MINOT STATE UNIVERSITY

Annual Security and Fire Safety Report 2025

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Minot State University 2025 Annual Security and Fire Safety Report

The Office of Safety and Security welcomes you to Minot State University. We are committed to ensuring a safe and secure campus environment for all students, faculty, and staff.

With a nod to the past and a vision for the future, Minot State University empowers generations for today's world. Founded in 1913 as Minot Normal School, our history began in Model Hall, where future teachers prepared for service in Northwestern North Dakota. As the decades changed, so did our name, campus, and degree offerings.

Today, we are proud to offer 100+ areas of study at the undergraduate and graduate level on a beautiful campus that has grown to over 100 acres in size. Students from our backyard to across the United States and over 55 countries call Minot State home.Minot State University is fully accredited by the Higher Learning Commission.

In the Fall of 2024, total enrollment was 2,701 students. Approximately 24% of all undergraduate students live in University-owned, operated, or affiliated housing.

Minot State University places a high priority on creating a safe learning and working environment for the campus community. MSU Security is the primary department responsible for overall safety and security on our campus. Our office works closely with state and local law enforcement agencies and other community safety groups to ensure we are proactive in providing a safe environment on our campus. We ask all community members to be observant and report any safety related concerns to MSU Security.

The Annual Security Report provides a detailed summary of Minot State University's efforts to keep our campus safe and provides information regarding resources available to students and employees. The information in the Annual Security Report provides details regarding on-campus criminal activity for each of the last three years.

MSU Security, as part of our Clery compliance program, maintains a 60-day crime log listing all criminal violations occurring on our Clery reportable geography over a rolling 60-day period. Copies of the 60-day crime log can be obtained by making an email request to: a.livingston@minotstateu.edu.

If you have any questions or suggestions regarding this publication, please contact the Office of Safety and Security at 701-500-2423.

Sincerely,

Aundrey Livingston
Director, Campus Safety and Security

Quick Reference Contact Information

MSU SECURITY

From a campus phone .....HELP (4357)
Direct Line 701-500-2423

Minot Central Dispatch 911
Police (Non-Emergency) 701-852-0111
Fire (Administrative) 701-857-4740
Ambulance (Administrative) 701-852-2251
Facilities Management.....701-858-3210
Director, MSU Security.....701-858-4016
Student Affairs 701-858-3299
Student Life/Housing 701-858-3363
Domestic Violence Crisis Center
Office 701-852-2258
24 Hour 701-857-2200
Rape Crisis Line 701-857-2500

Title IX Office 701-858-3447
Cook Hall 701-858-3701
C.P. Lura Hall 701-858-3901
Crane Hall 701-858-4501
Dakota Hall 701-858-3501
McCulloch Hall.....701-858-3601
Trinity Hospital 701-857-5000
Student Health Center.....701-858-3371

Crime/Emergency Reporting and University Response

Reporting Crimes and Other Emergencies

Campus community members - students, faculty, staff, visitors, and guests - are encouraged to report all criminal actions, emergencies, suspicious behavior, or other public safety related incidents occurring within MSU's Clery geography to the MSU Security department in an accurate, prompt, and timely manner. MSU's Clery geography (as defined in the "Geography Definitions"," elsewhere in this Annual Report, and hereafter referred to as MSU's Clery geography, includes:

- On-campus property including campus residence halls, buildings, and/or facilities.
- Designated non campus properties and facilities.
- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities.

MSU Security has been recognized as the official office for campus crime and emergency reporting. **To report a crime please contact MSU Security at 701-500-2423 or visit our office in the Facilities South building located between Model and Pioneer Hall.** You may also report a crime anonymously online at https://www.minotstateu.edu/safety/, utilizing the anonymous tip tab.

Accurate and prompt reporting ensures MSU Security can evaluate, consider, and send timely warning notices, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure. Minot State University further encourages accurate and prompt reporting to MSU Security and/or the Minot Police Department when the victim of a crime elects to or is unable to make such a report.

This publication focuses on MSU Security because it has primary responsibility for patrolling the MSU campus and has been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus can be reported to the Minot Police Department. Additionally, as outlined below, the University has identified a list of primary campus security authorities (CSA) or preferred receivers of reports to whom crimes or allegations of crimes can be reported.

Primary Campus Security Authorities (CSA) or Preferred Receivers of Reports:

- **MSU Security** – Contact MSU Security by calling 701-500-2423, or report in person at the MSU Security office located in the Facilities South Building, 500 University Avenue West, Minot, ND 58707.
- **Title IX Coordinator** – Sex Offenses and other incidents of sexual or relationship violence can also be reported to the MSU Title IX Coordinator at 701- 858-3447, or in person at Memorial Hall, 4th Floor, Room 412, 500 University Avenue West, Minot, ND.
- **MSU Human Resources** – Contact the Human Resources (HR) Department by dialing 701- 858-4610, or in person at the HR office located at 500 University Avenue West, Administration Building, 2nd Floor, Minot, ND 58707.
- **Minot Police Department** – Crimes or emergency situations can also be reported to the Minot Police by dialing 911.
- Complete the online reporting form at: https://www.minotstateu.edu/safety/tip-form.shtml
  (This form should only be used for non-emergency or non-urgent reporting)

Response to Reports

Minot State University Safety and Security personnel are available 24/7 including holidays and during periodic closures during severe storms or other unforeseen circumstances. MSU Security does not have a dispatch center; however, an on-duty officer carries a department issued cell phone (701-500-2423) at all times to immediately respond to calls for assistance. Officers will immediately respond, or if appropriate, contact Minot Central Dispatch for law enforcement response to campus. All reported crimes will be investigated by Minot State Security unless a crime of violence against a person occurs. These crimes will be immediately referred to the Minot Police Department for investigation. All criminal information and evidence obtained by MSU Security will be forwarded to the Minot Police Department. MSU Security works closely with other state and local law enforcement agencies assuring a complete and timely response to all emergency calls. Priority is given to crimes against people and personal injuries. Crime victims are provided with on and off campus resource information as necessary and appropriate. MSU Security responds to and investigates all reports of crime and/or emergencies that occur within the University's Clery geography.

To obtain general information or request any security or safety escort (Safe Walk) services, campus community members should call MSU Security at 701-500-2423. For emergency assistance community members should contact the Minot Police Department by dialing 911 and if possible, MSU Security at 701-500-2423.

All crimes should be reported to MSU Security to ensure inclusion in the annual crime statistics and to aid in providing timely warning Campus Safety Alert notices to the community, when appropriate. For example, a crime that was reported only to the MSU Counseling Center would not be known to MSU Security, a campus security authority (CSA), or other University official.

Responsibilities of the MSU Community for Their Own Personal Safety and Security and the Safety and Security of Others

- Report all suspicious activity to MSU Security immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Use the MSU Security Safe Walk service.
- Limit your alcohol consumption and leave social functions that have too many people drinking excessively. Remember to call MSU Security or Minot Police for help at the first sign of concern.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Always carry your keys and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether you are there. Be certain that your door is locked when you go to sleep. Keep windows closed and locked when you are not at home. DO NOT PROP INTERIOR OR EXTERIOR DOORS.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on items of value.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

Reporting a Crime

MSU encourages anyone who is the victim or witness to a crime to promptly report the incident to MSU Security. Timely reporting of a crime allows MSU to take immediate steps to prevent a similar crime and determine if notification should be made to the campus community. Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents in a timely manner to Campus Security or local law enforcement.

Minot State University Security can be contacted in the following ways to report a crime:

- Campus Security Direct line – 701-500-2423 – Available 24/7
- Campus Phone – Dial 4357 (HELP) – Available 24/7
- Online anonymous tip on the MSU Security web page - https://www.minotstateu.edu/safety/tip-form.shtml
- Blue Light System – MSU Security and/or Minot PD can be immediately contacted at any one of 25 Blue Light stations.

Walk-in reporting is always welcome, by visiting the Director of Safety and Security, or any MSU Campus Security Officer. MSU Campus Security is physically located in the Facilities South building west of Pioneer Hall.

For on-campus emergencies, dial 911, and if possible, contact MSU Security at 701-500-2423. Blue Light emergency call stations provide a direct link to 911 operators at Minot Police Department Central Dispatch, which will initiate an immediate emergency response. A person reporting a crime to MSU Security also has the right to report the crime to the Minot Police Department. MSU Security officers will provide additional information regarding this option and will assist the victim with that reporting process.

Limited Voluntary Confidential Reporting

MSU encourages anyone who is the victim or witness to any crime to promptly report the incident to MSU Security. Because crime reports are public records under state law, MSU cannot hold reports of crime in confidence. Anonymous reports may be filed for statistical reporting purposes. A student's privacy concerns are weighed against the needs of MSU to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. In compelling situations, MSU reserves the

right to take reasonable action in response to any crime report, and information may be shared with appropriate departments and agencies on a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

Online Anonymous Reporting: The MSU Security web page (MinotStateU.edu/safety) contains a link to a Campus Security Authority (CSA) Report Form: (https://www.minotstateu.edu/safety/csa-report-form.shtml). The CSA report form is a convenient method to notify MSU Security of any crimes. There is also a link to an anonymous tip form https://www.minotstateu.edu/safety/tip-form.shtml) which can be used to anonymously provide information about crimes for follow-up investigation by MSU Security. Contact information may be included on the form if the reporting party would like a response from MSU Security.

All CSA Report forms, or anonymous tip forms are directed to the MSU Security Director's email account. This email account is monitored daily and if needed, an immediate response is initiated depending on the nature of the notification. The nature of the notification will dictate the response by MSU Security to include Timely Notifications, Safety Alerts, or an immediate response by MSU Security officers.

The Memorandum of Understanding with Minot PD stipulates MSU will notify Minot PD of all crimes occurring on campus or other Clery reportable geography unless state law allows anonymity. Anonymous reports may be filed for statistical reporting purposes. A student's privacy concerns are weighed against the needs of MSU to respond to certain incidents and crimes and notification of students and employees of crimes. To the greatest extent possible, all reports will remain private.

In compelling situations, MSU reserves the right to take reasonable action in response to any crime report, and information may be shared with appropriate departments and agencies on a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

Confidential Reporting

If you are the victim or witness of a crime, and do not wish to pursue action within the university or criminal justice systems, you should still consider making a confidential report. With your permission, the Director of Security may file a report that documents the details of the crime without revealing your identity. With this information, the University can keep accurate records of crimes for inclusion in the Annual Security Report and better identify crime trends.

Students may make confidential reports to MSU's Counselor assigned to the MSU Student Health Center. Counselors, when acting in their capacity and function as MSU counselors, do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the University encourages counselors, if and when they deem it appropriate, to inform students they can report incidents of crime to MSU Security, which can be done directly or anonymously through the anonymous reporting processes as outlined below.

- *Counselor:* An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification. A counselor may be considered a Campus Security Authority (CSA) if, while not acting as a counselor, a crime is reported to them.
- *Pastoral Counselor*: Lutheran Campus Ministries, as part of their ministerial outreach, has assigned a pastor to the MSU community. Although not an MSU employee, the pastor is provided with office space and equipment to assist in the services provided to the MSU campus community.

Anonymous Reporting

MSU Security, unless otherwise prescribed by law or as set forth within this Annual Security and Fire Safety Report, accepts anonymous crime information under the following guidelines:

Facilitated Anonymous Reporting: Students may request a MSU Counselor in the Student Health Center to facilitate anonymous reporting using an internal form designed to capture general details about the incident (date, time, location, and brief description of the incident type) to ensure a statistical disclosure in the college's Annual Security and Fire Safety report. MSU Counselors are not Clery Campus Security Authorities and are not required to report crimes if information about a crime is received while performing their official duties as a counselor.

Online Anonymous Reporting: An anonymous tip may be submitted to MSU Security by accessing an online reporting link:

https://www.minotstateu.edu/safety/tip-form.shtml to report employee incidents and/or well-being concerns. Personal identifying information is not required for the submission of the General Concern Report. MSU Security will investigate the anonymous tip in a thorough manner to ascertain the facts of the anonymous tip to determine if a crime was committed. If warranted, non-criminal anonymous tip information will be forwarded to the appropriate academic or staff department for investigation and/or improvement of services.

While anonymous reporting is available by these means, the University's ability to investigate and appropriately address allegations of misconduct will be significantly limited. Crimes reported confidentially to the MSU Counseling Center are not disclosed in MSU's crime statistics or reporting processes unless those crimes are reported to MSU Security through another reporting method.

An anonymous report may allow the University to take steps to promote safety. In addition, MSU can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime regarding a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Statistical Disclosure of Reported Incidents

Incidents reported to MSU Security that fall into one of the required reporting classifications as defined by the Clery Act and North Dakota Uniform Crime Reporting (UCR) Act that occur within the University's Clery geography will be disclosed as a statistic in the appropriate crime table within this annual security and fire safety report published by MSU Security.

Reporting a Crime to the MSU Security Department and/or Minot Police Department

A person reporting a crime to MSU Security has the right to report the crime to the Minot Police Department by calling 701-852-0111. MSU Security officers regularly discuss this option with the victim of a crime and will assist the victim with the reporting process.

Off-Campus Crime

If the Minot Police Department is contacted about criminal activity off-campus involving MSU students, the police may notify MSU Security. Students in these cases may be subject to arrest by the local police and the student may be held accountable in college disciplinary proceedings.

Monitoring and Recording Criminal Activity at Non-Campus Locations of Student Organizations

Currently there are no official MSU Student Organizations located off campus.

MSU Security Authority and Jurisdiction

Minot State Security is recognized as the primary campus department responsible for providing security services for students, faculty, staff, and campus visitors. The department is available 24/7 and is comprised of six full-time and three part-time officers. Campus Security officers are not licensed police officers and do not possess the power of arrest as defined by the North Dakota Century Code. MSU Security's jurisdiction encompasses its Clery geography which includes its main campus, including campus residence halls, buildings, and/or facilities.

A MSU Security Officer will respond immediately, or as soon as possible, to any call for service. MSU Security Officers have been granted the authority by the University President to enforce University policy, consistent with federal, state, or local law. MSU Security Officers may make citizen's arrests when necessary for the safety of the campus community.

MSU Security officers patrol the campus grounds via foot and vehicle while conducting regular interior and exterior checks of academic and administrative buildings. Officers respond to incidents occurring anywhere within the University's Clery

geography. MSU Security will provide security escorts when requested for staff, students, and faculty. This service is available 24/7 by contacting MSU Security at 701-500-2423.

MSU Security is active in educating the campus community regarding safety issues on campus. Examples of education initiatives include new student orientation, new faculty orientation, RA and RHD training, academic class presentations, and special topics to MSU departments by request.

Primary Law Enforcement Agency

The Minot Police Department is the primary law enforcement agency responsible for sworn police services for Minot State University. Minot State University and the Minot Police Department have developed a Memorandum of Understanding that provides for immediate notification and response to all crimes, emergencies, or requests for service to campus. Minot State Security also works with the Ward County Sheriff's Department, ND Bureau of Criminal Investigation, and other state and local agencies. MSU Security responds to and investigates all reports of crimes and/or emergencies that occur on or near campus. Priority response is given to crimes against persons and personal injuries.

It is the policy of Minot State University to report all criminal activity to the Minot Police Department. We ask that all campus community members report any criminal activity to the Office of Safety and Security by calling 701-500-2423 or the Minot Police Department at 701-852-0111 (Emergency – 911).

To obtain general information or request any security or safety escort services, community members should call MSU Security at 701-500-2423. For emergency assistance community members should call 911. When placing an emergency call, remember to stay on the line and wait for the dispatcher to end the call. If a sexual assault should occur on campus, staff on scene, including MSU Security, will offer the victim a wide variety of resources and services.

This publication contains information about on- and off-campus resources and services and is made available to the MSU community. The information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for MSU.

As mentioned, crimes should be reported to MSU Security to ensure inclusion in the annual crime statistics and to aid in providing timely warning Campus Safety Alert notices to the community, when appropriate. For example, a crime that was reported only to the MSU Student Health and Counseling Center would not be known to MSU Security, a campus security authority (CSA), or other University officials.

Security of and Access to Campus Facilities

Academic and Administrative Buildings

During normal business hours, the MSU campus is generally open and accessible to students, faculty, staff, and visitors. Most academic and administrative buildings are open during normal business hours (typically Monday through Friday, from 8 a.m. to 5 p.m., except holidays) and are secured at the designated closing time. Some highly utilized buildings are open on weekends to accommodate students' needs, depending upon class schedules, special campus event scheduling, and community usage. Individuals who wish to access MSU buildings or property during non-business hours or for special events should contact Facilities Management at 701-858-3210 to schedule an event. Some buildings have unique normal operating hours which may vary at different times of the year. In these cases, the building will be secured according to the schedules developed by MSU Security in coordination with the academic department utilizing the building.

