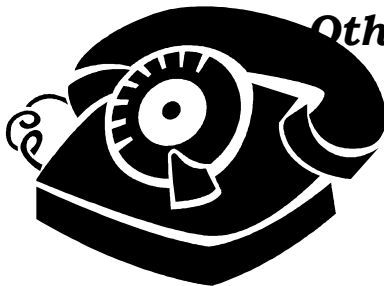


# Dakota College at Bottineau Campus Safety & Security 2018 – 2019

- **Campus Security & Emergency Procedures**
- **Health and Safety Policies**
- **Annual Fire Safety Report**

**Any emergency requiring immediate police, ambulance or fire department services:**

**DIAL 911**



***Other important referral numbers:***

Bottineau County Sheriff ..... 228-2740  
Family Crisis Center ..... 228-2028  
St. Andrew's Clinic..... 228-9400  
St. Andrew's Health Center.... 228-9300

ND Helpline Crisis and Referral – 1-800-472-2911  
or dial 211

North Dakota Poison Control – 1-800-222-1222

Suicide Prevention and Survivors of Suicide

1-800-472-2911 or dial 211

## **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 Dakota College at Bottineau (DCB) 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 DCB to collect, report, and disseminate crime data to everyone on-campus and to the Department of Education annually.

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

1. Publish and distribute an Annual Security Report to current and prospective students and employees by October 1 of each year. The report must provide crime statistics for the past three years, detail campus and community policies about safety and security measures, describe campus crime prevention programs, and list procedures to be followed in the investigation and prosecution of alleged sex offenses.
2. Provide students and employees with timely warnings of crimes that represent a threat to their safety. The DCB Safety and Security Office 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 on-campus residential facilities; in public areas on or near campus; and in certain non-campus buildings, such as remote classrooms. DCB 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.

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

Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. The report is available on the Internet at [www.dakotacollege.edu/current-students](http://www.dakotacollege.edu/current-students). Every member of DCB receives an email that describes the report and provides its website address. For more information, contact the Security Office at 701-228-5621.

## **Campus Security**

**Dakota College at Bottineau has an on-campus student population of approximately 300 and a faculty and staff of approximately 80. Although, we are located in a small, rural setting, we can't disregard those practices which guard our safety and security. Students and employees must take the initiative to be responsible for their security and the security of others. When this is done, the campus community can create a proactive environment that makes it more difficult for criminal activity to occur. Part of the reason for making this information available to staff and students is to motivate them to practice preventive measures on the campus where they work and learn. At this time, security is maintained via the Housing Director, the Residence Hall Directors, experienced part-time security officers, and various other DCB staff. The Security Office is located in the Student Center room 12.**

## Crime Reporting

Any student, staff or faculty member, or campus guest who is a witness to, or victim of, an event which requires an immediate response from *POLICE, AMBULANCE, or FIRE DEPARTMENT*, should immediately contact that agency by dialing 911. **If calling from a campus phone dial 9-911.** Dakota College at Bottineau does not have its own police force. Therefore, it is very important that in emergency situations help is obtained by using 911. The College has a close working relationship with the Bottineau County Sheriff's Office. This relationship is a necessity in that campus employees cannot make arrests.

For compilation of statistics, and to provide the rest of the campus timely warning regarding threatening circumstances, crimes may also be reported to the following:

Business Office Manager-

Campus Nurse- Associate Dean for Academic and Student Affairs

Residence Life Staff- Affirmative Action Officer

Coaches & Athletic Director- Campus Dean

Security Workers- Faculty and Staff

These persons are responsible to bring crime reports to the attention of the Housing Office, Business Office, or Student Services Office for investigation. The resolution of reports is the responsibility of the Student Services Office. If there is cause for further disciplinary or investigative action, this action will be taken by one of two administrative factions: the Associate Dean for Academic and Student Affairs, or his or her designee, or the All College Student Conduct Committee.

## Student Responsibility

The cooperation and involvement of students themselves in maintaining campus safety is necessary. Students must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions. For example, the telephone located in the library can be used by a student at night to inform a roommate that he or she is leaving the library to walk back to the residence hall. Residence hall room doors should be locked at night and when the room is unoccupied. Valuable items should be marked with engraving instruments. Bicycles should be registered with the Bottineau County Sheriff's Department. Vehicles should be parked in assigned parking lots and doors should be locked. Students should report any suspicious individuals whom they feel do not belong in their residence halls or any unusual incidents in and around the residence halls to the residence hall staff. Keys should be carried at all times and never lent to others.

A segment on security is included in a freshman seminar course required of all new students.

## Crime Statistics

The Dakota College at Bottineau Student Services Office has overall responsibility for preparing the annual disclosure of crime statistics. This office gathers data from three entities, who in turn, gather data from the individuals and offices who report them. These three main bodies are the Business Office, the Housing Office, and the Bottineau County Sheriff's Department. Reports of crimes and

disciplinary referrals are collected from these groups and compiled into the annual report. The Student Services Office itself collects data that also becomes part of the report.

The Bottineau County Sheriff's Office reports to the Student Services Office, as per the memorandum of understanding, any arrests made on campus or at the Community Arena. The Business Office is responsible for reporting any college property that is stolen and for disclosing any applicable information recorded by security workers that they have entered into their log or journal. The Housing Office keeps reports of crimes and disciplinary referrals that occur in the residence halls. Reports that need to be made, but are outside the scope of these three entities, are made to the Student Services Office. All reports, including anonymous reports, are classified and substantiated in the Student Services Office.

To help keep accurate records, forms are used by the Housing Office to reveal missing items, disciplinary referrals, and criminal activity. The security worker, who reports to the Campus Dean, keeps a journal or log. An incident report is filed by the Business Office when college property is stolen or damaged. The Bottineau County Sheriff verbally informs the Associate Dean for Academic and Student Affairs of students arrested on campus or at the Community Arena, Les Christian Field and Tommy Turtle Park. All other reports come either verbally or via a signed complaint to the Student Service Office.

