations of the Discrimination and Harassment Policy and the Title IX Sexual Misconduct Policy for one incident. If found responsible, the respondent will not receive duplicate disciplinary actions for conduct that violates both policies.

Responding to Reports of Title IX Sexual Misconduct

The University of North Dakota (University/UND) uses this procedure to respond to reports of sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence and stalking, which occur within or in connection with a University program or activity and against a person in the United States. UND adopts this procedure with a commitment to comply with Title IX of the Education Amendments of 1972.

The University's procedures for addressing sexual misconduct occurring outside the scope of Title IX are set forth in UND's Procedures for Responding to Reports of Sexual Misconduct. The University's procedure for addressing reports of discrimination based on sex, sexual orientation, gender identity, and pregnancy/parenting status is set forth in UND's Discrimination and Harassment Policy.

The Title IX coordinator may designate a deputy Title IX coordinator or other appropriately trained individual to carry out any of the tasks or functions described in this document. When this procedure refers to Title IX coordinator, it is presumed to mean Title IX coordinator or designee.

Actual Knowledge of Title IX Sexual Misconduct

Whether or not a formal complaint is filed, UND will respond promptly and without deliberate indifference when UND has actual knowledge of sexual harassment (as defined by Title IX) within its educational program or activity in the United States. Responding to Reports of Title IX Sexual Misconduct Upon actual knowledge of sexual misconduct, the Title IX coordinator will contact the complainant, if the complainant's identity is known, and:

1. Offer and coordinate supportive measures, as appropriate, for the complainant, if the complainant is known;
2. Inform the complainant, if known, that supportive measures are available with or without the initiation of grievance procedures;
3. Inform the complainant of on-campus and community resources related to health, counseling, mental health, victim advocacy, legal assistance, visa and immigration, student financial aid, and other related services available for complainants;
4. Notify the complainant, or the person who reported the conduct if the complainant is unknown, of the grievance procedures and informal resolution process, if available and appropriate;
5. If grievance procedures have been initiated, offer and coordinate supportive measures, as appropriate, for the respondent;
6. If a complaint is made, notify the respondent of the grievance procedures and informal resolution process, if available and appropriate;
7. In response to a complaint, initiate grievance procedures or an informal resolution process, if available and appropriate; and
8. If initiating a complaint, the Title IX Coordinator will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

The Title IX coordinator will attempt to contact the complainant to discuss supportive measures, but UND may be limited in its ability to respond further when:

1. The respondent is unknown, or their name is not disclosed;
2. The respondent is not affiliated with UND; or
3. The report is made anonymously.

The University may also be limited in its ability to respond when the complainant is not identified.

Supportive Measures

Supportive measures may be offered to the complainant and the respondent regardless of whether a complainant files a formal complaint under this policy. If a formal complaint is filed, supportive measures will continue to be available to the complainant and respondent after the conclusion of the grievance process, as appropriate, whether there was a finding of responsibility or non-responsibility. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive measures to the complainant or respondent will remain confidential to the extent that maintaining such confidentiality would not impair the ability

of the University to provide supportive measures. Supportive measures may not restrict any party's rights under the United States Constitution. The University will not provide supportive measures that are clearly unreasonable in light of the known circumstances.

Modification of Supportive Measures

UND may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process, or UND may continue them beyond that point.

The complainant and respondent may also request modification or reversal of the decision to provide, deny, modify, or terminate supportive measures applicable to them. An initial request must be made in writing to the Title IX coordinator within five calendar days after the University has notified the party of implementation of the supportive measure or denial of a request for supportive measures. The parties may also request additional modification or termination of a supportive measure applicable to them at any time if circumstances change materially. Decisions to modify or terminate supportive measures will not be made retroactively.

An impartial employee, other than the person who made the challenged decision, will be designated to determine if modification or termination of a supportive measure is appropriate.

Administrative Leave - Employees

A student or non-student employee respondent may be placed on paid or unpaid administrative leave while the grievance process is pending when the University has received information which indicates that the respondent's continued presence on campus or engagement in the workplace will likely have a serious effect on the physical, mental, or emotional health, safety, or well-being of another person; when physical safety is seriously threatened; when the ability of the University to carry out its operations is threatened or impaired; or where the Title IX coordinator concludes that other supportive measures (such as a temporary transfer) are not feasible to appropriately address concerns. In these or other appropriate circumstances, a complainant may also be placed on paid or unpaid administrative leave. The decision to put an employee on administrative leave may be made at any point in the grievance process.

Nothing in this section may be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Student Emergency Restrictions and/or Conditions

The University may place emergency restrictions and/or other conditions upon a student, provided that the institution determines, based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX sexual misconduct justifies removal. The respondent will be given notice and an opportunity to challenge the decision immediately following implementation of the restrictions and/or conditions. See the Code of Student Life for the emergency restrictions and/or conditions process.

Nothing in this section may be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Requests for Accommodations or Adjustments

If a party or other participant requires a disability, religious, pregnancy or other accommodation/adjustment to participate in any part of the process described herein, they may make that request to the Equal Opportunity & Title IX Office.

Challenges for Bias or Conflict of Interest

The Title IX coordinator, deputy Title IX coordinators, investigators, decision-makers, and any individuals who facilitate an informal resolution process will be free of bias and conflict of interest. If a party believes any of the above individuals have a bias or conflict of interest that would prevent them from serving impartially, the party may challenge that person's participation in the grievance process. Any challenge must be made as soon as possible after the party learns of a potential bias or conflict of interest.

The party must make the challenge in writing to the Title IX coordinator and state the reasons the individual is believed to hold a bias or conflict of interest. The Title IX coordinator will review the challenge and may request additional information before making a determination. If the Title IX coordinator determines that the individual cannot serve impartially, the Title IX coordinator will appoint another appropriate individual to serve in that role.

If the challenge is regarding the Title IX coordinator, a deputy Title IX coordinator will review the challenge and make a determination.

Consultation with Title IX Coordinator

The Title IX coordinator may consult with investigators and hearing officers/decision-makers on a limited basis to ensure compliance with relevant policies, procedures, laws, and regulations.

Grievance Process for Formal Complaints Filing a Formal Complaint

To request that UND investigate a report of Title IX sexual misconduct, or to engage in informal resolution processes, the complainant must file a formal complaint with the Title IX coordinator. The formal complaint must be a written or digital document that identifies the complainant and respondent, provides a method to contact the complainant, and contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint. This complaint may be filed with the Title IX coordinator in person, by mail, or by electronic means using any of the contact information below:

- In person: Equal Opportunity & Title IX Office, Twamley Hall, Grand Forks, ND
- By mail: 264 Centennial Drive Stop 7097, Grand Forks, ND 58202
- By email: UND.EO.TitleIX@UND.edu
- On-line: by submitting the digital formal complaint form, provided by the Title IX coordinator

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of UND.

The Title IX coordinator has discretion to sign a formal complaint when the complainant does not do so. The Title IX coordinator may take circumstances into account such as whether there are allegations of a pattern of misconduct, threats, violence, use of weapons, or similar factors. When the Title IX coordinator signs the formal complaint, the Title IX coordinator is not a complainant or otherwise a party to the complaint.

All formal complaints will be investigated, unless subject to mandatory dismissal (See Dismissals, below).

Standard of Evidence to Determine Responsibility

The University applies the preponderance of the evidence standard when determining whether the Title IX Sexual Misconduct policy has been violated. Preponderance of the evidence means that it is more likely than not that a policy violation occurred.

Notice of Allegations

When a formal complaint is received, the Title IX coordinator will provide a written notice to the known parties that will include a copy of the Title IX Sexual Misconduct Policy and these procedures and notice of:

1. The grievance procedure, including the availability of an informal resolution process;
2. The allegations of sexual misconduct known at the time, including sufficient details to allow the respondent to prepare a response, including but not limited to:
 - a. The names of the parties;
 - b. The conduct allegedly constituting sexual misconduct; and
 - c. The date and location of the alleged conduct.
- d. This notice will be provided with sufficient time for the respondent to prepare a response before the initial interview.
3. The respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance procedure.
4. Prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision-maker.
5. The parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence. The statement will also indicate that if the party does not have an advisor of choice, UND will appoint an advisor to ask all questions of parties and witnesses at the hearing.
6. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and an investigative report that accurately summarizes this evidence.
7. UND prohibits knowingly making false statements or knowingly submitting false information during the grievance procedure.
8. The identity of the investigator(s).

9. Retaliation is prohibited.

10. Instructions to the parties to preserve any potentially relevant evidence in any format.

11. The availability of supportive measures.

If during the course of the grievance process, additional allegations are added to the investigation which were not included in the initial notice, UND will provide notice of the additional allegations to the parties.

Advisors

The complainant and respondent will be allowed to select an advisor of their choice to assist them during the proceedings, including the hearing. The advisor may be any person, including an attorney. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a formal complaint under these procedures. The advisor's role is to provide support, guidance, and advice, and to ask questions on the party's behalf during the hearing.

Only the advisor is allowed to ask questions directed to the other party and any witnesses on behalf of their party during the hearing. If a party chooses not to participate in the hearing, their chosen advisor may be present and may ask questions on the party's behalf.

If a party does not choose an advisor or does not otherwise have an advisor present at the hearing, UND will provide the party with an advisor free of charge. The UND-appointed advisor's role is limited to asking questions at the hearing, as identified by the party, and if requested, reading opening and/or closing statements written by the party. A party who does not have a chosen advisor should notify the Title IX coordinator as soon as possible so that an advisor can be assigned. If neither the party nor their advisor is present at the hearing, UND will appoint an advisor who will ask any questions identified by the party.

Advisors are not expected or required to have particular training or experience. Advisors appointed by UND will be provided with access to appropriate training to understand the grievance process and their role in the hearing. When UND provides advisors to both parties, UND will endeavor to seek parity of advisors.

UND does not require that advisors be lawyers providing legal counsel. An advisor's questioning "on behalf of that party" is satisfied when the advisor poses questions on a party's behalf, which means the advisor will relay a party's own questions to the other party or witness according to these procedures.

Parties' Participation in Grievance Process

Neither party is required to participate in the grievance process. The decision-maker will not draw any adverse inference from a decision by either of the parties not to participate. However, if a party or witness declines to participate in the investigation, the determination of whether a policy violation occurred will be made without consideration of the evidence that person could have provided.

If a party does not participate in the investigation but provides testimony or evidence at the hearing that includes new information, the hearing may be temporarily paused to allow the other party appropriate time to prepare to respond to the new information or to allow for additional investigation.

The parties will have the same opportunity to discuss the allegations or to gather or present relevant evidence. They also have the same opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. However, the parties may not discuss the allegations or gather evidence in a manner that constitutes retaliation, intimidation, harassment, or defamation.

Formal Investigation

UND is required to investigate every formal complaint unless the complaint is subject to dismissal, as described below under Dismissals, or the parties agree to an informal resolution. The Title IX coordinator may investigate, assist, advise, or designate one or more investigators to investigate any complaint of Title IX sexual misconduct. Investigators may be University employees or external investigators. All investigators will receive annual training in accordance with UND's Title IX Sexual Misconduct Policy.

The investigation is a neutral fact-gathering process. The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on UND.

Notice of Proceedings

A party whose participation is invited or expected to participate in an investigative interview, hearing, or other meeting will be given written notice of the date, time, location, participation, and purpose of the meeting, with sufficient time to prepare. The parties' chosen advisors may be present at all hearings, investigative interviews, or other meetings.

In accordance with the Violence Against Women Act (VAWA), in formal complaints related to allegations of sexual assault, domestic violence, dating violence, and/or stalking, the Title IX coordinator or investigator will ensure that both parties receive timely notice of all meetings in which either party may be present. (For example, the complainant will receive timely notice that a meeting has been scheduled with the respondent.) Notice shall include the date on which the meeting will take place. Receiving notice of the meeting is not an invitation to attend the meeting.

Coordination with Law Enforcement

If known, the investigator(s) or Title IX coordinator will contact any law enforcement agency that is conducting its own investigation to inform that agency that a University investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. At the request of law

enforcement, the Title IX coordinator may delay the University investigation temporarily so as not to interfere with the criminal investigation process.

Evidence

The grievance process does not utilize established federal or state court rules of evidence. However, the following provisions shall apply throughout the grievance process, including the investigation, any hearing, and a determination regarding responsibility.

- **Relevance.** Evidence is relevant if it tends to make a material fact more or less probable and assists the decision-maker in making a decision. During the investigative process, the investigator shall determine what offered evidence is relevant. During the hearing and/or appeal process, the decision-maker shall determine what offered evidence is relevant. If a party disagrees with the investigator or decision-maker's decision(s) about relevance, the party may make that argument in the written response to the investigative report or to the decision-maker at any hearing held. Only relevant evidence will be considered by the decision-maker in determining if a policy violation occurred.
- **Confidential or Privileged Evidence.** UND will not access, consider, disclose, or otherwise use a party's medical records made or maintained in connection with the provision of treatment to the party, unless voluntary, written consent to do so is provided by the party. UND will not require, allow, rely upon, or otherwise use evidence that constitutes, or questions that seek disclosure of, information protected under a legally-recognized privilege, unless that privilege is waived.
- **Prior Sexual History.** Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Inspection of Evidence

The investigator will provide to each party and the party's advisor, if any, all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which UND does not intend to rely in reaching a determination regarding responsibility. This includes inculpatory and exculpatory evidence, whether obtained from a party or other source. The evidence will be sent in electronic format or a hard copy, where possible. If a piece of evidence cannot readily be shared with the parties simultaneously, or the Title IX coordinator determines that providing the evidence to the parties directly is otherwise inappropriate, the investigative report will contain an accurate description of the evidence. The parties and their advisors will then have an equal opportunity to access the evidence individually.

The parties will have ten calendar days to review the evidence and submit a written response, if desired. The investigator will consider any written response prior to completing the investigative report. The investigator will then conduct any additional investigation deemed necessary by the investigator or Title IX coordinator. If additional investigation is conducted, any additional evidence gathered will be given to the parties and they will have an additional ten calendar days to review the evidence and provide a written response. This evidence will be available at any hearing and each party may refer to the evidence at the hearing, including for questioning parties and witnesses.

Investigative Report

The investigator will create an investigative report that fairly summarizes the relevant evidence and, at least ten calendar days prior to a hearing (if a hearing is held) or other time of determination regarding responsibility, send to each party and the party's chosen advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. If a party disagrees with the investigator's determination about relevance, the party can make that argument in the party's written response to the investigative report and to the decision-maker at any hearing held.

Non-Disclosure of Evidence and Investigative Report

Complainants, respondents, and their advisors are prohibited from copying, sharing, or disseminating the investigative report and evidence obtained solely through the grievance procedures except (1) to consult with family members, confidential resources or advisors, or to otherwise prepare for or participate in the grievance procedure; or (2) as required by law.

The non-disclosure obligation does not restrict or prevent a complainant, respondent or advisor from obtaining and presenting evidence, including by speaking to witnesses, subject to the Policy's prohibitions on retaliation. Further, the non-disclosure obligation does not prevent a complainant or respondent from speaking truthfully with others about their own experiences.

University personnel involved in the investigation, including the Title IX coordinator, investigators, and hearing officers, are similarly bound by strict confidentiality obligations. They are not permitted to disclose any evidence, information, or investigative reports to parties or individuals outside of the University's grievance procedure, unless required by law.

Failure to comply with the non-disclosure obligation may result in sanctions or disciplinary action as determined by the University. Sanctions may include warnings, educational measures, or more severe measures, as deemed appropriate by the University.

Hearing

Unless the parties voluntarily agree to informal resolution, a live hearing will be conducted no sooner than ten calendar days following the delivery of the investigative report to the parties. The live hearing will be held in front of a decision-

maker chosen by UND. The decision-maker may be a UND employee or an external decision-maker but will not be the investigator or Title IX coordinator. UND will choose a decision-maker who has received training as described in the Title IX Sexual Misconduct Policy and is free from conflicts or bias.

UND aims to hold the hearing within 30 days of the investigative report being distributed to the parties. However, we understand that scheduling conflicts may arise. The parties (if attending the hearing) and their advisors are obligated to make themselves reasonably available so as not to cause undue delay. If a hearing date is not mutually agreed upon within 30 days of distribution of the report, the Title IX coordinator may make further inquiries as to whether good cause for a delay exists. If the Title IX coordinator finds that good cause for a delay does not exist, the Title IX coordinator has discretion to choose a hearing date(s).

This section is a summary of the procedural rules for hearings. More detailed procedural rules and other helpful guidance will be provided to the parties prior to a hearing.

At the request of either party or at the discretion of the University, the hearing will be conducted with the parties, advisors, witnesses and decision-maker(s) participating virtually with technology enabling the decision-maker and parties to simultaneously see and hear, or otherwise assess the credibility of, the party or witness answering questions. At the discretion of the University, hearings may also be conducted with some, but not all, participants appearing virtually, so long as the parties, advisors, witnesses and decision-maker(s) are able to simultaneously see and hear, or otherwise perceive, each other.

All evidence obtained by the investigator as part of the investigative process and not subject to exclusion under this Policy will be made available to the parties and the decision-maker at the hearing. UND will create an audio or audiovisual recording, or transcript, of the hearing and make it available to the parties for inspection and review.

Hearings are attended by the parties, their advisors, the decision-maker(s), and witnesses as called by the parties and/or the decision-maker. Witnesses may be sequestered before and after their testimony. The University may allow additional attendees for safety and logistical purposes, University legal counsel, and/or for training purposes.

Witnesses

Only witnesses who are included on the witness lists exchanged at or after the pre-hearing conference (see below) will be allowed to present testimony at the hearing. All witnesses who are included in the investigative report will be included on the witness list. At the pre-hearing conference, the parties may identify any witnesses they request to call who are not in the report. Witnesses who were suggested to the investigator but not interviewed or not included in the investigative report will be included on the witness list upon request. Additional investigation may be necessary prior to the

hearing. In that case, an updated investigative report will be provided to the parties at least ten calendar days prior to the hearing.

Witnesses who were not identified during the investigation or who refused to be interviewed during the investigation will not be included on the witness list unless good cause is shown to the decision-maker to explain why the witness should be allowed. The decision-maker has discretion to determine what constitutes good cause. The decision to not disclose a witness until the pre-hearing conference, even though the party was or reasonably should have been aware that the witness had relevant information to share, shall not constitute good cause for a late disclosure. Additional investigation may be necessary before a newly disclosed witness is added to the witness list. In that case, an updated investigative report will be provided to the parties at least ten calendar days prior to the hearing.

Documentary Evidence

Only documentary evidence (documents, texts, photos, videos, etc.) that was provided to the investigator during the investigation shall be presented at the hearing. If the parties become aware of newly discovered evidence between the conclusion of the investigation and the pre-hearing conference, they must present the evidence to the decision-maker at the pre-conference hearing. The decision-maker will allow the evidence to be presented at the hearing if good cause is shown to explain how the evidence was recently discovered. The decision-maker shall have discretion to determine what constitutes good cause. Additional investigation may be necessary and the hearing may be delayed if newly discovered evidence is allowed. Both parties will receive copies of any allowed newly discovered evidence at least three calendar days prior to the hearing.

Pre-Hearing Conference

A pre-hearing conference will be scheduled for the decision-maker and each party and their chosen advisor, if any, at least five calendar days prior to the hearing. The following topics will be discussed:

- Overview and purpose of the hearing;
- The witnesses each party intends to call;
- Whether there is good cause to allow any new or previously undisclosed witnesses to provide testimony at the hearing;
- Whether there is good cause to allow any new or previously undisclosed evidence to be presented at the hearing;
- Whether the hearing will be held virtually or in person;
- If the hearing will be held in person, whether either of the parties requests the hearing be held with the parties in separate rooms;
- The formal rules of process, procedure, decorum, and/or technical rules of evidence; and
- Whether the parties have a chosen advisor to be present at the hearing.

The parties will be encouraged to present their questions to the decision-maker prior to the hearing.

Each party must provide their list of witnesses to be called at the hearing to the decision-maker prior to or at the conference.

The decision-maker will exchange the parties' witness lists after the conference.

Advisors at Hearing

Advisors must be present at the hearing whether or not the parties participate in the hearing. A party who decides not to participate in the hearing may still direct their advisor to conduct questioning on their behalf. If a party does not have an advisor at the hearing, UND will provide an advisor free of charge. The UND-appointed advisor's role will be to question the parties and witnesses, as directed by the party. If a party does not participate in the hearing and does not have a chosen advisor, the UND-appointed advisor will ask the party's predetermined questions at the hearing, if any questions have been provided.

A party's chosen advisor may prepare and present the party's opening and closing statements, if requested by the party. A UND-appointed advisor will read the party's prepared opening and/or closing statements, if requested by the party. A UND-appointed advisor will not prepare questions or opening and closing statements on behalf of the party.

Presentation of Witnesses and Evidence

The purpose of the hearing is not to reintroduce or question each piece of relevant evidence gathered during the investigation. The hearing is an opportunity for the parties to clarify information, ask new questions, and probe credibility of the witnesses and the other party.

During a hearing, the parties may present relevant evidence to the decision-maker. The hearing begins with an opportunity for each party or their advisor to make an opening statement. The decision-maker and the parties' advisors will then ask questions of the parties and witnesses. The decision-maker will question each party or witness first, followed by the advisors. Each party's advisor may ask questions of the other party and any witnesses, including follow-up questions and questions challenging credibility. The questions must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.

Only relevant questions may be asked of a party or witness. The decision-maker must determine the relevance of each question before the party or witness may answer. If the decision-maker determines a question is not relevant, the decision-maker will explain why. The question will not be answered or, if it was already answered, the answer will not be considered by the decision-maker in reaching the determination of responsibility.

If new or surprising information is presented at the hearing, at the request of either party, the decision-maker will allow a pause in the hearing to allow the party to prepare to respond to the new information or to allow for additional investigation. The decision-maker has discretion to determine the length of the temporary pause.

The decision-maker is obligated to objectively evaluate all relevant evidence. The parties may make an argument to the decision-maker regarding what they believe to be relevant evidence and the persuasiveness of relevant evidence.

It is requested, but not required, that the questions each party intends to ask be submitted in advance to permit the decision-maker to rule on the relevance of questions.

If deemed reliable and relevant by the decision-maker, and not otherwise subject to exclusion under the Policy, the decision-maker may consider the statements of persons who were not present at the hearing, or persons who were present at the hearing but refused to answer a question. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, and social media postings. The decision-maker shall determine the appropriate weight to afford the statements under the circumstances and will do so in a fair and equitable manner. The decision-maker may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence or refusal to answer cross-examination or other questions. There are no exceptions to this exclusion as there are in legal proceedings.

The investigator may be called as a witness by the parties' advisors or the decision-maker. Questions directed to the investigator are limited to information gathered and decisions made during the investigation.

The hearing will conclude with an opportunity for each party or their advisor to present a closing statement explaining their requested hearing determination and any sanctions, if appropriate.

Hearing Decorum

Decision-makers may implement rules to ensure hearing decorum, such as requiring respectful treatment, specifying any objection process, governing timing of hearing and length of breaks, etc. The parties will receive copies of the procedural rules at the pre-hearing conference.

Determination Regarding Responsibility

The decision-maker will issue a written determination regarding responsibility within 30 calendar days from the conclusion of the hearing. However, additional time will be allowed for good cause. The decision-maker will inform the parties in writing of the delay and the reason for the delay. The determination will apply the preponderance of evidence standard to the relevant facts gathered during the investigation and heard at the live hearing. The written determination must include:

1. Identification of the allegations potentially constituting sexual misconduct as defined in this policy.
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notification to the parties, interviews with the parties, and witnesses, site visits, methods used to gather other evidence and hearings held;
3. Findings supporting the determination.
4. Conclusions regarding the application of UND's policy or policies;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;

6. Any disciplinary sanction the University imposes on the respondent, and whether remedies designed to restore or preserve equal access to UND's education program or activity will be provided by the University to the complainant; and
7. UND's procedures and permissible bases for the complainant and respondent to appeal.

The written determination will be provided to the parties simultaneously. The determination regarding responsibility becomes final and any sanctions or remedies become effective:

1. If an appeal of the determination regarding responsibility (policy appeal) is filed, on the date that UND provides the parties with the written determination of the result of that appeal; or
2. If an appeal of the determination regarding responsibility (policy appeal) is not filed, on the day after the time for appeal expires.

Note that an additional appeal is available if a disciplinary sanction of suspension or expulsion of a student is imposed (state law appeal). This additional appeal does not extend the date upon which the determination regarding responsibility becomes final. (See Appeals, below, and Disciplinary Sanctions and Remedies, below, for more information.)

Disciplinary Sanctions and Remedies

Any disciplinary sanctions or remedies become effective when the determination regarding responsibility is final. (See Determination Regarding Responsibility, above.) In cases where student suspension or expulsion is imposed, an additional appeal is available for one year. This additional appeal does not extend the date upon which the sanction becomes effective.

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 will be responsible for implementing any remedies provided by the written determination.

Sanctions for Students

If a student is found in violation of the Title IX Sexual Misconduct Policy, the student is subject to any, and all, sanctions imposed through the student conduct process, as described in the Code of Student Life and below.