MSU Security officers patrol the campus grounds 24/7 via foot and vehicle and conducting regular interior and exterior checks of academic and administrative buildings and respond to incidents occurring anywhere within the university's Clery geography. Campus Police will provide security (Safe Walk) escorts when requested for staff members, students, and faculty.

To maintain the security of Minot State University facilities, all access device holders (including employees, and students and personnel living in on-campus housing) are required to follow established security standards.

The term "access device" refers to keys, fobs, or computerized access cards, and any other present or future device used on any approved access system at Minot State University. All access device requests are submitted online or in writing to the Director

of Facilities and are signed for by the requesting individual. All access devices are the property of MSU and can be confiscated at any time.

Facilities Management and Information Technology have the authority to change, add to, or alter any MSU approved and installed access system. This includes the installation of a hasp or padlock or privately supplied locking devices. These devices will be removed and the department or individual responsible will be charged for all costs incurred.

Minot State Security Officers lock all interior and exterior doors of non-residential buildings by 10:30 p.m. nightly. Security officers patrol the exterior and interior of each building and University public areas (parking lots) throughout the night. The campus video system is composed of approximately 400 cameras and allows for continuous monitoring in real time. The video cameras have an automatic motion detector record and playback capability of approximately 30 days per camera.

Residence Halls

Residence Life Staff live in assigned residence halls and apartments and are on call 24 hours a day. All Residence Life Staff members undergo annual comprehensive training in enforcing residence life policies.

All residence hall entrance doors are locked 24 hours a day. Access to residence halls is restricted to MSU students and authorized staff, and the halls are secured by key and lock systems 24 /7. Students who are residents of a specific residence hall have building access by use of a student ID card swipe system. Both on-campus and off-campus guests that are not residents of a specific residence hall must be escorted by a resident of that hall. Guests must register with the appropriate housing staff.

Access to residence halls is restricted to MSU students and authorized staff, and the halls are secured by key and lock systems 24/7. Officers of MSU Security routinely patrol the interior common areas, spaces, and hallways of buildings equipped with such common spaces and regularly patrol the exteriors of all campus residence halls.

Residence hall professional and student staff also enforce campus policies and security measures within the residence halls to achieve a community respectful of individual and group rights and responsibilities.

Academic Break – Housing

During the academic year, the university is open during holiday breaks. The residence halls remain open to those students wishing to stay on campus. Students must turn off all lights, unplug all appliances, turn off alarms, empty wastebaskets, close and lock windows, and lock doors.

Residence hall staff and university maintenance personnel may enter rooms without notification during break times.

Staff will be looking for safety concerns such as smoke detectors activated, water problems, open windows, temperature, etc. Any policy violations that are found during this time will be the responsibility of the resident(s) of the room.

Students are notified by direct email and posted signs that staff will enter rooms during academic breaks for safety checks. Safety checks are done by a minimum of two people to check for safety concerns such as open windows, activated smoke alarms, plumbing issues, and adequate room temperature. Policy violations are the responsibility of the assigned resident of each room.

Students are encouraged to notify Residence Life staff if they are staying in a residence hall during an academic break. This allows efficient notification of any emergency.

Security Considerations Used in the Maintenance of Campus Facilities

MSU facilities and landscaping are maintained in a manner that minimizes hazardous and unsafe conditions. The following guidelines are used to maximize safety for all and still provide convenient access to buildings:

- Keys are issued to authorized faculty, staff, and students.
- Exterior building doors are prohibited from being propped open when the doors are locked.
- Building evacuation is mandatory for all fire alarms.

- Video security cameras are positioned to monitor all exterior doors and parking lots.
- Lighting on campus is periodically evaluated for safety purposes and added as needed.
- Parking lots and pathways are illuminated with lighting.
- Shrubbery in proximity to doors and sidewalks is removed.
- RA rounds and MSU Security patrol.
- Faculty or staff who encounter persons who behave in a suspicious manner or are involved in suspicious activities should immediately report a description of the person and location to MSU Security.
- Campus community members can additionally report hazards directly to Facilities Management through an online service response reporting process.

The campus' overall safety program is supplemented by a variety of technological systems including electronic access control; Emergency Blue Light stations, interior and exterior video cameras; and fire detection, suppression, and monitoring systems. Members of the University community are encouraged to immediately report equipment problems to MSU Security at 701-500-2423 or Facilities Management at 701-858-3210.

MSU Security's Working Relationships with Local and State Law Enforcement Agencies

MSU Security maintains close working relationships with Minot Police Department, Ward County Sheriff's Office, Ward County District Attorney's Office, North Dakota Highway Patrol, ND Bureau of Criminal Investigation, Minot Area Narcotics Task Force, Federal Bureau of Investigations and other state and federal law enforcement agencies in implementing and coordinating campus law enforcement operations.

The MSU Director of Security is a member of the Ward County Emergency Operations Committee. The purpose of this committee is to foster and maintain close working relationships with representatives of Ward County area police, fire, ambulance, and emergency disaster support agencies. Member agencies provide current capability presentations along with relevant emergency response training.

MSU has a written Memorandum of Understanding with the Ward County Emergency Management department allowing the use of MSU facilities for emergency shelter to provide safe shelter to numerous members of the Minot community in the event of a disaster.

The MSU Dome can be utilized to provide sleeping areas via cots as well and possesses several locker rooms with showers. Residence Halls can be used to provide community shelter or shelter for out-of-area emergency personnel if Residence Halls are not occupied by students.

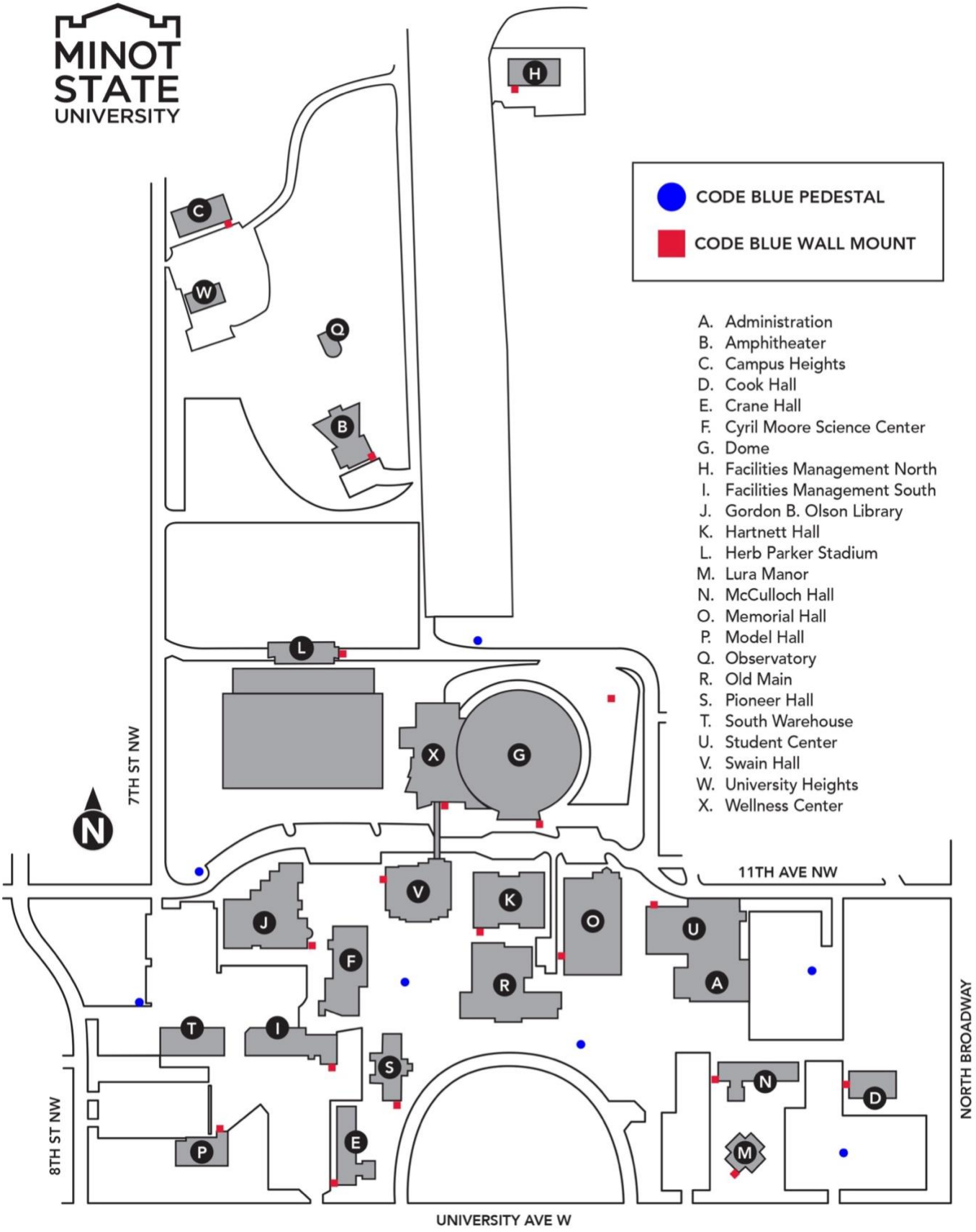
MSU relies on relationships with local agencies for support on several levels. Collaborative meetings and training sessions are occasionally held to review issues and incidents occurring within the multiple local jurisdictions. MSU Security is comfortable with and capable of reaching out to law enforcement entities for support and assistance as it relates to the security of the campus community.

MSU Security officers and local law enforcement officers communicate regularly on the scene of incidents that occur in and around the campus area. MSU Security officers work closely with local law enforcement investigators when incidents arise that require joint communication efforts.

Written Memorandum of Understanding with the Minot Police Department

MSU Security has a direct working relationship with the Minot Police Department through a Memorandum of Understanding. The Memorandum of Understanding allows for the cooperation and coordination of investigation activities of alleged criminal offenses. In addition to investigations, Minot PD will respond to campus to make criminal arrests, investigate crimes, or perform other law enforcement functions.

Emergency Blue Light Locations Map



Code Blue Exterior Wall Mount Locations

- Amphitheatre – southeast corner
- Campus Heights – southeast corner
- Cook Hall – west side
- Crane Hall – southwest corner
- Dome – southeast corner
- Facilities Management North – southwest corner
- Facilities Management South – southeast corner
- Gordon B. Olson Library – southeast corner
- Hartnett Hall – southwest corner
- Herb Parker Stadium – east side
- Lura Manor – southwest corner
- McCulloch Hall – west side
- Memorial Hall – west side
- Model Hall – north side
- Pioneer Hall – south side
- Student Center – northwest corner
- Swain Hall – west side
- Wellness Center – south side

Code Blue Pedestal Locations

- North of Dome
- Parking lot east of Administration/Student Center
- Parking lot south of Cook Hall
- Southeast of Old Main
- East of Swain Hall
- Northwest of Gordon B. Olson Library, on 11th Avenue
- Parking lot southwest of Gordon B. Olson Library

MSU Security Training

MSU Security Officers are provided with intensive in-house and practical training upon employment. Topics include MSU Security Policy Manual, Avigilon video system, fire suppression systems and procedures, identity software and electronic access control, fingerprint procedures, report writing, and patrol procedures.

Timely Warning Notices – Notifying the Minot State University Community About Crimes

To provide timely notice to the MSU community in the event of a criminal situation that, in the judgment of the MSU Director of Security, or designee, may pose a serious or continuing threat to members of the campus community, a Timely Warning notice will be issued.

Timely warning notices are sent to the university community to notify members of the community about specific Clery Act crimes (as described below) that have been reported to MSU Security and that have occurred on or within the University's Clery geography (on-campus, non-campus, or public property), where after review and assessment it is determined that the incident may pose a serious or continuing threat to members of the University community. Timely warning notices are disseminated as soon as relevant information is available, in a manner that is timely, that withholds the names of victims as confidential, and with the goal of increasing the safety of the campus community by aiding in the prevention of similar crimes or occurrences.

Timely warning notices are primarily disseminated by the emergency notification system (Everbridge) to all students and employees on campus as soon as pertinent information is available. Alerts can also be sent/communicated via the campus Blue Light system and a variety of other notification methods, as outlined in the Emergency/Immediate Notification section of this annual report and highlighted below. The intent of a Timely Warning notice is to warn the campus regarding a criminal incident, provding individuals an opportunity to take reasonable precautions to protect themselves.

The following steps are normally taken in the event of a situation requiring a Timely Warning notification to the campus community:

- Director of Security, or designee, involves local emergency responders, if applicable, to mitigate the emergency.
- Director of Security, or designee, contacts a member of President's Staff to inform and make recommendations regarding issuance of a campus Timely Warning notification.
- University Communications and creates a draft message for approval by a member of President's Staff.
- Upon approval, University Communications disseminates the message through the Emergency Notification System.

***Note – in the unlikely event a member of President's Staff is unavailable the Director of Security, or designee, will compose and authorize the dissemination of the emergency message to campus.

MSU University Communications is responsible for activating the Everbridge emergency notification system and coordinating the Timely Warning information on to the University web and Social Media sites. Should the MSU Security Director be directly impacted and involved in an incident response or otherwise unavailable, any member of the President's Staff can write and send a Timely Warning notice.

Updates to the campus community when deemed necessary, about any case resulting in a Timely Warning notice may be distributed via the Everbridge emergency notification system, campus Blue Light system, phone, text message, email, posted on the official university website, press release, local media, social media.

Timely warning notices may also be posted through targeted communication – poster, letters, group meetings, etc. by MSU Security in campus buildings when deemed necessary. When Timely Warning notices are posted in campus buildings, they are printed on red paper and posted in lobby/entrance areas of key buildings for a time-period determined by the MSU Security Director, or designee. MSU professional staff are informed of their responsibility to share timely warning notice information with their sponsored visitors and/or guests. The sponsoring MSU department of an event, or conference organizer, is responsible to inform attendees, and/or leaders about notices and notice posters that may be posted in areas where conference attendees are visiting and/or occupying.

Timely warning notices are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger MSU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the MSU Security Chief or designee). In cases involving sexual assault, that is reported long after the incident occurred, there is no ability to distribute a "timely" warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a timely warning notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the MSU Director of Security or designee.

Typically, notices are not issued for any incidents reported that are older than ten (10) days from the date of occurrence, as such a delay in reporting has not afforded the University an opportunity to react or respond in a timely manner.

The MSU Security Director will confer with the MSU Security Operational Supervisor during the response to a crime to ensure a

proper review of all Clery crimes (and other criminal incidents, as deemed appropriate) to determine if there is a serious or continuing threat to the community and if the distribution of a timely warning notice is warranted.

Campus officials not subject to the timely reporting requirement are those with significant counseling responsibilities who were providing confidential assistance to a crime victim. This exemption only applies to the Minot State University Student Health counselors who are performing that specific function and role as their primary employment with the University.

Safety Alert

A Safety Alert will be issued when an event or set of circumstances exist on or near campus that pose (or could potentially pose) a threat to the health or safety of the campus community. Safety Alerts may include but are not limited to information regarding suspicious people, sex offenders on or near campus, suspected criminal activity on or near campus, severe weather, hazardous material incidents, or any other situation affecting the safety of campus residents.

A Safety Alert may include a *Clery*-reportable crime if it occurred within a close geographical proximity to the MSU campus, but not within Minot State's *Clery*-reportable geography. If warranted, a Safety Alert may be issued for a *Clery Act* crime that occurred at a previous point in time and was not reported to MSU Security in a timely manner.

The Director of Security or any member of the President's Staff may issue a Safety Alert. The Safety Alert will be disseminated primarily through Everbridge. Updates to the campus community, when deemed necessary, about any case resulting in a Safety Alert may be distributed via the Everbridge emergency notification system, Blue Light system, phone, text message, email, posted on the official university website, press release, local media, and social media. Safety Alert notices may also be posted through targeted communication – poster, letters, group meetings, etc. by MSU Security in campus buildings when deemed necessary.

Daily Crime and Fire Log

The MSU Security Department maintains a Daily Crime and Fire Log. MSU Security makes the Daily Crime Log for the most recent 60-day period open to public inspection during normal business hours (typically Monday through Friday, from 8 a.m. to 4 p.m., except holidays) at the MSU Security Office, located at Facilities South, 500 University Avenue West, Minot, ND 58707. The Clery Compliance Officer is responsible for daily updates to the Daily Crime Log. The MSU Director of Security is responsible for daily updates to the crime log in the absence of the MSU Clery Compliance Officer.