Victims or witnesses who wish to report crimes on a voluntary, confidential basis may do so by scheduling an appointment with the Associate Dean for Academic and Student Affairs. In a private session, the Associate Dean will hear the report, after which a course of action will be chosen. Written, anonymous reports may be sent to the Associate Dean. He or she will determine a course of action after reading and investigating the report.

Currently, the college does not have a policy that encourages its substance abuse counselor, or mental health counselor, to inform the person being counseled of procedures to report crimes on a voluntary confidential basis for inclusion in the annual disclosure of crime statistics.

Dakota College at Bottineau defines its campus as reaching the outside limits of the streets that are adjacent to school property. An exception to this definition is the Community Arena, Les Christian Field, and Tommy Turtle Park. This facility is rented by the College for varsity sports practices and games. During this time, the activity at the arena, field or park is under the direction of Dakota College at Bottineau. The college's athletic director is responsible for reporting any misconduct or criminal activity by people attending these events.

The following statistical information reflects the reported incidents of crime at The Dakota College at Bottineau and occurring during the past three (3) calendar years.

When reviewing the statistics, please note the following definitions:

**"Campus"** is any College owned or controlled building or property within the same reasonably contiguous geographic area used by the College in direct support of, or in a manner related to, the College's educational purpose.

“Public” is that public property within the same reasonably contiguous geographic area of the College and adjacent to the facilities owned or controlled by the College, if the facilities are used for an educational purpose.

“Campus Residence” include all dormitories and residential facilities for students on campus.

“Noncampus” include those buildings or properties owned or controlled by the College, used in direct support of, or in a manner related to the College’s educational purpose, used by students, and not within the same reasonably contiguous area of the college.

### The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

*(Crimes reported and arrests/disciplinary referrals for liquor violations, drug related violations and weapons possession)*

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENCE	NONCAMPUS	PUBLIC	TOTAL
<b>Aggravated Assault</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Arson</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Negligent Manslaughter</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Burglary (Total)</b>	2015	1	9	0	0	10
	2016	0	0	0	0	0
	2017	1	1	0	0	1
<b>Forcible Burglary *</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Non-Forcible Burglary *</b>	2015	1	9	0	0	10
	2016	1	1	0	0	1
	2017	1	1	0	0	1
<b>Attempted Burglary *</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Motor Vehicle Theft</b>	2015	0	0	0	0	0
	2016	1	0	0	0	1
	2017	0	0	0	0	0
<b>Murder/Non-Negligent Manslaughter</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Robbery</b>	2015	1	1	0	0	2
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Sexual Offenses (Total)</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Rape *</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Fondling *</b>	2015	0	0	0	0	0

	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Incest *</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Statutory Rape *</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Stalking *</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Domestic Violence *</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Dating Violence *</b>	2015	2	1	0	0	3
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Arrests- Alcohol Law Violations</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Arrests- Drug Violations</b>	2015	0	0	3	3	3
	2016	1	1	0	0	1
	2017	0	0	0	0	0
<b>Arrests- Weapons Violations</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
<b>Non-Arrests/Campus Referrals Alcohol Violations</b>	2015	52	52	0	0	52
	2016	10	10	0	0	10
	2017	7	7	0	0	7
<b>Non-Arrests/Campus Referrals Drug Violations</b>	2015	10	10	0	0	10
	2016	2	2	0	0	2
	2017	0	0	0	0	0
<b>Non-Arrests/Campus Referrals Weapons Violations</b>	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	2	2	0	0	2

**During the 2015, 2016, and 2017 years, none of the statistics above were reported or determined to meet the definition of a hate crime as defined by the FBI Uniform Crime Reporting Hate Crime Data Collection Guidelines.**

\*These categories were new for the 2013 reporting period and were not required to be reported in this manner in 2012. Statistics for 2012, where available, have been provided for your information. NOTE: Sodomy and sexual assault with an object are included in the rape category.

By definition, any occurrence in the “campus residence” category also occurs in the “campus” category. Therefore, numbers in the “campus” category include, and are duplicative of, the number in the “campus residence” category. *On-Campus Residence crimes are included in the On-Campus numbers*

## **Sex Offender Notification (Megan's Law)**

Information in regard to registered sex offenders may be obtained by contacting the Bottineau County Sheriff's Department at 228-2740 or by visiting the Office of the Attorney General's website at [www.sexoffender.nd.gov](http://www.sexoffender.nd.gov)

## **Security Procedures for Campus Buildings**

With the exception of the residence halls, all campus buildings are locked by 11:00 p.m. Monday – Thursday and 5:00 p.m. on Friday. (The residence halls are locked 24 hours a day, seven days a week.) A campus security worker comes on duty at 7:00 p.m. Security staff makes rounds of the campus, checks to see that all buildings are locked, and notes in a journal any unusual or out-of-the-ordinary activities or individuals on campus. If assistance is required, this person contacts the local law enforcement authorities.

Students, faculty and staff can assist with door security if they report any doors that have been propped open, and should be locked, to the proper personnel — custodians, Hall Directors, Resident Assistants, etc.

A regular review is conducted by physical plant/security personnel regarding campus lighting. Corrective measures are taken to illuminate poorly lighted areas of the campus. Also, new structures and landscaping projects are designed so as not to restrict visibility. Existing trees and shrubs are maintained so they do not create potential hiding places for assailants.

Timely notification and information is provided to the campus community about safety and security issues and about activity considered to be a threat to staff and students. This information is disseminated through Assurance NM, the college's emergency notification system.

Dakota College at Bottineau staff and the Bottineau County Sheriff's Office periodically meet to exchange information about activities on or off campus that specifically involve students or that may put students at risk. Dakota College at Bottineau and the Sheriff's Office have signed a memorandum of understanding that details this working relationship. Off campus criminal activity that involves students and is judged to be detrimental to the College's interests will be reviewed using the school's disciplinary procedures.