Status Sanctions

1. Written Reprimand. Written reprimand refers to official censure of a student's conduct in violation of a regulation of the University community. A written reprimand indicates no ongoing status change for the student.
2. Warning Probation. Warning probation indicates that further violations of the Title IX sexual misconduct policy

and/or Code of Student Life may result in more severe disciplinary action. Warning probation is imposed in conjunction with other sanctions for the period of time that other sanctions are pending. Upon completion of all pending sanctions or one calendar year, whichever comes first, the student is automatically removed from warning probation.

3. Conduct Probation. Conduct probation indicates that further violations of the Title IX sexual misconduct policy and/or the Code of Student Life may result in suspension from the University. Conduct probation is imposed for a period of not more than one year and the student is removed from conduct probation automatically when the imposed period expires.

Restrictions or Educational Activities Sanctions

The decision-maker may impose additional sanctions. Such sanctions may include, but are not limited, to:

- 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, e-mail, telephone, or through third parties. Failure to adhere to a no contact directive may result in further disciplinary action.
- Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations; services; or events.
- University housing transfer, restricted access within university housing, restricted access to dining services, and removal and/or ban from university housing and/or dining services for a specified period of time.
- Restitution for cleaning, replacing, or restoring a specific area or thing when loss or damage was a result of the student's disciplinary violation.
- Referral for an assessment to a mental health provider.
- Mandated participation in one or more campus or community activities, lectures, service, and/or workshops.

In student conduct processes involving student organizations, the SCA or hearing panel may impose sanctions that include but are not limited to:

- Restrictions on activities involving the recruitment of new members.
- Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations, services, or events.
- Restitution for cleaning, replacing, or restoring a specific area or thing when loss or damage was a result of the organization's disciplinary violation.
- Mandated participation in special activities or campus events.
- Restrictions on, or suspension of, requesting funds from the Student Organization Funding Agency.
- Restrictions on, or suspension of, practices related to the solicitation of funds on campus for the support of organized activities.

Suspension

Suspension is a withdrawal of enrollment privileges and a ban from campus owned, leased, or controlled property and university events and activities. Student organizations that are suspended from the University will have their recognition as a student organization revoked.

Suspension may be imposed as the result of the student conduct suspension process. Suspension may be imposed in conjunction with other sanctions.

Suspension will generally be for at least the remainder of the semester in which the sanction is imposed and result in the cancelation of registration of the student. Suspension may be imposed for a specific period, up to five years, an indefinite amount of time, or permanently. If an indefinite suspension is imposed, it will be in place for a minimum of five years.

A permanent suspension is referred to as an expulsion.

Conditions to be met prior to reinstatement may be included with a fixed-term or indefinite suspension.

Enhanced Sanctions for Bias-Motivated Violations

A student found in violation of the Code may receive more severe or enhanced sanctions up to, and including, suspension if the violation is determined to be motivated by bias.

Bias means behavior motivated by actual or perceived race, color, genetic information, national origin, religion, sexual orientation, gender identity, sex, age, marital status, veteran's status, political belief or affiliation, or physical, mental, or medical disability of another person or group.

Sanctions for Employees

Potential disciplinary sanctions under this policy for staff, faculty, and student employees may include verbal counseling, written warning/letter of reprimand, implementation of an improvement plan, education or training, unpaid suspension, salary reduction, other restrictions or loss of privileges, or termination of employment.

The Title IX Sexual Misconduct Policy and these Procedures govern implementation of staff, faculty, and student employee disciplinary proceedings.

Non-Punitive Response

The University may respond to conduct that does not meet the definition of a policy violation by taking non-punitive action designed to promote a welcoming, inclusive, and safe environment.

Dismissal

When the University receives a formal complaint, the Title IX coordinator will conduct an initial assessment of the formal complaint. There are certain circumstances when the University either is required to or may dismiss a formal complaint or an allegation within the formal complaint. If a complainant's formal complaint is dismissed for any of the below reasons, the complainant may appeal the dismissal decision. See the "Appeals" section for more information.

Mandatory Dismissal

If, after initial assessment of a formal complaint, it is determined that the conduct alleged would not constitute sexual harassment as defined by Title IX and this policy, even if proved, then the Title IX coordinator must dismiss the formal complaint for purposes of Title IX.

The Title IX coordinator will also dismiss the formal complaint for purposes of Title IX if the conduct alleged did not occur in UND's education program or activity or the conduct alleged did not occur against a person in the United States.

Alleged conduct that is the subject of a formal complaint that is dismissed under the Title IX Sexual Misconduct Policy may be addressed under other applicable university policies.

Permissive Dismissal

The Title IX coordinator may dismiss a formal complaint under the Title IX Sexual Misconduct Policy if, at any time during the investigation or hearing, the following occurs:

1. A complainant notifies the Title IX coordinator, in writing, that the complainant would like to withdraw the formal complaint, or any allegations contained in the formal complaint.
2. The respondent is no longer enrolled or employed by UND; or
3. Specific circumstances prevent UND from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the formal complaint.

Notice of Dismissal

Upon a dismissal pursuant to this section, UND will send written notice of the dismissal and reasons therefore to the impacted parties simultaneously.

Appeals**Appeal of Mandatory or Permissive Dismissal**

Both parties have the opportunity to file an appeal of the Title IX coordinator's mandatory or permissive dismissal of a formal complaint or any allegations within the formal complaint. The appeal must be in writing and must set forth the reasons the Title IX coordinator's dismissal was incorrect. The appeal must be filed with the Title IX coordinator within ten calendar days of receiving the notice of dismissal.

Upon notice of the appeal, the Title IX coordinator will provide the written appeal and any supporting information provided by the appealing party to the non-appealing party, who will have ten calendar days to review and submit a written statement in support of or against the appeal. The Title IX coordinator will then provide the appeal documents to the appeal decision-maker. The appeal decision-maker will have ten calendar days to issue a determination. No other appeal is available through the University.

Appeal of Determination Regarding Responsibility (Policy Appeal)

Either party may appeal the determination of responsibility only on the following bases:

1. Procedural irregularity that affected the outcome of the grievance process;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the grievance process; and
3. The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Dissatisfaction with the hearing outcome is not a valid basis for appeal.

The appeal must be submitted in writing to the Title IX coordinator within ten calendar days of the date UND provided the written determination of responsibility to the parties. The appeal shall consist of a plain, concise, and complete written statement outlining the ground(s) for appeal and all relevant information to substantiate the ground(s) for the appeal. The appeal should indicate the desired outcome of the appeal.

Upon receipt of the written appeal, the Title IX coordinator will assess the appeal to determine whether it is timely filed. If an appeal is not timely filed, the determination of responsibility becomes final, and any sanctions become effective. If the appeal is timely filed, the Title IX coordinator will provide the written appeal and any supporting information provided by the appealing party to the non-appealing party, who will have ten calendar days to review and submit a written response to the appeal.

The Title IX coordinator will then provide all evidence obtained in the investigation, the investigative report, recording of the hearing, determination regarding responsibility, and all appeal documents submitted by the parties to the appeal decision-maker. The decision-maker at the appeal stage will be free from bias and conflict of interest and will not be the investigator, Title IX coordinator, or the person who made a decision regarding responsibility at the hearing stage.

If the decision-maker finds that valid ground(s) for appeal were presented, the decision-maker may:

1. Modify the decision. The decision-maker may overturn all or some of the decisions regarding violations of the policy;
2. Request additional investigation or a new hearing. The decision-maker may void all or some of the decisions and call for additional investigation or a new hearing on all or some of the issues originally considered; or
3. Uphold the decision.

The decision-maker on appeal will issue a written decision describing the result of the appeal and the rationale for the decision and will provide the written decision simultaneously to both parties.

The decision-maker shall have 30 calendar days after receiving all appeal documents to provide the determination to the parties. Except as described below, no other appeal is available through the University.

Appeals of Student Suspension or Expulsion (State Law Appeal)

Pursuant to North Dakota law and SBHE policy, if the decision-maker imposed a disciplinary sanction of suspension or expulsion of a student, the parties may file an appeal in addition to the above appeal. The parties have one year from the date UND provided the written determination of responsibility to the parties, to file an appeal on the following bases:

1. New information;
2. Contradictory information; and
3. Information indicating that the student was not afforded due process.

Information that was available and not provided during the grievance process is not considered new or contradictory information. Bases for appeal that were raised and considered in a previous appeal cannot be raised in this appeal.

The appealing party must submit their appeal to the Title IX coordinator in writing. The reason and rationale for an appeal must be clearly stated within the appeal. The appeal should indicate the desired outcome of the appeal.

Upon receipt of a timely-filed written appeal, the Title IX coordinator will provide the written appeal and any supporting information provided by the appealing party to the non-appealing party, who will have ten calendar days to review and submit a written statement in response to the appeal. The Title IX coordinator will then provide all evidence obtained in the investigation, the investigative report, recording of the hearing, determination regarding responsibility, and all appeal documents provided by the parties to the appeal decision-maker. The decision-maker at the appeal stage will be free from bias and conflict of interest and will not be the investigator, Title IX coordinator, or the person who made a decision regarding responsibility at the hearing stage.

If the decision-maker finds that valid ground(s) for appeal were presented, the decision-maker may:

1. Modify the decision. The decision-maker may overturn all or some of the decisions regarding violations of the policy;
2. Request additional investigation or a new hearing. The decision-maker may void all or some of the decisions and call for additional investigation or a new hearing on all or some of the issues originally considered; or
3. Uphold the decision.

The decision-maker on appeal will issue a written decision describing the result of the appeal and the rationale for the result and will provide the written decision simultaneously to both parties.

The decision-maker shall have 30 calendar days to provide the determination to the parties. This appeal completes the appeal process. No other appeal is available through the University.

Informal Resolution

Resolution is a voluntary process for arriving at a full and final resolution of a formal complaint without an investigation or determination regarding a policy violation. An appropriately trained individual, other than the investigator or decision-maker, will facilitate the informal resolution process.

Any statements or information, including admissions of responsibility, disclosed during the informal resolution process concerning the allegations in the complaint will be used solely for the purpose of informal resolution, unless disclosure is required by law.

If the informal resolution process does not result in an agreement between the parties, any details disclosed during the informal resolution process will not be included in the formal investigation and hearing, unless the party who disclosed the information also shares the information during the investigation or hearing.

Information related to the allegations gathered through the informal resolution process may not be shared with any individual. However, any party involved in the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization.

Availability of Informal Resolution

Informal resolution is available after a formal complaint has been filed and may be requested by either party at any point before a determination has been made regarding a policy violation.

Not all situations are appropriate for informal resolution. The Title IX coordinator has the discretion to determine whether informal resolution is appropriate. If the Title IX coordinator determines that a situation is not suitable for informal resolution, the Title IX coordinator will advise the parties, as appropriate, of other available support or processes.

Informal resolution is not allowed to resolve allegations that an employee harassed a student.

Voluntary Process

Participation in informal resolution is voluntary. All parties must agree to pursue informal resolution and either party may withdraw from the informal process at any time. The parties will be required to sign a written agreement indicating their decision to pursue an informal resolution. UND will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

Notice to the Parties

If the parties agree to engage in an informal resolution process, UND will provide to the parties a written notice disclosing:

- The allegations;
- The requirements of the informal resolution process;
- The right of any party to withdraw from the informal resolution process and initiate or resume the grievance procedure;
- The parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an

- informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information UND will maintain and whether and how UND could disclose such information for use in grievance procedures, if grievance procedures are initiated or resumed.

Method of Informal Resolution

Informal resolutions may include any method of alternative dispute resolution that the Title IX coordinator and the parties determine appropriate. For example, the facilitator may propose solutions; facilitate communication of proposals between the parties; facilitate direct discussions between the parties; or utilize other methods such as formal mediation.

Impact on Investigative Process

The investigative process will be paused while informal resolution is attempted. If any party declines to participate or withdraws from participation, or the process reaches an impasse, informal resolution will be discontinued. A formal investigation may begin, or resume, at that time, if appropriate.

Resolution Agreement

Potential terms that may be included in an informal resolution agreement include, but are not limited to:

- Supportive measures;
- Restrictions on contact;
- Disciplinary measures; and
- Restrictions on the respondent's participation in one or more of UND's programs or activities or attendance at specific events, including restrictions UND could have imposed as remedies or disciplinary sanctions had UND determined at the conclusion of the grievance procedures that sexual misconduct occurred.

Informal resolution is intended to provide finality to the complaint. Once resolved, the parties are prohibited from filing another complaint based on the same allegations.

If the parties agree upon an informal resolution, a written agreement will be prepared by the facilitator for the parties' signature. The agreement constitutes a full and final resolution of the complaint. Both parties will be required to abide by the agreement. Failure to comply with any portion of the resolution agreement may be grounds for disciplinary action, as appropriate. Noncompliance with the resolution agreement will not result in reopening of the formal complaint.

Time Frame for Completion of Grievance Process

UND will carry out the grievance process in a reasonable and timely manner. The length of time necessary to complete a fair and thorough process will vary depending upon the complexity of the facts, including the number of witnesses and volume of information provided by the parties; a request by law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of witnesses; to account for University breaks or vacations; or for other legitimate reasons.

UND aims to issue a determination regarding responsibility within 120 calendar days of receiving a formal complaint. If the parties choose an informal resolution process, UND aims to complete the process within 30 calendar days of the date the parties agreed to use informal resolution. However, temporary delays or extensions of the time frames will be offered for good cause, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations for language or disability. The investigator(s) or Title IX coordinator will notify the parties in writing of any delays and provide an explanation for the delay.

Sexual Misconduct

The University of North Dakota (UND) prohibits sexual misconduct, including but not limited to sexual harassment, sexual assault, domestic violence, dating violence, and stalking, by or against a student or employee.

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

Employees or students who violate this policy may face disciplinary action up to and including suspension, expulsion or termination. Third parties who are reported to have committed sexual misconduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

Jurisdictional Statement

This policy applies to reports of:

- Sexual misconduct within or impacting its education program or activity; and/or
- Sexual misconduct involving a UND student, regardless of the location or context in which it occurred.

The University's policy for addressing sexual harassment, including sexual assault, domestic violence, dating violence, and stalking, which occurs within or in connection with a University education program or activity and against a person in the United States is set forth in UND's Title IX Sexual Misconduct Policy.

The University's policy for addressing discrimination based upon sex, sexual orientation, gender identity, pregnancy, and parental status is set forth in UND's Discrimination and Harassment Policy.

If you Have Experienced Sexual Violence

If you have experienced sexual violence, there are several options available to assist you. Only you can decide what plan of action is right for you. However, you may 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.

Title IX Coordinator

The Title IX coordinator is charged with:

- Monitoring the University's compliance with Title IX;
- Ensuring appropriate education and training;
- Coordinating the University's investigation, response, and resolution of all reports under this policy; and
- Ensuring UND responds
 - Promptly and supportively to people alleged to be victims of sexual misconduct,
 - Resolves allegations of sexual misconduct promptly and accurately under a predictably fair grievance process that provides due process protections to alleged victims and alleged perpetrators, and
 - Effectively implements remedies for victims.

The Title IX coordinator is available to meet with any student, employee, or third party to discuss this policy or the accompanying procedures. The University has also designated deputy Title IX coordinators who may assist the Title IX coordinator in the discharge of these responsibilities. The Title IX coordinator and deputy Title IX coordinators receive appropriate training to discharge their responsibilities.

The Title IX coordinator may designate a deputy Title IX coordinator or other appropriately trained individual to carry out any of the tasks or functions described in this document. When this procedure refers to Title IX coordinator, it is presumed to mean Title IX coordinator or designee.

Responding to Reports of Sexual Misconduct

Whether or not a formal complaint is filed, UND will respond promptly and without deliberate indifference when the Title IX coordinator or a deputy Title IX coordinator receives a report or otherwise has notice of sexual misconduct prohibited by this policy.

Presumption of Not Responsible

The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on UND.

Bias and Conflict of Interest

The Title IX coordinator, deputy Title IX coordinators, investigators, decision-makers, and all individuals who facilitate informal resolution processes, will be free from bias and conflict of interest. Examples of bias and conflict of interest include but are not limited to, personal animosity, illegal prejudice, and personal or financial stake in the outcome. Bias can relate to sex, race, ethnicity, sexual orientation, gender identity, religion, disability, national origin or other characteristics.

If a party believes any of the above individuals has a bias or conflict of interest that prevents them from serving impartially in the grievance process, the party may challenge that person's participation in the grievance process as provided in the procedures for Sexual Misconduct Response.

Privacy and Confidentiality

Privacy and confidentiality have distinct meanings under this policy. Privacy means that information related to a report of sexual misconduct will be shared with a limited circle of University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the University's response to reports of sexual misconduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. With respect to any report under this policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal laws, while balancing the need to gather information to access the report and to take steps to eliminate sexual misconduct, prevent its recurrence, and remedy its effects.

Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under North Dakota law. The University has designated individuals who have the ability to 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 such 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.

Confidential Resources

Consistent with the definition of confidential employees and licensed community professionals, there are a number of

resources within the University and Grand Forks communities where students and employees can obtain confidential counseling and support. These resources include:

University Counseling Center (for students)
McCannel Hall Room 200
701.777.2127
<https://UND.edu/student-life/counseling-center/>
Student Health Services (for students)
McCannel Hall Room 100
701.777.4500
<https://UND.edu/student-life/student-health/>

CVIC at UND (for all)
Twamley Hall, Room 102
Campus Confidential Advisor: 701.777.6550
Main Office: 701.746.0405
24/7 Crisis Line: 701.746.8900 or 866.746.8900
<https://UND.edu/student-life/violence/cvic.html> or <http://cviconline.org>

Employee Assistance Program (for employees)
800.627.8220
<http://VillageEAP.com>

The above resources may assist in providing referrals to local confidential resources for UND students and employees who reside in other locations.

Supportive Measures

Supportive measures may be offered to the complainant and the respondent regardless of whether a complainant files a formal complaint under this policy. If a formal complaint is filed, supportive measures will continue to be available to the complainant and respondent after the conclusion of the grievance process, as appropriate, whether there was a finding of responsibility or non-responsibility. The Title IX coordinator or deputy Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive measures to the complainant or respondent will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures. Supportive measures may not restrict any party's rights under the United States Constitution. The University will not provide supportive measures that are clearly unreasonable in light of the known circumstances.

Individuals are encouraged to report to the Title IX coordinator any concerns about the failure of another to abide by any restrictions imposed through supportive measure(s) such as mutual no-contact orders. In the event of an immediate health or safety concern, individuals should contact 911

immediately. Disciplinary action may be taken for failing to abide by certain supportive measure(s).

Amnesty

In order to encourage complainants and witnesses to make reports of prohibited conduct and for all parties and witnesses to fully participate in the investigation, the University will not pursue disciplinary action against students or employees for disclosure of personal consumption of alcohol or other drugs (underage or illegal) or other minor offenses, where the disclosure is made in connection with a good faith report or investigation of prohibited conduct and the personal consumption did not place the health or safety of any other person at risk. The University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

Employee Reporting Obligations

Specific employee reporting obligations are listed below. Sharing disclosures, reports or other known information about alleged sexual misconduct with the Title IX coordinator allows the University to meet its state and federal obligations and to appropriately address any sexual misconduct. 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 misconduct, and take immediate and appropriate steps to respond to the report.

Employees shall not dissuade an individual from reporting possible sexual misconduct. 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 misconduct.

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

Confidential Employees

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

Confidential employees must explain to any person who informs the confidential employee of conduct that reasonably may constitute sexual misconduct:

- The employee's status as confidential under this Policy, including when the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sexual misconduct;
- How to contact the Title IX Coordinator and how to make complaint; and
- That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate informal resolution process or investigation.

Sexual Misconduct Involving Students Regular/Benefitted and Temporary Employees

All employees, except confidential employees while acting within their confidential role and student employees, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual misconduct against students.

Student Employees

Students employed as Resident Assistants, Community Assistants, Resident Managers, Athletics Camp Coaches, Undergraduate Instructors, and Graduate Assistants, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual misconduct against students.

All other student employees are encouraged, but not required, to report suspected or potential sexual misconduct against students to the Title IX Coordinator.

Sexual Misconduct in the Workplace

Employees are strongly encouraged, but not required, to contact the Title IX Coordinator when they have been subject to conduct that reasonably may constitute sexual misconduct in the workplace. The Title IX Coordinator can provide information about supportive measures and resolution options.

Supervisors and Managers

All supervisors and/or managers, including department chairs, are required to report as soon as possible to the Title IX coordinator all information they know about suspected or potential sexual misconduct occurring in the workplace.

Non-Supervisory Employees

When employees who are not supervisors or managers become aware of suspected or potential sexual misconduct occurring in the workplace, they are encouraged, but not required, to provide the Complainant with the Title IX Coordinator's contact information and information about how to make a complaint of sexual misconduct. Non-supervisory employees are also encouraged, but not required, to report information about suspected or potential sexual misconduct in the workplace to the Title IX coordinator.

Student Employees

Student employees are encouraged but not required to report information about suspected or potential sexual misconduct in the workplace to the EO/Title IX office. However, they may still have reporting obligations as detailed in the preceding section. (Sexual Misconduct Involving Students).

Clery Act Reporting

Individuals designated as campus security authorities under the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (Clery Act) have separate and additional reporting requirements under the Act.

Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying

information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information as appropriate when issuing timely warnings to the University community.

Training

All University employees who have obligations to report sexual misconduct (See Employee Reporting Obligations, above) are required to complete annual training regarding how to respond to and report information about sexual misconduct.

All individuals involved in the grievance process, including, but not necessarily limited to, the Title IX Coordinator, investigators, decision makers, and any person who facilitates an informal resolution process, must receive training on the following areas:

- The definition of sexual harassment;
- The scope of the education program or activity;
- How to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision-makers must also receive training on the following areas:

- Any technology to be used at a hearing;
- Issues of relevance for questions and evidence, including when questions about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must also be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Advisors assigned by the university will receive training regarding their role in the process. Advisors are not expected or required to have any specific level of training or experience.

All training materials used to train the foregoing individuals will be made available to the public by posting on the Equal Opportunity & Title IX website.

Individuals who have not completed training as required by this policy shall not investigate, adjudicate, or otherwise be involved in the grievance procedures associated with this policy.

Non-Retaliation for Filing or Participating in a Sexual Misconduct Complaint

Neither the University nor any employee, student, or affiliate may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Sexual Misconduct Policy.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy. Charging an individual with a policy violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation prohibited by this Policy. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Prohibition against False Statements

UND prohibits knowingly making false statements or knowingly submitting false information during the Sexual Misconduct grievance process. Doing so will subject the party making the knowingly false statement to disciplinary action.

Record Keeping

The University shall retain, for a period of seven years, records of:

- Each sexual misconduct investigation, including any determination regarding responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant.
- Any appeal and the result therefrom;
- In each instance, the University will document that the basis for its response to a report or complaint was not deliberately indifferent;
- Any informal resolution and the result therefrom;
- Any other actions, including supportive measures, taken in response to a report or formal complaint of sexual misconduct, or, if supportive measures were not provided, an explanation of why such a response was not clearly unreasonable in light of the known circumstances; and
- All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, which the institution must make available on its website.

Reporting Sexual Misconduct

The University encourages anyone who experiences sexual misconduct to report the incident to the University. Any person may report sexual misconduct (whether or not the person making the report is the victim of the alleged behavior).

The report may be made in any of the following ways:

- In person: Equal Opportunity & Title IX Office, Twamley Hall, Grand Forks, ND
- By mail: 264 Centennial Drive Stop 7097, Grand Forks, ND 58202
- By email: UND.EO.TitleIX@UND.edu
- By using the on-line EO/Title IX report
- By any other means that results in the Title IX Coordinator receiving the report, regardless of the time of day.

Reporting to Law Enforcement

A complainant who wishes to pursue criminal action in addition to, or instead of, making a report under these procedures should contact law enforcement directly:

- 911 (for emergencies)
- University Police: 701.777.3491 (for non-emergencies) or anonymous crime report

- Grand Forks Police Department: 701.787.8000 (for non-emergencies)

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 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 proceeding occurs off-campus, services are still available through the University.

A complainant 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.

Filing a Formal Complaint

To request that UND investigate a report of sexual misconduct, or to engage in informal resolution processes, the complainant must file a formal complaint with the Title IX coordinator or a deputy Title IX coordinator. The formal complaint must be a written or digital document that identifies the complainant and respondent, provides a method to contact the complainant, and contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint. This complaint may be filed with the Title IX coordinator in person, by mail, or by electronic means using any of the contact information below:

- In person: Equal Opportunity & Title IX Office, Twamley Hall, Grand Forks, ND
- By mail: 264 Centennial Drive Stop 7097, Grand Forks, ND 58202
- By email: UND.EO.TitleIX@UND.edu
- On-line: by submitting the digital formal complaint form supplied by the Title IX coordinator

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of UND.

The Title IX coordinator has discretion to sign a formal complaint when the complainant does not do so. The Title IX coordinator may take circumstances into account such as whether there are allegations of a pattern of misconduct, threats, violence, use of weapons, or similar factors. When the Title IX coordinator signs the formal complaint, the Title IX coordinator is not a complainant or otherwise a party to the complaint.

If Complainant Declines to File Formal Complaint

When the complainant declines to file a formal complaint, UND will seek to honor the preferences of the complainant whenever possible. However, the Title IX coordinator may determine that the totality of the known circumstances indicate there is a risk to the safety of the campus community if a grievance process is not initiated. In that case, the Title IX coordinator may sign a formal complaint. In such circumstances, the Title IX coordinator is not the complainant.