Any portion of daily crime logs that are older than 60 days are made available for public inspection within two business days of a request. All confirmed fires occurring within or on all on-campus residential facilities are included in the Daily Crime and Fire Log. The information in the crime log typically includes the incident number, crime classification, date reported, date occurred, general location of crime, and disposition of each reported crime.

Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents that may impact the University's campus community. The names of crime victims are not on the Daily Crime Log.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the university's Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime within two business days of when the crime is reported to MSU Security.

Preparation of Annual Disclosure of Crime Statistics and Clery Compliance

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The MSU Security Department is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility is specifically designated to the MSU Director of Security or designee. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: the MSU Security Department, Minot Police Department, Ward County Sheriff's Office, North Dakota Highway Patrol, and other state law enforcement agencies with jurisdiction for non-campus property locations, Campus Security Authorities or CSAs. The Student

and Residence Life Office, Title IX Office and Human Resources Department are key offices from which drug, liquor, and weapon offense referral data is obtained along with sexual offenses and potential reports of other Clery crimes.

A written request for statistical information is made at least on an annual basis to all Campus Security Authorities or CSAs (as defined by federal law). CSAs are also informed in writing and/or through training to report crimes to MSU Security in a timely manner so those crimes can be evaluated for timely warning purposes. A Campus Security Authority or CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A MSU Security department officer.
- Any individual or individuals who have responsibility for campus security but who do not constitute a MSU Security officer (e.g., an individual who is responsible for monitoring the entrance into an institutional property).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An Official is defined as any person who has the authority and the duty to act or respond to particular issues on behalf of the institution.

Crime reports can be made to the following individuals who have been designated by Minot State University as Campus Security Authorities (CSAs) due to their significant responsibility over students and student activities on campus:

- Director of Safety and Security –701-858-4016
- Campus Security Officer – 701-500-2423
- Vice President of Student Affairs (or designee) – 701-858-3299
- Residence Life Director/Coordinator (or designee) – 701-858-3363
- Residence Life (Residence Hall directors, Resident assistants, apartment managers)
- Assistant Athletic Director for Compliance and Student Life – 701-858-3040
- Title IX Coordinator (or designee) – 701-858-3447
- Athletic Director (or designee) – 701-858-3042
- Head coaches, assistant coaches, graduate assistants
- Student Center Director (or designee) – 701-858-3364
- Wellness Center Director (or designee) – 701-858-3485
- Student Activities Coordinator – 701-858-3987
- Faculty advisors to student organizations
- MSU designated staff supervisors of student workers

Primary Law Enforcement and Fire Agency Response to Minot State University

The Minot Police and Fire departments are the primary responding law enforcement agencies to Minot State University. Annually, the MSU Clery Compliance Officer, or in his/her absence, the MSU Directory of Security, sends a formal letter to the Minot Police and Minot Fire Departments requesting statistics regarding crime and/or fire incident response to MSU Clery reportable geography for the preceding year. The statistics received are reported to the Department of Education the Annual Security Report published prior to October 1st.

Counselors

Statistical information is not requested from, nor is it provided by, Counselors of the Student Health Center who are performing that function and role as their employment with the University. Counselors are not required by law to provide statistics for this compliance document. Counseling Professionals, as defined by the Federal law, who act in such capacities, have been advised that, while they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to MSU Security for inclusion in the annual statistics. The Counseling Center counselor may facilitate anonymous reporting, as outlined earlier in this Annual Security and Fire Safety Report.

All statistics are gathered, compiled, and reported to the university community via this report, entitled the "Annual Security and Fire Safety Report," which is published by MSU Security no later than October 1st of each year.1 MSU Security submits the

annual crime statistics published in this brochure via a Web-based reporting system to the Department of Education (ED).2 The statistical information gathered by the Department of Education is available to the public through their website. Table One of the crime statistics satisfies the reporting requirements outlined by the Clery Act.

Annual Security Report Availability

The Director of MSU Security sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report (ASFR). The email includes a summary of the contents of this report. The email includes the address for the MSU Security website where the Annual Security and Fire Safety Report (ASFSR) can be found online, and notification that a physical copy may be obtained by making a request to MSU Security by calling 701- 858-4016 or in person at the MSU Security Office at Facilities South, 500 University Avenue West, Minot, ND 58707. The availability of the ASFSR is posted on the Human Resources website on the Employment Opportunities information page.

Specific Information About Classifying Crime Statistics

The statistics in this brochure are published in accordance with the definitions and many of the standards and guidelines used by the FBI Uniform Crime Reporting (UCR) Handbook, National Incident-Based Reporting System (NIBRS), relevant Federal law (the Clery Act), and applicable State law (North Dakota Century Code).

Clery Act Crime Reporting

For Clery Act reporting purposes, the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart.

The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons Law violations, the statistics indicate the number of people arrested by law enforcement or referred to Human Resources for possible disciplinary action for violations of those specific laws.

Hate crimes are reported in narrative form and are separated by category of prejudice. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender's bias. For example, if a subject assaults a victim it is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime.

For Clery Act Purposes, Hate Crimes include any of the following offenses that are motivated by the offender's bias: Murder and Non-negligent Manslaughter, Sexual Offenses (rape, fondling, incest and statutory rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/ Vandalism of Property.

Campus Save was signed into law on March 7, 2013, as part of the reauthorization of the Violence Against Women Act (VAWA); it covers students and staff of institutions of higher education and amends the Jeanne Clery Act to include new reporting requirements for Domestic Violence, Dating Violence, and Stalking and additional policy statements and training requirements.

Clery Act Geography Definitions from the Clery Act

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

Non-Campus Building or Property *defined as*: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct

support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

The Non-Campus geography definition includes buildings or properties under temporary control during institutionally sponsored short-stay-away domestic or international trips for students of more than one night, or buildings or properties under temporary control during institutionally sponsored domestic or international trips for students to repeated locations.

- For example, students in the agriculture club take a trip to Washington, D.C. and stay at the same hotel every year. In this example, the institution must include in their Clery Act crime statistics any Clery Act crimes that occur in the rooms used by the students and any common areas used to access those rooms, including the lobby, elevator, and staircases.

Public Property *defined as*: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities. The MSU crime statistics do not include crimes that occur in privately-owned homes or businesses within or adjacent to the campus boundaries.

On-campus Student Housing Facility *defined as*: Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is a considered a subset of the On-Campus category.

Reasonably Contiguous *is defined in as:* Any building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the "campus." MSU considers locations within one mile from the core or main campus border to be reasonably contiguous with the campus.

MSU Established Clery Reportable Geography

According to The Handbook for Campus Safety and Security Reporting (Handbook), which explains the Department of Education's requirements under the Clery Act, the reportable geography of Minot State University includes the following locations:

- 500 University Ave. West (Main Campus) – includes all Campus Buildings, Residence Halls, and adjacent parking lots
- 1428 7th St. NW (University Heights)
- 1432 7th St. NW (Campus Heights)
- 816 10th Ave. NW (Beaver Suites Apartments)
- 1100 N. Broadway (Beaver Ridge Apartments)
- 114 University Ave. West
- 116 University Ave. West
- 120 Burdick Expressway East
- 703 University Ave. West
- 709 University Ave. West
- 721 University Ave. West
- 725 University Ave. West
- 804 8th St. NW
- 808 8th St. NW
- 900 North Broadway
- 920 North Broadway
- 1012 9th St. NW
- 836 10th Ave NW
- 838 10th Ave NW
- 840 10th Ave NW
- 844 10th Ave NW

MSU Public Property

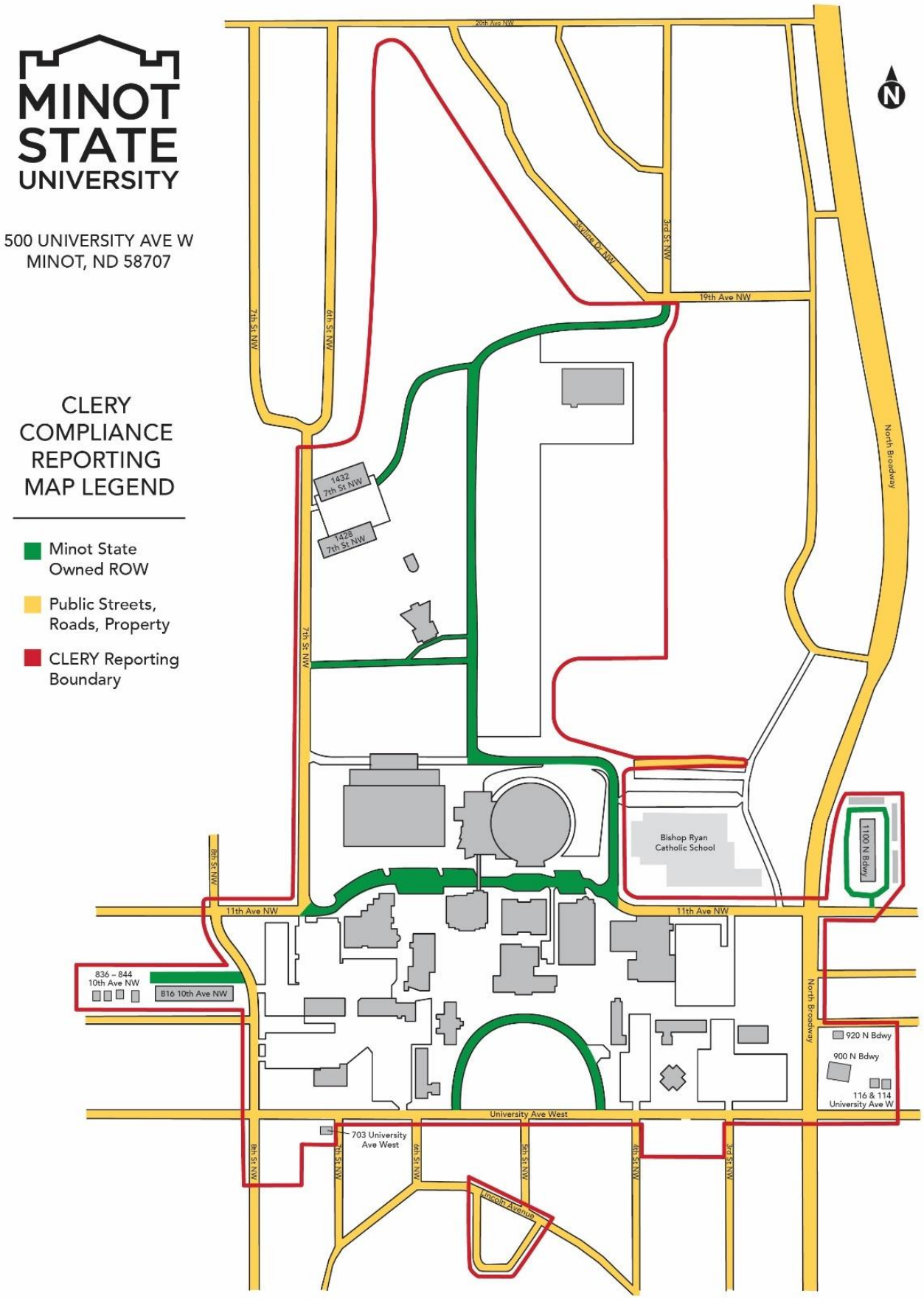
- Ramstad Junior High Property - MSU utilizes a parking lot one block south of campus in the former Ramstad Junior High School and is owned by Minot Public Schools. This property is currently authorized for use by MSU students and employees as a free parking area.
- Bishop Ryan 3rd tier parking area – MSU utilized a parking lot on the 3rd parking tier north of the Bishop Ryan Catholic school. MSU does not own this lot, however, maintains the lot for use by MSU students and employees as a free parking area.

Crimes committed in the areas identified as MSU Public Property. Crime statistics for these areas are included in the MSU Annual Security report and reported to the Department of Education.

Annually, the Director of Security reviews all Minot State University Clery Act defined property. The Director of Security updates the addresses and descriptions of all properties as well as the map included in the Annual Security Report depicting the properties relation to Minot State University. In the absence of the Director of Security, the Minot State University Clery Compliance Officer is responsible for review of all properties and necessary updates to the written property description and maps.

Unfounded Crimes: If a Clery Act crime is reported as occurring in any of the University's Clery Act geographic categories and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is "unfounded." Only sworn or commissioned law enforcement personnel may unfound a crime after a thorough investigative process.

Minot State University Clery Reportable Geography – Main Campus



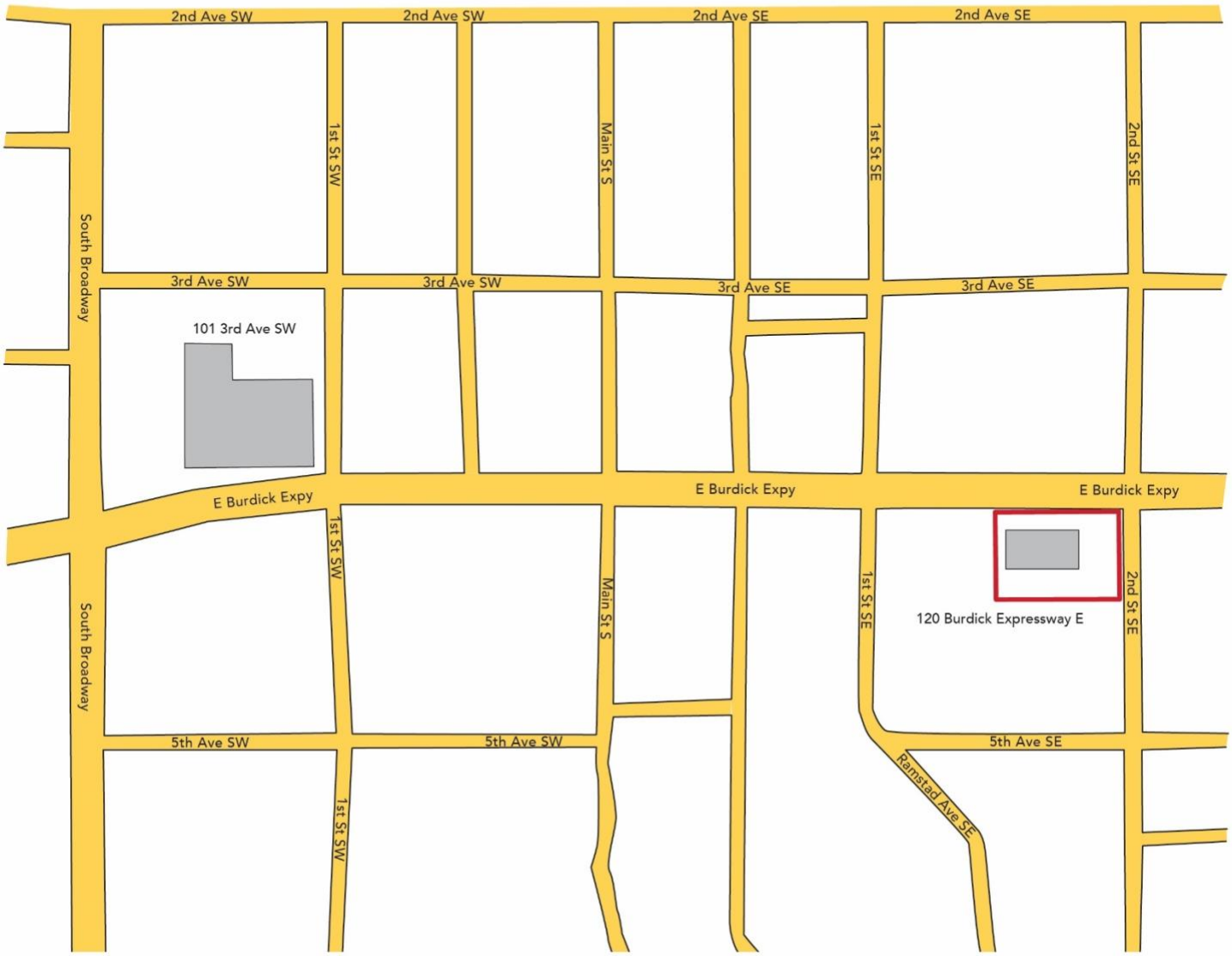
MSU Clery Property – Downtown Minot Campuses

MINOT STATE UNIVERSITY

CLERY COMPLIANCE REPORTING MAP LEGEND

- Public Streets, Roads, Property
- CLERY Reporting Boundary

DOWNTOWN MINOT CAMPUSES



Minot State University – Three Year Crime Summary

The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on weapons, drugs, and liquor law violations represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f).