## **Residence Halls**

Residence hall outside doors are locked 24 hours a day with the exception of Mead Hall. In Mead Hall, the outside doors are unlocked at breakfast, lunch, and dinner to accommodate food service. With the exception of the main entrance doors, all other exterior doors are set to the security alarm.



Entrance or exit through these doors at any time will sound an alarm. Individual room doors are equipped with dead bolt locks and door scopes.

Security cameras are installed in the lobby and hallways of all the residence halls. Guests are required to register in a log when they enter and exit the building.

A resident assistant is on duty in the residence halls from 10:00 p.m. to 8:00 a.m. seven days a week. While on duty, they make rounds of the residence halls and check all doors.

There is a resident assistant on each floor or wing of the residence halls and each hall has a live-in hall director. Resident assistant training includes a segment on enforcing residence hall security policies.

At residence hall meetings during the school year, security procedures and practices are discussed. The residence hall manual also addresses these concerns. Topics include visitation policies and rules and regulations about individual building and room security. These meetings are held at least once a year.

## Crime Prevention

- Be alert and aware of your surroundings.
- Always trust your instincts. If you feel uncomfortable in a place or situation you need to leave.
- Lock your vehicle and store valuable items in the trunk. Always check the rear seat for intruders before entering.
- Lock your residence hall room door when the room isn't occupied and when you retire for the evening. Never loan your residence hall keys. Report lost keys to your RAs, Hall Director, or Housing Director.
- Have your car and room key in your hand as you approach your vehicle or residence hall.
- Never put your name and address on your keys.
- It is always good policy to walk on campus or anywhere else with a group or with someone you know.
- When jogging or walking vary your route and schedule. Plan the safest route to your destination, choose well lighted areas, and avoid vacant lots, alleys, or other deserted areas.
- Carry your purse close to your body and keep a firm grip on it. Carry a wallet in an inside coat or side pants pocket, not in a rear pants pocket.
- If you suspect you are being followed by someone on foot, don't panic. Go to the nearest well lighted, populated area. If a car pulls up near you, cross the street or turn in the opposite direction.
- Draw blinds or curtains after dark and/or when dressing.
- Do not prop open any door.
- STAY SOBER. Don't engage in high-risk drinking or take drugs. ***Most student sexual assaults occur when one or the other parties are under the influence.***
- Don't accept drinks from strangers. The influx of "date rape drugs" being slipped into drinks makes it important to know exactly where your drink came from and what's in it.
- Do not leave in plain view valuable items like computers, electronic equipment, clothing, or credit cards. Do not flaunt expensive items or valuables like jewelry.

- Don't give away your social security number or other personal information to unknown sources. Identity theft is fast becoming a big problem — don't become a victim. Never carry your social security card in your wallet or purse.
- Report to the Business Office areas of campus that might be dimly lit or obscured by shrubbery or other "sight-blockers." Also report lights that are not working.
- Report IMMEDIATELY any suspicious persons or activities and make note of physical details regarding the persons or vehicles involved. WHEN IN DOUBT, REPORT IT!

If you have any ideas or concerns about campus security, contact your hall director, Business Office Manager, or the Associate Dean for Academic and Student Affairs.

## Missing Student Notification Policy

Pursuant to the 2008 reauthorization of the Higher Education Act, **students residing in Dakota College at Bottineau owned and operated facilities have the opportunity to designate an individual to be contacted in the event the student is determined to be missing.** The purpose of this policy is to clarify the option available for such designation, and the institution's responsibility for notification in the case of a missing student.

A missing student is defined as a person currently enrolled at DCB, whose whereabouts have been unaccounted for by DCB staff or law enforcement for more than 24 hours.

Students residing in DCB owned and operated facilities have the option to designate an individual to be contacted in the event the student is determined by DCB staff or appropriate law enforcement agency to be missing. Students may provide this information upon checking in to the residence halls or by contacting the Housing Director.

This contact may be the same or different than the emergency contact information provided in the student's Campus Connection account.

A report should be filed with DCB Student Services at the time a student is presumed to be missing. A report may be filed by a DCB employee, friend, roommate, or family member. An investigation will be conducted in an attempt to determine the whereabouts and well-being of the student.

When DCB Student Services have been notified and the student becomes the subject of a missing person report, DCB will initiate the Missing Persons Procedures and Notification in accordance with the student's designation.

The student's designated contact person will be notified.

If the student is under the age of 18 and is not an emancipated adult, DCB is required to notify a custodial parent or guardian, in addition to any contact person specifically designated by the student.

Contact will be made no more than 24 hours after the student is determined by DCB Student Services or other appropriate law enforcement agency to be missing.

In the event a student residing in a college owned and operated facility is determined by DCB staff or other law enforcement to be missing, and has not previously identified a missing persons contact, DCB will notify the individual identified in the student's Campus Connection account as the emergency contact.

## **Armed Assailant Emergency Response Procedure**

### **Emergency Telephone Numbers**

*From campus phones (except resident halls):*

9-911 must be dialed to access emergency services.

*From cell phones and off-campus phones: dial 911.*

### **If a hostile person(s) is actively causing deadly harm or the imminent threat of deadly harm within a building:**

1. Don't panic
2. Lock yourself in (and the assailant out of) the room.
3. If communication is available, call 911 (**9-911 from campus extension**).
4. Don't stay in the open hall.
5. Do not sound the fire alarm. A fire alarm would signal the occupants in the rooms to evacuate the building and thus place them in potential harm as they attempted to exit.
6. Barricade yourself in the room with furniture or anything you can push against the door.
7. Lock the window and close blinds or curtains.
8. Stay away from windows.
9. Turn all lights and audio equipment off.
10. Try to stay calm and be as quiet as possible.
11. Remain where you are until you're certain of your safety.

### **If you are caught in an open area such as a hallway or lounge-type area, you must decide what action to take.**

1. You can try to hide, but make sure it is a well-hidden space or you may be found as the assailant moves through the building looking for victims.
2. If you think you can safely make it out of the building by running, do so. If you decide to run, do not run in a straight line. Keep any objects you can between you and the hostile person(s)

while in the building. Once outside, don't run in a straight line. Use trees, vehicles or any other object to block you from view as you run. When away from the immediate area of danger, summon help any way you can and warn others.