In such cases, the Title IX coordinator will advise the complainant that UND intends to proceed with a grievance process, but that the complainant is not required to participate in the grievance process or in any other actions undertaken by UND. If the complainant declines to participate in the grievance process, the University's ability to meaningfully investigate and respond may be limited. The Title IX coordinator will make reasonable efforts to protect the privacy of the complainant. However, actions that may be required as part of the grievance process will involve speaking with the respondent and others who may have relevant information, in which case the complainant's identity may be disclosed.

Responding to Reports and Formal Complaints

The procedures for responding to reports and formal complaints of Sexual Misconduct Policy violations are contained in the Procedures for Responding to Reports of Sexual Misconduct.

Supportive measures will be offered to the complainant and respondent before or after the filing of a formal complaint or where no formal complaint has been filed when the parties' identities are known. At any time prior to reaching a determination regarding responsibility, the complainant and respondent may agree, in writing, to participate in an informal resolution process.

During the grievance process, the University will treat the complainant and respondent equitably. The University will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

The University will objectively evaluate all relevant evidence, including both exculpatory and inculpatory evidence, and ensure that credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The parties have equitable opportunities to appeal the determination regarding responsibility after a hearing or any mandatory or permissive dismissal of a formal complaint.

Standard of Evidence to Determine Responsibility

The University applies the preponderance of the evidence standard when determining whether this policy has been violated. Preponderance of the evidence means that it is more likely than not that a policy violation occurred.

Disciplinary Sanctions and Remedies

Any disciplinary sanctions or remedies become effective when the determination regarding responsibility is final as defined in the Procedures. Details regarding sanctions and remedies are found in the Procedures for Sexual Misconduct Response, as appropriate.

Non-Punitive Response

The University may respond to conduct that does not meet the definition of a policy violation by taking non-punitive action designed to promote a welcoming, inclusive, and safe environment.

Time Frame for Completion of Grievance Process

UND will carry out the grievance process in a reasonable and timely manner. The length of time necessary to complete a fair and thorough process will vary depending upon the complexity of the facts, including the number of witnesses and volume of information provided by the parties; a request by law enforcement for temporary delay to gather evidence for a criminal investigation; the availability of witnesses; University breaks or vacations; or other legitimate reasons.

UND aims to issue a determination regarding responsibility within 120 calendar days of receiving a formal complaint. If the parties choose an informal resolution process, UND aims to complete the process within 30 days of the date the parties agreed to use informal resolution. However, temporary delays or extensions of the time frames will be offered for good cause, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations for language or disability. The investigator(s) or Title IX coordinator will notify the parties in writing of any delays and provide an explanation for the delay.

Consolidation of Complaints Involving Multiple Parties

Complaints as to allegations of sexual misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances, may be consolidated as determined to be appropriate by the Title IX coordinator.

Involving Multiple Policies

Grievances or complaints filed through other University, SBHE or NDUS policies may have as a component to the grievance a complaint under the Sexual Misconduct Policy. If the Title IX coordinator determines that the policies and procedures applicable to all grievances/complaints can be followed, the grievances or complaints may be administered as one process. If the Title IX coordinator determines that the policies and procedures applicable to the grievances or complaints conflict with each other and the conflict cannot be resolved, separate processes may be required. The Title IX coordinator and the office(s) under which any concurrent grievances or complaints have been filed will collaborate, as appropriate, in the investigation and resolution of the complaints.

If a complaint made under the Sexual Misconduct Policy also contains an allegation of a violation of another policy, the sexual misconduct grievance procedures will be followed to make a determination of responsibility under the Sexual Misconduct Policy. Decisions regarding responsibility for alleged violations of other policies will be based upon that policy and the associated procedures.

If a determination of responsibility under the Sexual Misconduct Policy has been issued, the University has discretion whether to proceed with a determination of responsibility under the other involved policy.

Some conduct may be prohibited by more than one policy. While a complaint may allege that conduct violates multiple policies, a respondent will not receive multiple disciplinary actions for the same conduct. For example, a respondent may be charged with violations of the Discrimination and Harassment Policy and the Sexual Misconduct Policy for one incident. If found responsible, the respondent will not receive duplicate disciplinary actions for conduct that violates both policies.

Responding to Reports of Sexual Misconduct

The University of North Dakota (University/UND) uses this procedure to respond to reports of sexual misconduct as defined in the Sexual Misconduct Policy.

The University's procedure for addressing reports of sexual harassment as defined by Title IX is set forth in UND's Procedures for Responding to Reports of Title IX Sexual Misconduct. The University's procedure for addressing reports of sex-based discrimination is set forth in UND's Discrimination and Harassment Policy.

The Title IX coordinator may designate a deputy Title IX coordinator or other appropriately trained individual to carry out any of the tasks or functions described in this document. When this procedure refers to Title IX coordinator, it is presumed to mean Title IX coordinator or designee.

Whether or not a formal complaint is filed, UND will respond promptly and without deliberate indifference when the Title IX coordinator receives a report or otherwise has notice of sexual misconduct prohibited by the Sexual Misconduct policy. Upon receipt of a report of sexual misconduct, the Title IX coordinator will contact the complainant, if the complainant's identity is known, and:

1. Offer and coordinate supportive measures, as appropriate, for the complainant, if the complainant is known;
2. Inform the complainant, if known, that supportive measures are available with or without the initiation of grievance procedures;
3. Inform the complainant of on-campus and community resources related to health, counseling, mental health, victim advocacy, legal assistance, visa and immigration, student financial aid, and other related services available for complainants;

4. Notify the complainant, or the person who reported the conduct if the complainant is unknown, of the grievance procedures and informal resolution process, if available and appropriate;
5. If grievance procedures have been initiated, offer and coordinate supportive measures, as appropriate, for the respondent;
6. If a complaint is made, notify the respondent of the grievance procedures and informal resolution process, if available and appropriate;
7. In response to a complaint, initiate grievance procedures or an informal resolution process, if available and appropriate; and
8. If initiating a complaint, the Title IX Coordinator will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

The Title IX coordinator will attempt to contact the complainant to discuss supportive measures, but UND may be limited in its ability to respond further when:

1. The respondent is unknown, or their name is not disclosed;
2. The respondent is not affiliated with UND; or
3. The report is made anonymously.

The University may also be limited in its ability to respond when the complainant is not identified.

Supportive Measures

Supportive measures may be offered to the complainant and the respondent regardless of whether a complainant files a formal complaint under this Policy. If a formal complaint is filed, supportive measures will continue to be available to the complainant and respondent after the conclusion of the grievance process, as appropriate, whether there was a finding of responsibility or non-responsibility. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive measures to the complainant or respondent will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures. Supportive measures may not restrict any party's rights under the United States Constitution. The University will not provide supportive measures that are clearly unreasonable in light of the known circumstances.

Modification of Supportive Measures

UND may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process, or UND may continue them beyond that point.

The complainant and respondent may also request modification or reversal of the decision to provide, deny, modify, or terminate supportive measures applicable to them. An initial request must be made in writing to the Title IX coordinator within five calendar days after the University has notified the party of implementation of the supportive measure or denial of a request for supportive measures. The parties may also request additional modification or termination of a supportive measure applicable to them at any time if circumstances change materially. Decisions to modify or terminate supportive measures will not be made retroactively.

An impartial employee, other than the person who made the challenged decision, will be designated to determine if modification or termination of a supportive measure is appropriate.

Administrative Leave - Employees

An employee respondent may be placed on paid or unpaid administrative leave while the grievance process is pending when the University has received information which indicates that the respondent's continued presence on campus or engagement in the workplace will likely have a serious effect on the physical, mental, or emotional health, safety, or well-being of another person; when physical safety is seriously threatened; when the ability of the University to carry out its operations is threatened or impaired; or where the Title IX coordinator concludes that other supportive measures are not feasible to appropriately address concerns. In these or other appropriate circumstances, a complainant may also be placed on paid or unpaid administrative leave. The decision to put an employee on administrative leave may be made at any point in the grievance process.

Nothing in this section may be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Student Emergency Restrictions and/or Conditions

The University may place emergency restrictions and/or other conditions upon a student, provided that the institution determines, based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal. The respondent will be given notice and an opportunity to challenge the decision immediately following the removal. See the Code of Student Life for the emergency restrictions and/or conditions process.

Nothing in this section may be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Requests for Accommodations or Adjustments

If a party or other participant requires a disability, religious, pregnancy or other accommodation/adjustment to participate in any part of the process described herein, they may make that request to the Equal Opportunity & Title IX Office.

Challenges for Bias or Conflict of Interest

The Title IX coordinator, deputy Title IX coordinators, investigators, decision-makers, and any individuals who facilitate an informal resolution process will be free of bias and conflict of interest. If a party believes any of the above individuals have a bias or conflict of interest that would prevent them from serving impartially, the party may challenge that person's participation in the grievance process. Any challenge must be made as soon as possible after the party learns of a potential bias or conflict of interest.

The party must make the challenge in writing to the Title IX coordinator and state the reasons the individual is believed to hold a bias or conflict of interest. The Title IX Coordinator will review the challenge and may request additional information before making a determination. If the Title IX coordinator determines that the individual cannot serve impartially, the Title IX coordinator will appoint another appropriate individual to serve in that role.

If the challenge is regarding the Title IX coordinator, a deputy Title IX coordinator will review the challenge and make a determination.

Consultation with Title IX Coordinator

The Title IX coordinator may consult with investigators and hearing officers/decision-makers on a limited basis to ensure compliance with relevant policies, procedures, laws, and regulations.

Grievance Process for Formal Complaints Filing a Formal Complaint

To request that UND investigate a report of sexual misconduct or to engage in informal resolution processes, the complainant must file a formal complaint with the Title IX coordinator. The formal complaint must be a written or digital document that identifies the complainant and respondent, provides a method to contact the complainant, and contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint. This complaint may be filed with the Title IX coordinator in person, by mail, or by electronic means using any of the contact information below:

- In person: Equal Opportunity & Title IX Office, Twamley Hall, Grand Forks, ND
- By mail: 264 Centennial Drive Stop 7097, Grand Forks, ND 58202
- By email: UND.EO.TitleIX@UND.edu
- On-line: by submitting the digital formal complaint form provided the by Title IX coordinator

The Title IX coordinator has discretion to sign a formal complaint when the complainant does not do so. The Title IX coordinator may take circumstances into account such as whether there are allegations of a pattern of misconduct, threats, violence, use of weapons, or similar factors. When the Title IX coordinator signs the formal complaint, the Title IX coordinator is not a complainant or otherwise a party to the complaint.

All formal complaints will be investigated, unless subject to dismissal (See Dismissals, below).

Standard of Evidence to Determine Responsibility

The University applies the preponderance of the evidence standard when determining whether the Sexual Misconduct Policy has been violated. Preponderance of the evidence means that it is more likely than not that a policy violation occurred.

Notice of Allegations

When a formal complaint is received, the Title IX coordinator will provide a written notice to the known parties that will include a copy of the Sexual Misconduct Policy and these procedures and notice of:

1. The grievance procedure, including the availability of an informal resolution process;
2. The allegations of sexual misconduct known at the time, including sufficient details to allow the respondent to prepare a response, including but not limited to:
 - a. The names of the parties;
 - b. The conduct allegedly constituting sexual misconduct; and
 - c. The date and location of the alleged conduct.
 - d. This notice will be provided with sufficient time for the respondent to prepare a response before the initial interview.
3. The respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance procedure.
4. Prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision-maker.
5. The parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence. The statement will also indicate that if the party does not have an advisor of choice, UND will appoint an advisor to ask all questions of parties and witnesses at the hearing.
6. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and an investigative report that accurately summarizes this evidence.
7. UND prohibits knowingly making false statements or knowingly submitting false information during the grievance procedure.
8. The identity of the investigator(s).
9. Retaliation is prohibited.
10. Instructions to the parties to preserve any potentially relevant evidence in any format.
11. The availability of supportive measures.

If, during the course of the grievance process, additional allegations are added to the investigation which were not included in the initial notice, UND will provide notice of the additional allegations to the parties.

Advisors

The complainant and respondent will be allowed to select an advisor of their choice to assist them during the proceedings, including the hearing. The advisor may be any person, including an attorney, who is not otherwise a participant in the process. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a formal complaint under these procedures. The advisor's role is to provide support, guidance, and advice, and to ask questions on the party's behalf during the hearing.

Only the advisor is allowed to ask questions directed to the other party and any witnesses on behalf of their party during the hearing. If a party chooses not to participate in the hearing, their chosen advisor may be present and may ask questions on the party's behalf.

If a party does not choose an advisor or does not otherwise have an advisor present at the hearing, UND will provide the party with an advisor free of charge. The UND-appointed advisor's role is limited to asking questions at the hearing, as identified by the party, and if requested, reading opening and/or closing statements written by the party. A party who does not have a chosen advisor should notify the Title IX coordinator as soon as possible so that an advisor can be assigned. If neither the party nor their advisor is present at the hearing, UND will appoint an advisor who will ask any questions identified by the party.

Advisors are not expected or required to have particular training or experience. Advisors appointed by UND will be provided with access to appropriate training to understand the grievance process and their role in the hearing. When UND provides advisors to both parties, UND will endeavor to seek parity of advisors.

UND does not require that advisors be lawyers providing legal counsel. An advisor's questioning "on behalf of that party" is satisfied when the advisor poses questions on a party's behalf, which means the advisor will relay a party's own questions to the other party or witness according to these procedures.

Parties' Participation in Grievance Process

Neither party is required to participate in the grievance process. The decision-maker will not draw any adverse inference from a decision by either of the parties not to participate. However, if a party or witness declines to participate in the investigation, the determination of whether a policy violation occurred will be made without consideration of the evidence that person could have provided.

If a party does not participate in the investigation but provides testimony or evidence at the hearing that includes new information, the hearing may be temporarily paused to allow the other party appropriate time to prepare to respond to the new information or to allow for additional investigation.

The parties will have the same opportunity to discuss the allegations or to gather or present relevant evidence. They also have the same opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. However, the parties may not discuss the allegations or gather evidence in a manner that constitutes retaliation, intimidation, harassment, or defamation.

Formal Investigation

UND will investigate every formal complaint of sexual misconduct unless the complaint is subject to dismissal, as described below under Dismissals, or the parties agree to an informal resolution. The Title IX coordinator may investigate, assist, advise, or designate one or more investigators to investigate any complaint of sexual misconduct. Investigators may be University employees or external investigators. All investigators will receive annual training in accordance with UND's Sexual Misconduct Policy.

The investigation is a neutral fact-gathering process. The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on UND.

Notice of Proceedings

A party whose participation is invited or expected to participate in an investigative interview, hearing, or other meeting will be given written notice of the date, time, location, participation, and purpose of the meeting, with sufficient time to prepare. The parties' chosen advisors may be present at all hearings, investigative interviews, or other meetings.

In accordance with the Violence Against Women Act (VAWA), in formal complaints related to allegations of sexual assault, domestic violence, dating violence, and/or stalking, the Title IX coordinator or investigator will ensure that both parties receive timely notice of all meetings in which either party may be present. (For example, the complainant will receive timely notice that a meeting has been scheduled with the respondent.) Notice shall include the date on which the meeting will take place. Receiving notice of the meeting is not an invitation to attend the meeting.

Coordination with Law Enforcement

If known, the investigator(s) or Title IX coordinator will contact any law enforcement agency that is conducting its own investigation to inform that agency that a University investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. At the request of law enforcement, the Title IX coordinator may delay the University

investigation temporarily so as not to interfere with the criminal investigation process.

Evidence

The grievance process does not utilize established federal or state court rules of evidence. However, the following provisions shall apply throughout the grievance process, including the investigation, any hearing, and a determination regarding responsibility.

- **Relevance.** Evidence is relevant if it tends to make a material fact more or less probable and assists the decision-maker in making a decision. During the investigative process, the investigator shall determine what offered evidence is relevant. During the hearing and/or appeal process, the decision-maker shall determine what offered evidence is relevant. If a party disagrees with the investigator or decision-maker's decision(s) about relevance, the party may make that argument in the written response to the investigative report or to the decision-maker at any hearing held. Only relevant evidence will be considered by the decision-maker in determining if a policy violation occurred.
- **Confidential or Privileged Evidence.** UND will not access, consider, disclose, or otherwise use a party's medical records made or maintained in connection with the provision of treatment to the party, unless voluntary, written consent to do so is provided by the party. UND will not require, allow, rely upon, or otherwise use evidence that constitutes, or questions that seek disclosure of, information protected under a legally recognized privilege, unless that privilege is waived.
- **Prior Sexual History.** Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Inspection of Evidence

The investigator will provide to each party and the party's advisor, if any, all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which UND does not intend to rely in reaching a determination regarding responsibility. This includes inculpatory and exculpatory evidence, whether obtained from a party or other source. The evidence will be sent in electronic format or a hard copy, where possible. If a piece of evidence cannot readily be shared with the parties simultaneously, or the Title IX coordinator determines that providing the evidence to the parties directly is otherwise inappropriate, the investigative report will contain an accurate description of the evidence. The parties and their advisors will then have an equal opportunity to access the evidence individually.

The parties will have ten calendar days to review the evidence and submit a written response, if desired. The investigator will consider any written response prior to completing the investigative report. The investigator will then conduct any additional investigation deemed necessary by the investigator or Title IX coordinator. If additional investigation is conducted, any additional evidence gathered will be given to the parties and they will have an additional ten calendar days to review the evidence and provide a written response. This evidence will be available at any hearing and each party may refer to the evidence at the hearing, including for questioning parties and witnesses.

Investigative Report

The investigator will create an investigative report that fairly summarizes the relevant evidence. At least ten calendar days prior to a hearing, the investigator will send to each party and the party's chosen advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. If a party disagrees with the investigator's determination about relevance, the party can make that argument in the party's written response to the investigative report and to the decision-maker at any hearing held.

Non-Disclosure of Evidence and Investigative Report

Complainants, respondents, and their advisors are prohibited from copying, sharing, or disseminating the investigative report and evidence obtained solely through the grievance procedures except (1) to consult with family members, confidential resources or advisors, or to otherwise prepare for or participate in the grievance procedure; or (2) as required by law.

The non-disclosure obligation does not restrict or prevent a complainant, respondent or advisor from obtaining and presenting evidence, including by speaking to witnesses, subject to the Policy's prohibitions on retaliation. Further, the non-disclosure obligation does not prevent a complainant or respondent from speaking truthfully with others about their own experiences.

University personnel involved in the investigation, including the Title IX coordinator, investigators, and hearing officers, are similarly bound by strict confidentiality obligations. They are not permitted to disclose any evidence, information, or investigative reports to parties or individuals outside of the University's grievance procedure, unless required by law.

Failure to comply with the non-disclosure obligation may result in sanctions or disciplinary action as determined by the University. Sanctions may include warnings, educational measures, or more severe measures, as deemed appropriate by the University.

Hearing

Unless the parties voluntarily agree to informal resolution or the complaint is dismissed, a live hearing will be conducted no sooner than ten calendar days following the delivery of the investigative report to the parties. The live hearing will be held in front of a decision-maker chosen by UND. The decision-maker may be a UND employee or an external decision-maker

but will not be the investigator or Title IX coordinator. UND will choose a decision-maker who has received training as described in the Sexual Misconduct Policy and is free from conflicts or bias.

UND aims to hold the hearing within 30 days of the investigative report being distributed to the parties. However, we understand that scheduling conflicts may arise. The parties (if attending the hearing) and their advisors are obligated to make themselves reasonably available so as not to cause undue delay. If a hearing date is not mutually agreed upon within 30 days of distribution of the report, the Title IX coordinator may make further inquiries as to whether good cause for a delay exists. If the Title IX coordinator finds that good cause for a delay does not exist, the Title IX coordinator has discretion to choose a hearing date(s).

This section is a summary of the procedural rules for hearings. More detailed procedural rules and other helpful guidance will be provided to the parties prior to a hearing.

At the request of either party or at the discretion of the University, the hearing will be conducted with the parties, advisors, witnesses, and decision-maker(s) participating virtually with technology enabling the decision-maker and parties to simultaneously see and hear or otherwise access the credibility of the party or witness answering questions. At the discretion of the University, hearings may also be conducted with some, but not all, participants appearing virtually, so long as the parties, advisors, witnesses, and decision-maker(s) are able to simultaneously see and hear, or otherwise perceive, each other.

All evidence obtained by the investigator as part of the investigative process and not otherwise subject to exclusion will be made available to the parties and the decision-maker at the hearing. UND will create an audio or audiovisual recording, or transcript, of the hearing and make it available upon request to the parties for inspection and review.

Hearings are attended by the parties, their advisors, the decision-maker(s), and witnesses as called by the parties and/or the decision-maker. Witnesses may be sequestered before and after their testimony. The University may allow additional attendees for safety and logistical purposes, University legal counsel, and/or for training purposes.

Witnesses

Only witnesses who are included on the witness lists exchanged at or after the pre-hearing conference (see below) will be allowed to present testimony at the hearing. All witnesses who are included in the investigative report will be included on the witness list. At the pre-hearing conference, the parties may identify any witnesses they request to call who are not in the report. Witnesses who were suggested to the investigator but not interviewed or not included in the investigative report will be included on the witness list upon request. Additional investigation may be necessary prior to the hearing. In that case, an updated investigative report will be provided to the parties at least ten calendar days prior to the hearing.

Witnesses who were not identified during the investigation or who refused to be interviewed during the investigation will not be included on the witness list unless good cause is shown to the decision-maker to explain why the witness should be allowed. The decision-maker has discretion to determine what constitutes good cause. The decision to not disclose a witness until the pre-hearing conference, even though the party was or reasonably should have been aware that the witness had relevant information to share, shall not constitute good cause for a late disclosure. Additional investigation may be necessary before a newly disclosed witness is added to the witness list. In that case, an updated investigative report will be provided to the parties at least ten calendar days prior to the hearing.

Documentary Evidence

Only documentary evidence (documents, texts, photos, videos, etc.) that was provided to the investigator during the investigation shall be presented at the hearing. If the parties become aware of newly discovered evidence between the conclusion of the investigation and the pre-hearing conference, they must present the evidence to the decision-maker at the pre-conference hearing. The decision-maker will allow the evidence to be presented at the hearing if good cause is shown to explain how the evidence was recently discovered. The decision-maker shall have discretion to determine what constitutes good cause. Additional investigation may be necessary and the hearing may be delayed if newly discovered evidence is allowed. Both parties will receive copies of any allowed newly discovered evidence at least three calendar days prior to the hearing.

Pre-Hearing Conference

A pre-hearing conference will be scheduled for the decision-maker and each party and their advisor, if any, at least five calendar days prior to the hearing. The following topics will be discussed:

- Overview and purpose of the hearing;
- The witnesses each party intends to call;
- Whether there is good cause to allow any new or previously undisclosed witnesses to provide testimony at the hearing;
- Whether there is good cause to allow any new or previously undisclosed evidence to be presented at the hearing;
- Whether the hearing will be held virtually or in person;
- If the hearing will be held in person, whether either of the parties requests the hearing be held with the parties in separate rooms;
- The formal rules of process, procedure, decorum, and/or technical rules of evidence; and
- Whether the parties have a chosen advisor to be present at the hearing.

The parties will be encouraged to present their questions to the decision-maker prior to the hearing.

Each party must provide their list of witnesses to be called at the hearing to the decision-maker prior to or at the conference. The decision-maker will exchange the parties' witness lists after the conference.

Advisors at Hearing

If a party does not have an advisor at the hearing, UND will provide an advisor free of charge. The UND-appointed advisor's role will be to question the parties and witnesses, as directed by the party. If a party does not participate in the hearing and does not have a chosen advisor, the UND-appointed advisor will ask the party's predetermined questions at the hearing, if any questions have been provided.

A party's chosen advisor may prepare and present the party's opening and closing statements, if requested by the party. A UND-appointed advisor will read the party's prepared opening and/or closing statements, if requested by the party. A UND-appointed advisor will not prepare questions or opening and closing statements on behalf of the party.

Presentation of Witnesses and Evidence

The purpose of the hearing is not to reintroduce or question each piece of relevant evidence gathered during the investigation. The hearing is an opportunity for the parties to clarify information, ask new questions, and probe credibility of the witnesses and the other party.

During a hearing, the parties may present relevant evidence to the decision-maker. The hearing begins with an opportunity for each party or their advisor to make an opening statement. The decision-maker and the parties' advisors will then ask questions of the parties and witnesses. The decision-maker will question each party or witness first, followed by the advisors. Each party's advisor may ask questions of the other party and any witnesses, including follow-up questions and questions challenging credibility. The questions must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.

Only relevant questions may be asked of a party or witness. The decision-maker must determine the relevance of each question before the party or witness may answer. If the decision-maker determines a question is not relevant, the decision-maker will explain why. The question will not be answered or, if it was already answered, the answer will not be considered by the decision-maker in reaching the determination of responsibility.

If new material information is presented at the hearing, at the request of either party, the decision-maker will allow a pause in the hearing to allow the party to prepare to respond to the new information or to allow for additional investigation. The decision-maker has the discretion to determine the length of the temporary pause.