Fig. 1: Three Year Crime Statistics

	YEAR	2022					2023					2024				
	LOCATION WHERE CRIME OCCURRED	On-Campus: Residence Hall*	Total On-Campus	Public Property	Non-Campus	Unfounded Cases	On-Campus: Residence Hall*	Total On-Campus	Public Property	Non-Campus	Unfounded Cases	On-Campus: Residence Hall*	Total On-Campus	Public Property	Non-Campus	Unfounded Cases
OFFENSES	Criminal Homicide	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Murder & Nonnegligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Sexual Assault (Sex Offenses)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Rape	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Robbery	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0
	Burglary	2	6	0	0	0	0	0	0	0	0	0	0	0	0	0
	Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VAWA OFFENSES**	Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Dating Violence	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0
	Stalking	0	0	0	0	0	0	0	0	2	0	1	2	0	0	0
ARRESTS	Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Drug Abuse Violations	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0
	Liquor Law Violations	8	8	0	0	0	1	1	0	0	0	0	0	0	0	0
REFERRALS	Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Drug Abuse Violations	2	2	0	0	0	3	3	0	0	0	0	0	0	0	0
	Liquor Law Violations	9	9	0	0	0	3	3	0	0	0	9	9	0	0	0
HATE CRIMES***	Simple Assault	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Larceny/Theft	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Intimidation	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Destruction/ Damage/Vandalism of Property	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–

***None of the crimes reported during the 2022-2024 reporting period qualify as Hate Crimes according to the Clery Act definition.

Minot State University Hazing Policy

A person is guilty of an offense when, during another person's initiation into or affiliation with any organization, the person willfully engages in conduct that creates a substantial risk of physical injury to that other person or a third person. As used in this section, "conduct" means any treatment or forced physical activity that is likely to adversely affect the physical health or safety of that other person or a third person, or which subjects that other person or third person to extreme mental stress, and may include extended deprivation of sleep or rest or extended isolation, whipping, beating, branding, forced calisthenics, overexposure to the weather, and forced consumption of any food, liquor, beverage, drug, or other substance. The offense is a class A misdemeanor if the actor's conduct causes physical injury, otherwise the offense is a class B misdemeanor.

Notwithstanding actions taken by civil authorities, the Vice President for Student Affairs or his/her designate may initiate disciplinary proceedings as outlined in Section IV against a student who engages in hazing.

Emergency Response and Evacuation Procedures

Emergency Preparedness

MSU has developed an Emergency Operations Plan (EOP) that establishes policies, procedures, and an organizational hierarchy for response to emergencies on campus. The Plan outlines incident priorities, campus organization and the role and operation of MSU personnel during an emergency. Emergency operations planning at MSU means preventing, preparing, responding, and recovering from all emergencies that could affect the University and local Minot community. Emergency preparedness at MSU is managed by the MSU Security Department with input by the Loss Control/Emergency Operations Committee. The emergency response and evacuation protocols and procedures outlined within this Annual Report apply to on-campus buildings, facilities, and residence halls.

Emergency Response

Each University department is responsible for developing emergency response and continuity of operations plans for their areas and staff. The MSU Security Department provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported to MSU Security by dialing 701-500-2423 or by dialing 911 for outside emergency responders.

In conjunction with other emergency agencies, the university conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced are designed to assess and evaluate the emergency plans and capabilities of the institution. After-action reviews will be conducted following each test and/or exercise that documents the test/exercise, provides a description for each test/exercise, the date, time, whether the test was announced or unannounced, and an assessment of the lessons learned from the exercise. MSU Security publicizes a summary of the emergency response and evacuation procedures via email to all students, faculty and staff in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act (HEOA).

Emergency Evacuation

General Building Evacuation Procedures

When the building fire alarm sounds, or when directed by a University official to evacuate, all occupants will leave the building through the nearest available exit. Designated MSU Security or Facilities personnel may remain behind for the purpose of assisting other occupants or emergency responders.

Actions to take for individuals involved

In the event of an emergency or dangerous situation, Minot State Security will direct students, faculty, staff, and guests to evacuate a building, several buildings, a portion of the campus, or the entire campus. Due to the unpredictability of these situations, affected parts of the campus will be provided directions on how to proceed while the event is happening or immediately after the event. The campus community will be asked to follow building and campus evacuation protocols and to obey directions from Minot State University (MSU) and on-scene emergency responders (if present).

Certain events, like a hazardous materials release or an active shooter, may require the MSU community and the public to shelter-in-place to prevent exposure to harmful elements.

Evacuation Procedure

If a building must be evacuated, all employees must proceed immediately upon that announcement to the nearest possible exit. To be prepared for an emergency, you should:

- Know at least two ways out of the building.
- Know the evacuation locations for your building (if a specific location is to be used, the location to be used will be determined and disseminated at the time of evacuation.

Make sure all members of your department evacuate the area by quickly checking nearby restrooms, storage rooms, etc. as you exit.

- Use the nearest stairway – Building elevators should never be utilized in a fire emergency or situation where electrical service may be interrupted (severe weather).
- Accompany and assist those with disabilities.
- Shut all doors behind you as you go.
- Evacuate as quickly as possible, but in an orderly manner. Do not push or shove.
- Once outside, proceed to the area designated by OSS or other emergency personnel and follow any other instructions given. Stay away from building entrances.

Possible Evacuation Locations

REMEMBER: Each building has multiple evacuation routes/locations. Situations will dictate which one is used. Locations may be subject to change due to unforeseen circumstances.

- Any adjacent building up wind from disaster.
- Evacuees may also gather directly outside the building if the situation does not pose an immediate threat to those near the building.

Evacuation of Disabled Persons

- Always consult with the person in the chair regarding how best to assist him/her.
- Assist and accompany to evacuation site if possible.
- Use a sturdy chair (or one with wheels) to move the person.
- Help carry individual to safety if possible or use an evacuation chair (stair chair) (see section 9.3.5 below).
- Utilize rescue chairs where available to navigate stairs.
- If unable to assist a person with mobility impairment, notify MSU Security or emergency responders.

To evacuate people using wheelchairs:

- Consult the individual before moving him/her.
- Individuals at ground floor locations may be able to exit without help.
- Utilize evacuation chairs (stair chairs) where available to navigate stairs.

To assist people with visual impairment:

- Announce the type of emergency.
- Take directions from the individual about how best to guide him/her.
- Tell the person where you are going and what obstacles you encounter.
- When you reach safety, ask if further help is needed.

To alert people who are deaf or hard of hearing:

- Turn lights on/off to gain person's attention.
- Indicate directions with gestures.
- If time permits, write a note with evacuation directions.
- Escort the person out of the building if requested to do so.
- When you reach safety, ask if further help is needed.

To assist people with service animals:

- A service animal may become hesitant or confused during an emergency. Discuss how to best assist the person with a disability if this should occur.

Basic "Shelter-in-Place "Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest university building quickly. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to "Shelter-in-Place"

A shelter-in-place notification may come from several sources, Assurance Emergency Message System, MSU Security, Student and Residence Life, other university employees, local law enforcement or outside emergency services, or other authorities utilizing the university's emergency communications tools.

How to "Shelter–in-Place"

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

- If you are inside, stay where you are, collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. It should be:
  - An interior room.
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
- Shut and lock all windows (tighter seal) and close exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able. MSU staff will turn off the ventilation as quickly as possible.
- Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to MSU Security so they know where you are sheltering. If only students are present, one of the students should call in the list.
- Turn on a radio or TV and listen for further instructions.

Off-campus Emergencies

MSU Security officials often receive emergency information from Minot Central Dispatch regarding incidents in Ward County that could imminently impact the safety of the MSU community. When appropriate, MSU Security notifies the campus community of off-campus threats that could also represent a threat to the health or safety of students or employees.

Emergency/Immediate Notification

MSU has developed a process to notify the campus community in case of an emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident; and structural fire.

Emergencies occurring on or within any of the University's Clery geography (as defined in the "Geography Definitions" elsewhere in this Annual Report) should be reported to MSU Security by dialing 701- 500-2423, or by dialing 911 for outside emergency responders. The University will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the campus community, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

In the event of an emergency, an effective Campus-wide communications process is vital to provide the greatest safety possible for the University community. As part of its Emergency Management Operations, the University has adopted a formalized procedure for issuing emergency/immediate notifications to the campus community.

The following steps are normally taken in the event of a situation requiring an emergency notification to the campus community:

- Director of Security, or designee, involves local emergency responders, if applicable, to mitigate the emergency.
- Director of Security, or designee, contacts a member of President's Staff to inform and make recommendations regarding issuance of a campus notification.
- University Communications and creates a draft message for approval by a member of President's Staff.
- Upon approval, University Communications disseminates the message through the Emergency Notification System.

*Note – in the unlikely event a member of President's Staff is unavailable the Director of Security, or designee, will authorize the dissemination of the emergency message to campus.

When MSU Security officers become aware of a situation that may warrant the issuing of an immediate notification, the on-duty MSU Security Officer confirms (through response, investigation, or collaboration with emergency responders) that there is a significant emergency and then immediately contacts the MSU Security Director or Designee, who immediately evaluates the situation to determine if an alert is warranted.

The emergency/immediate notification capability of the emergency notification system (ENS) is designed to enable the University to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on or near the campus that involves an immediate threat to the health or safety of students or employees. A threat is imminent when the need for action is instant, overwhelming, and leaves no moment for deliberation. Such situations would include, but are not limited to, a hazardous materials incident requiring shelter-in-place or evacuation, an armed intruder on or near campus, an approaching tornado, or a fire actively raging in a campus building.

Immediate notification to the campus can be accomplished through a variety of communications methods. Notification will be made by using some or all the following multi-modal notification methods depending on the type of emergency: University's Emergency Notification System (ENS) – which contains email, cell phone text, voice message alert; fire alarm; Blue Light outdoor speakers; social media; digital signage; local media; and website.

Confirmation of the existence of an emergency typically involves the response and assessment by MSU Security officers, sometimes in conjunction with campus administrators and other university officials (MSU President, Vice President for Academic Affairs, Vice President for Student Affairs, Executive Vice President for Administration, Human Resources, Vice President for Advancement), local police and first responders and/or the national weather center.

A representative of MSU University Communications will assist with the writing and dissemination of emergency notifications. Notification message content is determined based on the type of incident, the context with which it is occurring, and the immediate danger or threat to the campus community and the need to advise campus community members to act. The University will endeavor to make such notification sufficiently specific to enable recipients to take an appropriate response to the threat. Sample messages have been prepared by MSU Security and University Communications as part of the emergency notification system to aid in rapid communication processes. In situations lacking the presence of an imminent threat, the MSU Security Director, or Designee, consults with the Vice President for Administration and Finance, and/or other members of the President's Staff prior to an alert being issued.

Follow-up notices/communications will be provided as necessary during an active incident and may be provided by the MSU Security Director, or Designee, or a member of President's Staff. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the described communications methods. Additionally, updates regarding a prolonged and ongoing emergency such as a health emergency (norovirus, serious illness, pandemic, etc.) can be provided by creating a banner (webpage) at the top of the University's homepage that would contain specific status update information along with links to public health agencies (for example) or other relevant entities.

When the emergency notification system (ENS) is fully activated using email, and cell phone text/voice messaging, university officials will notify campus community members of the emergency, its exact location, and will most likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the "shelter-in-place"

procedures. If there is an immediate threat to the health or safety of students or employees occurring on campus, an University must follow its emergency notification procedures. If the University follows its emergency notification procedure it is not required to issue a timely warning based on the same circumstances; however, the University must provide adequate follow-up information to the community as needed.

Emergency Notification System Testing and Registration

Minot State University utilizes the Assurance emergency notification system to notify the campus community through voice, text, and email. The Assurance system will be tested at least each calendar year to ensure that all systems are working properly. These tests will also be educational moments for the campus community to remind them that this system does exist, and that it is a working and functioning system that they can be relied upon. In conjunction with at least one of the annual test notifications, information is shared with the campus community related to the campus' emergency response and evacuation procedures.

Students, staff, and faculty are informed of the University's Assurance emergency notification system and evacuation processes annually during training and through written notification. This includes dissemination of information about how to respond during the activation of the Assurance system in response to a significant incident on campus or within the immediate area of the campus that potentially directly impacts the safety of campus community members. These information sessions have been built into student orientation, Residential Advisor student staff training, and new employee/faculty orientations.

The Assurance procedural processes are tested annually – including the activation of cell phone, work or home phone, email account, voice mail, and through text messages. These tests are usually announced but may be unannounced. Available student cell phone numbers are loaded into the Assurance system upon registration for classes.

Faculty and Staff participation is mandatory. Faculty and Staff are required to annually update their emergency notification information by:

- Log into your NDUS Employee Self Service, Personal Details, my preferences and under "contact details" add your cell-phone number (with area code)by clicking on the +(Add Phone) and click "Save."
- If you do not currently receive the Assurance notification, it shows you are not in the system and should contact MSU Security if you want to receive future notifications.
- Users should keep in mind that changes may take a few days to take effect.

The University's primary and secondary means of communicating during an emergency include those addressed above. The following, although not all methods are employed, include primary, secondary and tertiary methods of notification that are decided upon based on the segment or segments of the campus community that require notification and the best method(s) determined to maximize that notification. The communications method used would depend on the type of emergency:

- Cell phone text/voice messaging
- Alert siren
- Campus Public Address System (PA)
- All-campus email alerts
- Voicemail
- Emergency website, Facebook, and X accounts
- Telephone trees
- Public media (TV, radio, news websites)
- Fire alarm system notification
- Flyers posted throughout campus
- Direct on-foot and in-person notifications

Additional Procedures for Disseminating Emergency Information to the Larger Community

MSU's website (www.MinotStateU.edu), public media (TV, radio, news websites), social media, and flyers posted throughout campus serve as primary distribution systems to disseminate emergency information to the larger community.

Alcohol/Drug Policies

In accordance with the federal Drug-Free Workplace Act of 1988, the federal Drug-Free Schools, and Communities Act (DFSCA) of 1989, and State policies on Alcohol and Other Drugs, MSU prohibits the unlawful or unauthorized possession, use, sale, manufacture, distribution, or dispensation of alcohol and other drugs by employees and students in the workplace or when representing MSU in a working capacity off campus. Responsible use of alcohol at MSU related social events (e.g., Alumni Dinner, Holiday Party, Northwest Art Gallery, Athletic Events, etc.) or during designated social hours at conferences, seminars, etc. is exempt. Employee or student violators are subject to disciplinary action, up to and including termination of employment and expulsion.

MSU Security reports violations of law to the appropriate university department and works in collaboration with the state and local police, on enforcing the laws of the State of North Dakota, including laws relative to the possession, use, and sale of alcoholic beverages. This includes the enforcement of state underage drinking laws and federal and state drug laws. Student violations of the policies and guidelines pertaining to alcohol and drugs specified in the MSU booklet of Student Rights and Responsibilities will result in sanctions appropriate to the degree of the violation. Sanctions will increase in severity for repeated violations. Student sanctions will include, but are not limited to, fines, education, loss of privileges, referrals for counseling, probations, residence hall separation, or suspension or expulsion from the university.

North Dakota Century Code states that individuals be at least 21 years of age to buy, possess and consume alcoholic beverages.

It is illegal to give or sell alcohol to an individual under the age of 21. It is illegal to have an open container of alcohol in any vehicle. It is illegal to serve alcohol to an intoxicated person. It is illegal to sell alcohol of any kind without a license or permit. Organizations are not immune from prosecution for a legal violation. The officers of that group are usually the parties cited, but every group member is liable. Driving while intoxicated (.08 blood alcohol content) is a criminal offense.

Being intoxicated is not a legal defense for any charge, including assault, rape, vandalism, slander, manslaughter, or accident. If an underage person is involved in a drinking/driving crash after leaving a party, the victim(s) of the crash may sue both the person at fault and those who provided the alcohol.

There are also serious legal repercussions for driving under the influence of alcohol. Drivers under the age of 21 with a BAC of .02 or higher will be charged with Driving Under the Influence. Drivers 21 and over with a BAC of .08 or higher will be charged with Driving Under the Influence.

The use of narcotics and controlled substances without a prescription on University premises, as elsewhere, is illegal. Illegal possession, use, and/or sale of drugs or narcotics by students, employees, or guests constitutes unacceptable and illegal conduct. The MSU Security reports violations of law to the appropriate university department and works in collaboration with state and federal law enforcement and local police, on for enforcing the laws of the State of North Dakota, including laws relative to the possession, use, and sale of narcotics and controlled substances.

