Sexual Violence Programs

UND will not tolerate sexual offense(s). Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. Sexual violence is a form of sexual harassment and services are available to students who experience sexual violence.

In sexually violent situations, UND is committed to provide crisis intervention measures and a campus judicial response for the complainant and the accused; to refer students to criminal authorities; and to educate and promote discussion on interpersonal abuse and violence issues. The University’s process does not preclude adjudication under state law.

Preventing and Responding to Sex Offenses

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

UND continually reviews and modifies its physical surroundings to enhance security and safety, such as campus lighting, locking procedures, signage, etc. For further safety information, contact the University of North Dakota Police Department (UPD) at 701-777-3491.

UND develops curricular and co-curricular educational programs concerning sexual assault. Involved students, faculty, staff, and community members provide information and promote discussion on interpersonal abuse concerns. The UPD supports the educational programs by providing input and personnel to accomplish this task. For further information about campus educational programs concerning sexual assault, contact the UND Counseling Center, the Housing Office, the Women’s Center, and/or Grand Forks Community Violence Intervention Center (CVIC).

Reporting

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

1. **Getting to a safe place.**
2. **Pursuing medical treatment.**
   Post-assault medical care can be performed at a local Emergency Room. Many hospitals, including Altru, 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.
3. **Pursuing counseling services with appropriate agencies.** 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.”
4. **Avoiding the destruction of evidence** by bathing, douching, changing clothes, or cleaning up in any way. Preserve evidence in a aper bag for when a report is filed.

5. **Making a police report.** You can initiate a campus and/or criminal complaint for the assault. For more information concerning the campus judicial process, see Chapter 2-5 of the Code of Student Life (Code).

Alternatively, you can make a blind report to the police (a report that notifies the police that a sexual assault has occurred but gives no names or identification).

Consider filing a police report

A report to the police can empower the complainant by exercising her/his legal rights and can aid in the protection of others. UND staff will encourage the complainant to file a police report. 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 proceedings are occurring off-campus, services are still available through the University.

The Dean of Students (DOS) Office or the Office of Affirmative Action can assist students in identifying the appropriate authorities.
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 accused. However, it does aid in the preservation of valuable evidence if the complainant decides to prosecute at a later date.

The States Attorney makes all decisions regarding the pursuit of alleged crimes reported to law enforcement.

Alternatives to Immediately Filing a Police Report

- Making the decision to report at a later date.
- Making a complaint to the DOS Office. Such a complaint may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.
- Making a blind report to the police (a report that notifies the police that a sexual assault has occurred, but gives no names or identification).
- Contacting any of the referral agencies previously mentioned for help.

If the complainant does not choose to file a police report, s/he may still file an administrative (disciplinary) complaint through the DOS Office. The complainant will be referred to other agencies if appropriate. Specifically, a complainant may be encouraged to seek assistance at the UND Counseling Center and/or UND Women’s Center. If the complainant does not choose to file a police report, the complainant may still file an administrative (disciplinary) complaint through the DOS Office as well as seeking support from Student Health, UND Counseling Center, UND Women’s Center, the Affirmative Action Office, and/or various community resources such as CVIC.

On-Going Care

Students may seek assistance at any time from UND’s Student Health Services. University fees paid by students permit using this service with no point-of-service cost. Post-assault medical care includes testing and treating for sexually transmitted infections (STIs).

On-campus Investigation and Adjudication

UND’s response to sexual violence may involve a number of individuals and agencies (e.g., UPD, campus crisis team, medical and counseling services personnel, and CVIC). In addition, for cases involving campus community members, there is a timely, campus-based investigation which is private, thorough, and protects individual rights and process. The complainant is presented with options about how s/he wants to pursue the complaint.

The Code describes the student conduct code procedures when a violation of the Code is reported to a Student Conduct Administrator (SCA). Reports of violence involving students are generally directed to the DOS Office, which manage investigations, and may act as SCAs or Judicial Officers when charges are brought.

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

Sections 2-5 and 2-7 of the Code outline process and protection of rights of both parties. Both complainant and accused students have certain shared or complementary rights in disciplinary hearings. The rights below apply as addenda to the protocols identified in Sections 2-5 and 2-7.

1. In cases where a written statement alleging acts that are harassing or discriminatory by a student against the complainant or other person, the SCA may withhold the right to read accusatory information until such time as the alleged offender provides a written statement. In the act of investigating the allegations of an act(s) of violence, the complainant may read any statement provided to the SCA.
2. The complainant and the accused student have the right to be assisted by an advisor, including an advisor they choose at their own expense.
3. The complainant and the accused student have the right to access and review any information that will be used in the hearing. The complainant may read any statement provided to the SCA.
4. The complainant and the accused student will be advised of the date, time, and location of a hearing, when scheduled. Both may attend and participate.
5. The SCA may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing, in whatever manner and as determined in the sole judgment of a Senior Student Conduct Administrator (SSCA), to be appropriate.
6. The SCA shall render the decision to the accused student and the complainant student in writing within five business days. The Code does provide for the disclosure to the alleged victim of the final results of any disciplinary proceeding regarding an alleged perpetrator related to a complaint of sexual violence.
7. The student whose alleged actions were adjudicated of the complainant may appeal the decision in accordance with Section 2-7 or Appendix VII-4-I, as applicable. All parties will be informed in writing of the outcome of any appeal.