3. If the person(s) is causing death or serious physical injury to others and you are unable to run or hide, you may choose to play dead if other victims are around you.
4. The last option you have, if caught in an open area, may be to fight back. This is dangerous, but depending on your situation, this could be your last option.
5. If you are caught by the assailant and are not going to fight back, follow their directions and don't look the assailant in the eyes.

Once the police arrive, obey all commands. This may involve your being handcuffed or made to put your hands in the air. This is done for safety reasons and once circumstances are evaluated by the police, they will give you further directions to follow. Anyone with a weapon will be considered a suspect.

## **Emergency Notification System**

Assurance NM is the emergency notification system used by Dakota College at Bottineau to provide timely information and instructions directly to students, faculty, staff and others during emergencies or urgent situations. Assurance NM will use cell-based telephone, text messaging, landline telephones, and email to inform participants.

Students will enter their information in the Assurance NM link on the ConnectND page. This will help Dakota College at Bottineau notify students in case of an emergency – including everything from a tornado to an evacuation. Cell phone numbers and other information entered exclusively into the Assurance NM system are confidential and will be used only for emergency notification purposes.

## **Drugs and Alcohol**

Dakota College at Bottineau standards of conduct clearly prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on institutional property or as part of any of its activities. The prohibition against this activity and the consequences for violations of the rules and regulations pertaining to alcohol or drugs are clearly stated in the "Student Conduct Code" section of the student handbook. Students are responsible for knowing and complying with these policies.

## **Drug and Alcohol Counseling**

**The services of a substance abuse counselor and mental health counselor are available to students. Alcoholics Anonymous group meetings are held within the Bottineau Community. These meetings are open to students. A segment on alcohol and drug prevention is included in a Freshman Seminar course required of all new students.**

Also, depending on the nature and number of individual student conduct code violations concerning alcohol, a required alcohol evaluation or required attendance at an alcohol education class may be included as part of the disciplinary process.

## **Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol**

*(Excerpts reprinted from The Harvard Mental Health Letter, Schools Without Drugs, The Federal Register, and Drugs of Abuse)*

The health risks associated with illicit drug use and alcohol abuse are numerous. In general, drugs can interfere with memory, sensation, and perception. They distort experiences and cause loss of self-control. Drugs interfere with the brain's ability to take in, sort, and synthesize information. Drugs also have an insidious effect on perception.

### **More specific health risks associated with illicit drug use and alcohol abuse include:**

1. Impairment of reaction time and motor coordination.
2. Death from respiratory depression.
3. Cerebrovascular strokes.
4. Memory loss, impaired judgment, and increased aggressiveness.
5. Anxiety or paranoid reactions.
6. Distortion of experiences and loss of self-control.
7. Instability, agitated paranoia, and unpredictable rage.
8. Drowsiness.
9. Physical exhaustion, malnutrition, loss of concentration, impotence, psychosis, heightened susceptibility to seizures, and severe cardiovascular reactions.
10. Inflamed veins, blocked arteries, spread of hepatitis, AIDS, and other infectious diseases.
11. Cancer, cirrhosis of the liver, heart failure, organic brain disease, and organ damage.
12. Damage to the fetus from use by pregnant women.
13. Potential damage to the lungs (bronchitis, emphysema, lung cancer) when drugs are smoked.

## **Legal Sanctions**

The state of North Dakota requires that individuals be at least 21 years of age to buy, possess, and consume alcoholic beverages. Anyone who provides alcoholic beverages to individuals who are less than 21 years of age is in violation of state law and may be cited for contribution to the delinquency of a minor. State law prohibits driving while under the influence (DUI) of liquor or beer or carrying an open container of alcohol in a moving vehicle. In addition, students, faculty,

**and staff are expected to comply with all existing and future city, state, and federal statutes concerning alcohol and illegal drugs.**

North Dakota has adopted the Uniform Controlled Substance Act, which restricts the manufacture, transfer, and possession of narcotic drugs and other drugs that have a potential for abuse or that may lead to physical or psychological dependence. This law provides a Class B misdemeanor criminal penalty of up to 30 days imprisonment and a \$1,500 fine for the unauthorized possession of up to one ounce of marijuana. For possession of greater amounts of other controlled substances, including such hallucinogens as mescaline and LSD, the penalty may be up to five years' imprisonment and \$10,000 fine. Even stiffer criminal penalties are imposed for the unauthorized delivery of these substances to another person.

Federal law also prohibits the unlicensed or unauthorized possession of narcotic drugs, with the penalty in many cases more severe than that provided by state law.

The College will cooperate completely with law enforcement officials seeking to enforce any laws designed to curb illicit drug use and possession.

For Federal Trafficking Penalties, see the U.S. Drug Enforcement Administration website:  
[www.usdoj.gov/dea/agency/penalties.htm](http://www.usdoj.gov/dea/agency/penalties.htm)

**Dakota College at Bottineau reserves the right to refer violations of federal, state or local laws to the Bottineau Country Sheriff's Department.**

## **Policy on Alcohol and Drugs**

Dakota College at Bottineau recognizes the serious problems created by the use and abuse of alcohol and other drugs. In response to this awareness the College is committed to:

- establishing and enforcing clear campus policies regarding the use of alcohol and other drugs
- educating members of the campus community for the purpose of preventing alcohol and other drug abuse
- creating a campus environment that promotes the individual's responsibility to himself/herself and to the campus community
- providing resources through counseling and referral services for students who experience alcohol and/or drug problems

**Students concerned about their own alcohol and drug use or about that of others are encouraged to contact the Student Services Office or the Student Health Center.**