The decision-maker is obligated to objectively evaluate all relevant evidence. The parties may make an argument to the decision-maker regarding what they believe to be relevant evidence and the persuasiveness of relevant evidence.

It is requested, but not required, that the questions each party intends to ask be submitted in advance to permit the decision-maker to rule on the relevance of questions prior to the hearing.

The decision-maker will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer a question. If deemed reliable and relevant by the decision-maker, and not otherwise subject to exclusion under the policy, the decision-maker may consider the statements of persons who were not present at the hearing, or persons who were present at the hearing but refused to answer a question. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, and social media postings. The decision-maker will determine the appropriate weight to afford the statements under the circumstances and will do so in a fair and equitable manner.

The investigator may be called as a witness by the parties' advisors or the decision-maker. Questions directed to the investigator are limited to information gathered and decisions made during the investigation.

The hearing will conclude with an opportunity for each party or their advisor to present a closing statement explaining their requested hearing determination and any sanctions, if appropriate.

Hearing Decorum

Decision-makers may implement rules to ensure hearing decorum, such as requiring respectful treatment, specifying any objection process, governing timing of hearing and length of breaks, etc. The parties will receive copies of the procedural rules at the pre-hearing conference.

Determination Regarding Responsibility

The decision-maker will issue a written determination regarding responsibility within 30 calendar days from the conclusion of the hearing. However, additional time will be allowed for good cause. The decision-maker will inform the parties in writing of the delay and the reason for the delay. The determination will apply the preponderance of evidence standard to the relevant facts gathered during the investigation and heard at the live hearing. The written determination must include:

1. Identification of the allegations potentially constituting sexual misconduct.
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notification to the parties, interviews with the parties, and witnesses, site visits, methods used to gather other evidence and hearings held;
3. Findings supporting the determination.
4. Conclusions regarding the application of UND's policy or policies;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; and
6. UND's procedures and permissible bases for the complainant and respondent to appeal.

In addition, where the respondent is a student, the determination regarding responsibility will include any disciplinary sanction(s) imposed on the respondent. Where the respondent is an employee, the disciplinary sanction will be imposed as provided in either the staff, faculty, or student employment handbook.

The written determination will be provided to the parties simultaneously. The determination regarding responsibility becomes final and any sanctions or remedies become effective:

1. If an appeal of the determination regarding responsibility (policy appeal) is filed, on the date that UND provides the parties with the written determination of the result of that appeal; or
2. If an appeal of the determination regarding responsibility (policy appeal) is not filed, on the day after the time for appeal expires.

Note that an additional appeal is available if a disciplinary sanction of suspension or expulsion of a student is imposed (state law appeal). This additional appeal does not extend the date upon which the determination regarding responsibility becomes final. (See Appeals, below, and Disciplinary Sanctions and Remedies, below, for more information.)

Disciplinary Sanctions and Remedies

Any disciplinary sanctions or remedies become effective when the determination regarding responsibility is final. (See Determination Regarding Responsibility, above.) In cases where student suspension or expulsion is imposed, an additional appeal is available for one year. This additional appeal does not extend the date upon which the sanction becomes effective.

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 will be responsible for implementing any remedies provided by the written determination.

Sanctions for Students

If a student is found in violation of the Sexual Misconduct Policy, the student is subject to any, and all, sanctions imposed through the student conduct process, as described in the Code of Student Life and below.

Status Sanctions

1. Written Reprimand. Written reprimand refers to official censure of a student's conduct in violation of a regulation of the University community. A written reprimand indicates no ongoing status change for the student.
2. Warning Probation. Warning probation indicates that further violations of the Sexual Misconduct Policy and/or the Code of Student Life may result in more severe

disciplinary action. Warning probation is imposed in conjunction with other sanctions for the period of time that other sanctions are pending. Upon completion of all pending sanctions or one calendar year, whichever comes first, the student is automatically removed from warning probation.

3. Conduct Probation. Conduct probation indicates that further violations of the Sexual Misconduct Policy and/or the Code of Student Life may result in suspension. Conduct probation is imposed for a period of not more than one year and the student is removed from conduct probation automatically when the imposed period expires.

Restrictions or Educational Activities Sanctions

The decision-maker may impose additional sanctions. Such sanctions may include, but are not limited, to:

1. 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, e-mail, telephone, or through third parties. Failure to adhere to a no contact directive may result in further disciplinary action.
2. Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations; services; or events.
3. University housing transfer, restricted access within university housing, restricted access to dining services, and removal and/or ban from university housing and/or dining services for a specified period of time.
4. Restitution for cleaning, replacing, or restoring a specific area or thing when loss or damage was a result of the student's disciplinary violation.
5. Referral for an assessment to a mental health provider.
6. Mandated participation in one or more campus or community activities, lectures, service, and/or workshops.

In student conduct processes involving student organizations, the decision-maker may impose sanctions that include but are not limited to:

1. Restrictions on activities involving the recruitment of new members.
2. Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations, services, or events.
3. Restitution for cleaning, replacing, or restoring a specific area or thing when loss or damage was a result of the organization's disciplinary violation.
4. Mandated participation in special activities or campus events.
5. Restrictions on, or suspension of, requesting funds from the Student Organization Funding Agency.
6. Restrictions on, or suspension of, practices related to the solicitation of funds on campus for the support of organized activities.

Suspension

Suspension is a withdrawal of enrollment privileges and a ban from campus owned, leased, or controlled property and university events and activities. Student organizations that are suspended from the University will have their recognition as a student organization revoked.

Suspension may be imposed as the result of the student conduct suspension process. Suspension may be imposed in conjunction with other sanctions.

Suspension will generally be for at least the remainder of the semester in which the sanction is imposed and result in the cancelation of registration of the student. Suspension may be imposed for a specific period, up to five years, an indefinite amount of time, or permanently. If an indefinite suspension is imposed, it will be in place for a minimum of five years. A permanent suspension is referred to as an expulsion. Conditions to be met prior to reinstatement may be included with a fixed-term or indefinite suspension.

Enhanced Sanctions for Bias-Motivated Violations

A student found in violation of the Code of Student Life may receive more severe or enhanced sanctions up to, and including, suspension if the violation is determined to be motivated by bias.

Bias means behavior motivated by actual or perceived race, color, genetic information, national origin, religion, sexual orientation, gender identity, sex, age, marital status, veteran's status, political belief or affiliation, or physical, mental, or medical disability of another person or group.

Sanctions for Employees

Potential disciplinary sanctions under this policy for staff, faculty, and student employees may include verbal counseling, written warning/letter of reprimand, implementation of an improvement plan, education or training, unpaid suspension, salary reduction, other restrictions or loss of privileges, or termination of employment.

Sanctions for staff employees will be implemented in accordance with UND's Staff Handbook, NDUS Human Resource Policies 25 and 27, and any other NDUS, SBHE, or UND policy governing staff disciplinary proceedings, as appropriate.

Sanctions for faculty employees will be implemented in accordance with UND's Faculty Handbook, SBHE Policies 605.3, 605.4, and 612, and any other NDUS, SBHE, or UND policy governing faculty disciplinary proceedings, as appropriate.

Sanctions for student employees will be implemented in accordance with the student employment handbook, as appropriate.

Non-Punitive Response

The University may respond to conduct that does not meet the definition of a policy violation by taking non-punitive action designed to promote a welcoming, inclusive, and safe environment.

Dismissals

When the University receives a formal complaint, the Title IX coordinator will conduct an initial assessment of the formal complaint. There are certain circumstances when

the University either is required to or may dismiss a formal complaint or an allegation within the formal complaint.

If a formal complaint is dismissed for any of the below reasons, the complainant may appeal the Title IX Coordinator's decision. See the "Appeals" section for more information.

Mandatory Dismissal

If the Title IX coordinator determines that the conduct alleged would not constitute a violation of the Sexual Misconduct Policy, even if proved, then the Title IX coordinator must dismiss the formal complaint. The Title IX coordinator may contact the complainant to gather further information before making this determination.

The Title IX coordinator must dismiss complaints if, at the time of the alleged conduct, the respondent was not subject to the Sexual Misconduct Policy.

The Title IX Coordinator will notify the complainant in writing of a decision to dismiss the complaint and the reason(s) why the complaint does not indicate a potential policy violation. The Title IX Coordinator will also provide the complainant with information about any alternative options for seeking resolution. Alleged conduct that is the subject of a formal complaint that is dismissed under this policy may be referred to other applicable university policies or processes.

If it is determined that the complaint does not allege a potential policy violation, the respondent will not be notified of the complaint and an investigation will not be initiated.

Permissive Dismissal

The Title IX coordinator may dismiss a formal complaint under this policy at any time during the investigation or hearing if the following occurs:

1. The respondent is no longer affiliated with UND;
2. The complainant notifies the Title IX Coordinator, in writing, that the complainant would like to withdraw the formal complaint, or any allegations contained in the formal complaint;
3. The investigation clearly did not support a reasonable belief that a policy violation occurred; or
4. The complainant constructively withdraws the complaint by
 - a. Failing to meet the reasonable timelines set by EO/ Title IX staff to facilitate a timely resolution process;
 - b. Without providing good cause for the delay; and
 - c. The complainant's actions have prevented the investigator from gathering sufficient evidence to support a determination regarding whether a policy violation occurred.

Notice of Dismissal

Upon a dismissal pursuant to this section, UND will send written notice of the dismissal and reasons therefore to the impacted parties simultaneously.

Appeals

Appeal of Mandatory or Permissive Dismissal

Both parties have the opportunity to file an appeal of the Title IX coordinator's mandatory or permissive dismissal of a formal complaint or any allegations within the formal complaint. The appeal must be in writing and must set forth the reasons the Title IX coordinator's dismissal was incorrect. The appeal must be filed with the Title IX coordinator within ten calendar days of receiving the notice of dismissal.

Upon notice of the appeal, the Title IX coordinator will provide the written appeal and any supporting information provided by the appealing party to the non-appealing party, who will have ten calendar days to review and submit a written statement in support of or against the appeal. The Title IX coordinator will then provide the appeal documents to the appeal decision-maker. The appeal decision-maker will have ten calendar days to issue a determination. No other appeal is available through the University.

Appeal of Determination Regarding Responsibility (Policy Appeal)

Either party may appeal the determination of responsibility only on the following bases:

1. Procedural irregularity that affected the outcome of the grievance process;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the grievance process; and
3. The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Dissatisfaction with the hearing outcome is not a valid basis for appeal.

The appeal must be submitted in writing to the Title IX coordinator within ten calendar days of the date UND provided the written determination of responsibility to the parties. The appeal shall consist of a plain, concise, and complete written statement outlining the ground(s) for appeal and all relevant information to substantiate the ground(s) for the appeal. The appeal should indicate the desired outcome of the appeal.

Upon receipt of the written appeal, the Title IX coordinator will assess the appeal to determine whether it is timely filed. If an appeal is not timely filed, the determination of responsibility becomes final and any sanctions become effective. If the appeal is timely filed, the Title IX coordinator will provide the written appeal and any supporting information provided by the appealing party to the non-appealing party, who will have ten calendar days to review and submit a written response to the appeal.

The Title IX coordinator will then provide all evidence obtained in the investigation, the investigative report,

recording of the hearing, determination regarding responsibility, and all appeal documents submitted by the parties to the appeal decision-maker. The decision-maker at the appeal stage will be free from bias and conflict of interest and will not be the investigator, Title IX coordinator, or the person who made the decision regarding responsibility at the hearing stage.

If the decision-maker finds that valid ground(s) for appeal were presented, the decision-maker may:

1. Modify the decision. The decision-maker may overturn all or some of the decisions regarding violations of the policy;
2. Request additional investigation or a new hearing. The decision-maker may void all or some of the decisions and call for additional investigation or a new hearing on all or some of the issues originally considered; or
3. Uphold the decision.

The decision-maker on appeal will issue a written decision describing the result of the appeal and the rationale for the decision and will provide the written decision simultaneously to both parties.

The decision-maker shall have 30 calendar days after receiving all appeal documents to provide the determination to the parties. Except as described below, no other appeal is available through the University.

Appeals of Student Suspension or Expulsion (State Law Appeal)

Pursuant to North Dakota law and SBHE policy, if the decision-maker imposed a disciplinary sanction of suspension or expulsion of a student, the parties may file an appeal in addition to the above appeal. The parties have one year from the date UND provided the written determination of responsibility to the parties, to file an appeal on the following bases:

1. New information;
2. Contradictory information; and
3. Information indicating that the student was not afforded due process.

Information that was available and not provided during the grievance process is not considered new or contradictory information. Bases for appeal that were raised and considered in a previous appeal cannot be raised in this appeal.

The appealing party must submit their appeal to the Title IX coordinator in writing. The reason and rationale for an appeal must be clearly stated within the appeal. The appeal should indicate the desired outcome of the appeal.

Upon receipt of a timely-filed written appeal, the Title IX coordinator will provide the written appeal and any supporting information provided by the appealing party to the non-appealing party, who will have ten calendar days to review and submit a written statement in response to the appeal. The Title IX coordinator will then provide all evidence obtained in the investigation, the investigative report, recording of the hearing, determination regarding responsibility, and all appeal

documents provided by the parties to the appeal decision-maker. The decision-maker at the appeal stage will be free from bias and conflict of interest and will not be the investigator, Title IX coordinator, or the person who made the decision regarding responsibility at the hearing stage.

If the decision-maker finds that valid ground(s) for appeal were presented, the decision-maker may:

1. Modify the decision. The decision-maker may overturn all or some of the decisions regarding violations of the policy;
2. Request additional investigation or a new hearing. The decision-maker may void all or some of the decisions and call for additional investigation or a new hearing on all or some of the issues originally considered; or
3. Uphold the decision.

The decision-maker on appeal will issue a written decision describing the result of the appeal and the rationale for the result and will provide the written decision simultaneously to both parties.

The decision-maker shall have 30 calendar days to provide the determination to the parties. This completes the appeal process. No other appeal is available through the University.

Appeal of Employee Disciplinary Action

Staff employees may appeal disciplinary action under NDUS Human Resource Policy 27. The staff personnel board (SPB) appointed to hear the appeal shall be comprised of individuals who receive training on UND's policy and grievance procedures for responding to discrimination and harassment, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The SPB shall hear both sides of the appeal and review the Determination Regarding Responsibility to determine whether there was adequate cause for the institution's disciplinary action. The SPB will not substitute its own judgment for that of the decision-maker in making a determination that the employee was responsible for the policy violation.

Faculty employees may appeal a disciplinary action pursuant to SBHE Policies 605.3 and 605.4 and the UND Faculty Handbook's implementation thereof. The standing committee of faculty rights' (SCoFR) members shall be limited to those who receive training on UND's policy and grievance procedures for responding to discrimination and harassment, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. In considering the grounds for the institution's action, the determination as to whether the respondent's conduct violated the Sexual Misconduct Policy will be presumed to have been reached reasonably and appropriately, by a preponderance of the evidence.

Informal Resolution

Informal resolution is a voluntary process for arriving at a full and final resolution of a formal complaint without an investigation or determination regarding a policy violation. An appropriately trained individual, other than the investigator or decision-maker, will facilitate the informal resolution process.

Any statements or information, including admissions of responsibility, disclosed during the informal resolution process concerning the allegations in the complaint will be used solely for the purpose of informal resolution, unless disclosure is required by law.

If the informal resolution process does not result in an agreement between the parties, any details disclosed during the informal resolution process will not be included in the formal investigation and hearing, unless the party who disclosed the information also shares the information during the investigation or hearing.

Information related to the allegations gathered through the informal resolution process may not be shared with any individual. However, any party involved in the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization.

Availability of Informal Resolution

Informal resolution is available after a formal complaint has been filed and may be requested by either party at any point before a determination has been made regarding a policy violation.

Not all situations are appropriate for informal resolution. The Title IX coordinator has the discretion to determine whether informal resolution is appropriate. If the Title IX coordinator determines that a situation is not suitable for informal resolution, the Title IX coordinator will advise the parties, as appropriate, of other available support or processes.

Informal resolution is not allowed to resolve allegations that an employee harassed a student.

Voluntary Process

Participation in informal resolution is voluntary. All parties must agree to pursue informal resolution and either party may withdraw from the informal process at any time. The parties will be required to sign a written agreement indicating their decision to pursue an informal resolution. UND will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

Notice to the Parties

If the parties agree to engage in an informal resolution process, UND will provide to the parties a written notice disclosing:

- The allegations;
- The requirements of the informal resolution process;
- The right of any party to withdraw from the informal resolution process and initiate or resume the grievance procedure;
- The parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an

informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and

- What information UND will maintain and whether and how UND could disclose such information for use in grievance procedures, if grievance procedures are initiated or resumed.

Method of Informal Resolution

Informal resolutions may include any method of alternative dispute resolution that the Title IX coordinator and the parties determine appropriate. For example, the facilitator may propose solutions; facilitate communication of proposals between the parties; facilitate direct discussions between the parties; or utilize other methods such as formal mediation.

Impact on Investigative Process

The investigative process will be paused while informal resolution is attempted. If any party declines to participate or withdraws from participation, or the process reaches an impasse, informal resolution will be discontinued. A formal investigation may begin, or resume, at that time, if appropriate.

Resolution Agreement

Potential terms that may be included in an informal resolution agreement include, but are not limited to:

1. Supportive measures;
2. Restrictions on contact;
3. Disciplinary measures; and
4. Restrictions on the respondent's participation in one or more of UND's programs or activities or attendance at specific events, including restrictions UND could have imposed as remedies or disciplinary sanctions had UND determined at the conclusion of the grievance procedures that sexual misconduct occurred.

Informal resolution is intended to provide finality to the complaint. Once resolved, the parties are prohibited from filing another complaint based on the same allegations.

If the parties agree upon an informal resolution, a written agreement will be prepared by the facilitator for the parties' signature. The agreement constitutes a full and final resolution of the complaint. Both parties will be required to abide by the agreement. Failure to comply with any portion of the resolution agreement may be grounds for disciplinary action, as appropriate. Noncompliance with the resolution agreement will not result in reopening of the formal complaint.

Time Frame for Completion of Grievance Process

UND will carry out the grievance process in a reasonable and timely manner. The length of time necessary to complete a fair and thorough process will vary depending upon the complexity of the facts, including the number of witnesses and volume of information provided by the parties; a request by law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of witnesses; to account for University breaks or vacations; or for other legitimate reasons.

UND aims to issue a determination regarding responsibility within 120 calendar days of receiving a formal complaint. If the parties choose an informal resolution process, UND aims to complete the process within 30 calendar days of the date the parties agreed to use informal resolution. However, temporary delays or extensions of the time frames will be offered for good cause, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations or adjustments. The investigator(s) or Title IX coordinator will notify the parties in writing of any delays and provide an explanation for the delay.

Sex Offender Registration

Federal law provides for the tracking of convicted sex offenders. 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 the UND Police Department (UPD) upon employment, enrollment, classification as a UND affiliate, and/or change in registration status. Limitations and restrictions may apply to that employment and/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. False reporting or failure to self-report may result in disciplinary action up to and including termination of employment, removal from University housing, and/or suspension of enrollment.

Employment and Enrollment of Sex Offenders

Registered sex offenders are not automatically barred from employment or enrollment at UND; however, may be prohibited from living and/or working in or being on University owned/controlled property without proper authority. Limitations and restrictions on employment and enrollment are reviewed on a case-by-case basis by the Department of Public Safety, Human Resources, Academic Affairs, and/or Student Affairs. An employee/student may request a review of limitations/restrictions when a change in registration status occurs.

Initially prohibited areas include, but are not limited to, the University Children's Center; Apartment Community Center; various facilities used by University sponsored, affiliated, or hosted camps/groups; residence halls and apartments; and the living areas of University residence halls, University Place, apartments, or any other living facilities owned or operated by UND. Other locations, events and/or prohibitions may be added at the discretion of the Department of Public Safety in collaboration with Human Resources, Academic Affairs, and/or Student Affairs.

Employment

Human Resources conducts background checks on faculty, staff, and student employees hired for positions as indicated in the background check policy. Background checks may include a criminal history check/national sex offender registry check.

Registered sex offenders may be prohibited from working in or being on University owned/controlled property without proper authority. 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 or designee must escort them for the entire time that they are working in the prohibited location.

Enrollment

If/when a sex offender changes their academic program post-enrollment, they must self-report to the UND chief of police and/or the dean of the new college/department within three business days. Failure to self-report may result in action up to and including suspension.

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. 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.

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

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 damage 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/Tobacco-Free Campus

University of North Dakota (UND) 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 university-owned and controlled property. Tobacco includes any product that contains tobacco, is derived from tobacco or contains nicotine or other similar substances that is 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, but is not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, e-cigarettes and other electronic smoking devices. This does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.

Signs identifying UND as a tobacco-free campus can be found throughout university property. Furthermore, in compliance with NDCC subsection 23-12-10.4, UND has placed signs at the entrance to campus buildings identifying UND as a tobacco-free campus.

Smoking and tobacco use are acceptable on public property. Signs and receptacles have been placed on public property to help identify these locations. Receptacles may also be placed on campus property to encourage proper disposal of tobacco products.

Use of Sage, Sweetgrass and Cedar

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 housing office 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 & 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. In addition, on-campus student housing fires should be reported to the Office of Safety.

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 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 2021, 2022, and 2023 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 78:

Figure 1: Campus Crime Statistics

Figure 2: Non-Responding Locations

Figure 3: Fire Safety Systems in On-Campus Housing

Figure 4: Statistics and Related Information Regarding Fires in Residential Facilities - 2021, 2022, 2023.

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

Figure 1: Campus Crime Statistics

	On-Campus			On-Campus Residence*			Non-Campus			Public			Unfounded Cases		
	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021
Aggravated Assault	1	1	0	0	1	0	0	2	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Burglary: Total	9	6	4	7	4	0	0	0	1	0	0	0	0	0	0
Burglary - Attempted Forcible Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary - Forcible Burglary	0	2	2	0	1	0	0	0	0	0	0	0	0	0	0
Burglary - Unlawful Entry	9	4	2	7	3	0	0	0	1	0	0	0	0	0	0
Domestic Violence	1	0	4	1	0	3	1	1	0	1	2	0	0	0	0
Dating Violence	0	0	2	0	0	2	0	1	1	0	0	0	0	0	0
Hate Crime - Race	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crime - Sexual Orientation Bias	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Sexual Offense: Total	13	12	4	13	10	3	2	1	0	0	0	0	0	0	0
Sexual Offense - Fondling	4	7	0	4	5	0	0	0	0	0	0	0	0	0	0
Sexual Offense - Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Offense - Rape	9	5	4	9	5	3	2	1	0	0	0	0	0	0	0
Sexual Offense - Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	8	0	0	5	0	0	0	0	0	0	0	1	0	0	0
ARRESTS															
Alcohol	4	19	36	2	13	26	31	4	9	39	22	33	0	0	0
Drugs	6	17	8	5	1	2	0	3	1	9	35	43	0	0	0
Weapons	0	1	0	0	0	0	1	0	1	0	1	0	0	0	0
NON-ARREST CAMPUS REFERRALS															
Alcohol	122	100	97	117	91	89	7	7	3	4	4	6	0	0	0
Drugs	16	15	6	15	13	5	1	2	1	1	0	11	0	0	0
Weapons	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0

In 2021, one report was taken regarding a simple assault characterized by sexual orientation bias at a non campus location.