Drug Free Schools and Communities Act (DFSCA) Compliance

A copy of the most current Drug Abuse and Alcohol Prevention Program (DAAPP) can be reviewed and obtained by contacting the MSU Student Health Center:

- Contact the Student Health Center by dialing 701- 858-3371, or in person in at: Lura Manor, lower level, 500 University Avenue West, Minot ND 58707/ Information related to alcohol and other drug use can be found online at the Student Health website: https://www.minotstateu.edu/health/atod.shtml

Additional alcohol and drug policies, standards of conduct, applicable disciplinary sanctions, health risks, counseling and treatment, processes, goals, and objectives can be found on this website and within the DAAPP. The biennial report, developed in accordance with the Drug Free Schools and Communities Act (DFSCA) of 1989, can also be obtained by contacting the Student Health Center at the contact information above.

Use of Alcohol and Other Drugs

- A student who brings or uses intoxicating liquors, alcoholic beverages or illegal drugs on campus is subject to disciplinary action.
- A student who attends class under the influence of alcohol or illegal drugs is subject to disciplinary action.

- Faculty and staff are justified in contacting appropriate law enforcement authorities and/or MSU Security in the event a student is under the influence.
- Students who are involved in illegal drug usage, off the premises of the campus, may also face disciplinary action.
- Student organizations and clubs are not allowed to sponsor on-campus or off-campus events at which alcohol or illegal drugs are consumed.
- Sale of alcoholic beverages and/or drugs by student organizations and clubs is strictly forbidden. (This is to include any action that can be remotely construed as alcohol sale such as charging admission to parties, passing the hat, selling empty cups, selling drink tickets, etc.)
- Alcoholic beverages and/or drugs may not be used as awards or prizes in connection with events or activities sponsored by student organizations and clubs.
- Advertisements for alcohol sales and bars are not allowed to be posted on campus.
- These advertisements will also not be allowed electronically or printed in MSU publications. There could be an exclusion for community events as determined by the President.
- Disciplinary action, which may include expulsion from the University, shall follow the procedures and regulations for disciplinary action that are found in the MSU Student Rights and Responsibilities. In addition, such matters may be reported by the University to the appropriate law enforcement authorities.
- Since involvement with drugs may be associated with medical and/or psychological problems, students may be referred or may refer themselves to counseling or medical services.

Where to Turn for Help

Students may initiate help for themselves or others by contacting any of the following:

On Campus

- Counselor – 701-858-3371; located in the Student Health & Counseling Center (Lower level of Lura Manor)
- Alcohol and Other Drug Prevention Coordinator – 701-224-2449
- Director of Student and Residence Life – 701-224-5465

Community Resources

- "211" – 24-hour referral and crisis management hotline for North Dakota.
- ALCOHOLICS ANONYMOUS – 515 CLUB
  838-2740, 515 5th Ave NW Minot, ND 58701
- ALCOHOLICS ANONYMOUS – 700 CLUB
  839-6091, 700 16th Ave SW Minot, ND 58701
- ALCOHOL EDUCATION/ALCOHOLIC COUNSELING
  North Central Human Service Center, 857-8500
  1015 S. Broadway, Suite 18 Minot, ND 58701
- EATON AND ASSOCIATES
  839-0474, 1705 4th Ave NW Minot, ND 58703
- MINOT AIR FORCE BASE MENTAL HEALTH CLINIC
  723-5527, 10 Missile Ave., Minot Air Force Base, ND 58705-5000
- PSYCHOLOGICAL SERVICES
  852-9113, 13 1st Ave. SW Minot, ND 58701
- TRINITY MENTAL HEALTH SERVICES
  857-5998, 1900 8th Ave SE Minot, ND 58701
- VILLAGE FAMILY SERVICES
  852-3328, 20 1st St. SW Minot, ND 58701

National Numbers

The National Drug & Alcohol Hotline: 1-800-711-6375 or 1-800-711-6402

Alcohol Education

The MSU Student Health Counseling Center annually provides E-CHECKUP to GO (E-CHUG), an online survey designed to motivate individuals to reduce alcohol consumption using personalized information about their own drinking. E-CHUG is currently in use at over 600 universities and colleges internationally. During the E-CHUG training session students are provided information about the ND Medical Amnesty law, standard drink sizes, and information regarding signs, symptoms, and emergency medical care for someone suspected of alcohol poisoning.

Minot State University's Response to Sexual and Gender-Based Harassment and Interpersonal Violence

Minot State University (MiSU) prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from sexual harassment and retaliation. The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the University has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment and retaliation. Minot State University's Title IX Sexual Harassment Policy can be found on the University's Office for Title IX website.

Policy Statement

The University's Title IX Sexual Harassment Policy is designed to address conduct that falls within Title IX of the Education Amendments of 1972 and other federal and state laws and regulations. Additionally, the Policy is designed to address sexual miscondct that falls outside the jurisdiction of the Title IX.

Minot State University adheres to all federal, state, and local civil rights laws prohibiting sex-based harassment in employment and education. The University does not discriminate in its admissions practices (except as permitted by law), in its employment practices, or in its educational programs or activities on the basis of sex/gender. As a recipient of federal financial assistance for education activities, the University is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex/gender. Sex includes sex, sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or parenting status.

The University also prohibits retaliation against any person opposing sexual harassment or participating in any investigation or complaint process internal or external to the institution. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sexual harassment, which are prohibited under Title IX and by University policy.

Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities and/or benefits of any member of the University community on the basis of sex is in violation of the Sexual Harassment Policy

Any person may report sex-based harassment (whether or not the person reporting is the person alleged to have experienced the conduct), in person, by mail, by telephone, by video, or by email, using the contact information listed for the Title IX Coordinator (below). A report may be made at any time (including during non-business hours).

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Lisa Dooley, Ed.D., Title IX Coordinator Office of Title IX
Memorial Hall, 4th Floor, Room 412
500 University Ave W., Minot, ND 58707 • (701) 858-3447
Email: lisa.dooley@minotstateu.edu • Web: https://www.minotstateu.edu/title9/index.shtm

Definitions

The following definitions are given in the proposed rule on the Violence Against Women Act, drafted by the Department of Education and published in Vol. 79, No. 119 of the Federal Register on June 20, 2014.

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

1. Domestic Violence:
    a. A Felony or misdemeanor crime of violence committed by—
        i. a current or former spouse or intimate partner of the victim;
        ii. a person with whom the victim shares a child in common;
        iii. a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
        iv. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
        v. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
        vi. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
2. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
    a. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
    b. For the purposes of this definition—
        i. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
        ii. Dating violence does not include acts covered under the definition of domestic violence
    c. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
3. Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
    a. Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
    b. Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
    c. Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    d. Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.
4. Stalking:
    a. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
        i. Fear for the person's safety or the safety of others; or,
        ii. Suffer substantial emotional distress.
    b. For the purposes of this definition—
        i. *Course of Conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
        ii. *Reasonable Person* means a reasonable person under similar circumstances and with similar identities to the victim.
        iii. *Substantial Emotional Distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
    c. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

This section offers an overview of North Dakota's statutes on Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

1. Domestic Violence (:NDCC 12.1-17-01.2). In North Dakota state law, domestic violence is defined as,
   a. For purposes of this section "family or household member" means family or household member as defined in section 14-07.1-01.
   b. A person is guilty of an offense if that person willfully causes:
      i. Bodily injury to the actor's family or household member.
      ii. Substantial bodily injury to the actor's family or household member; or
      iii. Serious bodily injury to the actor's family or household member
   c. The offense is:
      i. A class B misdemeanor for the first offense under subdivision a of subsection 2 and a class A misdemeanor for a second or subsequent offense under this section or sections 12.1-17-01, 12.1-17- 01.1, or 12.1-17-02 involving the commission of domestic violence, as defined in section 14-07.1-01. For purposes of this subdivision, a prior conviction includes a conviction of any assault offense in which a finding of domestic violence was made under a law or ordinance of another state which is equivalent to this section.
      ii. A class A misdemeanor for an offense under subdivision b of subsection 2 and a class C felony for an offense under subdivision c of subsection 2.
      iii. A class B felony for an offense under subdivision b or c of subsection 2 if the victim is under twelve years of age.
   d. A person charged with an offense under this section must be prosecuted in district court.
2. Dating Violence: The state of North Dakota does not have a definition on Dating Violence.
3. Sexual Assault (NDCC 12.1-20-07). In North Dakota state law, sexual assault is defined as a person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:
   a. That person knows or has reasonable cause to believe that the contact is offensive to the other person.
   b. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person's conduct.
   c. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct, by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means for the purpose of preventing resistance.
   d. The other person is in official custody or detained in a hospital, prison, or other institution and the actor has supervisory or disciplinary authority over that other person.
   e. The other person is a minor, fifteen years of age or older, and the actor is the other person's parent, guardian, or is otherwise responsible for general supervision of the other person's welfare; or
   f. The other person is a minor, fifteen years of age or older, and the actor is an adult.

   In North Dakota state law, sexual assault can be referred as Gross Sexual Imposition (NDCC 12.1-20-03). Sexual Imposition (NDCC 12.1-20-04), and Incest (NDCC 12.1-20-11), and are not included in this definition and are considered separate crimes.

   Further, under Clery and Uniform Crime Reporting (UCR) definitions, the North Dakota Criminal Code (NDCC) sections relating to Gross Sexual Imposition (NDCC 12.1-20-03), and Sexual Imposition (12.1-20-04) are considered rape for the purposes of Clery reporting.
4. Stalking (NDCC 12.1-17-07.1). In North Dakota state law, stalking is defined as:
   a. As used in this section:
      i. "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.
      ii. "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.
      iii. "Stalk" means:
         (1) To engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person and which serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience

fear, intimidation, or harassment; or

(2) The unauthorized tracking of the person's movements or location through the use of a global positioning system or other electronic means that would cause a reasonable person to be frightened, intimidated, or harassed and which serves no legitimate purpose.

b. A person may not intentionally stalk another person.

c. 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.

d. In any prosecution under this section, it is a defense that a private investigator licensed under chapter 43-30, or a peace officer licensed under chapter 12-63 was acting within the scope of employment.

e. 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.

i. A person who violates this section is guilty of a class C felony if:

(1) The person previously has been convicted of violating section NDCC 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1- 17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07, or a similar offense from another court in North Dakota, a court of record in the United States, or a tribal court, involving the victim of the stalking.

(2) The stalking violates a court order issued under chapter 14-07.1 protecting the victim of the stalking, if the person had notice of the court order; or

(3) The person previously has been convicted of violating this section.

ii. If subdivision (i) does not apply, a person who violates this section is guilty of a class A misdemeanor.

5. Consent: The state of North Dakota does not explicitly define consent; however, according to North Dakota Century Code § 12.1-20-01, :the age of consent is 18 years old. person under the age of 15 cannot legally consent to sexual activity under any circumstances; a person between the ages of 15 – 17 is legally able to consent to sexual activity if the partner is less than three years older. For example, a 16-year-old can legally consent to engage in sexual activity with a partner who is 18 years old, but not a partner who is 19 years old.

a. The state does provide descriptors commonly associated with Consent when describing the offenses of Sexual Assault (NDCC 12.1-20-07), Gross Sexual Imposition (NDCC 12.1-20-03), Sexual Imposition (12.1-20- 04).

Minot State University's Sexual Harassment Policy Definitions

Title IX Sexual Harassment

"Title IX Sexual Harassment" is a subset of Prohibited Conduct. Under Department of Education regulations (see 34 C.F.R., Part 106) issued in 2020 to implement Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 et seq., the University is required to prohibit certain forms of sexual harassment as defined in those regulations. Title IX Sexual Harassment is Prohibited Conduct of the following types committed by or against Students and/or Employees in an education program or activity of the University, in the United States.

Prohibited Conduct meets the definition of Title IX Sexual Harassment when:

1. An Employee conditions the provision of an aid, a benefit, or a service on another Employee's or a Student's participation in unwelcome sexual conduct (i.e., Quid Pro Quo sexual harassment); or
2. A Student, Employee, or Third Party (to the extent applicable) engages in unwelcome conduct on the basis of sex that would be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies another person equal access to the University's programs or activities; or
3. A Student, Employee, or Third Party engages in Sexual Assault, Domestic Violence, Dating Violence, or Sexual and/or Gender-based Stalking as defined below; and
   a. The alleged conduct was perpetrated against a person in the United States; and
   b. The conduct took place within the University's programs and activities.

Conduct takes place within the "University's programs and activities" when that conduct occurs: (1) in a location, at an event, or in a circumstance where the University exercises substantial control over both the respondent and the context in which the conduct occurs; or (2) in any building owned or controlled by a student organization recognized by the University. Events that occur off campus or in locations with no connection to the University are unlikely to be considered a University program or activity.

Definition of Consent as it Relates to Sexual Activity is as follows:

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may experience the same interaction in different ways; therefore it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is clearly communicated. If consent is withdrawn, that sexual activity should cease. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

How to Be an Active Bystander

The Bystander Intervention prevention model supports individuals in group settings to recognize unwelcome conduct, identify points of escalation, and safely support peers with strategies that prevent further harm. This evidence-based approach can have a life-changing impact for individuals and whole communities.

What is Bystander Intervention?

Bystander Intervention refers to a type of response to situations we may interpret as potentially harmful to another person or people. It requires that we recognize the potential for harm, contemplate our role in responding, and take some form of action.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Why might individuals not intervene?

There are several reasons why bystanders may not actively respond. Research on bystander behavior indicates:

- Individuals may not recognize that something is wrong in the first place, especially when certain problematic situations or behaviors are treated as normal.
- Individuals question whether helping out is their responsibility. This concept, called diffusion of responsibility, means that if several people are present, an individual is much less likely to help, believing someone else will.
- Individuals may not intervene if the situation feels ambiguous and the bystander is worried about misjudging the situation. Fearing consequences, social stigma, embarrassment, it can be difficult for an individual to determine how and when to intervene.
- Bystanders may also have to make quick judgments about whether it is safe to intervene. Bystanders often cite that they are less likely to intervene if there is a threat to their safety.

What can I do?

Active bystander intervention encourages people to watch for behaviors and situations that are harmful to others, and to step in when they can. These are all examples of being an active bystander.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Be direct, delegate responsibility, or cause a distraction when you see a person secludes, hits on, tries to make out with, or has sex with people who are incapacitated.
- Intervene when someone discusses plans to take sexual 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.

Strategies for Intervention

1. Recognize – If you observe or hear of incidents that might constitute or contribute to sexual or gender-based harassment, you have options. If a situation appears to involve unwanted sexual attention or advances, or gender discrimination, ask yourself if anyone involved may need help.
2. Recruit – Seeking the perspective of a friend or colleague may help you to avoid acting on unconscious biases. If you notice a situation and are unsure whether to take action, you can ask for another bystander's viewpoint to better understand context. Together, you can navigate available options.
3. Respond – If it is safe to do so, you may try to:
   a. Directly respond to the potentially harmful behavior
   b. Delegate to someone in a trained role, such as an event host, supervisor, or Title IX Coordinator
   c. Distract or divert attention such as interrupting the incident or conversation to ask for assistance
   d. Delay your exit from the space and simply be present with the other person
4. Remove – If you are able to connect with the person who is potentially being harmed, check in to see what they may need. If the person wishes to remove themselves from the situation, you may offer to connect them with a trusted colleague, friend, or supportive resources.
5. Repeat – Remember, every time you choose to be an active bystander, you are modeling a positive approach for others. Being an active bystander not only helps one person— it sets the tone for the entire Community and can improve the climate around you.

Personal Safety: Risk Reduction

People of all identities and backgrounds experience sexual and gender-based harassment. While the responsibility for harassment lies with the individuals who enact the harm, and the systems that have historically supported such harm, we can reduce our own exposure to harm by remaining informed about our rights and resources. Thus, the information below is not mutually exclusive of other forms of prevention but is included to enhance personal safety wherever possible. It is important to remember that everyone has different needs, perspectives, and experiences, so choosing steps that work for you individually is essential. You are encouraged to select among, or add to, the following considerations. (Rape, Abuse, & Incest National Network, www.rainn.org)

- 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 tobe.
- Make sure your cell phone is with you and charged and that you have cab money and/or an on-demand driver app loaded.
- 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.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've
- left your drink alone, just 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 too intoxicated for the amount of
- alcohol they've had, or is acting out of character, get them to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 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:
    a. 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.
    b. 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.
    c. 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.
    d. 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.

Call for Help. If you or someone you know is feeling uncomfortable, scared, or pressured, you can call for help any time. You can contact professionals you trust, which may include the Minot State University Campus Security at 701-500-2423. You may also contact Minot Police Department if you need an immediate response.