## **The following are prohibited:**

- A. The manufacture, sale, purchase, transportation, possession, or consumption of an alcoholic beverage anywhere on Dakota College at Bottineau property (including College vehicles, regardless of location), or in association with any DCB sponsored student activities or organizations.
- B. Public drunkenness on College owned and controlled property or at Dakota College at Bottineau supervised functions is prohibited. Persons who endanger directly the safety of themselves or another person or property, or are acting in a manner that causes a public disturbance under the influence of alcohol, are considered to be drunk.
- C. Driving while under the influence of alcohol or illicit drugs on the Dakota College at Bottineau campus or in association with any other DCB sponsored or supervised organizations or vehicles.
- D. Possession or display of empty alcohol beverage containers, including but not limited to cans, bottles, and kegs, on the Dakota College at Bottineau campus, including those held by individuals for the purpose of recycling.
- E. Being under the influence of, possessing, manufacturing, exchanging, distributing, using, or selling illegal drugs or any other controlled substance or agent, except pursuant to a physician's or dentist's prescription, or possessing paraphernalia for drug use on Dakota College owned or controlled property, or at Dakota College sponsored or supervised events.

## **Students found in violation of the university policy on alcohol or drugs may be subject to one or more of the following penalties:**

- probation
- loss of privileges
- required counseling
- suspension from school
- written reprimands
- work assignments
- restitution
- loss of employment
- fines
- removal from the residence halls

## **Sexual Assault**

**Dakota College at Bottineau strives to provide an environment free from all forms of assault — including sexual assault. The Family Crisis Center is a main resource for the college in response to concerns about sexual assault.**

## Definition

For the purpose of this policy, sexual assault and gross sexual imposition is any sexual act or sexual contact between two or more people to which one person does not or cannot consent. This involves acts or contacts with others which involve compelling a victim by force or threat of force, use of intoxicants to impair the victim's power to give consent, engaging in such acts when there is reasonable cause to believe the other person suffers from a mental state which renders him or her incapable of understanding the nature of the contact, or where the victim is under fifteen years of age. The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others.

*Consent is defined as speech or conduct indicating freely given agreement to participate in sexual activity. Silence or the use of alcohol/drugs is NOT an indication of consent.*

Prohibited behavior includes all forcible and non-forcible sex offenses provided for under North Dakota State Law. Examples of prohibited behavior include, but are not limited to, the following:

1. Acquaintance or date rape
2. Stranger rape
3. Attempted sexual acts by use of verbal or nonverbal threats
4. Indecent exposure

## Intervention

**Dakota College at Bottineau and its community actively support sexual violence survivors.**

The College directs judicial/disciplinary efforts that respect the personal rights of both alleged victim and alleged perpetrator.

All reports of sexual assault are treated with confidentiality with respect to the anonymity of the alleged victim. However, incidents are reported to appropriate departments and agencies in consideration of safety concerns and investigative needs. In addition, Dakota College at Bottineau publishes and reports annual statistics on incidents of violence, including sexual assault.

## Disciplinary

**Dakota College at Bottineau imposes appropriate sanctions upon violators of the sexual assault policy. These sanctions include but are not limited to suspension and/or removal from housing. In addition, an individual charged may be subject to prosecution under North Dakota Criminal Statutes.**

## Prevention

**Dakota College at Bottineau considers both physical surroundings and educational programming in addressing prevention of campus sexual violence. The College reviews and modifies the physical surroundings to foster security. The College examines such factors as campus lighting, locking procedures, and signage.**



## Reporting

The guiding principle in the report of a sexual assault is to avoid re-victimizing the sexual assault survivor by forcing the person into any plan of action. Care and consideration must be used.

### **A report of sexual assault will be handled by the following procedures:**

1. In the event of a medical emergency, DIAL 911.
2. **It is recognized that a sexual assault survivor may be undecided in reporting the assault to the police. However, the Student Services Office will assist the survivor in contacting the Bottineau County Sheriff, if he or she so chooses. A report to the police can empower the survivor in exercising legal rights and aid in the protection of others. If a report is to be made to the police, the survivor will be encouraged not to destroy evidence by bathing, douching, changing clothes or cleaning up in any way. It is important that evidence not be placed in plastic or in unsanitary containers. Also, there is a 72-hour time limit for the collection of many forms of evidence. If the sexual assault survivor is undecided in reporting, the evidence anyway, in case the individual decides to file a police report at a later date.**
3. The sexual assault survivor who does not wish to see the police will be encouraged to go to the hospital. A medical exam will treat any physical problems and may diminish fears about injury, sexually transmitted disease, or pregnancy. The medical exam includes preserving evidence in the event that the sexual assault survivor later chooses to file a police report.
4. Victims of rape and sexual assault crimes do not have to pay for medical examinations performed to collect evidence of a crime. Victims also do not have to pay for antibiotics or other medications administered as part of an exam.
5. If the survivor has agreed to contact the police, the Bottineau County Sheriff has been survivor will be encouraged to preserve asked to contact the Dakota College at Bottineau Student Services Office. This office will contact the Family Crisis Center, the Campus Counselor, or other appropriate persons to support and aid in developing options. If the sexual assault survivor has decided not to report the assault, the counselor will maintain confidentiality.

### **Other alternatives include:**

1. The sexual assault survivor can make an anonymous report to the police.
2. The sexual assault survivor can make the decision to report later. However, earlier reports may improve the preparation of a viable prosecution.
3. It is noted that some sexual assault survivors have waited for days or years to seek help. At any time, survivors of sexual assault may seek counseling from the Family Crisis Center or from campus resources.
4. The sexual assault survivor may choose to contact the Dakota College at Bottineau Associate Dean for Academic and Student Affairs. If the incident occurred off-campus and involved a

Dakota College at Bottineau student, the sexual assault survivor will be advised to consider contacting the appropriate police department and filing a police report.