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

Figure 2: Non-Responding Locations

North Dakota

UND Center for Family Medicine ¹ - Bismarck (2021)

Notes for Figure 2

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

Figure 3: Fire Safety Systems in On-Campus Housing

Residential Facilities	Building Fire Alarm	Room Detection	Pull Stations	Connected to Operations Center	Fire Evacuation Maps	Sprinkler	Fire Exting-uisher(s)	Fire-Rated Doors	Fire Drills Conducted
Berkeley Drive Apartments 3702-3820 Berkeley Dr	YES	YES	NO	NO	NO		YES	YES	0
Brannon Hall 446 Stanford Rd	YES	YES	YES	YES	YES	FULL	YES	YES	3
Carleton Court Apartments 550 and 580 Carleton Ct	YES	YES	YES	YES	YES		YES	YES	0
Carleton Court Apartments 540, 560, 570 Carleton Ct	YES	YES	YES	NO	YES		YES	YES	0
Conference Center 2724 University Ave	YES	YES	YES	YES	YES		YES	YES	1
Hamline Court Apartments (2) 1100-1500 Hamline St	YES	YES	YES	YES	YES	FULL	YES	YES	0
Johnstone Hall 3301 University Ave	YES	YES	YES	YES	YES	FULL	YES	YES	2
Loren Swanson Apartment Complex (72 apts/3 buildings) 3600 Campus Rd/3605 Manitoba Ave/110 State St	YES	YES	YES	YES	YES		YES	YES	0
McVey Hall 3570 University Ave	YES	YES	YES	YES	NO	FULL	YES	YES	4
Mount Vernon & Williamsburg Apartments (72 apts/2 buildings) 3711-3719 University Ave/ 205-209 State St	YES	YES	NO	NO	NO		YES	YES	0
Noren Hall 450 Stanford Rd	YES	YES	YES	YES	YES		YES	YES	3

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

Residential Facilities	Building Fire Alarm	Room Detection	Pull Stations	Connected to Operations Center	Fire Evacuation Maps	Sprinkler	Fire Exting-uisher(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	3
Squires Hall 430 Princeton St	YES	YES	YES	YES	YES	FULL	YES	YES	1
Swanson Hall 211 Cornell St	YES	YES	YES	YES	YES	FULL	YES	YES	3
Tulane Court Town House Apartments 301-427 Tulane Ct	NO	YES	NO	NO	NO		NO	NO	0
University Place 3601 University Ave	YES	YES	YES	YES	YES	FULL	YES	YES	3
Virginia Rose Apartments 3725 University Ave	YES	YES	NO	NO	NO		YES	NO	0
Walsh Hall 3215 5th Ave N	YES	YES	YES	YES	YES	FULL	YES	YES	0
West Hall 3530 University Ave	YES	YES	YES	YES	NO	FULL	YES	YES	2
Y Building Apartments (72 plex) 3904 University Ave	YES	YES	YES	YES	YES		YES	YES	0

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

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

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

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Selke Hall 448 Stanford Rd	0	0	N/A	N/A	N/A	N/A
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 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 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) 3904 University Ave	0	0	N/A	N/A	N/A	N/A
500 Tulane 500 Tulane Dr	0	0	N/A	N/A	N/A	N/A
510 Tulane 510 Tulane Dr	0	0	N/A	N/A	N/A	N/A
520 Tulane Drive Apartments 520 Tulane Dr	0	0	N/A	N/A	N/A	N/A
530 Tulane Drive Apartments 530 Tulane Dr	0	0	N/A	N/A	N/A	N/A

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

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

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

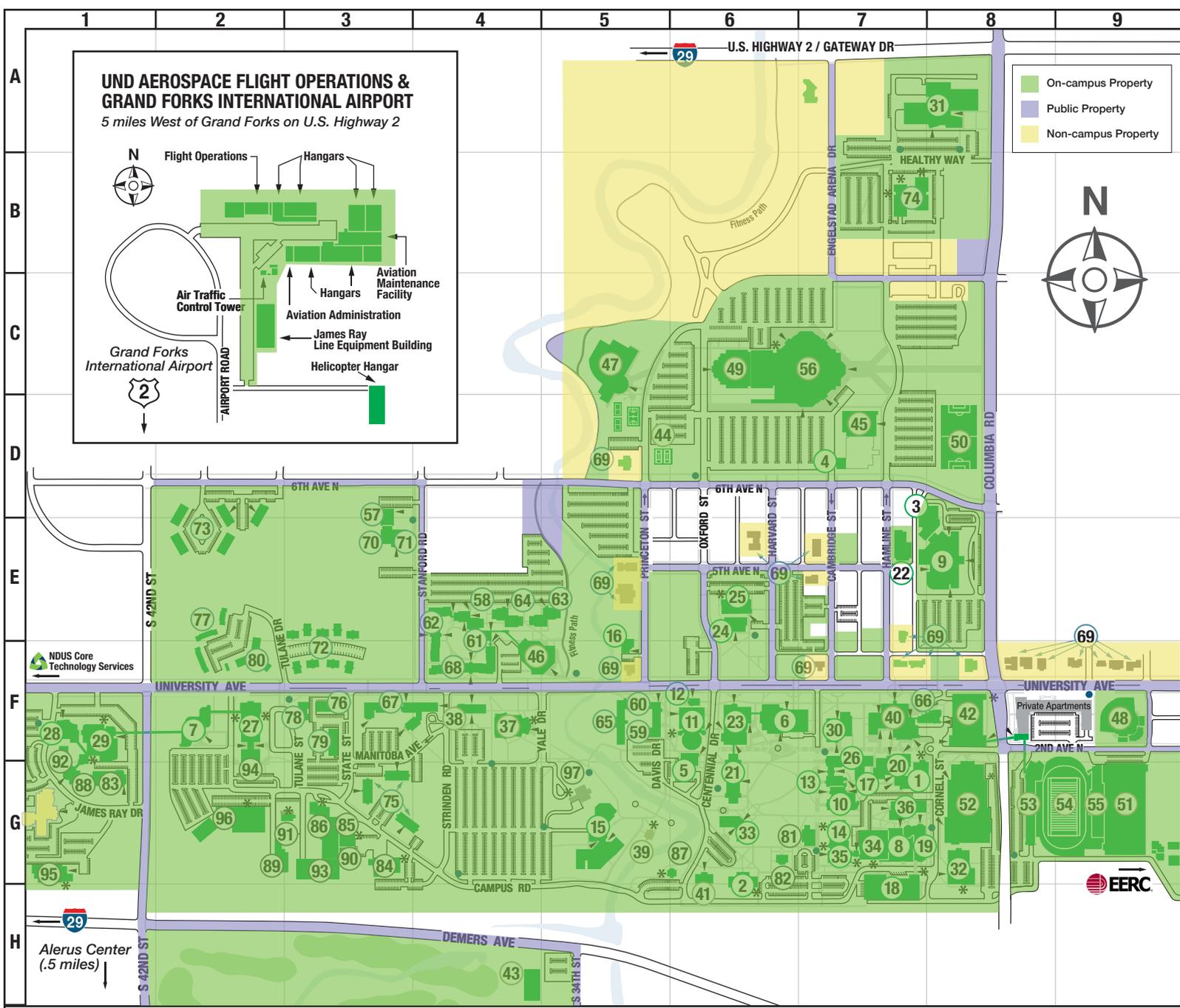
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Selke Hall 448 Stanford Rd	0	0	N/A	N/A	N/A	N/A
Smith Hall 3333 University Ave	0	0	N/A	N/A	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 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 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) 3904 University Ave	0	0	N/A	N/A	N/A	N/A
500 Tulane 500 Tulane Dr	0	0	N/A	N/A	N/A	N/A
510 Tulane 510 Tulane Dr	0	0	N/A	N/A	N/A	N/A
520 Tulane Drive Apartments 520 Tulane Dr	0	0	N/A	N/A	N/A	N/A
530 Tulane Drive Apartments 530 Tulane Dr	0	0	N/A	N/A	N/A	N/A

**Figure 4:
2023 Statistics and Related Information Regarding Fires in Residential Facilities**

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Berkeley Drive Apartments 3702-3820 Berkeley Dr	1	1	Unintentional Fire / Cooking	0	0	\$194,414
Brannon Hall 446 Stanford Rd	0	0	N/A	N/A	N/A	N/A
Carleton Court Apartments 550 and 580 Carleton Ct	0	0	N/A	N/A	N/A	N/A
Carleton Court Apartments 540, 560, 570 Carleton Ct	0	0	N/A	N/A	N/A	N/A
Conference Center 2724 University Ave	0	0	N/A	N/A	N/A	N/A
Hamline Court Apartments (2) 1100-1500 Hamline St	0	0	N/A	N/A	N/A	N/A
Johnstone Hall 3301 University Ave	0	0	N/A	N/A	N/A	N/A
Loren Swanson Apartment Complex (72 apts/3 buildings) 3600 Campus Rd/3605 Manitoba Ave/110 State St	0	0	N/A	N/A	N/A	N/A
McVey Hall 3570 University Ave	0	0	N/A	N/A	N/A	N/A
Mount Vernon & Williamsburg Apartments (72 apts/2 buildings) 3711-3719 University Ave/205-209 State St	0	0	N/A	N/A	N/A	N/A
Noren Hall 450 Stanford Rd	0	0	N/A	N/A	N/A	N/A

**Figure 4:
2023 Statistics and Related Information Regarding Fires in Residential Facilities**

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Selke Hall 448 Stanford Rd	0	0	N/A	N/A	N/A	N/A
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 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 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	1	1	Unintentional Fire / Cooking	0	0	\$500
Y Building Apartments (72 plex) 3904 University Ave	0	0	N/A	N/A	N/A	N/A



UND AEROSPACE FLIGHT OPERATIONS & GRAND FORKS INTERNATIONAL AIRPORT
5 miles West of Grand Forks on U.S. Highway 2

Flight Operations
Hangars
Aviation Maintenance Facility
Aviation Administration
James Ray Line Equipment Building
Helicopter Hangar
Air Traffic Control Tower
Grand Forks International Airport

Legend:

- On-campus Property
- Public Property
- Non-campus Property



ACADEMIC/SUPPORT SERVICES

- | | |
|--|---|
| 1. Abbott Hall, G7 | 19. Leonard Hall, G7 |
| 2. Armory, G6 | 20. McCannel Hall, G7 |
| 3. Biomedical Research Building, D7 | 21. Merrifield Hall, G6
<small>OPENING SPRING 2025</small> |
| 4. BiPed Lab, D7 | 22. Neuroscience Research Building, E7 |
| 5. Burtness Theatre, G6 | 23. Nistler Hall, F6 |
| 6. Chester Fritz Library, F6 | 24. Northern Plains Center for Behavioral Research, E6 |
| 7. Clifford Hall, F2 | 25. Nursing Building, E6 |
| 8. Collaborative Energy Complex, G7 | 26. O'Kelly Hall, G7 |
| 9. Columbia Hall, E8 | 27. Odegard Hall, F2 |
| 10. Education Building, G7 | 28. Robin Hall, F1 |
| 11. Gamble Hall, F6 | 29. Ryan Hall, F1 |
| 12. Gershman Center, F6 | 30. School of Law/Law Library, F7 |
| 13. Gillette Hall, G7 | 31. School of Medicine & Health Sciences Building, A8 |
| 14. Harrington Hall/Jodsaas Center, G7 | 32. Starcher Hall, G8 |
| 15. Hughes Fine Arts Center, G5 | 33. Twamley Hall, G6 |
| 16. Indigenous Student Center, E5 | 34. Upson I, G7 |
| 17. Ireland Hall, G7 | 35. Upson II, G7 |
| 18. Laird Core & Sample Library, H7 | 36. Witmer Hall, G7 |

POINTS OF INTEREST

- | | |
|----------------------------------|---|
| GENERAL | ATHLETICS |
| 37. Chester Fritz Auditorium, F4 | 48. Albrecht Field, F9 |
| 38. Gorecki Alumni Center, F4 | 49. Betty Engelstad Sioux Center, C6 |
| 39. Hopper Danley Chapel, G5 | 50. Bronson Field, D8 |
| 40. Memorial Union, F7 | 51. Fritz Pollard Athletic Center, G9 |
| 41. Museum of Art, G6 | 52. Hyslop Sports Center, G8 |
| 42. Parking Ramp, F8 | 53. Hyslop at Memorial Village, G8 |
| 43. Ray Richards Golf Course, H4 | ATHLETICS OFFICES |
| 44. Tennis Complex, D5 | 54. Memorial Field, G8 |
| 45. University Bookstore, D7 | 55. Nodak Insurance Sports Performance Center, G9
<small>OPENING SPRING 2025</small> |
| 46. Wilkerson Commons, F4 | 56. Ralph Engelstad Arena, C6 |
| 47. Wellness Center, C5 | |

HOUSING

- | | |
|-------------------------------------|---|
| RESIDENCE HALLS/GREEK | APARTMENTS/CHILD CARE |
| 57. Housing Office, D3 | 70. Apt Community Center, E3 |
| 58. Brannon Hall, E4 | 71. University Children's Learning Center, E3 |
| 59. Fulton Hall, F5 | 72. Berkley Apts, F3 |
| 60. Johnstone Hall, F5 | 73. Carleton Court Apts, E2 |
| 61. Landing Zone, E4 | 74. Hamline Square Apts, B7 |
| 62. McVey Hall, E4 | 75. Manitoba Ave/State St/ Campus Rd Apts, G3 |
| 63. Noren Hall, E4 | 76. Mt Vernon Apts, F3 |
| 64. Selke Hall, E4 | 77. Tulane Townhouses, E2 |
| 65. Smith Hall, F5 | 78. Virginia Rose Apts, F3 |
| 66. Swanson Hall, F7 | 79. Williamsburg Apts, F3 |
| 67. University Place, F3 | 80. 3904 University Ave Apts, F2 |
| 68. West Hall, F4 | |
| 69. Greek Houses: D5, E5-7, F5, 7-9 | |

AUXILIARY

- | | |
|--|--|
| 81. Babcock Hall, G7 | 89. Mechanical Shop, G2 |
| 82. Carnegie, G6 | 90. Print & Mail Center, G3 |
| 83. Center for Innovation, G1 | 91. Safety/UND Police, G2 |
| 84. Central Foods, G3 | 92. Skalicky Tech Incubator, F1 |
| 85. Central Receiving, G3 | 93. Steam Plant, G3 |
| 86. Facilities Management, G3 | 94. Streibel Hall, G2 |
| 87. Gustafson Hall, G6 | 95. Tech Accelerator, G1 |
| 88. Ina Mae Rude Entrepreneurship Center, G1 | 96. Transportation, G2 |
| | 97. University House, G5
<small>PRESIDENT'S RESIDENCE</small> |

CAMPUS MAP

- Landmark
- ▶ Accessible Entrance Powered door.
- * Accessible Entrance No powered door.
- Blue Emergency Light Police respond when activated.

Accessible parking spaces are marked with proper signage and near the building's accessible entrance.

Visit UND.edu/parking to view an accessible parking map, and for information on the Passport App, event parking and UND permit zones.



Updated August 2024

University of North Dakota

ND University System Part 86 Compliance Checklist

Part 86, Drug-Free Schools and Campuses Regulations Compliance Checklist 2020

1. Does the institution maintain a copy of its drug prevention program? Yes No

If yes, where is it located?

<https://und.edu/about/student-disclosure-information/student-consumer-information.html>

The drug prevention information is listed under “Consumer Information”; listed under “Health and Safety”. The document is entitled University of North Dakota Drug-Free Schools and Campus Regulations Biennial Review.

2. Does the institution provide *annually to each employee and each student*, who is taking one or more classes for any type of academic credit except for continuing education units, written materials that adequately describe and contain the following?

- a. Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as a part of its activities

Students: Yes No Staff and Faculty: Yes No

- b. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol

Students: Yes No Staff and Faculty: Yes No

- c. A description of applicable legal sanctions under local, state, or federal law

Students: Yes No Staff and Faculty: Yes No

- d. A description of applicable counseling, treatment, or rehabilitation or re-entry programs

Students: Yes No Staff and Faculty: Yes No

- e. A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions

Students: Yes No Staff and Faculty: Yes No

Any comments or clarifications on items 2 a-e:

UND Alcohol and Drugs Policy:

<https://und.policystat.com/?t=nEb9f5lPhIT42yu4MIKV8w&next=/policy/4428574/latest/>

UND Code of Student Life for Student Conduct Process:

<http://www1.und.edu/code-of-student-life/files/docs/cosl-08.16.18.pdf>

3. Are the above materials distributed to students in one of the following ways?

- a. Mailed to each student (separately or included in another mailing)

Yes No

b. Through campus post offices boxes

Yes No

c. Class schedules which are mailed to each student

Yes No

d. During freshman orientation

Yes No

e. During new student orientation

Yes No

f. In another manner

Yes No

Electronically.

Any comments or clarifications on items 3 a-f:

The Office of Student Rights and Responsibilities (OSRR) sends an email to all students at the start of each semester through the campus listserv.

Additionally, all newly enrolled students are required to complete an online education training program called "Think About It" or "Think About It Adult Learners" by Campus Clarity. The online education program addresses issues focused on sex in college, healthy relationships, partying smart, sexual violence, and provides resources and links to campus policies including UND's Drug & Alcohol Policy and Sexual Misconduct Policy. Students are tracked using their UND email accounts and student ID numbers. Students who fail to complete the online training have a hold placed on their student account after the first six weeks of the semester until the online education is completed or a waiver is granted.

Policies are also posted on the UND website for viewing at any time.

4. Does the means of distribution provide reasonable assurance that each student receives the materials annually?

Yes No

5. Does the institution's distribution plan make provisions for providing these materials to students who enroll at some date after the initial distribution?

Yes No

6. Are the above materials distributed to staff and faculty in one of the following ways?

a. Mailed

Staff: Yes No

Faculty: Yes No

b. Through campus post office boxes

Staff: Yes No Faculty: Yes No

c. During new employee orientation

Staff: Yes No Faculty: Yes No

d. In another manner

Yes No

SafeColleges

Any comments or clarifications on items 6 a-d:

6c. Human Resources uses an online program called SafeColleges to distribute, disseminate, and track employee trainings. The Alcohol and Drug policy is covered as part of the onboarding training of new hires during their employee orientation.

6d. SafeColleges is used for annual notification of policies including the alcohol and drug policy. Employees receive email notifications to complete the review of policies and receive weekly reminder emails until they have completed. Supervisors (staff) and department chairs (faculty) are notified to follow up when employees do not complete the training.

7. Does the means of distribution provide reasonable assurance that each staff and faculty member receives the materials annually?

Staff: Yes No Faculty: Yes No

Supervisors (staff) and department chairs (faculty) monitor completion of notification of SafeColleges trainings.

8. Does the institution's distribution plan make provisions for providing these materials to staff and faculty who are hired after the initial distribution?

Staff: Yes No Faculty: Yes No

New employees are granted access to SafeColleges new hire training at any time of year. There are new employee orientation sessions scheduled throughout the year.

9. In what ways does the institution conduct biennial reviews of its drug prevention program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced?

a. Conduct student alcohol and drug use survey

Yes No

b. Conduct opinion survey of its students, staff, and faculty

Students: Yes No Staff and Faculty: Yes No

c. Evaluate comments obtained from a suggestion box

Students: Yes No Staff and Faculty: Yes No

d. Conduct focus groups

Students: Yes No Staff and Faculty: Yes No

e. Conduct intercept interviews

Students: Yes No Staff and Faculty: Yes No

f. Assess effectiveness of documented mandatory drug treatment referrals for students and employees

Students: Yes No Staff and Faculty: Yes No

g. Assess effectiveness of documented cases of disciplinary sanctions imposed on students and employees

Students: Yes No Staff and Faculty: Yes No

Any comments or clarifications on items 9 a-g:

a) UND conducts two campus assessments that include measurements of alcohol and other drug usage on a biennial basis. UND has participated in the American College Health Association National College Health Assessment (ACHA-NCHA) in every even year since 2000 with the most recent data collection being Spring 2020. This survey will be conducted again spring semester 2020. UND has participated in various versions of the CORE survey in even years since 2002, with most recent participation being in North Dakota Student Wellness and Perceptions Survey (NDSWAPS) in Fall 2018.

g) Office of Student Rights and Responsibilities and University Counseling Center monitor the effectiveness of mandated substance abuse prevention programs.

10. Who is responsible for conducting the biennial reviews?

Karina Knutson, Associate Director of Wellness Promotion
Wellness & Health Promotion
801 Princeton St. stop 8365
Grand Forks, ND 58202

Carolyn Shabb, MA, LAC, LAPC, BC-TMH
Licensed Addiction Counselor/Licensed Counselor
UND Counseling Center
Carolyn.h.Shabb@UND.edu
701-777-2127

11. If requested, has the institution made available, to the Secretary and the public, a copy of each requested item in the drug prevention program and the results of the biennial review?

Yes No

12. Where is the biennial review documentation located?

The biennial review can be accessed online on the UND Student Consumer Information site under "Health and Safety" tab: <http://www1.und.edu/student-disclosure-information/student-consumer-information.cfm>

A physical copy is located in Wellness & Health Promotion department office.
Wellness Center
801 Princeton St. Stop 8365
Grand Forks, ND 58202-8365

A physical copy is stored at the North Dakota University System's Director of Student Affairs office:
North Dakota University System
600 E Boulevard Ave, Dept 215
Bismarck, ND 58505-0230

13. Comments or clarifications on any above items:

University of North Dakota

ND University System Part 86 Compliance Checklist

Part 86, Drug-Free Schools and Campuses Regulations Compliance Checklist 2021

1. Does the institution maintain a copy of its drug prevention program? Yes No

If yes, where is it located?

<https://und.edu/about/student-disclosure-information/student-consumer-information.html>

The drug prevention information is listed under “Consumer Information”; listed under “Health and Safety”. The document is entitled University of North Dakota Drug-Free Schools and Campus Regulations Biennial Review.

2. Does the institution provide *annually to each employee and each student, who is taking one or more classes for any type of academic credit except for continuing education units, written materials that adequately describe and contain the following?*

a. Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as a part of its activities

Students: Yes No Staff and Faculty: Yes No

b. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol

Students: Yes No Staff and Faculty: Yes No

c. A description of applicable legal sanctions under local, state, or federal law

Students: Yes No Staff and Faculty: Yes No

d. A description of applicable counseling, treatment, or rehabilitation or re-entry programs

Students: Yes No Staff and Faculty: Yes No

e. A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions

Students: Yes No Staff and Faculty: Yes No

Any comments or clarifications on items 2 a-e:

UND Alcohol and Drugs Policy:

<https://und.policystat.com/?lt=nEb9f5lPhIT42yu4MIKV8w&next=/policy/4428574/latest/>

UND Code of Student Life for Student Conduct Process:

<https://und.edu/student-life/code-of-student-life.html>

3. Are the above materials distributed to students in one of the following ways?

a. Mailed to each student (separately or included in another mailing)

Yes No

b. Through campus post offices boxes

Yes No

c. Class schedules which are mailed to each student

Yes No

d. During freshman orientation

Yes No

e. During new student orientation

Yes No

f. In another manner

Yes No

Any comments or clarifications on items 3 a-f:

All students receive notification regarding Alcohol and Other Drugs through our student training platform, Vector Solutions, that they are required to complete. If they do not complete the training, the student receives a direct email with the information.

Additionally, all newly enrolled undergraduate students are required to complete an online education training program called "Alcohol and Other Drugs" by Vector Solutions. All graduate and returning undergraduate students are invited to complete "Alcohol and Other Drugs" or "Alcohol and Other Drugs (Refresher)" by Vector Solutions. The online education program addresses issues focused on sex in college, healthy relationships, partying smart, sexual violence, and provides resources and links to campus policies including UND's Code of Students Life and by extension the Drug & Alcohol Policy and Sexual Misconduct Policy. Students are tracked using their UND email accounts and usernames. Students who fail to complete the online training have a hold placed on their student account after the first six weeks of the semester until the online education is completed or a waiver is granted.

Policies are also posted on the UND website for viewing at any time.

This process is completed each semester. Students receive access prior to the start of the semester. Students continue to be added into the system until after the last day to add courses. New students starting during a Summer semester are considered new students in during the Fall semester.

4. Does the means of distribution provide reasonable assurance that each student receives the materials annually?

Yes No

5. Does the institution's distribution plan make provisions for providing these materials to students who enroll at some date after the initial distribution?

Yes No

6. Are the above materials distributed to staff and faculty in one of the following ways?

a. Mailed

Staff: Yes No Faculty: Yes No

b. Through campus post office boxes

Staff: Yes No Faculty: Yes No

c. During new employee orientation

Staff: Yes No Faculty: Yes No

d. In another manner (Online employee training module)

Any comments or clarifications on items 6 a-d:

6c. Human Resources uses an online program to distribute, disseminate, and track employee trainings. The Alcohol and Drug policy is covered as part of the onboarding training of new hires during their employee orientation.

6d. All employees receive an annual notification of policies, which includes the alcohol and drug policy. Employees receive email notifications to complete the review of policies and receive weekly reminder emails until they have completed. Supervisors (staff) and department chairs (faculty) are notified to follow up when employees do not complete the training.

7. Does the means of distribution provide reasonable assurance that each staff and faculty member receives the materials annually?

Staff: Yes No Faculty: Yes No

8. Does the institution's distribution plan make provisions for providing these materials to staff and faculty who are hired after the initial distribution?

Staff: Yes No Faculty: Yes No

9. In what ways does the institution conduct biennial reviews of its drug prevention program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced?

a. Conduct student alcohol and drug use survey

Yes No

b. Conduct opinion survey of its students, staff, and faculty

Students: Yes No Staff and Faculty: Yes No

c. Evaluate comments obtained from a suggestion box

Students: Yes No Staff and Faculty: Yes No

d. Conduct focus groups

Students: Yes No Staff and Faculty: Yes No

e. Conduct intercept interviews

Students: Yes No Staff and Faculty: Yes No

f. Assess effectiveness of documented mandatory drug treatment referrals for students and employees

Students: Yes No Staff and Faculty: Yes No

g. Assess effectiveness of documented cases of disciplinary sanctions imposed on students and employees

Students: Yes No Staff and Faculty: Yes No

Any comments or clarifications on items 9 a-g:

a) UND conducts two campus assessments that include measurements of alcohol and other drug usage on a biennial basis. UND has participated in the American College Health Association National College Health Assessment (ACHA-NCHA) in every even year since 2000 with the most recent data collection being Spring 2020. UND has participated in various versions of the CORE survey in even years since 2002, with most recent participation being in North Dakota Student Wellness and Perceptions Survey (NDSWAPS) in Fall 2020.

g) Office of Student Rights and Responsibilities and University Counseling Center monitor the effectiveness of mandated substance abuse prevention and education programs.

10. Who is responsible for conducting the biennial reviews?

Karina Knutson, Associate Director of Wellness Promotion
Karina.knutson@UND.edu
701-777-0769

Carolyn Broden, Assistant Director of Substance Use and Outreach
Carolyn.broden@UND.edu
701-777-2127

11. If requested, has the institution made available, to the Secretary and the public, a copy of each requested item in the drug prevention program and the results of the biennial review?