The standard of proof that exists for campus disciplinary proceedings is preponderance of information, (i.e., more likely than not the event(s) occurred). An anonymous complaint cannot provide satisfactory information to determine that a student has violated the Code.

If a faculty or staff member is involved as the accused, the Affirmative Action Office may handle the incident.

Title IX complaints, including the
reporting of violence or the concerns about the compliance of UND with its or Department of Education policies, may be directed to Sally J. Page, Affirmative Action Officer, University of North Dakota, Twamley Hall Room 101, 264 Centennial Drive, Stop 7097, Grand Forks, N.D., 58202.

Interim Arrangements and Post-Hearing Interventions

UND actively provides services for all parties in sexual violation cases. UND continues a coordinated response system that attends to the complainant's physical and emotional well-being as well as the safety of the community. All reports of sexual violence are treated with respect to the privacy of the involved individuals. Incidents are reported to appropriate departments and agencies in consideration of safety concerns and investigative needs. Third party reports will be investigated on a case-by-case basis. In addition, UND publishes and reports, in statistical form, annual incidents of sexual assault.

Administrative Services to Assist a Complainant

- Re-assign parking (Parking)
- Referral to a counselor
- Escort services (UND Police)
- Assistance in receiving a protection order (CVIC). The University honors valid protection orders.
- On-campus change of residence (Housing)
- Alter academic schedule and/or coordinate arrangements with instructors to assist in offsetting potential academic problems (DOS Office)
- Withdrawal from the University (DOS Office)
- On-campus judicial procedures (DOS Office)
- Other referrals as necessary

Temporary Sanctions to Promote Safety

- Accused student(s) may be directed not to have contact with a complainant
- Failure by the accused to adhere to a No Contact Directive may result in further disciplinary action
- Non-students who are alleged to have committed a violent act, including sexual assault upon a student, may be banned from campus and campus activities.

Administrative Services to Assist an Accused Student

The DOS Office will assist students, including collaborating with UPD and other departments, to provide:

- A counselor
- Escort services (UND Police)
- Assistance in receiving a protection order (UND Police)
- On-campus change of residence and/or phone number (Housing)
- Unless temporary, immediate removal is invoked, work with student to alter academic schedule and/or coordinate arrangements with instructors to assist in offsetting potential academic problems (DOS Office)
- Withdrawal from UND (DOS Office)
- On-campus judicial procedures (DOS Office)
- Other referrals as necessary

Definitions

Endangerment, Gross Sexual Imposition, Sexual Imposition, Sexual Assault, Surreptitious Intrusion, and Stalking are described in the Code, Section 2-4-A, and Sexual Misconduct is described in Section 2-4-C of the Code.

University Disciplinary Sanctions

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

Status Sanctions

- Written Reprimand — Written reprimand refers to official censure of a student's conduct in violation of a regulation of the UND community. A written reprimand indicates no ongoing status change for the student.
- Warning Probation — Warning probation indicates that further violations of the Code will result in more severe disciplinary action. Warning probation shall be imposed for a period of not more than one year and the student shall be removed automatically from probation when the imposed period expires.
- Conduct Probation — Conduct probation indicates that further violations of the Code may result in Suspension. Conduct probation may not be imposed for more than one calendar year.

Restrictions or Educational Activities Sanctions

Having the intent of effecting a safer campus environment and/or promoting the development of a student determined responsible for Code violations, the SCA or Judicial Body may impose additional sanctions. Such sanction may include but are not limited to:

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

**Suspension**

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

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

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

**Recommendation and Authority to Impose Suspension**

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

**Privacy and Respect of Information**

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

A student’s confidentiality concerns are weighed against the needs of UND to respond to acts of harassment, including sexual violence. Information that is shared occurs only under a need-to-know basis. Complainants will be advised that absolute confidentiality requests limit institutional response.

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

**Sex Offender Registration**

UPD provides access to the North Dakota and Minnesota sex offender information through links posted on its website.

Convicted sex offenders must register with the police department or sheriff’s office in the jurisdiction where the offender resides. Out-of-state sex offenders are required to register 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.

The North Dakota Sex Offender website is available via Internet pursuant to North Dakota Century Code Section 12.1-32-15. The Minnesota Level 3 Predatory Offender Information website is available via Internet pursuant to Minnesota Statute Section 244.052.

Registry information shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular.

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

The North Dakota Office of Attorney General and Minnesota Department of Corrections are responsible for maintaining these registries. Follow this link to access the North Dakota Sex Offender website: http://www.sexoffender.nd.gov/index.shtml. Follow this link to access the Minnesota Department of Corrections Level 3 Predatory Offender Information website: http://www.doc.state.mn.us/level3/search.asp.

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies (in North Dakota, it is the North Dakota Bureau of Criminal Investigations) to provide UND with a list of registered sex offenders who have indicated that they are either enrolled, employed or carrying on a vocation at UND.

This information is provided in compliance with CSCPA and the North Dakota Offender Registration requirements established by the North Dakota Century Code Section 12.1-32-15.