5. If violence occurs on-campus and the student involves the Associate Dean for Academic and Student Affairs or the Housing Director, the student making an accusation can expect the following assistance:
  - A. The sexual assault survivor will be encouraged to file a police report. The student may also be encouraged to seek assistance from the Campus Counselor or the Family Crisis Center. If the student does not choose to file a report, the student may still request procedural services from the Student Services Office.
  - B. On-campus adjudication is conducted through the Student Services Office. Further proceedings are outlined in the Student Handbook. Disciplinary proceedings following a sexual assault report include:
    1. The right of the accuser and the accused to have the same opportunities in having others present during the campus disciplinary process.
    2. The right of the accuser and the accused to be informed of the outcome of the campus disciplinary process.
  - C. In the event of a successful off-campus prosecution, the College reserves the right to proceed with on-campus adjudication, based on the court's guilty findings, with or without the participation of the sexual assault survivor.
6. Dakota College at Bottineau may be able to offer the following services to assist the sexual abuse survivor and no charges or investigation, campus or criminal, need occur before these options are available:
  - A. Place of residence and phone number change
  - B. Restraining order assistance
  - C. Academic schedule adjustments
  - D. University withdrawal
  - E. Alternative course completion options

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

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

Sexual violence is a form of sexual harassment and services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking. In these situations, DCB is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues. The College's process does not preclude adjudication under state law.

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

## **Prevention Efforts**

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

DCB is and will be developing educational programs concerning domestic violence, dating violence, sexual assault, and stalking. Involved students, faculty, staff, and community members provide information and promote discussion on interpersonal abuse and violence issues. For additional information about campus educational programs concerning domestic violence, dating violence, sexual assault, and stalking, contact the Title IX coordinator, the Security Office, the Housing Director, the Associate Dean of Academic and Student Affairs, or the Bottineau Family Crisis Center.

DCB has been modifying and will continue to review and change/add to its physical surroundings to enhance security and safety, such as campus lighting, locking procedures, signage, additional cameras, etc.

## **How to Be an Active Bystander**

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

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

*(Bystander intervention strategies adapted from Stanford University and The University of North Dakota/UND)*

## Risk Reduction Tips

With no intent to blame the victim and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment.

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cash money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.

- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
  - **Remember that being in this situation is not your fault.** You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - **Have a code word with your friends or family** so that if you don't feel comfortable, you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **Lie.** If you don't want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
  - **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
  - **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## Reporting

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

1. Getting to a safe place.
2. Avoiding the destruction of evidence by bathing, douching, changing clothes, or cleaning up in any way. Preserve evidence in a paper bag for possible future action. Also, keep copies of emails, text messages, and voice messages.

3. Pursuing medical treatment. Post-assault medical care can be performed at a local emergency room. Many hospitals have a specialized examiner who can complete an exam for victims of sexual violence. Such an exam can help the victim receive an appropriate medical assessment and treatment, and it can preserve evidence for possible future action.
4. Pursuing counseling services with appropriate agencies (e.g., DCB Student Health and/or Counseling staff, Employee Assistance Program (EAP), Bottineau Family Crisis Center, 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 the next steps.
5. Making a police report. You can initiate a campus and/or criminal complaint for the assault. You may obtain assistance from campus authorities in this notification.
6. Making a report to a campus security, Title IX coordinator, Associate Dean of Academic and Student Affairs, or other responsible employee.
7. Making an anonymous report. An anonymous report to the police notifies them that an act of sexual violence has occurred but gives no names or identification.

## **Consider Filing a Police Report**

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

1. On-campus investigation is typically conducted by campus security. Campus Security has only an administrative role and not a law enforcement role.
2. Off-campus cases are usually investigated by the Bottineau County Sheriff's Office or other law enforcement agency. When an investigation or legal proceedings occur off-campus, services are still available through DCB.

There may be consequences to waiting to file a police report. Early reports may improve the preparation of a viable prosecution. Filing a police report immediately following the incident does not force the complainant to file charges and prosecute the respondent. However, it does aid in the preservation of valuable evidence if the complainant decides to pursue charges at a later date. The State's Attorney makes all decisions regarding the prosecution of alleged crimes reported to law enforcement.

## **Alternatives to Immediately Filing a Police Report**

1. Report the crime at a later date.
2. Make a complaint to campus security or the Title IX coordinator. Such a complaint may be used for actions which include, but are not limited to, on-campus administrative proceedings.
3. Make an anonymous report to the police (a report that notifies the police that a domestic violence, dating violence, sexual assault, or stalking incident has occurred, but gives no names or identification).
4. Contact a referral agency for help: the Housing Director, Bottineau Family Crisis Center, Title IX coordinator, Student Services, and/or the Associate Dean of Academic and Student Affairs.
5. Make a complaint to the Title IX coordinator. Such a complaint may be used for actions which include, but are not limited to, on-campus administrative proceedings.
6. Contact the Title IX coordinator for more information concerning the administrative process. Students may reference the campus judicial process in the Student Code of Conduct (located in the Student Handbook). Faculty and staff may consult with Human Resources or the Title IX coordinator.

If the complainant does not choose to file a police report, he or she may still file an administrative complaint. The complainant will be referred to other agencies if appropriate. Specifically, a complainant may be encouraged to seek assistance at the Bottineau Family Crisis Center, The St. Andrews Health Center/Clinic and/or EAP. Support may also be sought from Student Health Services, Student Mental Health Counseling and/or the Title IX Coordinator. The complainant may decline to notify campus security.

## **Ongoing Care**

Students may seek assistance from the DCB Student Health Services and/or the Student Mental Health Counselor. Further information may be obtained from the Title IX Coordinator and/or the Associate Dean of Academic and Student Affairs.

## **On-Campus Investigation and Adjudication**

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

Title IX complainants, including those reporting violence or concerned about DCB's compliance with Title IX or Department of Education policies, may be directed to DCB's Title IX coordinator or the

U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202. Complaints may also be directed to any other federal agency.

## **For Students**

The Student Code of Conduct describes the procedures followed when a violation of the Code is reported. Reports of violence involving students are generally directed to the Safety and Security Office, which manages investigations.