Yes No

12. Where is the biennial review documentation located?

The biennial review can be accessed online on the UND Student Consumer Information site under "Health and Safety" tab: <http://www1.und.edu/student-disclosure-information/student-consumer-information.cfm>

A physical copy is located in Wellness & Health Promotion department office.
Wellness Center
801 Princeton St. Stop 8365
Grand Forks, ND 58202-8365

A physical copy is stored at the North Dakota University System's Director of Student Affairs office:
North Dakota University System
600 E Boulevard Ave, Dept 215
Bismarck, ND 58505-0230

13. Comments or clarifications on any above items:

University of North Dakota

ND University System Part 86 Compliance Checklist

Part 86, Drug-Free Schools and Campuses Regulations Compliance Checklist 2022

1. Does the institution maintain a copy of its drug prevention program? Yes No

If yes, where is it located?

<https://und.edu/about/student-disclosure-information/student-consumer-information.html>

The drug prevention information is listed at the “Student Consumer Information” website. The document entitled “University of North Dakota Drug-Free Schools and Campus Regulations Biennial Review” is listed under “Health and Safety” section on the website.

2. Does the institution provide *annually to each employee and each student, who is taking one or more classes for any type of academic credit except for continuing education units, written materials that adequately describe and contain the following?*

a. Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as a part of its activities

Students: Yes No Staff and Faculty: Yes No

b. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol

Students: Yes No Staff and Faculty: Yes No

c. A description of applicable legal sanctions under local, state, or federal law

Students: Yes No Staff and Faculty: Yes No

d. A description of applicable counseling, treatment, or rehabilitation or re-entry programs

Students: Yes No Staff and Faculty: Yes No

e. A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions

Students: Yes No Staff and Faculty: Yes No

Any comments or clarifications on items 2 a-e:

UND Alcohol and Drugs Policy:

<https://und.policystat.com/?lt=nEb9f5lPhIT42yu4MIKV8w&next=/policy/4428574/latest/>

UND Code of Student Life for Student Conduct Process:

<https://und.edu/student-life/code-of-student-life.html>

3. Are the above materials distributed to students in one of the following ways?

a. Mailed to each student (separately or included in another mailing)

Yes No

b. Through campus post offices boxes

Yes No

c. Class schedules which are mailed to each student

Yes No

d. During freshman orientation

Yes No

e. During new student orientation

Yes No

f. In another manner

Yes No

Any comments or clarifications on items 3 a-f:

Office of Student Rights and Responsibilities (OSRR) sends an email to all students at the start of each semester through the campus listserv.

Additionally, all newly enrolled students are required to complete an online education training program called "Alcohol and Other Drugs" and "Sexual Violence Prevention Training for Undergraduate (or Graduate – recommended) Students" or "Alcohol and Other Drugs (Refresher)" by Vector Solutions. The online education program addresses issues focused on sex in college, healthy relationships, partying smart, sexual violence, and provides resources and links to campus policies including UND's Drug & Alcohol Policy and Sexual Misconduct Policy. All students are also required to review the UND *Code of Student Life* & Related Policy Notification document annually. This document includes our policies and procedures related to alcohol and other drugs as well as information related to Drug-Free Schools and Federal Student Financial Aid Penalties for Drug Law Violations. Students are tracked using their UND IDM. Students who fail to complete the online training have a hold placed on their student account after the required deadline until the online education is completed or a waiver is granted.

Policies are also posted on the UND website for viewing at any time.

4. Does the means of distribution provide reasonable assurance that each student receives the materials annually?

Yes No

5. Does the institution's distribution plan make provisions for providing these materials to students who enroll at some date after the initial distribution?

Yes No

6. Are the above materials distributed to staff and faculty in one of the following ways?

a. Mailed

Staff: Yes No Faculty: Yes No

b. Through campus post office boxes

Staff: Yes No Faculty: Yes No

c. During new employee orientation

Staff: Yes No Faculty: Yes No

d. In another manner (Online employee training module)

Any comments or clarifications on items 6 a-d:

6c. Human Resources uses an online program to distribute, disseminate, and track employee trainings. The Alcohol and Drug policy is covered as part of the onboarding training of new hires during their employee orientation.

6d. All employees receive an annual notification of policies, which includes the alcohol and drug policy. Employees receive email notifications to complete the review of policies and receive weekly reminder emails until they have completed. Supervisors (staff) and department chairs (faculty) are notified to follow up when employees do not complete the training.

7. Does the means of distribution provide reasonable assurance that each staff and faculty member receives the materials annually?

Staff: Yes No Faculty: Yes No

8. Does the institution's distribution plan make provisions for providing these materials to staff and faculty who are hired after the initial distribution?

Staff: Yes No Faculty: Yes No

9. In what ways does the institution conduct biennial reviews of its drug prevention program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced?

a. Conduct student alcohol and drug use survey

Yes No

b. Conduct opinion survey of its students, staff, and faculty

Students: Yes No Staff and Faculty: Yes No

c. Evaluate comments obtained from a suggestion box

Students: Yes No Staff and Faculty: Yes No

d. Conduct focus groups

Students: Yes No Staff and Faculty: Yes No

e. Conduct intercept interviews

Students: Yes No Staff and Faculty: Yes No

f. Assess effectiveness of documented mandatory drug treatment referrals for students and employees

Students: Yes No Staff and Faculty: Yes No

g. Assess effectiveness of documented cases of disciplinary sanctions imposed on students and employees

Students: Yes No Staff and Faculty: Yes No

Any comments or clarifications on items 9 a-g:

9a. UND conducts two campus assessments that include measurements of alcohol and other drug usage on a biennial basis. UND has participated in the American College Health Association National College Health Assessment (ACHA-NCHA) in every even year since 2000 with the most recent data collection being Spring 2020.

9g. Office of Student Rights and Responsibilities and University Counseling Center monitor the effectiveness of mandated substance abuse prevention programs.

10. Who is responsible for conducting the biennial reviews?

Christopher Suriano, Director of Wellness & Health Promotion
Christopher.Suriano@und.edu
701-777-0729

Carolyn Broden, Assistant Director of Substance Use and Outreach
Carolyn.broden@UND.edu
701-777-2127

11. If requested, has the institution made available, to the Secretary and the public, a copy of each requested item in the drug prevention program and the results of the biennial review?

Yes No

12. Where is the biennial review documentation located?

The biennial review can be accessed online on the UND Student Consumer Information site under "Health and Safety" tab: <http://www1.und.edu/student-disclosure-information/student-consumer-information.cfm>

A physical copy is located in Wellness & Health Promotion department office.
Wellness Center
801 Princeton St. Stop 8365
Grand Forks, ND 58202-8365

A physical copy is stored at the North Dakota University System's Director of Student Affairs office:
North Dakota University System
600 E Boulevard Ave, Dept 215
Bismarck, ND 58505-0230

13. Comments or clarifications on any above items:

N/A

University of North Dakota

ND University System Part 86 Compliance Checklist

Part 86, Drug-Free Schools and Campuses Regulations Compliance Checklist 2023

1. Does the institution maintain a copy of its drug prevention program? Yes No

If yes, where is it located?

<https://und.edu/about/student-disclosure-information/student-consumer-information.html>

The drug prevention information is listed at the “Student Consumer Information” website. The document entitled “University of North Dakota Drug-Free Schools and Campus Regulations Biennial Review” is listed under “Health and Safety” section on the website.

2. Does the institution provide *annually to each employee and each student, who is taking one or more classes for any type of academic credit except for continuing education units, written materials that adequately describe and contain the following?*

a. Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as a part of its activities

Students: Yes No Staff and Faculty: Yes No

b. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol

Students: Yes No Staff and Faculty: Yes No

c. A description of applicable legal sanctions under local, state, or federal law

Students: Yes No Staff and Faculty: Yes No

d. A description of applicable counseling, treatment, or rehabilitation or re-entry programs

Students: Yes No Staff and Faculty: Yes No

e. A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions

Students: Yes No Staff and Faculty: Yes No

Any comments or clarifications on items 2 a-e:

UND Alcohol and Drugs Policy:

<https://und.policystat.com/?lt=nEb9f5lPhIT42yu4MIKV8w&next=/policy/4428574/latest/>

UND Code of Student Life for Student Conduct Process:

<https://und.edu/student-life/code-of-student-life.html>

3. Are the above materials distributed to students in one of the following ways?

a. Mailed to each student (separately or included in another mailing)

Yes No

b. Through campus post offices boxes

Yes No

c. Class schedules which are mailed to each student

Yes No

d. During freshman orientation

Yes No

e. During new student orientation

Yes No

f. In another manner

Yes No

Any comments or clarifications on items 3 a-f:

Office of Community Standards sends an email to all students at the start of each semester through the campus listserv.

Additionally, all newly enrolled students are required to complete an online education training program called "Alcohol and Other Drugs" and "Sexual Violence Prevention Training for Undergraduate (or Graduate – recommended) Students" or "Alcohol and Other Drugs (Refresher)" by Vector Solutions. The online education program addresses issues focused on sex in college, healthy relationships, partying smart, sexual violence, and provides resources and links to campus policies including UND's Drug & Alcohol Policy and Sexual Misconduct Policy. All students are also required to review the UND *Code of Student Life* & Related Policy Notification document annually. This document includes our policies and procedures related to alcohol and other drugs as well as information related to Drug-Free Schools and Federal Student Financial Aid Penalties for Drug Law Violations. Students are tracked using their UND IDM. Students who fail to complete the online training have a hold placed on their student account after the required deadline until the online education is completed or a waiver is granted. Class schedules are not mailed, but can be accessed through the student Campus Connection account.

Policies are also posted on the UND website for viewing at any time.

4. Does the means of distribution provide reasonable assurance that each student receives the materials annually?

Yes No

5. Does the institution's distribution plan make provisions for providing these materials to students who enroll at some date after the initial distribution?

Yes No

6. Are the above materials distributed to staff and faculty in one of the following ways?

a. Mailed

Staff: Yes No Faculty: Yes No

b. Through campus post office boxes

Staff: Yes No Faculty: Yes No

c. During new employee orientation

Staff: Yes No Faculty: Yes No

d. In another manner (Online employee training module)

Any comments or clarifications on items 6 a-d:

6c. Human Resources uses an online program to distribute, disseminate, and track employee trainings. The Alcohol and Drug policy is covered as part of the onboarding training of new hires during their employee orientation.

6d. All employees receive an annual notification of policies, which includes the alcohol and drug policy. Employees receive email notifications to complete the review of policies and receive weekly reminder emails until they have completed. Supervisors (staff) and department chairs (faculty) are notified to follow up when employees do not complete the training.

7. Does the means of distribution provide reasonable assurance that each staff and faculty member receives the materials annually?

Staff: Yes No Faculty: Yes No

8. Does the institution's distribution plan make provisions for providing these materials to staff and faculty who are hired after the initial distribution?

Staff: Yes No Faculty: Yes No

9. In what ways does the institution conduct biennial reviews of its drug prevention program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced?

a. Conduct student alcohol and drug use survey

Yes No

b. Conduct opinion survey of its students, staff, and faculty

Students: Yes No Staff and Faculty: Yes No

c. Evaluate comments obtained from a suggestion box

Students: Yes No Staff and Faculty: Yes No

d. Conduct focus groups

Students: Yes No Staff and Faculty: Yes No

e. Conduct intercept interviews

Students: Yes No Staff and Faculty: Yes No

f. Assess effectiveness of documented mandatory drug treatment referrals for students and employees

Students: Yes No Staff and Faculty: Yes No

g. Assess effectiveness of documented cases of disciplinary sanctions imposed on students and employees

Students: Yes No Staff and Faculty: Yes No

Any comments or clarifications on items 9 a-g:

9a. UND conducts two campus assessments that include measurements of alcohol and other drug usage on a biennial basis. UND has participated in the American College Health Association National College Health Assessment (ACHA-NCHA) in every even year since 2000 with the most recent data collection being Spring 2020.

9g. Office of Student Rights and Responsibilities and University Counseling Center monitor the effectiveness of mandated substance abuse prevention programs.

10. Who is responsible for conducting the biennial reviews?

Christopher Suriano, Director of Wellness & Health Promotion
Christopher.Suriano@und.edu
701-777-0729

Carolyn Broden, Assistant Director of Substance Use and Outreach
Carolyn.broden@UND.edu
701-777-2127

11. If requested, has the institution made available, to the Secretary and the public, a copy of each requested item in the drug prevention program and the results of the biennial review?

Yes No

12. Where is the biennial review documentation located?

The biennial review can be accessed online on the UND Student Consumer Information site under "Health and Safety" tab: <http://www1.und.edu/student-disclosure-information/student-consumer-information.cfm>

A physical copy is located in Wellness & Health Promotion department office.

Wellness Center

801 Princeton St. Stop 8365

Grand Forks, ND 58202-8365

A physical copy is stored at the North Dakota University System's Director of Student Affairs office:

North Dakota University System

600 E Boulevard Ave, Dept 215

Bismarck, ND 58505-0230

13. Comments or clarifications on any above items:

N/A

University of North Dakota

ND University System Part 86 Compliance Checklist

Part 86, Drug-Free Schools and Campuses Regulations Compliance Checklist 2024

1. Does the institution maintain a copy of its drug prevention program? Yes No

If yes, where is it located?

<https://und.edu/about/student-disclosure-information/student-consumer-information.html>

The drug prevention information is listed at the “Student Consumer Information” website. The document entitled “University of North Dakota Drug-Free Schools and Campus Regulations Biennial Review” is listed under “Health and Safety” section on the website.

2. Does the institution provide *annually to each employee and each student, who is taking one or more classes for any type of academic credit except for continuing education units, written materials that adequately describe and contain the following?*

a. Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as a part of its activities

Students: Yes No Staff and Faculty: Yes No

b. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol

Students: Yes No Staff and Faculty: Yes No

c. A description of applicable legal sanctions under local, state, or federal law

Students: Yes No Staff and Faculty: Yes No

d. A description of applicable counseling, treatment, or rehabilitation or re-entry programs

Students: Yes No Staff and Faculty: Yes No

e. A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions

Students: Yes No Staff and Faculty: Yes No

Any comments or clarifications on items 2 a-e:

UND Alcohol and Drugs Policy:

<https://und.policystat.com/?lt=nEb9f5lPhIT42yu4MIKV8w&next=/policy/4428574/latest/>

UND Code of Student Life for Student Conduct Process:

<https://und.edu/student-life/code-of-student-life.html>

3. Are the above materials distributed to students in one of the following ways?

a. Mailed to each student (separately or included in another mailing)

Yes No

b. Through campus post offices boxes

Yes No

c. Class schedules which are mailed to each student

Yes No

d. During freshman orientation

Yes No

e. During new student orientation

Yes No

f. In another manner

Yes No

Any comments or clarifications on items 3 a-f:

Office of Community Standards sends an email to all students at the start of each semester through the campus listserv.

Additionally, all newly enrolled students are required to complete an online education training program called "Alcohol and Other Drugs" and "Sexual Violence Prevention Training for Undergraduate (or Graduate – recommended) Students" or "Alcohol and Other Drugs (Refresher)" by Vector Solutions. The online education program addresses issues focused on sex in college, healthy relationships, partying smart, sexual violence, and provides resources and links to campus policies including UND's Drug & Alcohol Policy and Sexual Misconduct Policy. All students are also required to review the UND *Code of Student Life* & Related Policy Notification document annually. This document includes our policies and procedures related to alcohol and other drugs as well as information related to Drug-Free Schools and Federal Student Financial Aid Penalties for Drug Law Violations. Students are tracked using their UND IDM. Students who fail to complete the online training have a hold placed on their student account after the required deadline until the online education is completed or a waiver is granted. Class schedules are not mailed, but can be accessed through the student Campus Connection account.

Policies are also posted on the UND website for viewing at any time.

4. Does the means of distribution provide reasonable assurance that each student receives the materials annually?

Yes No

5. Does the institution's distribution plan make provisions for providing these materials to students who enroll at some date after the initial distribution?

Yes No

6. Are the above materials distributed to staff and faculty in one of the following ways?

a. Mailed

Staff: Yes No Faculty: Yes No

b. Through campus post office boxes

Staff: Yes No Faculty: Yes No

c. During new employee orientation

Staff: Yes No Faculty: Yes No

d. In another manner (Online employee training module)

Any comments or clarifications on items 6 a-d:

6c. Human Resources uses an online program to distribute, disseminate, and track employee trainings. The Alcohol and Drug policy is covered as part of the onboarding training of new hires during their employee orientation.

6d. All employees receive an annual notification of policies, which includes the alcohol and drug policy. Employees receive email notifications to complete the review of policies and receive weekly reminder emails until they have completed. Supervisors (staff) and department chairs (faculty) are notified to follow up when employees do not complete the training.

7. Does the means of distribution provide reasonable assurance that each staff and faculty member receives the materials annually?

Staff: Yes No Faculty: Yes No

8. Does the institution's distribution plan make provisions for providing these materials to staff and faculty who are hired after the initial distribution?

Staff: Yes No Faculty: Yes No

9. In what ways does the institution conduct biennial reviews of its drug prevention program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced?

a. Conduct student alcohol and drug use survey

Yes No

b. Conduct opinion survey of its students, staff, and faculty

Students: Yes No Staff and Faculty: Yes No

c. Evaluate comments obtained from a suggestion box

Students: Yes No Staff and Faculty: Yes No

d. Conduct focus groups

Students: Yes No Staff and Faculty: Yes No

e. Conduct intercept interviews

Students: Yes No Staff and Faculty: Yes No

f. Assess effectiveness of documented mandatory drug treatment referrals for students and employees

Students: Yes No Staff and Faculty: Yes No

g. Assess effectiveness of documented cases of disciplinary sanctions imposed on students and employees

Students: Yes No Staff and Faculty: Yes No

Any comments or clarifications on items 9 a-g:

9a. UND conducts two campus assessments that include measurements of alcohol and other drug usage on a biennial basis. UND has participated in the American College Health Association National College Health Assessment (ACHA-NCHA) in every even year since 2000 with the most recent data collection being Spring 2020.

9g. Office of Student Rights and Responsibilities and University Counseling Center monitor the effectiveness of mandated substance abuse prevention programs.

10. Who is responsible for conducting the biennial reviews?

Christopher Suriano, Director of Wellness & Health Promotion

Christopher.Suriano@und.edu

701-777-0729

Carolyn Broden, Assistant Director of Substance Use and Outreach

Carolyn.broden@UND.edu

701-777-2127

11. If requested, has the institution made available, to the Secretary and the public, a copy of each requested item in the drug prevention program and the results of the biennial review?

Yes No

12. Where is the biennial review documentation located?

The biennial review can be accessed online on the UND Student Consumer Information site under "Health and Safety" tab: <http://www1.und.edu/student-disclosure-information/student-consumer-information.cfm>

A physical copy is located in Wellness & Health Promotion department office.

Wellness Center

801 Princeton St. Stop 8365

Grand Forks, ND 58202-8365

A physical copy is stored at the North Dakota University System's Director of Student Affairs office:

North Dakota University System

600 E Boulevard Ave, Dept 215

Bismarck, ND 58505-0230

13. Comments or clarifications on any above items:

N/A



UNIVERSITY OF NORTH DAKOTA

Executive Summary

Spring 2024

**American College Health Association
National College Health Assessment III**

ACHA-NCHA III

The ACHA-NCHA III supports the health of the campus community by fulfilling the academic mission, supporting short- and long-term healthy behaviors, and gaining a current profile of health trends within the campus community.



AMERICAN COLLEGE HEALTH ASSOCIATION

Table of Contents



I. Introduction and Notes	1
II. Findings	
A. General Health and Campus Climate	3
B. Nutrition, BMI, Physical Activity, and Food Security	3
C. Health Care Utilization	4
D. Impediments to Academic Performance	5
E. Violence, Abusive Relationships, and Personal Safety	7
F. Tobacco, Alcohol, and Other Drug Use	8
G. Sexual Behavior	11
H. Mental Health and Wellbeing	12
I. Acute Conditions	14
J. Ongoing or Chronic Conditions	15
K. Sleep	17
III. Demographics and Sample Characteristics	18

ACHA, the nation's principal advocate and leadership organization for college and university health, represents a diverse membership that provides and supports the delivery of health care and prevention and wellness services for the nation's 20 million college students. For more information about the association's programs and services, visit www.acha.org, and www.acha.org/NCHA.

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American College Health Association. American College Health Association-National College Health Assessment III: University of North Dakota Executive Summary Spring 2024. Silver Spring, MD: American College Health Association; 2024.

Introduction and Notes

The ACHA-National College Health Assessment (ACHA-NCHA) is a national research survey organized by the American College Health Association (ACHA) to assist college health service providers, health educators, counselors, and administrators in collecting data about their students' habits and behaviors on the most prevalent health topics. The ACHA-NCHA now provides the largest known comprehensive data set on the health of college students, providing the college health and higher education fields with a vast spectrum of information on student health.

ACHA initiated the original ACHA-NCHA in 2000 and the instrument was used nationwide through the Spring 2008 data collection period. A revised survey, the ACHA-NCHA-II, was in use from Fall 2008 - Spring 2019 data collection periods. The survey was redesigned again, and data collection with the ACHA-NCHA III began in Fall 2019.

Please note that it is not appropriate to compare trends between versions of the survey. Directly comparing data points between the Original ACHA-NCHA, the ACHA-NCHA II, and the ACHA-NCHA III can lead to an erroneous conclusion and is not recommended.

Notes about this report:

1. Missing values have been excluded from analysis and only valid percents are included in this document, unless otherwise noted.
2. **The ACHA-NCHA III is programmed differently than earlier versions of the survey.** Rather than asking the respondents to answer every question (and offering a "not applicable" option), display logic was used throughout the survey to determine whether, based on their response to an earlier question, the student saw a follow-up question. This makes the valid percents of certain questions impossible to apply to the entire sample, as the denominator used was limited to only the number of students that saw the question. When appropriate, results are also presented using the entire sample as the denominator to show the proportion of the overall sample that experienced a particular issue. These differences in presentation are carefully noted throughout the document and will often explain differences observed between this document and the full data report. Please look carefully at descriptions of the data presented in each table, as well as any footnotes included.
3. **About the use of sex and gender in this report:** Survey results are reported by sex based on the responses to questions 67A, 67B, and 67C. The responses to these questions are used to create a new variable called RSEX. RSEX is used for organizing results in the ACHA-NCHA report documents. Respondents are reported as cis men or cis women only when their responses to 67A, 67B, and 67C are consistent with one another. If gender identity is consistent with sex at birth AND "no" is selected for transgender, then respondents are designated as either cis men or cis women in RSEX. If respondents select "yes" for transgender OR their sex at birth is not consistent with their gender identity, then they are designated as transgender/gender non-conforming in RSEX. A respondent that selects "intersex" for sex at birth, "no" for transgender, and man or woman for gender identity are designated as cis men or cis women in RSEX. A respondent that selects "intersex" for sex at birth, "yes" for transgender, or selects a gender identity other than man or woman are designated as transgender/gender non-conforming in RSEX. A respondent that selects "another identity" on 67C is designated missing in RSEX. A respondent that skips any of the three questions is designated as missing in RSEX. Totals displayed in this report include missing responses. Please see the ACHA-NCHA III survey codebook for more information about how data on sex and gender are coded.
4. **Changes from NCHA III to NCHA IIIB:** - To be more inclusive of online learners, **N3Q2** (sense of community/belonging) wording was changed and a "does not apply" option was added to **N3Q21** (sense of safety on/near campus).
 - A follow-up question, **N3Q40B**, was added to learn if a pregnancy negatively impacted academic performance in the last 12 months.
 - **N3Q47A13-A18** were reworded to clarify that the respondent experienced bullying, cyberbullying, hazing, microaggression, sexual harassment, or discrimination, and was not the perpetrator.
 - **N3QMH1-6** were added to the mental health section to measure history of medication and therapy use.
 - **N3Q54C** and **N3Q55B** (where student received medical and mental health care) were removed.
 - COVID-19 vaccine (**COVIDVAX**) questions changed to reflect endemic.
 - "Asexual" was added to **N3Q68** as a standalone response option (to date, it had been recoded from write-in responses).
 - Questions **N3Q73B** and **C** were added to the demographic section to learn more about dropout intention and risk.
 - **N3Q74** was revised to be clearer about visa and international student status.
 - **N3Q79** (health insurance question) is now "select all that apply" and an option for insurance coverage through "an embassy or sponsoring agency for international students" was added.
 - **N3Q86A-C** (Firearms) are now included in the standard survey (with the option to opt-out).

For additional information about the survey's development, design, and methodology, email Mary T Hoban, PhD, MCHES, (mhoban@acha.org), Christine Kukich, MS (ckukich@acha.org), or visit www.acha-ncha.org.

We need to draw your attention to an important change in your ACHA-NCHA Report documents. Beginning in Spring 2021, responses for transgender and gender-nonconforming students are readily available directly in the report documents. This represents an important change in the way we have been reporting ACHA-NCHA results. We've prepared the following information to better explain the specific changes, our reasoning for doing so, and tips for using these redesigned report documents.