Prevention and Awareness Programs and Campaigns

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

MSU's educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students that:

- Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;
- Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee codes of conduct;
- Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provide an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act.

- Provide information regarding:
    a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs (as described in "Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs" elsewhere in this Annual Report);
    b. how the institution will protect the confidentiality of victims and other necessary parties (as described in "Assistance for Victims: Rights and Options" elsewhere in this Annual Report);
    c. existing counseling, health, mental health, victim advocacy, student financial aid, and other services available for victims, both in the institution and in the community (as described in "Assistance for Victims: Rights and Options" elsewhere in this Annual Report); and
    d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in "Assistance for Victims: Rights and Options" elsewhere in this Annual Report);
    e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in "Adjudication of Violations" elsewhere in this Annual Report).

The University provides primary prevention and awareness programs to all incoming students and employees that involves the distribution of educational materials to new students, participating in and presenting information and materials during new student and employee orientations, providing programs by invitation at staff meetings or academic programs, and requiring incoming first-year students and returning upper-class students to take online courses related to sexual harassment and high risk drinking awareness and education. These trainings include:

- Clearly articulated statements that the University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking.
- The Federal and State definitions of domestic violence, dating violence, sexual assault and stalking;
- The University and State definitions of consent;
- A description of safe and positive options for bystander intervention.
- Information on specific risk reduction strategies.

Ongoing Training Initiatives

The University provides an annual educational campaign for all students and employees designed to provide ongoing education and programming around issues of sexual violence – including sexual assault, domestic violence, dating violence, and stalking.

Campaign strategies employed include face-to-face presentations, online training programs, printed materials, self-defense programming, tabling displays, and related lectures.

Ongoing prevention and awareness campaigns include self-defense programming; domestic violence month events and activities; sexual assault and awareness month, which may include presentations regarding bystander intervention programming; programming specific to developing healthy relationships; and regular student conversations related to sexual assault and relationship violence.

The following are some specific examples of current programs currently offered by the University. This list is not all inclusive:

- MSU Title IX and MSU Security websites contain safety related information about the prevention of sexual violence
- Online Education: All employees and students complete mandatory online training from Vector Solutions on an annual basis to promote healthier and a safer campus environment for everyone. The training includes information on sexual misconduct, stalking, and relationship violence as required by the "Campus SaVe Act". The Minot State University Title IX office conducted presentations during "New Faculty Orientation" regarding mandatory reporting requirements and support measures.
- The Minot State University Title IX office conducted several guest lectures on risk and protective factors/barriers to interpersonal violence and provided information regarding consent and Sexual Harassment Policy and Procedures; comprehensive training was provided to Residence Hall Managers and Assistants regarding Title IX requirements and proper procedures to follow in Title IX related complaints.
- Trigger Warnings were presented to the MSU Faculty Senate to help reduce negative reactions to disturbing material involving interpersonal violence. Faculty members implemented the Trigger Warning procedures during the 2022-2023 academic year.
- Clothesline Project was displayed in the Student Center for Domestic Violence Awareness month

- University bulletin boards were created in high traffic areas to help campus community members actively address situations involving interpersonal violence and create a positive community.
- Purple ribbons and banner were displayed prominently on campus trees to provide a symbol and awareness of courage and hope for victims of domestic violence.
- The MSU campus community was encouraged to participate in Purple Thursdays in October of 2022 in support of Domestic Violence Awareness Month.
- A self defense course was offered for all campus community members.
- The Title IX Office and the Minot State University Criminal Justice Club included information on the University social media page to spread awareness and show support for victims of sexual assault for the 2024 Sexual Assault Awareness Month
- The Native American Cultural Center conducted a Missing and Murdered Indigenous Persons Awareness Walk in May, 2023 to recognize missing and murdered American Indigenous persons.
- *Stall Street Journal* – Information regarding Domestic Violence and support measures were displayed in campus restrooms in October of 2022 for Domestic Violence Awareness Month.
- The University's Title IX web page is intended to provide student, faculty, and staff with information required under regulations and guidance issued by the US Department of Education Office for Civil Rights. This includes but not limited to nondiscrimination statement, Title IX Coordinator information, training materials used to train the Title IX Team, and grievance procedure.

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator (Lisa Dooley, Title IX Coordinator, Memorial Hall 4th Floor, Room 412, 500 University Avenue West, Minot, ND, lisa.dooley@minotstateu.edu, 701-858-3447). Reports of all domestic violence, dating violence, sexual assault, and stalking made to MSU Security will automatically be referred to the Title IX Coordinator for review. The Title IX Coordinator is not a confidential reporting entity and is required to report criminal incidents to MSU Security.

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at Trinity Health Systems. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses not to make a report to law enforcement[1].

The State of North Dakota, which includes the MSU Campus and surrounding area, has established the following reporting options for victims of sexual assault.

1. Immediate Investigation
   - The victim reports the details of the sexual assault to law enforcement at the time of the forensic medical exam.
2. Delayed Investigation
   - The victim does not immediately participate with law enforcement at the time of the forensic medical exam.

[1]*In accordance with NDCC 43-17-41 health care professionals are required to report sexual assaults to law enforcement. The forensic kit with the victim's name and address may be kept by the law enforcement agency in the jurisdiction where the sexual assault occurred for a minimum of seven years or until the victim turns twenty-two, whichever occurs later.*

If a sexual assault victim does not currently wish to involve police, there is still an option to have the forensic evidence collected in a timely manner. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. By providing victims with the opportunity to preserve evidence, gather information, solidify their support system, and establish rapport with first responders, the campus hopes to create an environment that encourages reporting, even for those victims who initially feel unable, unwilling, or unsure about doing so. If the victim so chooses, campus authorities may assist them in notifying and involving law enforcement authorities and campus authorities.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps

to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or local police.

Involvement of Law Enforcement and Campus Authorities

Although the University strongly encourages all members of its community to report violations of this policy to MSU Security and/or the Minot Police, it is the victim's choice whether to make such a report. Furthermore, victims have the right to decline to notify law enforcement.

Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on- and/or off-campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available.

The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator (Lisa Dooley, Title IX Coordinator, Memorial Hall 4th Floor, Room 412, 500 University Avenue West, Minot, The Title IX Coordinator may collaborate and coordinate with the Vice President for Student Affairs for student cases and the Minot State University Human Resource Office for employee cases.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the University, below are the procedures that the University will follow.

Procedures MSU Will Follow when an Incident is Reported

Sexual Assault

1. Depending on when reported (immediate vs. delayed report), institution will provide victim with access to medical care.
2. Institution will assess immediate safety needs of victim.
3. Institution will assist victim with contacting local police if complainant requests AND provide the complainant with contact information for local police department.
4. Institution will provide complainant with referrals to on- and off-campus mental health providers.
5. Institution will assess need to implement interim or long-term protective measures, if appropriate.
6. Institution will provide the complainant with a written explanation of the complainant's rights and options.
7. Institution will provide a "No trespass" or "No contact" directive to accused party if deemed appropriate.
8. Institution will provide written instructions on how to apply for Protective Order
9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.
10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged, and the outcome of the hearing.
11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination or for assisting in the investigation.

Stalking

1. Institution will assess immediate safety needs of complainant.
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.
3. Institution will provide written instructions on how to apply for Protective Order.
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.

6. Institution will provide the complainant with a written explanation of the complainant's rights and options.
7. Institution will provide a "No trespass" or "No Contact" directive to accused party if deemed appropriate

Dating Violence

1. Institution will assess immediate safety needs of complainant.
2. Institution will assist complainant with contacting local police if complainant. requests AND provide the complainant with contact information for local police department.
3. Institution will provide written instructions on how to apply for Protective Order.
4. Institution will provide written information to complainant on how to preserve evidence.
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
6. Institution will provide the complainant with a written explanation of the complainant's rights and options.
7. Institution will provide a "No trespass" or "No Contact" directive to accused party if deemed appropriate.

Domestic Violence

1. Institution will assess immediate safety needs of complainant.
2. Institution will assist complainant with contacting local police if complainant.. requests AND provide the complainant with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order.
4. Institution will provide written information to complainant on how to preserve evidence.
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
6. Institution will provide the complainant with a written explanation of the complainant's rights and options.
7. Institution will provide a "No trespass" or "No Contact" directive to accused party if deemed appropriate.

Facilitated Anonymous Reporting through the Counseling Center

Counselors in Minot State University Student Health and Counseling Center are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the University encourages counselors to inform students that they assist in making an anonymous crime report to MSU Security.

Students may request the Counseling Center to anonymously report general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the University's Annual Security and Fire Safety Report.

Employee Assistance Program

MSU also provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to provide full-time employees assistance with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible. The contact number of the EAP is listed in the "On- and Off-Campus Services" section of this Annual Report.

All information relating to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services unless the employee gives their advance written consent. The EAP does not report incidents to any Official On-Campus Resources unless the employee specifically gives them permission to do so.

Assistance for Victims: Rights and Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred.
- information about how the institution will protect the confidentiality of victims and other necessary parties.

- a statement that the institution will provide written notification to students and employees about victim services in the institution and in the community.
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action.

Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

MSU complies with North Dakota State law in recognizing orders of protection.

Any person who obtains an order of protection from North Dakota or any reciprocal state should provide a copy to the MSU Security Director and the Title IX Coordinator. A complainant may then meet with MSU Security and Title IX Coordinator to develop a Safety Action Plan, which is a plan for MSU Security and the victim to reduce the risk of harm while on campus or coming and going from campus.

This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom/work site location, or working with Academic Advising on alternative class possibilities, allowing a student to complete assignments from home, allowing an employee to develop a flexible work schedule, etc. The University cannot apply for a legal order of protection, No Contact order, or restraining order for a victim from the applicable jurisdiction(s).

In North Dakota, a victim of domestic violence, dating violence, sexual assault, or stalking has the right to file a petition with the courts requesting protection through Domestic Violence Protection Orders, Sexual Assault Restraining Orders, Emergency Protection Orders, Temporary Protection Orders, Disorderly Conduct Restraining Orders, and/or Out-of-State or Tribal Court Protection Orders, which could include the following:

- An order restraining the abuser from further acts of abuse.
- Orders the abuser to avoid the conduct or have no contact with the applicant
- An order directing the abuser to leave the victim's household/place of residence.
- An order directing the abuser to refrain from stalking or harassing the victim or other designated persons.
- Protection Order

According to NDCC 14-07.1.02 a protection order restrains one person from:

- Threatening;
- Molesting;
- Injuring;
- Harassing;
- Or having any contact with another person.

A protection order is issued by a court. According to North Dakota Supreme Court Administrative Rule 34, Certified Domestic Violence Advocates may assist people in completing the necessary forms and may appear with them at protection order hearings Other protections based on issues related to cohabitation, residency, employment, and child custody.

Domestic Violence Protection Order (DVPO)

A spouse or former spouse; a family member; a parent; a child; a person related by blood or marriage; a person presently residing with the abusing person or who has resided with that person in the past; a person who has a child in common with the abusing person; persons who are in a dating relationship; or any other person with sufficient relationship to the abusing person as determined by the Judge or Judicial Referee may file a petition with the courts for a DVPO.

A protection order is issued by a court. According to North Dakota Supreme Court Administrative Rule 34, Certified Domestic Violence Advocates may assist people in completing the necessary forms and may appear with them at protection order hearings

Sexual Assault Restraining Order (SARO)

Any adult individual who is a victim of sexual assault; or the parent, step-parent, or guardian of a minor child (under 18 years of age) who the parent, step-parent, or guardian reasonably believes is a victim of sexual assault may file a petition with the courts requesting a SARO.

Disorderly Conduct Restraining Order (DCRO)

An adult individual who is a victim of disorderly conduct; or an adult individual who is the parent or guardian of a minor who is a victim of disorderly conduct may file a petition with the courts for a DCRO.

"Disorderly conduct" means intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person. For the purposes of this section, disorderly conduct includes human trafficking or attempted human trafficking as defined in this title. Disorderly conduct does not include constitutionally protected activity.

Both DVPOs and SAROs prohibit an offender from having any contact with the victim. Protections can include preventing the offender from entering the victim's home, workplace, or school. Both orders can also be expanded to prevent intimidation/ contact from a third party on behalf of the offender, or extend protection to related parties, such as parents, siblings, or children of the victim. A Judge or Judicial Referee will sign the Domestic Violence Protection Order and specify the length. Both Sexual Assault and Disorderly Conduct Restraining Orders may not exceed 2 years.

MSU Security will help put victims who are interested in pursuing a DVPO, SARO, or DCRO in contact with local courts or the local advocacy center. Any student who obtains a protection order from the State of North Dakota or any reciprocal State should provide a copy to MSU Security.

MSU Security will file charges of violations of DVPO, SARO, DCRO with the State Attorney's Office.

No Contact Order

While not the same as a state-mandated protection order, the University can issue a No Contact order. The No Contact Order may be issued if an abuser is released from custody on bond before an arraignment or trial. In the case of Domestic Violence law enforcement may make a probably cause arrest if a No Contact Order is violated by an abuser.

The No Contact Order includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication, including, but not limited to email, instant messaging, and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A No Contact order may include additional restrictions and terms.

If the University receives a report that such an institutional No Contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the No Contact order.

Supportive Measures

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, MSU will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement. Any supportive or protective measures will be maintained as confidential as provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive or protective measures.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation, and/or working situations, or protective measures, a victim should:

- Students: Contact the Title IX Coordinator for assistance.

- Employees: Contact the Title IX Office for assistance in initiating support measures for employees

If the victim wishes to receive assistance in requesting these accommodations, the victim should contact the Title IX Coordinator.

Statewide Automated Victim Information Notification System (SaVin)

The Statewide Automated Victim Information Notification system can provide electronic notifications by email, text message or phone calls and can include the following:

- Offender Incarceration
- Offender Criminal Case Information regarding case status and disposition
- Offender Parole and Probation – change of address, offender absconded or returned, revocation status and expiration or discharge
- Protection and Restraining Orders – Service of Orders, hearing schedule and changes, order status, and expiration

SaVin Registration by Telephone: call 1-866-631-8463 and then press 1-1-0 to speak to an operator.

Confidentiality

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime and Fire Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy. Furthermore, if a timely warning notice is issued based on a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld; this could include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

On- and Off-campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, the MSU Title IX office will assistand/or provide information regarding resources and services, including counseling, health, mental health, victim advocacy, legal assistance, student financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault or rape should occur r on campus, staff on-scene, including MSU Security, will offer the victim a wide variety of services. This information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for MSU.

Fig. 3 – On-Campus Services for Victims

ON CAMPUS	Employees	Students
Counseling/ Mental Health	Access online resources at http://villageeap.com/ with the username "*Minot State*", or call 1-800-627-8220. (Emotional Health, Drug and Alcohol, Workplace Issues, Financial Issues, Legal, and Health and Wellness educational programs)	MSU Student Health and Counseling Center Lura Manor Lower Level 701-858-3371
Title IX Coordinator	Lisa Dooley Title IX Coordinator Memorial Hall, 4th Floor – Room 412 701-858-3347	Lisa Dooley Title IX Coordinator Memorial Hall, 4th Floor – Room 412 701-858-3347
Student Financial Aid	Laurie Weber, Director of Financial Aid Administration Bldg. 2nd Floor 701-858-3375	Laurie Weber, Director of Financial Aid Administration Bldg. 2nd Floor 701-858-3375
MSU Security	MSU Security Facilities South Building 500 University Ave. West Minot, ND 58707 701-500-2423	MSU Security Facilities South Building 500 University Ave. West Minot, ND 58707 701-500-2423

Sexual Misconduct Resource Site	Lisa Dooley Title IX Coordinator Memorial Hall, 4th Floor – Room 412 701-858-3347	Lisa Dooley Title IX Coordinator Memorial Hall, 4th Floor – Room 412 701-858-3347
Access Services	Kelli Sem – Access Services Coordinator GBO Library – Lower Level 701-858-3372	Kelli Sem – Access Services Coordinator GBO Library – Lower Level 701-858-3372
Victim Advocacy	Lisa Dooley Title IX Coordinator Memorial Hall, 4th Floor – Room 412 701-858-3347	Lisa Dooley Title IX Coordinator Memorial Hall, 4th Floor – Room 412 701-858-3347
Minot Police	515 2nd Ave. SW Minot, ND 58701 701-852-0111	515 2nd Ave. SW Minot, ND 58701 701-852-0111

Fig. 4 – Off-Campus Services for Victims

OFF CAMPUS	Employees	Students
Counseling/Mental Health	Village Family Service Center 20 1st St. SW Suite 250 Minot, ND 58701 701-852-3328	North Central Human Service Center 400 22nd Ave. NW Minot, ND 58703 701-628-2877
Immigration Services	U. S. Citizenship and Immigration Services 800-375-5283 https://www.uscis.gov/ National Immigration Legal Services Directory https://www.immigrationadvocates.org/nonprofit/legal directory/search?state=ND	U. S. Citizenship and Immigration Services 800-375-5283 https://www.uscis.gov/ National Immigration Legal Services Directory https://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=ND
Victim Advocacy	Domestic Violence Crisis Center 3331 Burdick Expressway East Minot, ND 58701 701-852-2258	Domestic Violence Crisis Center 3331 Burdick Expressway East Minot, ND 58701 701-852-2258
Social Services	Ward County Social Services co.ward.nd.us 701- 22-6754	Ward County Social Services co.ward.nd.us 701-222-6754
Public Health	First District Health Unit 801 11th Ave. SW Minot, ND 58702 701-852-1376	First District Health Unit 801 11th Ave. SW Minot, ND 58702 701-852-1376
Legal Assistance	Legal Services of North Dakota Age less than 60: 1-800-634-5463 Age 60+: 1-866-621-9886 www.legalassist.org	Legal Services of North Dakota Age less than 60: 1-800-634-5463 Age 60+: 1-866-621-9886 www.legalassist.org

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

- Rape, Abuse and Incest National Network: http://www.rainn.org
- Department of Justice: https://www.justice.gov/ovw/sexual-assault
- Department of Education, Office of Civil Rights: http://www2.ed.gov/about/offices/list/ocr/index.html

Resolution Process for Alleged Violations of the Sexual Harassment Policy

Overview

The University will act on any formal or informal notice/complaint of violation of the policy that is received by the Title IX Coordinator (or designee) by applying these procedures.