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

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

The standard of proof that exists for campus disciplinary proceedings is preponderance of evidence, (i.e., more likely than not the event(s) occurred). A student's privacy concerns are weighed against the needs of DCB to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

## **Faculty and Staff**

If a faculty or staff member is involved as the complainant or respondent:

1. All incidents are to be reported to the Title IX coordinator.



2. Based on the initial report of the incident, the Title IX coordinator, with assistance from campus security, Human Resources, and/or the Associate Dean of Academic and Student Affairs, will implement any temporary safety measures immediately.
3. The Title IX coordinator will then assign a Title IX investigator or investigators to investigate the incident.
4. The Title IX investigator(s) will investigate the incident and submit a final written report to the Title IX coordinator.
5. If it is determined that discipline or dismissal of a faculty or staff member is warranted, the policies and procedures will be followed from the DCB faculty and staff handbooks as well as from the NDUS.
6. Both the complainant and respondent will be notified in writing of the final results of the investigation and any resulting actions.
7. Both the complainant and respondent may appeal the final determination pursuant to the Faculty Handbook and NDUS Human Resources.

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

## **Interim Arrangements and Post-Hearing Interventions**

DCB will provide services for all parties in domestic violence, dating violence, sexual assault, and stalking cases. DCB will attend to the complainant's and respondent's physical and emotional well-being as well as the safety of the community.

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

The Associate Dean of Academic and Student Affairs will assist students, including collaborating with ~~CSA~~ campus security and other departments to provide:

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

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

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

1. Referral to the Employee Assistant Program.
2. Escort services on campus.
3. Assistance in petitioning for a protection order. DCB honors orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court.
4. An on-campus investigation and, if appropriate, initiate disciplinary/dismissal procedures.
5. Other referrals as necessary.

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

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

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

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

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

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

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

A **sexual act** is the sexual contact between human beings consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any other portion of the human body and the penis, anus, or vulva; or the use of an object which comes in

contact with the victim's anus, vulva, or penis. For the purposes of this subsection, sexual contact between the penis and the vulva, the penis and the anus, any other portion of the human body and the anus or vulva, or an object and the anus, vulva, or penis of the victim, occurs upon penetration, however slight. Emission is not required.

**Sexual contact** is any touching, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission of urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.

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

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

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

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

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

1. Compels the other person to submit by any threat or coercion that would render a person reasonably incapable of resisting; or

2. Engages in a sexual act or sexual contact with another, whether consensual or not, as part of an induction, initiation, ceremony, pledge, hazing, or qualification to become a member or an associate of any criminal street gang as defined in NDCC section 12.1-06.2-01.

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

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

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

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

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

1. "Course of conduct" means a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity.
2. "Immediate family" means a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.
3. "Stalk" means to engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course

of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment.

4. No person may intentionally stalk another person.
5. In any prosecution under this section, it is not a defense that the actor was not given actual notice that the person did not want the actor to contact or follow the person; nor is it a defense that the actor did not intend to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is prima facie evidence that the actor intends to stalk that person.
6. In any prosecution under this section, it is a defense that a private investigator licensed under NDCC chapter 43-30 or a peace officer licensed under chapter NDCC 12-63 was acting within the scope of employment.
7. If a person claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.
  - a. A person who violates this section is guilty of a class C felony if:
    - i. The person previously has been convicted of violating NDCC sections 12.1-17-01, 12.1-17-01.1, 12.1-17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07, or a similar offense from another court in North Dakota, a court of record in the United States, or a tribal court, involving the victim of the stalking;
    - ii. The stalking violates a court order issued under NDCC chapter 14-07.1 protecting the victim of the stalking, if the person had notice of the court order; or
    - iii. The person previously has been convicted of violating this section. b. If subdivision a does not apply, a person who violates this section is guilty of a class A misdemeanor.

Assent **does not constitute** consent as a defense, within the meaning, if:

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

# College Disciplinary Sanctions for Students

One or more DCB sanctions may be imposed as described below for violations of the Code.

## Status Sanctions

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

## Restrictions or Educational Activities Sanctions

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

1. A disciplinary withdrawal of a student who has been suspended.
2. No Contact Directive: A directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, email, telephone, or through third parties.
3. Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations; or services; or events.
4. Residence hall transfer, residence hall floor transfer, restricted access within the residence halls, restricted access to dining services, and removal and/or ban from the residence hall system for a specified period of time.
5. Suspension of or restriction(s) on driving on or parking in campus-controlled streets, roads, and parking lots.
6. Restitution to DCB for cleaning, replacing, or restoring some specific area or thing when loss or damage was a result of the student's disciplinary violation.
7. Referral for a behavioral assessment to the DCB mental health counselor.
8. Mandated community service and/or participation in campus educational programs.
9. Mandated participation in one or more campus activities, lectures or workshops, and/or other activity that employs an educational purpose and accepted pedagogy.
10. Enhanced Sanctions for Bias-Motivated Offenses: Violators of the regulations and policies outlined in this document whose violations are motivated by bias may face more severe or

enhanced sanctions. Violations motivated by bias include the intentional selection of a person against whom the violation is committed because of the race, religion, color, genetic information, gender, disability, sexual orientation, gender identity, national origin, ethnicity, age, or ancestry of that person.

## **Suspension**

DCB may impose one or more sanctions listed above and/or others and/or the DCB sanction of suspension as described below.

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

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

## **Recommendation and Authority to Impose Suspension**

The Associate Dean for Academic and Student Affairs has the final authority in the recommendation of suspension. The Associate Dean or designee authorizes an Emergency Suspension, subject to an Emergency Suspension Review Hearing.

## **College Disciplinary Sanctions for Faculty and Staff**

DCB will follow the disciplinary policies and procedures in the Faculty Handbook for faculty. North Dakota University System Human Resources Policy Manual sections 25 and 27 will be followed for any disciplinary acts involving staff.

## **Privacy and Respect of Information**

Respecting one's right to privacy is important to DCB. Students can be assured that when they share information with medical, police, and/or College 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.).