I. What we've done to date

- The ACHA-NCHA has asked respondents about their gender identity for 12 years.
- Data on transgender and gender-nonconforming (TGNC) students was available in the data file, but not displayed explicitly in the report documents in an effort to protect the privacy of TGNC students, particularly those students in smaller campus environments and at schools that publicly shared their ACHA-NCHA report documents.
- We have been trying to find the right balance between protecting students' privacy and making the results accessible to campus surveyors who may not use the statistical software that would be required to extract this information directly from the data files. Until now, we've erred on the side of protecting student privacy.

II. Why change?

- The number of TGNC students in our samples has been increasing over the years. Between 2008 and 2015, the number of students identifying as TGNC was very small (less than 0.05%). We've learned over the years that gender identity is complex and fluid. To better capture this complexity, we began asking separate questions about sex at birth and gender identity in Fall 2015. Now TGNC students tend to represent 3-4% of the overall sample.
- With greater number of students identifying as TGNC on the ACHA-NCHA in recent years, we have a better opportunity to understand their needs and behaviors than we have in years past.
- A number of health disparities between TGNC students and their cisgender peers have been well documented[1], and schools need readily available access to this data in order to better address the needs of TGNC students.

III. What's different about the way we are reporting?

- First – a note about how we have been reporting ACHA-NCHA results to date. RSEX is a variable we create based on the responses to the questions on sex at birth, whether or not a student identifies as transgender, and their gender identity. The RSEX variable had allowed us to sort respondents into 4 groups for reporting purposes: male, female, non-binary, and missing. (Details about this variable can be found in all report documents.)
- The value labels for RSEX have been revised to better represent gender identity rather than sex. A value of "1" has been changed from "Male" to "Cis Men[2]." A "2" has been changed from "Female" to "Cis Women[3]." The value "3" has been changed from "non-binary" to "Transgender and Gender-Nonconforming" (TGNC), as it's a more accurate and inclusive term. The value "4" on RSEX remains "missing/unknown" and is used for students who do not answer all three questions.
- The "missing/unknown" column in the Data Report document has been replaced with a "Trans/Gender-Nonconforming" column. Because space limitations in the report prevent us from displaying all 4 categories plus a total column in the same document, it's now the "missing/unknown" column that is not displayed. Now when the Total of any given row is higher than the sum of the cis men, cis women, and TGNC respondents, the difference can be attributed to "missing/unknown" respondents that selected the response option presented in that row
- A column for "Trans/Gender-Nonconforming" has been added the Executive Summary Report document.

IV. Important considerations with this new format

- Percentages in the Executive Summary may represent a very small number of TGNC students and can limit the generalizability of a particular finding. To assist with the interpretation of the percentages displayed in the Executive Summary, the total sample size for each group has been added to every page.
- We encourage ACHA-NCHA surveyors to carefully review their report documents, particularly among the student demographic variables, and consider students who may be inadvertently identified in the results based on a unique combination of the demographic characteristics before sharing the documents widely or publicly. This is especially true for very small schools, as well as schools that lack diversity in the student population.
- Think about the implication of working with and documenting very small samples – from the perspective of making meaningful interpretations, as well as the privacy of respondents. This is true of all demographic variables, and not limited to gender identity. You may consider a minimum cell size or another threshold by which you make decisions about making your Institutional Data Report publicly available. It is less of a concern in your Institutional Executive Summary as we only display the percentages with the overall sample size.

[1] Greathouse M, BrckaLorenz A, Hoban M, Huseman R, Rankin S, Stolzenberg EB. (2018). Queer-spectrum and trans-spectrum student experiences in American higher education: The analysis of national survey findings. New Brunswick, NJ: Tyler Clementi Center, Rutgers University.

[2] Cisgender refers to people whose gender identity matches their sex assigned at birth. Cis men is short for "cisgender men" and is a term used to describe persons who identify as men and were assigned male at birth.

[3] Cis women is short for "cisgender women" and is a term used to describe persons who identify as women and were assigned female at birth.

This Executive Summary highlights results of the ACHA-NCHA III Spring 2024 survey for University of North Dakota consisting of 1295 respondents. The response rate was 9.6%.

Findings

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

A. General Health and Campus Climate

- 53.8 % of college students surveyed (63.2 % cis men, 50.2 % cis women, and 44.4 % transgender/gender non-conforming) described their health as *very good or excellent*.
- 90.9 % of college students surveyed (92.8 % cis men, 90.6 % cis women, and 80.0 % transgender/gender non-conforming) described their health as *good, very good or excellent*.

Proportion of college students who reported they *agree or strongly agree* that:

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
I feel that I belong at my college/university	71.4	70.8	66.0	70.8
I feel that students' health and well-being is a priority of my college/university	62.7	59.1	46.8	59.8
I feel that the climate of my college/university encourages free and open discussion about students' health and well-being	64.9	61.2	34.0	61.3
We are a college/university where we look out for each other	54.8	53.2	42.6	53.3

B. Nutrition, BMI, Physical Activity, and Food Security

College students reported:

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
Drinking 0 sugar-sweetened beverages (per day), on average, in the last 7 days	35.2	29.0	25.5	30.8
Drinking 1 or more sugar-sweetened beverages (per day), on average, in the last 7 days	64.8	71.0	74.5	69.2
Drinking energy drinks or shots on 0 of the past 30 days	57.5	60.6	61.7	59.7
Drinking energy drinks or shots on 1-4 of the past 30 days	21.4	19.6	17.0	20.0
Drinking energy drinks or shots on 5 or more of the past 30 days	21.1	19.8	21.3	20.2
Eating 3 or more servings of fruits (per day), on average, in the last 7 days	18.3	21.3	21.3	20.5
Eating 3 or more servings of vegetables (per day), on average, in the last 7 days	24.8	27.5	25.5	26.7

Estimated Body Mass Index (BMI): This figure incorporates reported height and weight to form a general indicator of physical health. Categories defined by The World Health Organization (WHO) 2000, reprinted 2004. Obesity: Preventing and Managing the Global Epidemic. WHO Tech Report Series: 894.

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
BMI				
<18.5 Underweight	2.0	2.7	11.1	2.8
18.5-24.9 Healthy Weight	46.1	50.4	37.8	48.7
25-29.9 Overweight	34.0	26.2	28.9	28.4
30-34.9 Class I Obesity	10.7	12.4	17.8	12.1
35-39.9 Class II Obesity	4.5	5.1	2.2	5.0
≥40 Class III Obesity	2.8	3.3	2.2	3.1
Mean	26.12	26.06	25.71	26.07
Median	25.09	24.54	25.68	24.85
Std Dev	5.29	5.75	6.07	5.64

Students meeting the recommended guidelines for physical activity

Based on: US Dept of Health and Human Services. *Physical Activities Guidelines for Americans*, 2nd edition. Washington, DC: US Dept of Health and Human Services; 2018

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

Definitions:

- Recommendation for **aerobic activity**: 150 minutes or more of moderate-intensity physical activity per week or 75 minutes of vigorous-intensity physical activity or the equivalent combination
- Recommendation for **strength training**: 2 or more days a week of moderate or greater intensity activities that involve all major muscle groups
- **Active Adults** meet the recommendation for strength training **AND** aerobic activity
- **Highly Active Adults** meet the recommendation for strength training and **TWICE** the recommendation for aerobic activity (300 minutes or more of moderate-intensity physical activity per week or 150 minutes of vigorous-intensity physical activity or the equivalent combination)

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
Guidelines met for aerobic exercise only	74.1	64.7	56.5	67.0
Guidelines met for Active Adults	56.2	42.2	30.4	45.6
Guidelines met for Highly Active Adults	45.7	30.9	21.7	34.7

Food Security

Based on responses to the *US Household Food Security Survey Module: Six-Item Short Form (2012)* from the USDA Economic Research Service.

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
High or marginal food security (score 0-1)	65.7	63.3	61.7	63.8
Low food security (score 2-4)	20.9	23.1	21.3	22.5
Very low food security (score 5-6)	13.5	13.6	17.0	13.7
Any food insecurity (low or very low food security)	34.3	36.7	38.3	36.2

C. Health Care Utilization

College students reported:

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
Receiving psychological or mental health services within the last 12 months	20.8	35.5	57.4	32.1
Visiting a medical provider within the last 12 months	58.2	82.9	78.7	75.6

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
Ever prescribed medication for a mental health condition	20.2	41.2	52.2	35.5

Prescribed before starting at current college/university*

Prescribed after starting at current college/university*

Last 12 months, prescribed medication for a mental health condition*

**These figures use all students in the sample as the denominator, rather than just those students who have ever been prescribed medication for a mental health condition*

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
Ever had counseling for a mental health condition	21.3	44.8	66.0	38.8

Started counseling before starting at current college/university*

Started counseling after starting at current college/university*

Last 12 months, had counseling for a mental health condition*

**These figures use all students in the sample as the denominator, rather than just those students who have ever had counseling for a mental health condition*

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
Started counseling before starting at current college/university*	14.7	34.2	55.3	29.3
Started counseling after starting at current college/university*	6.5	10.5	10.6	9.3
Last 12 months, had counseling for a mental health condition*	12.3	25.1	51.1	22.3

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

College students reported:

	Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Flu vaccine within the last 12 month		44.0	52.0	48.9	49.7
Not starting the HPV vaccine series		21.0	19.9	19.1	20.2
Starting, but not completing HPV vaccine series		4.1	4.3	0.0	4.1
Completing HPV vaccine series		42.0	56.3	57.4	52.3
Not knowing their HPV vaccine status		32.9	19.5	23.4	23.5
Ever having a GYN visit or exam (females only)			59.6	34.0	
Having a dental exam in the last 12 months		67.5	78.6	71.7	75.1
Being tested for HIV within the last 12 months		8.7	10.2	12.8	9.9
Being tested for HIV more than 12 months ago		12.3	15.6	10.6	14.4
Wearing sunscreen usually or always when outdoors		28.4	45.1	44.7	40.3
Spending time outdoors with the intention of tanning at least once in the last 12 months		48.9	67.5	29.8	60.8

D. Impediments to Academic Performance

Respondents are asked in numerous places throughout the survey about issues that might have negatively impacted their academic performance within the last 12 months. This is defined as negatively impacting their performance in a class or delaying progress towards their degree. Both types of negative impacts are represented in the figures below. Please refer to the corresponding Data Report for specific figures on each type of impact. Figures in the left columns use all students in the sample as the denominator. Figures in the right columns use only the students that experienced that issue (e.g. students who used cannabis, reported a problem or challenge with finances, or experienced a particular health issue) in the denominator. (items are listed in the order in which they appear in the survey)

Negatively impacted academic performance among all students in the sample

	Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Alcohol use		2.5	1.6	0.0	1.9
Cannabis/marijuana use		1.6	0.9	2.1	1.2
Pregnancy or a partner's pregnancy		0.5	0.7	0.0	0.6

Negatively impacted academic performance among only students that experienced the issue

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
	3.3	1.9	0.0	2.3
	6.6	3.7	9.1	5.0
	20.0	30.0	0.0	25.0

Problems or challenges in the last 12 months

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Career	8.2	11.3	10.6	10.4
Finances	14.2	14.4	17.0	14.4
Procrastination	43.6	38.1	46.8	40.0
Faculty	5.2	7.4	4.3	6.7
Family	7.4	8.0	8.5	7.8
Intimate Relationships	10.1	7.4	12.8	8.3
Roommate/housemate	3.5	6.7	4.3	5.7
Peers	2.5	3.1	6.4	3.0
Personal appearance	2.2	3.7	6.4	3.3
Health of someone close to me	7.1	12.3	6.4	10.7
Death of a family member, friend, or someone close to me	7.1	9.7	12.8	9.0
Bullying	1.6	2.6	2.1	2.3
Cyberbullying	1.6	0.9	0.0	1.1
Hazing	1.4	0.1	0.0	0.5
Microaggression	1.6	1.7	4.3	1.8
Sexual Harassment	0.0	1.5	2.1	1.1
Discrimination	2.5	1.7	4.3	2.0

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
	30.9	39.9	29.4	37.1
	36.6	29.8	33.3	31.6
	62.0	55.0	61.1	57.4
	57.6	67.0	66.7	64.9
	35.5	24.0	20.0	26.0
	31.4	22.7	35.3	25.5
	18.6	24.9	11.1	22.7
	18.8	15.8	21.4	16.7
	7.2	7.4	11.1	7.5
	24.8	30.6	18.8	28.9
	32.1	39.4	66.7	38.2
	28.6	39.0	25.0	35.7
	54.5	38.1	0.0	42.4
	50.0	25.0	0.0	42.9
	21.4	14.3	9.5	14.8
	0.0	16.9	50.0	15.7
	34.6	25.9	33.3	28.9

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

Negatively impacted academic performance among all students in the sample

Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Acute Diagnoses in the last 12 months				
Bronchitis	0.5	2.5	0.0	1.9
Chlamydia	0.5	0.1	2.1	0.3
Chicken Pox (Varicella)	0.3	0.0	0.0	0.1
Cold/Virus or other respiratory illness	7.6	17.1	10.6	14.1
Concussion	0.5	1.6	0.0	1.2
Gonorrhea	0.3	0.1	0.0	0.2
Flu (influenza or flu-like illness)	3.3	7.0	2.1	5.7
Mumps	0.0	0.0	0.0	0.0
Mononucleosis (mono)	0.8	1.4	2.1	1.2
Orthopedic injury	1.1	2.9	2.1	2.3
Pelvic Inflammatory Disease	0.0	0.2	0.0	0.2
Pneumonia	0.0	0.6	2.1	0.5
Shingles	0.0	0.0	0.0	0.0
Stomach or GI virus or bug, food poisoning or gastritis	1.4	3.5	0.0	2.8
Urinary tract infection	0.5	2.3	4.3	1.9

Negatively impacted academic performance among only students that experienced the issue

Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
33.3	43.1	0.0	42.1
66.7	11.1	100.0	30.8
50.0	0.0	0.0	33.3
35.4	39.9	41.7	39.1
50.0	53.8	0.0	51.6
100.0	50.0	0.0	66.7
33.3	49.6	100.0	46.3
0.0	0.0	0.0	0.0
60.0	63.2	100.0	64.0
22.2	27.8	33.3	26.8
0.0	66.7	0.0	66.7
0.0	62.5	100.0	66.7
0.0	0.0	0.0	0.0
31.3	38.3	0.0	36.4
66.7	16.7	40.0	18.8

Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Any ongoing or chronic medical conditions diagnosed or treated in the last 12 months				
	15.3	26.5	40.4	23.8

Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
25.8	34.5	45.2	33.0

Other impediments to academic performance

Assault (physical)	0.3	0.3	0.0	0.3
Assault (sexual)	0.5	1.0	4.3	1.0
Allergies	0.8	2.1	4.3	1.8
Anxiety	16.3	29.6	40.4	26.1
ADHD or ADD	8.7	10.3	27.7	10.5
Concussion or TBI	0.5	1.8	0.0	1.4
Depression	12.5	16.5	34.0	15.9
Eating disorder/problem	1.1	2.4	2.1	2.0
Headaches/migraines	4.6	10.9	12.8	9.1
Influenza or influenza-like illness (the flu)	2.7	5.4	2.1	4.5
Injury	0.5	1.6	2.1	1.3
PMS	0.0	8.1	8.5	5.8
PTSD	1.9	2.2	2.1	2.1
Short-term illness	2.5	4.3	2.1	3.7
Upper respiratory illness	5.4	7.9	6.4	7.1
Sleep difficulties	17.4	18.3	31.9	18.5
Stress	22.9	36.3	42.6	32.7

10.0	12.5	0.0	11.8
33.3	24.3	66.7	28.3
3.0	6.6	14.3	6.0
39.5	43.0	63.3	43.1
52.5	64.7	72.2	62.1
25.0	48.5	0.0	42.9
53.5	47.5	57.1	49.4
23.5	20.2	10.0	19.8
23.0	27.5	28.6	26.8
21.7	29.2	20.0	27.4
8.7	15.6	20.0	14.4
0.0	22.5	26.7	22.6
41.2	31.7	11.1	31.4
20.9	23.0	16.7	22.4
24.7	22.8	33.3	23.5
42.1	38.7	48.4	40.1
39.3	47.4	58.8	46.0

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

E. Violence, Abusive Relationships, and Personal Safety

Within the last 12 months, college students reported experiencing:

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
A physical fight	5.2	1.1	0.0	2.3
A physical assault (not sexual assault)	3.0	2.6	0.0	2.8
A verbal threat	13.2	10.3	19.1	11.5
Sexual touching without their consent	3.8	4.8	4.3	4.6
Sexual penetration attempt without their consent	0.8	1.4	2.1	1.3
Sexual penetration without their consent	1.1	1.1	0.0	1.2
Being a victim of stalking	2.2	3.7	2.1	3.3
A partner called me names, insulted me, or put me down to make me feel bad	8.2	10.1	6.4	9.5
A partner often insisted on knowing who I was with and where I was or tried to limit my contact with family or friends	4.9	5.5	4.3	5.4
A partner pushed, grabbed, shoved, slapped, kicked, bit, choked or hit me without my consent	3.6	2.6	2.1	3.0
A partner forced me into unwanted sexual contact by holding me down or hurting me in some way	0.8	1.5	0.0	1.3
A partner pressured me into unwanted sexual contact by threatening me, coercing me, or using alcohol or other drugs	1.1	3.6	2.1	2.9

College students reported feeling *very safe**:

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
On their campus (daytime)	94.6	90.2	87.2	91.3
On their campus (nighttime)	70.8	25.1	27.8	38.9
In the community surrounding their campus (daytime)	73.5	61.7	47.2	64.7
In the community surrounding their campus (nighttime)	48.3	18.2	8.6	26.9

*Note: "Does not apply" responses were removed from the total in the denominator

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

F. Tobacco, Alcohol, and Other Drug Use

Percent (%)	Ever Used			
	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Tobacco or nicotine delivery products (cigarettes, e-cigarettes, Juul or other vape products, water pipe or hookah, chewing tobacco, cigars, etc.)	42.6	39.1	36.2	39.9
Alcoholic beverages (beer, wine, liquor, etc.)	73.8	80.7	76.6	78.5
Cannabis (marijuana, weed, hash, edibles, vaped cannabis, etc.) [Please report nonmedical use only.]	38.4	38.1	42.6	38.3
Cocaine (coke, crack, etc.)	6.8	4.5	4.3	5.1
Prescription stimulants (Ritalin, Concerta, Dexedrine, Adderall, diet pills, etc.) [Please report nonmedical use only.]	9.3	6.9	8.7	7.6
Methamphetamine (speed, crystal meth, ice, etc.)	1.6	0.8	0.0	1.0
Inhalants (poppers, nitrous, glue, gas, paint thinner, etc.)	4.6	1.4	4.3	2.4
Sedatives or Sleeping Pills (Valium, Ativan, Xanax, Klonopin, Librium, Rohypnol, GHB, etc.) [Please report nonmedical use only.]	5.2	3.5	6.4	4.1
Hallucinogens (Ecstasy, MDMA, Molly, LSD, acid, mushrooms, PCP, Special K, etc.)	11.2	6.1	12.8	7.7
Heroin	0.5	0.2	0.0	0.3
Prescription opioids (morphine, codeine, fentanyl, oxycodone [OxyContin, Percocet], hydrocodone [Vicodin], methadone, buprenorphine [Suboxone], etc.) [Please report nonmedical use only.]	4.1	3.4	2.1	3.6

*These figures use all students in the sample as the denominator, rather than just those students who reported lifetime use.

*Used in the last 3 months			
Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
30.0	22.7	23.4	24.8
67.3	74.7	72.3	72.4
19.6	17.7	14.9	18.2
1.1	0.8	0.0	0.8
1.9	1.8	4.3	1.9
0.3	0.0	0.0	0.1
0.5	0.3	2.1	0.5
0.8	0.7	2.1	0.8
2.5	0.9	2.1	1.4
0.0	0.0	0.0	0.0
0.3	0.6	0.0	0.5

Substance Specific Involvement Scores (SSIS) from the ASSIST

Percent (%)	*Moderate risk use of the substance			
	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Tobacco or nicotine delivery products	22.3	16.7	21.3	18.5
Alcoholic beverages	11.2	9.3	10.6	9.9
Cannabis (nonmedical use)	11.4	10.3	10.6	10.7
Cocaine	0.5	0.9	0.0	0.8
Prescription stimulants (nonmedical use)	1.1	1.1	0.0	1.1
Methamphetamine	0.0	0.2	0.0	0.2
Inhalants	0.3	0.3	0.0	0.3
Sedatives or Sleeping Pills (nonmedical use)	0.3	0.8	2.1	0.7
Hallucinogens	0.8	0.7	0.0	0.7
Heroin	0.3	0.2	0.0	0.2
Prescription opioids (nonmedical use)	0.5	0.7	0.0	0.6

*These figures use all students in the sample as the denominator, rather than just those students who reported lifetime use.

*High risk use of the substance			
Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
1.1	0.9	0.0	0.9
1.1	0.8	2.1	0.9
0.8	0.5	0.0	0.5
0.0	0.0	0.0	0.0
0.0	0.0	0.0	0.0
0.3	0.0	0.0	0.1
0.0	0.0	0.0	0.0
0.0	0.0	0.0	0.0
0.0	0.0	0.0	0.0
0.0	0.0	0.0	0.0
0.0	0.0	0.0	0.0

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

***Proportion of students who were prescribed a medication and used more than prescribed or more often than prescribed in the past 3 months**

Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Prescription stimulants	0.8	1.3	2.1	1.2
Prescription sedatives or sleeping pills	0.5	0.6	2.1	0.6
Prescription opioids	0.3	0.2	0.0	0.2

*These figures use all students in the sample as the denominator, rather than just those students who reported having a prescription. Note that the title of this table was changed in Fall 2022, but the figures remain the same.

***Tobacco or nicotine delivery products used in the last 3 months**

Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Cigarettes	10.6	7.8	12.8	8.8
E-cigarettes or other vape products (for example: Juul, etc.)	17.2	17.4	10.6	17.0
Water pipe or hookah	0.3	0.3	2.1	0.4
Chewing or smokeless tobacco	10.1	2.1	6.4	4.6
Cigars or little cigars	9.3	0.8	4.3	3.4
Other	5.4	0.7	2.1	2.2

*These figures use all students in the sample as the denominator, rather than just those students who reported tobacco or nicotine delivery product use in the last 3 months.

Students in Recovery

■ 1.9 % of college students surveyed (3.8 % cis men, 1.3 % cis women, and 0.0 % transgender/gender non-conforming) indicated they were in recovery from alcohol or other drug use.

When, if ever, was the last time you:

Percent (%)	Drank Alcohol			
	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Never	21.0	13.5	17.0	15.8
Within the last 2 weeks	48.9	52.3	46.8	51.2
More than 2 weeks ago but within the last 30 days	8.5	11.9	12.8	10.9
More than 30 days ago but within the last 3 months	10.4	11.3	8.5	11.0
More than 3 months ago but within the last 12 months	7.1	7.8	8.5	7.6
More than 12 months ago	4.1	3.2	6.4	3.6

*Students were instructed to include medical and non-medical use of cannabis.

Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
58.7	57.7	53.2	57.8
9.3	9.5	8.5	9.4
1.1	3.1	4.3	2.6
7.4	4.6	4.3	5.5
7.9	8.1	6.4	8.0
15.6	17.0	23.4	16.8

Driving under the influence

- 15.3 % of college students reported driving after having *any alcohol* in the last 30 days.*
*Only students who reported driving in the last 30 days and drinking alcohol in the last 30 days were asked this question.
- 27.3 % of college students reported driving within 6 hours of using cannabis/marijuana in the last 30 days.*
*Only students who reported driving in the last 30 days and using cannabis in the last 30 days were asked this question.

Estimated Blood Alcohol Concentration (or eBAC) of college students. Due to the improbability of a student surviving a drinking episode resulting in an extremely high eBAC, all students with an eBAC of 0.50 or higher are also omitted from these eBAC figures. eBAC is an estimated figure based on the reported number of drinks consumed during the last time they drank alcohol in a social setting, their approximate time of consumption, sex, weight, and the average rate of ethanol metabolism. Only students who reported drinking alcohol within the last 3 months answered these questions.

Estimated BAC	Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
< .08		84.8	83.1	93.3	83.9
< .10		90.2	88.3	96.7	89.1
Mean		0.04	0.04	0.03	0.04
Median		0.01	0.02	0.02	0.02
Std Dev		0.05	0.06	0.03	0.05

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

*Reported number of drinks consumed the last time students drank alcohol in a social setting.

Number of drinks	Percent (%)	Trans/ Gender Non- conforming			Total
		Cis Men	Cis Women		
4 or fewer		61.1	78.6	71.9	73.7
5		8.1	6.8	9.4	7.3
6		10.5	5.5	9.4	6.9
7 or more		20.2	9.1	9.4	12.1
Mean		4.4	3.1	3.7	3.5
Median		3.0	2.0	3.0	3.0
Std Dev		3.6	2.5	2.9	2.9

*Only students who reported drinking alcohol in the last three months were asked this question.

Reported number of times college students consumed five or more drinks in a sitting within the last two weeks:

	Among all students surveyed				
	Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Did not drink alcohol in the last two weeks (includes non-drinkers)		51.1	47.8	53.2	48.9
None		18.9	27.4	23.4	24.8
1-2 times		21.3	20.4	19.1	20.5
3-5 times		7.9	3.3	4.3	4.8
6 or more times		0.8	1.1	0.0	1.0

*Only students who reported drinking alcohol in the last two weeks were asked this question.