The procedures below apply to qualifying allegations of Title IX sexual Harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in the Policy) involving students, staff, administrators, or faculty members. A set of technical dismissal requirements within the Title IX regulations may apply as described below, but when a technical dismissal under the Title IX allegations is required, any remaining allegations will proceed using these same grievance procedures, clarifying which policies above are applicable. Although the effect of the Title IX regulations can be confusing, these grievance procedures apply to all policies above.

Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator (or designee) of an alleged violation of the Policy, the University initiates a prompt initial assessment to determine next steps taken.

The University will initiate at least one of three responses:

1. Offering supportive measures because the Complainant does not want to proceed formally; and/or
2. An informal resolution (upon submission of a Formal Complaint); and/or
3. A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint).
    - A Formal Grievance Process will determine whether or not the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or misconduct, their potential recurrence, or their effects.

Initial Assessment

Following receipt of notice or a formal complaint of an alleged violation of this Policy, the Title IX Coordinator (or designee) engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

1. The Title IX Coordinator (or designee) seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired. If they do not wish to do so, the Title IX Coordinator (or designee) determines whether to initiate a complaint themselves because a violence risk assessment indicates a compelling threat to health and/or safety.
2. If a formal complaint is received, the Title IX Coordinator (or designee) assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
3. The Title IX Coordinator (or designee) reaches out to the Complainant to offer supportive measures.
4. The Title IX Coordinator (or designee) works with the Complainant to ensure they are aware of the right to have an Advisor.
5. The Title IX Coordinator (or designee) works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
6. If a supportive and remedial response is preferred, the Title IX Coordinator (or designee) works with the Complainant to identify their desired supportive measures and then seeks to facilitate implementation, if appropriate. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
7. If an informal resolution option is preferred, the Title IX Coordinator (or designee) assesses whether informal resolution of the complaint is permissible and may seek to determine if the Respondent is also willing to engage in informal resolution.
8. If a Formal Grievance Process is preferred, the Title IX Coordinator (or designee) determines if the misconduct alleged falls within the scope of Title IX:
    a. If it does, the Title IX Coordinator (or designee) will initiate the formal investigation and grievance process, directing the investigation to address:
        i. an incident, and/or
        ii. a pattern of alleged misconduct, and/or
        iii. a culture/climate issue, based on the nature of the complaint.
9. If it does not, the Title IX Coordinator (or designee) determines that Title IX does not apply (and will dismiss that aspect of the complaint, if any), assesses which policies may apply, and will refer the matter accordingly (i.e. Student Conduct Policy; Human Resource Policy; Academic Affairs Policy). Please note that dismissing a complaint under Title IX is just procedural

and does not limit University's authority to address a complaint with an appropriate process and remedies.

Violence Risk Assessment

In some cases, the Title IX Coordinator (or designee) may determine that a Violence Risk Assessment (VRA) should be conducted by the Behavioral Intervention Team (BIT) as part of the initial assessment. A VRA can aid in critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator (or designee) should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct and/or grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal from the University by the Respondent;
- Whether to impose transcript notation or communicate with a transfer Recipient about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Threat assessment is the process of evaluating the legitimacy of the threat of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by the BIT team members. A VRA authorized by the Title IX Coordinator (or designee) should occur in collaboration with the BIT. Where a VRA is required by the Title IX Coordinator (or designee), a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not a psychological or mental health assessment. A VRA assesses the legitimate risk of violence, often with a focus on targeted/predatory escalations, and is supported by research.

Dismissal (34 CFR Part 106.45)

The University must dismiss a formal complaint under Title IX or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the formal complaint would not constitute sexual harassment as defined in this Policy, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations); and/or
3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient.

The University may dismiss a formal complaint under Title IX or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator (or designee) in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by the recipient; or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties

This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Counterclaims

The University is obligated to ensure that the grievance process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator (or designee). When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available. This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally). The University may permit parties to have more than one Advisor upon special request to the Title IX Coordinator (or designee). The decision to grant this request is at the sole discretion of the Title IX Coordinator (or designee) and will be granted equitably to all parties.

Advisors

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community.

Institutions are not required to provide attorneys to parties to act as advisor. However, the Title IX Coordinator (or designee) will offer to assign a trained Advisor for any party if the party so chooses.

If the parties choose an Advisor from the pool available from the University, the Advisor will be trained and be familiar with the University's resolution process.

If the parties choose an Advisor from outside the University pool, the Advisor may not have been trained and may not be familiar with University policies and procedures.

Institutions are not required to attempt to create equality of advisors between that parties, particularly where one party selects an outside advisor, but should endeavor to seek parity of advisors the institution provides advisor to both parties.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

Advisors in Hearings

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The University cannot guarantee equality in Advisors, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and University's policies and procedures.

Advisor Violations of University Policy

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented, possibly including removing the Advisor from the meeting. Subsequently, the Title IX Coordinator (or designee) will determine how to address the Advisor's non-compliance and future role.

Sharing Information with the Advisor

The University expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The University also provides a consent form that authorizes the University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator (or designee) or provide similar documentation demonstrating consent to a release of information to the Advisor before the University is able to share records with an Advisor. If a party requests that all communication be made through their attorney Advisor, the University will comply with that request.

Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the Recipient's privacy expectations.

Expectations of an Advisor

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout, with the exception that a party cannot dismiss an Advisor who was appointed the University except in the case of bias or conflict of interest. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators.

The parties are expected to provide timely notice to the Title IX Coordinator (or designee) if they change Advisors at any time. It

is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator (or designee) of the identity of their hearing Advisor at least two (2) business days before the hearing.

Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expect- ed to maintain the privacy of the proceedings in accordance with University policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. The University encourages parties to discuss this with their Advisors before doing so.

Informal Resolution

Informal Resolution can include three different approaches:

1. When the Title IX Coordinator (or designee) can resolve the matter informally by providing supportive measures to remedy the situation.
2. When the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, etc.;
3. When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Complainant or Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator (or designee) to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution. The Title IX Coordinator (or designee) may look to the following factors to assess whether Informal Resolution is appropriate:

- The parties' amenability to Informal Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Informal Resolution (time, staff, etc.)

The ultimate determination of whether Informal Resolution is available or successful is to be made by the Title IX Coordinator (or designee). The Title IX Coordinator (or designee) maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution are not appealable.

Informal Resolution is not permitted when it has been alleged that an employee has harassed a student.

Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator (or designee) will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator (or designee) will determine whether all par- ties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator (or designee) implements the accepted finding that the Respondent is in violation of University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or misconduct, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

Formal Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators to carry out the process.

A. Pool Member Roles

Members of the Pool are trained at least annually, and can serve in in the following roles, at the direction of the Title IX Coordinator (or designee):

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in informal resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

B. Pool Member Training

The Title IX Coordinator (or designee), in consultation with the President, appoints the Pool, which acts with independence and impartiality.

The Pool members receive annual training based on their respective roles. This training includes, but is not limited to:

- The scope of the University's Sexual Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility

- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the recipient with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and/or retaliation allegations
- Recordkeeping

The materials used to train all members of the Pool are publicly posted here: https://www.minotstateu.edu/title9/training-materials.shtml.

Formal Grievance Process

The Title IX Coordinator (or designee) will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the University's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator(or designee) any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address (es) of the parties as indicated in official University records, or emailed to the parties' University- issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Resolution Timeline

The University will make a good faith effort to complete the resolution process within a 60 to 90 business- day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX

Coordinator (or designee), who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator (or designee) appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

Ensuring Impartiality

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator (or designee), Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for Complainants or Respondents generally, or for a specific party.

The Title IX Coordinator (or designee) will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator (or designee) will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator (or designee), concerns should be raised with the University's president.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The University operates with the presumption that the Respondent is not responsible for the reported mis- conduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) calendar days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Delays in the Investigation Process and Interactions with Law Enforcement

The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the University will implement supportive measures as deemed appropriate.

University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigation Process Steps

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties

have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator (or designee), if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the parties and witnesses
- Meet with the Complainant to finalize their interview/statement, if necessary
- Work with the Title IX Coordinator (or designee), as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations
    - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or
- transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business-day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days.
- Elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.
- Share the report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties and Advisors are also provided with a file of any directly related evidence that was not included in the report.

Witnesses Role and Participation in the Investigation

Witnesses (as distinguished from the parties) who are employees of the University are expected to cooperate with and participate in the University's investigation and resolution process.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The Investigator(s) will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator (or designee) will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation–when the final investigation report is transmitted to the parties and the Decision-maker(s)–unless all parties and the Decision-maker(s) agree to an expedited timeline.

The Title IX Coordinator (or designee) will select an appropriate Decision-maker(s) from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate Decision-maker(s) depending on the context of the alleged misconduct.

Hearing Decision-maker Structure

The University will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator (or designee). The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator (or designee).

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator (or designee) may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator (or designee) may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Title IX Coordinator or designee.

Evidentiary Considerations

Neither the investigation nor the hearing will consider: 1) incidents not directly related to the possible violation(s), unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an ap- propriate sanction upon a determination of responsibility, assuming the University uses a progressive discipline system. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision- maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker(s) renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator (or designee) or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedu res, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator (or designee) at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker(s) on the basis of demonstrated bias. This must be raised with the Title IX Coordinator (or designee) at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Title IX Coordinator may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator (or designee) if they do not have an Advisor, and the Recipient will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker(s) will review during any sanction determination.
- An invitation to contact the Title IX Coordinator(or designee) to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Parties cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-90 calendar day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts unt il the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator (or designee) at least five (5) business days prior to the hearing.

The Title IX Coordinator (or designee) can arrange to use technology to allow remote testimony without com- promising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator(or designee) know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

Pre-Hearing Preparation

The Chair, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator (or designee), will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker(s) must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator(or designee) as soon as possible and no later than two (2) days prior to the hearing. Decision-maker(s) will only be removed if the Title IX Coordinator (or designee) concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator (or designee) will give the Decision-maker(s) a list of the names of all parties, wit- nesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator (or designee) as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions or topics they (the parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator (or designee), or ask either or both to attend pre-hearing meetings.

Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual misconduct, sexual harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the misconduct, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy.

Participants at the hearing will include the Chair, any additional panelists, the Investigator(s) who conducted the investigation,

the parties, Advisors to the parties, any called witnesses, Title IX Coordinator (or designee) may act as the administrative facilitator of the hearing or will designate an individual to act as the facilitator, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

Joint Hearings

In hearings involving more than one Respondent or Complainants that arise out of the same facts or circum- stances, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator (or designee) may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

The Order of the Hearing — Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator (or designee) will review and decide the challenge.

The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) may be present during the entire hearing, but not during deliberations. If the parties do not object, the Chair may dismiss the Investigator(s) after their testimony and cross-examination.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors ("cross-examination").

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant

from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator(or designee), and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

Refusal to Submit to Questioning; Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

Hearing Recordings

Hearings (but not deliberations) are recorded by the University for the purpose of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator (or designee). No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator (or designee).

Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used, which means the evidence must show that it is more likely than not that the Respondent committed the conduct as alleged.

The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any submitted impact and/or mitigation statement(s) once they are submitted.

The Decision-maker(s) will review any pertinent conduct history provided by the Title IX Coordinator (or designee) and will recommend the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written statement detailing all findings and final determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and rationales explaining the sanction(s) and will deliver the statement to the Title IX Coordinator.

This report must be submitted to the Title IX Coordinator (or designee) within seven (7) business days of the end of deliberations, unless the Title IX Coordinator (or designee) grants an extension. If an extension is granted, the Title IX Coordinator (or designee) will notify the parties.

Notice of Outcome

Using the deliberation statement, the Title IX Coordinator (or designee) will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome may then be reviewed by legal counsel. The Title IX Coordinator (or designee) will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within seven (7) business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the parties' University-issued email or otherwise approved account. Once

mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific alleged policy violation(s), including the relevant policy section(s), and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law; any sanctions issued which the University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the University's educational or employment program or activity.

The Notice of Outcome will also include information on when the results are considered final by the University, will note any changes to the outcome and/or sanction(s) that occur prior to finalization, and the relevant procedures and bases for appeal.

Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the misconduct, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of misconduct, harassment, and/or retaliation
- The need to remedy the effects of the misconduct, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

Student Sanctions

The following are sanctions that may be imposed upon students or organizations singly or in combination:

1. Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
2. Required Counseling: A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.
3. Probation: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no- contact orders, and/or other measures deemed appropriate.
4. Suspension: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the University.
5. Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend University-sponsored events.
6. Withholding Diploma: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating policy.
7. Revocation of Degree: The University reserves the right to revoke a degree previously awarded from the University for

fraud, misrepresentation, and/or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

8. Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Employee Sanctions

Responsive actions for an employee include:

1. Warning (Written or Verbal)
2. Performance Improvement Plan
3. Required Counseling
4. Required Training or Education
5. Probation
6. Demotion
7. Reduction in Pay
8. Loss of annual pay increase
9. Loss of Oversight or Supervisory Responsibility
10. Delay of Tenure Track Progress
11. Suspension/Administrative Leave with pay
12. Suspension/Administrative Leave without pay
13. Termination
14. Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Privacy

Every effort is made by the University to preserve the privacy of reports. The University will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of harassment, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The University reserves the right to designate which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to FERPA.

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Division of Student Affairs, University Campus Security, and the Behavioral Intervention Team. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Mandated Reporting

All University employees (faculty, staff, contracted staff, and administrators) are expected to report actual or suspected sexual harassment to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected misconduct or harassment.

They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

Investigation of Reports of Sexual Misconduct Not Covered Under Title IX Grievance Process (Student Sexual Misconduct Policy)

The Sexual Misconduct Grievance process will be used in cases where a student engaged in sexual misconduct that does not fall within the sexual harassment definition under Title IX.

For allegations where a faculty member or employee engaged in sexual misconduct that does not fall within the sexual harassment definition under Title IX, the Employee Standards of Conduct will be used.

After the Complainant meets with the Title IX Coordinator to learn about their procedural options and what supportive/interim measures are available to them, the Complainant can decide to move forward with an investigation of

the reported behavior. For the investigation to proceed the Complainant will need to provide to the University a signed formal complaint.

During the investigative process, all parties will have an opportunity to review the draft investigative report prior to it going to the Title IX Coordinator. The parties will have ten (10) calendar days to review the draft of the investigative report and submit in writing comments about content, requests for additional meetings with the investigator to conduct further investigation or questions. The draft of the investigative report will be able to be reviewed, however the parties will not be able to take the draft of the investigative report with them during the draft period. This information will be included in the final documents that will be reviewed by the Title IX Coordinator and adjudicator(s), if applicable.