DCB employees who have the authority to take action to redress sexual violence; who have been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or appropriate school designee; or whom a student could reasonably believe has this authority or duty shall report all complaints of sexual violence to the Title IX coordinator. A student's privacy concerns are weighed against the needs of DCB to respond to acts of harassment, including domestic violence, dating violence, sexual assault, and stalking. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community. If a complainant requests that his or her name not be revealed to the respondent or asks DCB not to investigate or seek administrative action against the respondent, DCB will be limited in its ability to respond fully to the incident. Title IX and the Campus SaVE Act include protections against retaliation. DCB officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.

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

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

## **Annual Fire Report and Statistics**

The Annual Fire Report is prepared by the Safety and Security Office in collaboration with the Bottineau County Sheriff's Department, Bottineau Fire Department, Residential Life Office, Associate Dean of Academic and Student Affairs Office, and Physical Plant. Campus Security, Physical Plant, Residential Life, and the Associate Dean of Academic and Student Services Office work together with local Police and Fire departments to develop and implement the policies, procedures, training programs, inspections and other activities that are part of a comprehensive fire safety program and assures the safety of students, faculty and staff at DCB.

The Bottineau City Fire Department provides round-the-clock fire safety and emergency response coverage, 24 hours a day, 7 days a week (24/7). Campus Security is a new service as of 2013 and will provide response 7 days a week. Current hours of availability for campus security vary; please continue to check the website for details on availability. In addition, the Physical Plant has 24/7 coverage during the normal school year. All fires and automatic fire alarms are reported to local



authorities who then dispatches local responders to the alarm. Upon campus security receiving a report of a fire or fire alarm, the Officer on Duty notifies the local fire department.

**Fire Safety (Protection) Systems** Residence Hall facilities are equipped with fire alarm systems, including smoke/heat detectors, manual pull stations, and signaling devices (e.g. fire alarm horns, speakers and strobes). In addition to sounding a local alarm, each Residence Hall fire alarm panel communicates with a central monitoring station where trained personnel continuously monitor the panel for alarm and trouble conditions. Fire extinguishers are located throughout the Residence Halls. Sprinkler systems are provided as noted in the Fire Protection System table.

## **Fire Drills**

Fire drills are conducted to ensure that students, faculty and staff are aware of the fire alarm signaling devices and evacuation procedures. Residential Life, in coordination with the Bottineau City Fire Department, conduct a minimum of one (1) mandatory supervised fire drill each semester in every Residence Hall. During the drills, Firefighters, Resident Directors and Resident Assistants reserve the right to conduct random inspections to ensure that students have evacuated. They also use this opportunity to re-enforce evacuation protocols and to remind students about fire safety and evacuation procedures, including the location of fire extinguishers, fire alarm pull stations, and assembly areas. Students who failed to evacuate during a fire alarm or drill are referred for judicial action. In 2017, all required fire drills were conducted.

## **Policies**

Policies on the use of portable electrical appliances, smoking, open flames and other health and safety regulations are set forth in the Student and Residential Life Handbooks. Smoking is strictly prohibited in all campus buildings, including the Residential Halls. The use of grills, hot plates, toasters, toaster ovens, candles, oil lamps, and incense, is strictly prohibited in Residence Halls. Policies also prohibit the inappropriate discharging of fire extinguishers or tampering with fire alarm and fire protection equipment. Details on these policies can be found in both the student and residential life handbooks, which are available online as well as in paper form.

## **Building Evacuation**

Building occupants must immediately evacuate upon the activation of a fire alarm signal. Evacuation procedures have been developed for all buildings. Fire evacuation signs and maps are posted in each residence hall, along with emergency contact information. All building staff including operations staff are trained on fire evacuation. Residence Hall staff are instructed to knock on doors as they leave the buildings, if it is safe to do so, during evacuations.

## **Fire Safety Education**

Residence Life provide fire safety training for Residence Hall staff at the beginning of each academic year. Fire safety awareness information is posted on bulletin boards and distributed to parents and resident students during orientation programs and at Residence Hall meetings.

## **Reporting a Fire**

Students, staff and faculty should report all fires, fire alarms and other emergency situations to campus safety at 701-228-5621, Residential Life at 701-201-0350, or the Bottineau Fire Department at 9-1-1. On receiving a report of a fire or fire alarm, campus security immediately notifies the local fire department. Other campus administrative staff will be notified as necessary.

## **In Case of an Emergency**

### **Call Campus Safety**

**Campus Phone: 701-228-5621 or 701-480-9262**

**Residential Life Cell Phone: 701-201-0350**

**Bottineau Police, Fire, or EMS: 911**

## **More Information**

All fire and life safety concerns should be addressed to the Safety and Security Office at 701-228-5621. The following individuals may also be contacted:

Associate Dean for Academic and Student Affairs  
Physical Plant Supervisor

## Dakota College at Bottineau – Student Housing Fire Safety Systems 2017

Building	Building Fire Alarm	Sprinklers	Alarms Connected Electronically	Room Detection	Pull Stations	Smoke Detectors	Fire Extinguishers	Fire Evacuation Maps	Fire Drills 2017
Mead Hall	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Gross Hall	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Milligan Hall	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes

## On Campus – Student Housing Fire Safety Statistics 2015-2017

Building and Year	Total Fires in each Building	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to the Fire	Value of Property Damage Caused by the Fire
Mead Hall 2015	0	n/a	n/a	n/a	n/a
Mead Hall 2016	0	n/a	n/a	n/a	n/a
Mead Hall 2017	0	n/a	n/a	n/a	n/a
Gross Hall 2015	0	n/a	n/a	n/a	n/a
Gross Hall 2016	0	n/a	n/a	n/a	n/a
Gross Hall 2017	0	n/a	n/a	n/a	n/a
Milligan Hall 2015	0	n/a	n/a	n/a	n/a
Milligan Hall 2016	0	n/a	n/a	n/a	n/a
Milligan Hall 2017	0	n/a	n/a	n/a	n/a