*Among those who reported drinking alcohol within the last two weeks

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
	38.5	52.4	50.0	48.5
	43.6	39.0	40.9	40.2
	16.2	6.4	9.1	9.4
	1.7	2.2	0.0	2.0

*College students who drank alcohol reported experiencing the following in the last 12 months when drinking alcohol:

	Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Did something I later regretted		21.5	20.2	20.0	20.6
Blackout (forgot where I was or what I did for a large period of time and cannot remember , even when someone reminds me)		12.5	12.4	11.1	12.4
Brownout (forgot where I was or what I did for short periods of time, but can remember once someone reminds me)		21.7	22.4	13.9	21.9
Got in trouble with the police		2.2	0.7	0.0	1.1
Got in trouble with college/university authorities		0.7	0.4	0.0	0.5
Someone had sex with me without my consent		1.1	1.0	0.0	1.0
Had sex with someone without their consent		0.0	0.1	0.0	0.1
Had unprotected sex		14.3	12.1	8.3	12.6
Physically injured myself		4.4	5.9	5.6	5.6
Physically injured another person		0.7	0.0	0.0	0.2
Seriously considered suicide		2.2	1.2	5.6	1.6
Needed medical help		1.1	0.7	0.0	0.8
Reported two or more of the above		26.3	23.7	22.6	24.4

*Only students who reported drinking alcohol in the last 12 months were asked these questions.

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

G. Sexual Behavior

When, if ever, was the last time you had:

Percent (%)	Oral sex			Total
	Cis Men	Cis Women	Trans/ Gender Non- conforming	
Never	28.9	29.4	42.6	29.8
Within the last 2 weeks	32.2	34.1	21.3	33.1
More than 2 weeks ago but within the last 30 days	5.0	10.4	4.3	8.7
More than 30 days ago but within the last 3 months	11.0	9.5	6.4	9.8
More than 3 months ago but within the last 12 months	10.2	8.9	10.6	9.3
More than 12 months ago	12.7	7.7	14.9	9.4

Vaginal intercourse			
Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
30.6	27.1	42.6	28.6
36.4	44.2	19.1	41.0
4.7	8.8	8.5	7.7
9.4	7.9	4.3	8.1
9.6	6.5	12.8	7.6
9.4	5.7	12.8	7.0

Percent (%)	Anal intercourse			Total
	Cis Men	Cis Women	Trans/ Gender Non- conforming	
Never	77.8	79.3	76.6	78.7
Within the last 2 weeks	4.7	2.2	4.3	3.1
More than 2 weeks ago but within the last 30 days	0.6	0.9	2.1	0.9
More than 30 days ago but within the last 3 months	3.3	1.7	0.0	2.1
More than 3 months ago but within the last 12 months	3.1	3.7	6.4	3.6
More than 12 months ago	10.6	12.1	10.6	11.6

*College students who reported having oral sex, or vaginal or anal intercourse within the last 12 months reported having the following number of sexual partners:

Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
	None	0.0	0.3	0.0
1	78.7	78.8	50.0	78.0
2	8.6	9.2	29.2	9.6
3	4.9	4.4	0.0	4.4
4 or more	7.8	7.3	20.8	7.9
Mean	1.9	1.5	2.3	1.7
Median	1.0	1.0	1.5	1.0
Std Dev	3.4	1.6	2.1	2.2

*Only students who reported having oral sex, or vaginal or anal intercourse in the last 12 months were asked this question.

College students who reported having oral sex, or vaginal or anal intercourse within the last 30 days who reported using a condom or another protective barrier *most of the time* or *always*:

Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
	Oral sex	4.4	3.9	8.3
Vaginal intercourse	39.9	31.0	46.2	33.8
Anal intercourse	26.3	22.2	33.3	25.5

*Only students who reported having oral sex, or vaginal or anal intercourse in the last 30 days were asked these questions.

College students who reported having vaginal intercourse (penis in vagina) within the last 12 months were asked if they or their partner used any method to prevent pregnancy the last time they had vaginal intercourse:

Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
	Yes, used a method of contraception	77.9	82.0	90.5
No, did not want to prevent pregnancy	3.7	4.1	0.0	3.9
No, did not use any method	16.6	13.6	4.8	14.1
Don't know	1.8	0.3	4.8	0.9

*Only students who reported having oral sex, or vaginal or anal intercourse in the last 12 months were asked this question.

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

*Those students who reported using a contraceptive use the last time they had vaginal intercourse, reported they (or their partner) used the following methods:

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
	<i>Percent (%)</i>			
Birth control pills (monthly or extended cycle)	37.9	35.0	36.8	35.8
Birth control shots	1.8	1.9	0.0	1.8
Birth control implants	7.7	10.3	10.5	9.6
Birth control patch	0.6	0.4	5.3	0.6
The ring	1.2	1.0	5.3	1.2
Emergency contraception ("morning after pill" or "Plan B")	4.1	3.4	10.5	3.7
Intrauterine device	16.6	21.8	21.1	20.4
Male (external) condom	53.8	41.5	57.9	45.1
Female (internal) condom	0.0	0.0	0.0	0.0
Diaphragm or cervical cap	0.0	0.2	0.0	0.1
Contraceptive sponge	0.0	0.0	0.0	0.0
Withdrawal	22.5	24.5	26.3	24.0
Fertility awareness (calendar, mucous, basal body temperature)	2.4	6.1	5.3	5.1
Sterilization (hysterectomy, tubes tied, vasectomy)	5.9	9.0	5.3	8.1
Other method	1.2	0.8	0.0	1.0
<i>Male condom use plus another method</i>	33.7	30.6	31.6	31.5
<i>Any two or more methods (excluding male condoms)</i>	18.9	22.6	26.3	21.7

*Only students who reported they or their partner used a method the last time they had vaginal intercourse were asked these questions. This question was select all that apply.

College students who reported having vaginal intercourse (penis in vagina) within the last 12 months were asked if they or their partner used emergency contraception ("morning after pill" or "Plan B") in the last 12 months:

Yes (10.1 % cis men, 13.6 % cis women, 19 % trans/gender non-conforming)

College students who reported having vaginal intercourse (penis in vagina) within the last 12 months were asked if they experienced an unintentional pregnancy or got someone pregnant within the last 12 months:

Yes (1.4 % cis men, 1.7 % cis women, 0 % trans/gender non-conforming)

H. Mental Health and Wellbeing

Kessler 6 (K6) Non-Specific Psychological Distress Score (Range is 0-24)

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
	<i>Percent (%)</i>			
No or low psychological distress (0-12)	91.2	85.5	71.7	86.7
Serious psychological distress (13-24)	8.8	14.5	28.3	13.3
Mean	6.07	7.13	8.98	6.89
Median	5.00	6.00	9.00	6.00
Std Dev	4.76	5.01	5.48	4.99

UCLA Loneliness Scale (ULS3) Score (Range is 3-9)

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
	<i>Percent (%)</i>			
Negative for loneliness (3-5)	61.4	59.6	45.7	59.7
Positive for loneliness (6-9)	38.6	40.4	54.3	40.3
Mean	4.96	5.10	5.67	5.08
Median	5.00	5.00	6.00	5.00
Std Dev	1.87	1.84	1.80	1.85

Diener Flourishing Scale – Psychological Well-Being (PWB) Score (Range is 8-56)

(higher scores reflect a higher level of psychological well-being)

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Mean	45.58	46.64	40.68	46.13
Median	48.00	48.00	39.00	48.00
Std Dev	8.00	7.39	9.52	7.74

The Connor-Davison Resilience Scale (CD-RISC2) Score (Range is 0-8)

(higher scores reflect greater resilience)

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Mean	6.56	6.29	5.83	6.35
Median	7.00	6.00	6.00	6.00
Std Dev	1.38	1.42	1.59	1.42

Self injury

■ 6.9 % of college students surveyed (5.2 % cis men, 6.7 % cis women, and 21.3 % trans/gender non-conforming) indicated they had intentionally cut, burned, bruised, or otherwise injured themselves within the last 12 months.

Within the last 12 months, have you had problems or challenges with any of the following:

	Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Academics		36.2	38.1	44.7	37.9
Career		26.7	28.4	38.3	28.4
Finances		38.7	48.6	51.1	45.8
Procrastination		70.6	69.6	76.6	70.1
Faculty		9.0	11.2	6.4	10.4
Family		21.0	33.7	42.6	30.3
Intimate relationships		32.6	32.8	36.2	32.9
Roommate/housemate		19.4	27.2	38.3	25.4
Peers		13.9	19.9	29.8	18.6
Personal appearance		30.2	49.8	57.4	44.4
Health of someone close to me		28.9	40.5	34.0	37.1
Death of a family member, friend, or someone close to me		22.1	24.8	19.1	23.7
I was bullied		5.7	6.8	8.5	6.5
I was cyberbullied		3.0	2.4	2.1	2.6
I was hazed		2.7	0.5	0.0	1.1
I experienced microaggression(s)		7.6	12.0	44.7	12.0
I was sexually harassed		2.7	8.8	4.3	6.9
I experienced discrimination		7.1	6.7	13.0	7.0

*Only students who reported a problem or challenge in the last 12 months were asked about level of distress.

Students reporting none of the above	12.5	8.7	2.1	9.5
Students reporting only one of the above	14.7	8.5	4.3	10.1
Students reporting 2 of the above	13.4	11.1	17.0	12.0
Students reporting 3 or more of the above	59.4	71.7	76.6	68.4

***Of those reporting this issue, it caused moderate or high distress**

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
	74.2	88.3	85.7	84.4
	71.1	72.6	72.2	72.3
	71.1	74.9	79.2	74.1
	54.3	56.4	52.8	55.8
	45.5	59.8	33.3	56.0
	53.2	59.6	70.0	58.9
	58.1	63.0	52.9	60.9
	38.0	58.2	61.1	54.1
	30.0	45.3	57.1	42.6
	41.8	52.3	59.3	50.5
	58.1	66.3	62.5	64.2
	65.4	76.9	77.8	73.9
	28.6	59.3	50.0	51.2
	45.5	57.1	0.0	51.5
	40.0	50.0	0.0	42.9
	35.7	35.2	23.8	33.5
	40.0	51.9	100.0	51.7
	38.5	46.6	66.7	45.6

Suicide Behavior Questionnaire-Revised (SBQR) Screening Score (Range is 3-18)

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
Negative suicidal screening (3-6)	85.6	80.6	68.1	81.6
Positive suicidal screening (7-18)	14.4	19.4	31.9	18.4
Mean	4.51	4.72	6.11	4.71
Median	3.00	3.00	5.00	3.00
Std Dev	2.59	2.63	3.29	2.66

Suicide attempt

- 2.3 % of college students surveyed (2.5 % cis men, 2.3 % cis women, and 2.2 % trans/gender non-conforming) indicated they had attempted suicide within the last 12 months.

Within the last 30 days, how would you rate the overall level of stress experienced:

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
No stress	4.4	0.3	0.0	1.6
Low	38.3	22.2	21.3	26.7
Moderate	44.0	54.2	53.2	51.3
High	13.4	23.3	25.5	20.5

I. Acute Conditions

College students reported being diagnosed by a healthcare professional within the last 12 months with:

	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Percent (%)</i>				
Bronchitis	1.9	6.0	0.0	4.6
Chlamydia	0.8	1.0	2.1	1.0
Chicken Pox (Varicella)	0.6	0.1	0.0	0.2
Cold/virus or other respiratory illness (for example: sinus infection, ear infection, strep throat, tonsillitis, pharyngitis, or laryngitis)	21.9	43.6	25.5	36.7
Concussion	1.1	3.1	2.1	2.5
Gonorrhea	0.3	0.2	0.0	0.2
Flu (influenza) or flu-like illness	9.9	14.2	2.2	12.5
Mumps	0.0	0.1	0.0	0.1
Mononucleosis (mono)	1.4	2.2	2.1	2.0
Orthopedic injury (for example: broken bone, fracture, sprain, bursitis, tendinitis, or ligament injury)	4.9	10.4	6.4	8.7
Pelvic Inflammatory Disease	0.0	0.3	0.0	0.2
Pneumonia	0.0	0.9	2.1	0.7
Shingles	0.6	0.3	0.0	0.4
Stomach or GI virus or bug, food poisoning or gastritis	4.4	9.3	4.3	7.7
Urinary tract infection	0.8	13.9	10.6	10.1

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

J. Ongoing or Chronic Conditions

The questions for the *ongoing or chronic conditions* are presented differently in this report than the order they appear in the survey. In the survey, all items appear in a single list, ordered alphabetically. In this report, the conditions are presented in groups to ease burden on the reader. The findings are divided into mental health conditions, STIs and other chronic infections, and other ongoing or chronic conditions in this report.

Mental Health	College students reported ever being diagnosed with the following:			
	Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming
ADD/ADHD - Attention Deficit/Hyperactivity Disorder	11.0	12.4	34.0	12.9
Alcohol or Other Drug-Related Abuse or Addiction	1.6	1.4	2.1	1.5
Anxiety (for example: Generalized Anxiety, Social Anxiety, Panic Disorder, Specific Phobia)	15.8	43.5	48.9	35.7
Autism Spectrum	1.1	1.3	10.9	1.6
Bipolar and Related Conditions (for example: Bipolar I, II, Hypomanic Episode)	1.4	2.2	0.0	1.9
Borderline Personality Disorder (BPD), Avoidant Personality, Dependent Personality, or another personality disorder	0.3	1.3	6.4	1.2
Depression (for example: Major depression, persistent depressive disorder, disruptive mood disorder)	14.5	31.0	44.7	26.8
Eating Disorders (for example: Anorexia Nervosa, Bulimia Nervosa, Binge-Eating)	0.8	6.7	8.7	5.1
Gambling Disorder	0.0	0.1	0.0	0.1
Insomnia	3.3	7.1	10.6	6.1
Obsessive-Compulsive and Related Conditions (for example: OCD, Body Dysmorphia, Hoarding, Trichotillomania and other body-focused repetitive behavior disorders)	2.5	4.0	10.6	3.8
PTSD (Posttraumatic Stress Disorder), Acute Stress Disorder, Adjustment Disorder, or another trauma- or stressor- related condition	3.3	8.3	21.3	7.3
Schizophrenia and Other Psychotic Conditions (for example: Schizophrenia, Schizoaffective Disorder, Schizophreniform Disorder, Delusional Disorder)	0.0	0.2	0.0	0.2
Tourette's or other neurodevelopmental condition not already listed	1.6	0.0	4.3	0.6
Traumatic brain injury (TBI)	1.6	1.6	0.0	1.6

***Of those ever diagnosed, those reporting contact with healthcare or MH professional within last 12 months**

Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
62.5	75.9	75.0	72.1
66.7	25.0	0.0	36.8
67.2	76.4	73.9	75.1
25.0	18.2	100.0	40.0
40.0	78.9	0.0	70.8
0.0	63.6	66.7	60.0
62.3	76.9	81.0	74.9
0.0	38.6	50.0	37.5
0.0	0.0	0.0	0.0
41.7	57.4	60.0	55.1
44.4	67.6	40.0	60.4
50.0	65.3	70.0	63.8
0.0	50.0	0.0	50.0
0.0	0.0	50.0	12.5
50.0	71.4	0.0	61.9

*Only students who reported ever being diagnosed were asked about contact with a healthcare or mental health professional within the last 12 months.

Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
<i>Students reporting none of the above</i>	73.2	49.6	31.9	55.6
<i>Students reporting only one of the above</i>	12.3	14.3	14.9	13.9
<i>Students reporting both Depression and Anxiety</i>	9.6	27.9	36.2	22.9
<i>Students reporting any two or more of the above (excluding the combination of Depression and Anxiety)</i>	4.9	8.2	17.0	7.6

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

STI's/Other chronic infections

College students reported ever being diagnosed with the following:

Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Genital herpes	0.6	1.3	2.1	1.1
Hepatitis B or C	0.5	0.2	0.0	0.3
HIV or AIDS	0.3	0.0	0.0	0.1
Human papillomavirus (HPV) or genital warts	0.3	3.4	4.3	2.5

*Only students who reported ever being diagnosed were asked about contact with a healthcare or mental health professional within the last 12 months.

***Of those ever diagnosed, had contact with healthcare or MH professional within last 12 months**

Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
0.0	45.5	100.0	42.9
0.0	0.0	0.0	0.0
0.0	0.0	0.0	0.0
0.0	27.6	50.0	28.1

Other Chronic /Ongoing Medical Conditions

College students reported ever being diagnosed with the following:

Percent (%)	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Acne	18.1	28.5	36.2	25.8
Allergies - food allergy	6.6	12.7	17.0	11.1
Allergies - animals/pets	10.7	13.9	21.3	13.3
Allergies - environmental (for example: pollen, grass, dust, mold)	24.0	29.3	32.6	27.9
Asthma	15.9	15.8	19.1	15.9
Cancer	0.8	1.4	0.0	1.2
Celiac disease	1.1	1.6	6.4	1.6
Chronic pain (for example: back or joint pain, arthritis, nerve pain)	4.4	8.6	12.8	7.6
Diabetes or pre-diabetes/insulin resistance	3.0	3.1	2.1	3.1
Endometriosis	0.0	2.5	4.3	1.9
Gastroesophageal Reflux Disease (GERD) or acid reflux	2.7	5.8	4.3	4.8
Heart & vascular disorders (for example: atrial fibrillation or other cardiac arrhythmia, mitral valve prolapse or other valvular heart disease, congenital heart condition)	3.0	2.3	4.3	2.6
High blood pressure (hypertension)	5.2	3.2	0.0	3.7
High cholesterol (hyperlipidemia)	2.7	3.6	2.1	3.3
Irritable bowel syndrome (spastic colon or spastic bowel)	1.1	6.5	6.4	4.9
Migraine headaches	5.2	18.4	23.4	14.8
Polycystic Ovarian Syndrome (PCOS)	0.0	6.7	4.3	4.7
Sleep Apnea	4.1	1.6	0.0	2.3
Thyroid condition or disorder	1.4	4.9	4.3	3.8
Urinary system disorder (for example: bladder or kidney disease, urinary reflux, interstitial cystitis)	0.8	2.5	0.0	1.9

*Only students who reported ever being diagnosed were asked about contact with a healthcare or mental health professional within the last 12 months.

***Of those ever diagnosed, had contact with healthcare or MH professional within last 12 months**

Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
25.0	47.5	31.3	42.5
12.5	36.7	57.1	33.6
15.4	25.8	60.0	25.9
17.0	30.8	33.3	27.7
29.8	40.3	33.3	37.0
33.3	41.7	0.0	40.0
50.0	50.0	0.0	42.9
56.3	66.7	33.3	62.9
72.7	74.1	100.0	74.4
0.0	63.6	100.0	66.7
40.0	55.1	0.0	50.8
54.5	60.0	50.0	57.6
68.4	82.1	0.0	76.6
70.0	80.6	100.0	78.6
25.0	48.2	33.3	46.0
27.8	56.3	54.5	53.5
0.0	70.7	100.0	71.7
60.0	50.0	0.0	55.2
80.0	85.7	0.0	81.6
66.7	54.5	0.0	56.0

Cis Men n =	367
Cis Women n =	875
Trans/GNC n =	47

Students who reported being diagnosed with diabetes or pre-diabetes/insulin resistance, indicated they had:

<i>Percent (%)</i>	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Type I Diabetes	50.0	38.1	0.0	41.9
Type II Diabetes	28.6	19.0	0.0	21.4
Pre-diabetes or insulin resistance	50.0	64.0	100.0	61.8
Gestational Diabetes	0.0	15.0	0.0	11.5

K. Sleep

Reported amount of time to usually fall asleep at night (sleep onset latency):

<i>Percent (%)</i>	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Less than 15 minutes	50.1	43.2	29.8	44.7
16 to 30 minutes	24.4	30.2	29.8	28.6
31 minutes or more	25.5	26.6	40.4	26.7

Over the last 2 weeks, students reported the following average amount of sleep (excluding naps):

On weeknights				
<i>Percent (%)</i>	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Less than 7 hours	40.9	37.1	42.6	38.4
7 to 9 hours	58.6	61.4	55.3	60.4
10 or more hours	0.5	1.5	2.1	1.2

On weekend nights				
Cis Men	Cis Women	Trans/ Gender Non- conforming	Total	
20.4	20.3	19.1	20.4	
73.6	71.7	70.2	72.0	
6.0	8.0	10.6	7.6	

Students reported the following on 3 or more of the last 7 days:

Felt tired or sleepy during the day				
<i>Percent (%)</i>	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
0 days	6.0	2.9	0.0	3.6
1-2 days	34.9	18.9	14.9	23.3
3-5 days	41.7	48.3	34.0	45.8
6-7 days	17.4	29.9	51.1	27.2

Got enough sleep so that they felt rested				
Cis Men	Cis Women	Trans/ Gender Non- conforming	Total	
10.1	18.1	28.3	16.2	
35.1	39.7	34.8	38.1	
41.4	34.8	34.8	36.8	
13.4	7.4	2.2	8.9	

Demographics and Sample Characteristics

■ **Age**

18 - 20 years:	38.6 %
21 - 24 years:	27.7 %
25 - 29 years:	11.8 %
30+ years:	21.8 %
Mean age:	25.2 years
Median age:	22.0 years

■ **Gender***

Cis Women:	67.6 %
Cis Men:	28.3 %
Transgender/Gender Non-conforming:	3.6 %

* See note on page 2 regarding gender categories

■ **Student status**

1st year undergraduate:	19.1 %
2nd year undergraduate:	15.6 %
3rd year undergraduate:	16.3 %
4th year undergraduate:	10.3 %
5th year or more undergraduate:	3.9 %
Master's (MA, MS, MFA, MBA, etc.):	16.3 %
Doctorate (PhD, EdD, MD, JD, etc.):	16.7 %
Not seeking a degree:	0.9 %
Other:	1.1 %
Full-time student:	80.5 %
Part-time student:	18.9 %
Other student:	0.6 %

■ **Relationship status**

Not in a relationship:	39.5 %
In a relationship but not married/partnered:	39.8 %
Married/partnered:	20.7 %

■ **Primary Source of Health Insurance****

College/university sponsored SHIP plan:	3.5 %
Parent or guardian's plan:	58.6 %
Employer (mine or my spouse/partners):	19.9 %
Medicaid, Medicare, SCHIP, or VA:	10.0 %
Bought a plan directly or from the exchange:	1.8 %
Embassy/sponsoring agency (international):	0.1 %
Another source:	3.2 %
Have insurance, but don't know source:	1.3 %
Don't have health insurance:	3.2 %
Don't know if I have health insurance:	0.7 %
Students that selected more than one source:	2.9 %

■ **Student Veteran:** 5.2 %

■ **Parent or primary responsibility for someone else's child/children under 18 years old:** 15.3 %

**this question was select all that apply, totals may add up to over 100%

■ **Students describe themselves as**

Straight/Heterosexual:	85.3 %
Asexual:	1.4 %
Bisexual:	7.8 %
Gay:	0.9 %
Lesbian:	1.3 %
Pansexual:	1.9 %
Queer:	0.4 %
Questioning:	0.8 %
Identity not listed above:	0.2 %

■ **Housing**

Campus or university housing:	28.9 %
Fraternity or sorority residence:	1.9 %
Parent/guardian/other family:	8.1 %
Off-campus:	58.2 %
Temporary or "couch surfing":	0.3 %
Don't have a place to live:	0.1 %
Other:	2.5 %

■ **Students describe themselves as****

American Indian or Native Alaskan:	3.0 %
Asian or Asian American:	5.3 %
Black or African American:	3.8 %
Hispanic or Latino/a/x:	3.2 %
Middle Eastern/North African (MENA) or Arab Origin:	0.7 %
Native Hawaiian or Other Pacific Islander Native:	0.6 %
White:	86.9 %
Biracial or Multiracial:	1.9 %
Identity not listed above:	1.2 %

If Hispanic or Latino/a/x, are you**

Mexican, Mexican American, Chicano:	50.0 %
Puerto Rican:	16.7 %
Cuban:	0.0 %
Another Hispanic, Latino/a/x, or Spanish Origin:	38.1 %

If Asian or Asian American, are you**

East Asian:	44.9 %
Southeast Asian:	26.1 %
South Asian:	29.0 %
Other Asian:	1.4 %

■ **Visa status & location of study**

	Do not have/need a U.S. visa	Have/need a U.S. visa
Studying in U.S.	83.3 %	11.3 %
Studying Outside U.S.	5.0 %	0.5 %

■ **First generation students** 34.9 %
 (Proportion of students for whom no parent/guardian have completed a bachelor's degree)

■ **Do you have any of the following?**

Attention Deficit/Hyperactivity Disorder (ADD or ADHD): 14.9 %
 Autism Spectrum Disorder: 2.0 %
 Deaf/Hearing loss: 2.7 %
 Learning disability: 2.4 %
 Mobility/Dexterity disability: 0.9 %
 Blind/low vision: 2.2 %
 Speech or language disorder: 0.3 %

■ **Participated in organized college athletics:**
 Varsity: 3.8 %
 Club sports: 4.8 %
 Intramurals: 12.0 %

■ **Member of a social fraternity or sorority:**

Greek member: 7.0 %

■ **Dropout Intention**

Very, moderately, or slightly likely to:
 Leave school and transfer to another school 7.0 %
 Leave school without transferring to another school 4.7 %