If the student wishes to participate in a police investigation, the University may wait a reasonable amount of time (usually 7 to 10 business days but could be extended at the request of the MSU Security Chief or District Attorney or their designee) to allow the police to conduct initial fact finding and the gathering of evidence in the criminal investigation. The MSU Security Director or designee may regularly confer on the status of an active investigation to ensure compliance with federal requirements while maintaining the integrity of any active criminal process.

The University has a written Memorandum of Understanding (MOU) with the Minot Police Department regarding the criminal and administrative investigation of incidents of sexual violence and the distribution of timely warning notices or campus safety alerts and immediate or emergency notifications.

The University will conduct a prompt, fair, impartial investigation in a timely manner designed to provide all parties with resolution. However, there may be times where the process may take longer and the University will communicate on an on-going basis with the parties a realistic timeline, and the circumstances regarding the same. In every investigation conducted under this policy, the burden is on the University—not on the parties—to gather sufficient evidence to reach a fair, impartial determination as to whether sexual misconduct has occurred and, if so, whether a hostile environment has been created that must be redressed.

Investigations will be conducted by one or more of the following: The MSU Security Department (MSU Security), the Title IX Coordinator, a trained Title IX investigator, or a trained Title IX investigator from another North Dakota University System institution. This designee may be an employee of the University, an employee of a NDUS institution, or both.

All reasonable efforts will be made to keep information private during the University's investigation and adjudication of a complaint. Investigators receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an objective and impartial investigation and hearing processing that protects the safety of victims, promotes accountability, and ensures investigative techniques do not apply sex stereotypes and generalizations. Should a complainant or respondent feel that the investigator assigned to the report would not be able to be objective or impartial throughout the investigation, they must contact the Title IX Coordinator to request a different investigator be assigned to the report. The Title IX Coordinator will determine based on the concerns from the complainant or the respondent, if there is enough cause to have a different investigator assigned to the report.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair. As described in the Confidentiality section of this Policy, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The investigation is a process that involves obtaining and evaluating information given by persons having personal knowledge of

the events or circumstances concerning the reported incident. This may include the collection of all statements (both oral and written), pertinent facts, and/or evidence. This process will be exhaustive and is likely to include the interviewing and re-interviewing of involved parties to ensure as much clarity around conflicting or differing statements as may be possible. The Title IX Coordinator, or their designees may refer an investigative report back to the investigator for further follow-up pending the availability of new information, for additional clarity regarding conflicting or inconsistent information/reports, or for any other reason necessary to ensure further clarity or strengthen the final report.

At the conclusion of the investigation, the investigator will prepare a report setting forth the facts gathered. The report will provide the scope of the reported incident, statements from the parties involved in the incident, evidence provided to the investigator by the parties involved, and an overview of facts in agreement and facts in contention.

Interim Measures and Supportive Measures Overview

During the investigation and prior to the final determination, the University may take appropriate interim measures to protect the parties involved; after a fair assessment to determine the need for such interim measures. Interim measures will be individualized an appropriate based on the initial information gathered by the Title IX Coordinator. A Complainant or Respondent may request a supportive measure, or the University may impose interim measures at its discretion to ensure the safety of all parties, the University community, and/or the integrity of the process. Interim and Supportive measures will be individualized and appropriate based on the information gathered by the Title IX Coordinator. These actions are not a presumption of responsibility for violation of the Sexual Harassment Policy. Interim and Supportive measures may be imposed whether or not formal disciplinary action is sought by the Complainant or the University.

Interim measures may prevent a student from attending class and other University activities. The Title IX Coordinator or designee will communicate with a student's faculty instructors and/or advisors at the request of the student to determine if alternate arrangements can be made to support a student's completion of academic assignments.

The University will try to provide academic support where necessary. Academic support means that the Title IX Coordinator will communicate with faculty on a student's behalf. Services offered as appropriate (as reasonable available) and without fee or charge to the complainant or respondent.

Types of Interim and Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and or retaliation.

Supportive measures are non- disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. They are designed to restore equal access to the University's educational program or activity without unreasonably burdening the other party.

- *Interim residential relocation*: A student may be separated temporarily from University housing or temporarily reassigned to another residential location on campus. Their original housing location will be held until the process is over. It can be determined that residential relocation is a sanction when appropriate, and at that time the student will move permanently into a location determined by Residence Life.
- *Class schedule changes*: Changes to a student's class schedule may be made on a temporary basis in the event it is deemed appropriate by the Title IX Coordinator or their designee. Students may be sanctioned to a permanent change(s) through the normal adjudication process.
- *Restrictions from University activities and/or facilities*: A student may be denied, on a temporary basis, participation in a university activity or privilege for which they may be otherwise eligible as determined to be appropriate. Students may also be prohibited from certain facilities including, but not limited to, academic buildings, athletic facilities and/or practice and competition spaces, and transportation services. Students may be sanctioned to a permanent restriction(s) through the normal adjudication process.
- *Safety escorts*: The purpose of the public safety escort (Safe Walk) is to provide a safe means of transportation for the MSU community around the MSU campus. MSU Security provides an escort service for students, staff and faculty whose circumstances require them to travel alone on campus, in isolated areas after dark, during times of low activity on campus or whenever there is concern for one's own personal safety.Because of the various patrol functions required of the officer, there may sometimes be a short waiting period.
- *Counseling services*: MSU Counseling Services provides brief counseling for all students, including crisis counseling.

- *Academic Support Services*: The MSU Academic Support Center helps with MSU courses at no cost to currently enrolled MSU students. On-campus and virtual tutoring is available.
- *No-Contact Directive*. The University may impose a No Contact Directive in cases where an agreement cannot be reached or is not applicable. Generally, No Contact is defined as having no direct or indirect contact with another party or parties at any time. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication; including, but not limited to, email, instant messaging text messaging, and all forms of social media. Verbal communication is understood to include phone calls and voice mail messages. A No Contact Directive may include additional restrictions and terms. Violations of the No-Contact Directive will result in disciplinary action.
- *Emergency Removal*: If there is an immediate threat to the physical health or safety of any student or other individual arising from an allegation of sexual harassment, the University is permitted to remove the Respondent from the campus community.
- For an emergency removal to take place the University assesses the information that they have available to complete an individualized safety and risk analysis. This analysis includes determining if there is an immediate threat to the physical health and safety of an individual. Emotional or mental harm to a Complainant is not enough to warrant an emergency removal and supportive measures can be provided to the Complainant. If the Respondent threatens their own physical health, that does warrant the ability to institute an emergency removal.

Informal Resolution for Sexual Misconduct Grievance Process

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. The University encourages parties to discuss this with their Advisors before doing so.

Informal Resolution

Informal Resolution can include three different approaches:

- When the Title IX Coordinator (or designee) can resolve the matter informally by providing supportive measures to remedy the situation;
- When the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, etc.;
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Complainant or Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator (or designee) to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution. The Title IX Coordinator (or designee) may look to the following factors to assess whether Informal Resolution is appropriate:

- The parties' amenability to Informal Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the facilitator with this type of complaint;

- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Informal Resolution (time, staff, etc.)

The ultimate determination of whether Informal Resolution is available or successful is to be made by the Title IX Coordinator (or designee). The Title IX Coordinator (or designee) maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution are not appealable.

Informal Resolution is not permitted when it has been alleged that an employee has harassed a student.

Election of Formal Resolution

The University, Complainant, or the Respondent may, at any time prior to the conclusion of the Informal Resolution, elect to end such proceedings and initiate Formal Resolution instead. In such cases, statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the subsequent Formal Resolution.

Formal Resolution for Sexual Misconduct Grievance Process

The university will ensure an investigation, process and proceeding that is balanced, impartial, and fair and provides a guarantee of fundamental fairness to all parties involved without a presumption of responsibility until the completion of an administrative process or hearing. This fairness includes advanced notification of the allegations and charges, notice of all rights and responsibilities under a proceeding, and advanced and equal access to all material evidence and information.

Appeals

Any party may file a Request for Appeal, but it must be submitted in writing to the Title IX Coordinator (or designee) within five (5) business days of the delivery of the Notice of Outcome when the sanction does not involve student suspension, expulsion, or dismissal from employment.

Additional specified timelines include the following:

- Within twenty (20) calendar days for faculty when the sanction is dismissal from employment. (SBHE Policy 605.4)
- Within five (5) working days for staff when the sanction is dismissal from employment. (NDUS HR Policy 27.2)
- Within one (1) year for students when the sanction includes suspension or expulsion. (SBHE Policy 514)

The appeal decision maker(s) will be designated by the Title IX Coordinator (or designee). No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Grounds for Appeal

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator (or designee), Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator(or designee), and, when appropriate, the Investigator(s) and/or the

original Decision-maker(s).

All other party(ies) and their Advisors, the Title IX Coordinator(or designee), and, when appropriate, the Investigator(s) and/or the original Decision-maker(s) will be emailed a copy of the request with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in three (3) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, and the Panel will render a decision in no more than three (3) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the niversity is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then the emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

The University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

Appeal Considerations

- Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Panel may consult with the Title IX Coordinator (or designee) and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the Appeal Chair/Panel may order a new investigation and/or a new hearing with a new Pool members serving in the Investigator

and Decision-maker roles.

- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases that result in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Notification of Victims of Crimes of Violence

In accordance with the Higher Education Opportunity Act (HEOA), the University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the University against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Sex Offender Registry and Access to Related Information

The Adam Walsh Child Protection and Safety Act of 2006 (AWCPSA) is a federal law that provides for the registration and tracking of convicted sex offenders. The AWCPSA requires state law enforcement agencies (in North Dakota, it is the North Dakota Bureau of Criminal Investigations) to provide MSU with a list of registered sex offenders who have indicated that they are either enrolled or employed with MSU. This information is provided in compliance with the AWCPSA and the North Dakota Offender Registration requirements established by NDCC, section 12.1-32-15.

Colleges and universities are required to disclose where to obtain information about registered sex offenders who are either students or employees at the institution. Information can be obtained from the Minot Police Records Department at 515 2nd Ave. Southwest, Minot, ND 58701, or phone 701-852-0111. Information can also be found at the State of ND Attorney General's Office at sexoffender.nd.gov/.

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

Employment of Sex Offenders

Registered sex offenders are not barred from employment at MSU. Limitations and restrictions on employment must be reasonable, job related and directly related to areas of potential risk.

Public Access to Sex Offender Information

The North Dakota Sex Offender website identifying all registered sex offenders in the state of North Dakota is available via Internet pursuant to North Dakota Century Code (NDCC) Section 12.1-32-15. The North Dakota Office of Attorney General is responsible for maintaining the online North Dakota Sex Offender Registry.

Residence Life and Housing Safety Policies

Residence Life Student Rights

The Residence Life Office has developed the following governing principles to ensure a courteous living and learning community on campus.

- The right to read and study without interference, unreasonable noises and other distractions.
- The right to sleep without undue disturbance.
- The right of all residents to have personal privacy and safety in their rooms.
- The right to live in a clean environment.
- The right to have free access to one's room and facilities.
- The right of a resident to sleep or study supersedes the right of another person to entertain.
- The right to be free of fear or intimidation and physical or emotional harm.

Residence Life Safety

Residence Life Staff live in the residence halls and apartments and are on call 24 hours a day. All Residence Life Staff members undergo comprehensive training in enforcing residence life policies.

All residence entrance doors are locked 24 hours a day through an automatic locking system, and only students who are residents of the hall have access through their ID cards.

The cooperation and involvement of students themselves in maintaining campus safety is absolutely necessary. You must assume responsibility for your own personal safety and the security of your personal belongings by taking simple precautions.

Student Responsibilities

- Lock the door to your room/apartment when you are alone, especially at night or when sleeping. Lock your room/apartment when you are not home.
- Do not let strangers into your building or your room/apartment. If someone tries to force their way into your space, notify Campus Security (701-500-2423), or a Residence Life Staff member immediately.
- Do not give your name or phone number to strangers.
- Keys and student ID cards should always be carried on your person and never lent to others.
- When going out, let your roommate or a friend know where you are going and what time you expect to return.
- Lock the door to your room/apartment every time you leave (even for a few minutes).
- Close and fasten your windows when you leave your room. This protects you from theft and inclement weather.
- The University does not carry insurance to protect student property, therefore, you are encouraged to provide your own insurance against loss of or damage to personal possessions.
- Keep a record of the serial numbers of all your belongings so that if something that has been lost or stolen is found, the police will be able to identify it.
- Do not advertise your valuables or keep large sums of money in your room.
- If you would like an escort on campus at night, Campus Safety, 701-500-2423, would be happy to escort you.
- Under no circumstances should you prop open any exterior door, nor should you hold a door open to let an unknown person into the building. Everyone entering must be either a resident that gains access through swiping his or her card, or a guest being escorted by a current resident.
- You should report any suspicious individuals who you feel do not belong in your residence, or any unusual incident in and around the building, to the residence life staff, Campus Security (701-500-2423), or Minot Police Department (911 or 701-852- 0111).
- Do not store any gasoline-powered vehicles or equipment (mopeds, motorcycles, barbecue grills, etc.) in an on-campus residence.
- Individual smoke detectors are placed in every room. Do not remove or disconnect these because they are placed there for your own protection. Please notify either a Residence Life Staff member immediately if your smoke detector is malfunctioning or missing.
- Never go up on the roof of a building or out on a window ledge.
- Refrain from horseplay and practical jokes. They may seem harmless, but they could cause unforeseen damage or injury.
- Fireworks, firearms, and other weapons are not allowed in on-campus residences.
- The fire extinguishers are available for your safety. Do not tamper with them.
- If the fire alarm sounds, leave the building immediately. Do not use the elevator. Do not pull the fire alarm unless there is a fire or smoke visibly verified in the building. If you smell smoke or any other foreign odor, please contact Campus Security (701-500-2423) immediately so the situation can be assessed. Tampering with the fire alarm system (false alarm) is illegal.
- Notify a Residence Life Staff member if you receive an obscene phone call. Do no talk to the caller. Hang up immediately.
- During severe weather, be alert for a tornado warning. If a warning is sounded, you should immediately take cover in a sheltered area.
- Do not attempt to remodel your room. If you have plumbing, electrical, or structural problems in your room, notify your Residence Life Staff member immediately.

- If you or someone you know gets sick, let a Residence Life Staff member know about it. Call Student Health at 701-858-3371.
- If you observe any hazardous conditions in your residence hall, notify a Residence Life Staff member.
- All students can request changes in room assignments, which are accommodated as quickly as possible based upon available facilities.
- Valuable items should be marked with engraving instruments.
- Bicycles should be registered with the Minot Police Department.
- Vehicles should be parked in assigned parking lots and doors should be locked.
- Winter Care: occasionally, Facilities Management will ask you to remove your car from the parking lot for snow removal. Please be aware of the presence of snow removal equipment as you are walking and driving on campus. Please take precautions to protect your personal safety from slips and falls.

Residence Life General Policies

Firearms/Weapons

Firearms, explosives (including fireworks), ammunition, bows and arrows, knives with blades longer than five inches, guns, paintball guns, airsoft guns, nerf guns, BB guns, num-chuks, brass knuckles, and any other fighting materials or objects that can be used or viewed as a weapon are prohibited on campus. A violation of this policy may result in eviction, restitution and damages, and other disciplinary action to be determined by the Residence Life Coordinator.

Gambling

Gambling of any form is not permitted in the residence halls.

Hall Sports

The common areas are not designed for sporting activities and may not be used for any sporting activities. All sports related activities should be held outside, in the Dome, or in Swain Hall. You are not allowed to rollerblade in the building and are expected to carry your skates to/from the building doors.

Students playing sports outside the buildings may be asked to move or cease if they are causing disturbance to those within the building or if their behavior may result in damage to person or property.

Water fights (often beginning with squirt guns) are not allowed in the residence halls.

Health and Safety

As stated in the General Conditions of Agreement for Residence Halls, you are responsible for the care and cleaning of your room. The residence hall staffs perform routine health and safety checks. During this time, they are looking for over-loaded outlets, unhygienic living environments, as well as anything that would be considered a violation of the Fire Hazard Policy. Any other policy violations that are found during this time will be dealt with accordingly. Residents will receive 24 hour notice of entry.

Keys

Residence hall security starts with responsible use of keys. Duplicating University keys, allowing someone else to use your keys, or using another resident's keys or ID card to gain access to a building or room are not permitted. You are expected to report the loss of your keys immediately to your Residence Hall Director or an RA. A $50 charge to re-core the door will be billed to your University account if appropriate. If you are locked out of your room, contact an RA or your Residence Hall Director.

Leaving for Breaks

Whenever you leave your room for vacation periods, you must turn off all lights, unplug all appliances, turn off alarms, empty your wastebasket, close and lock windows, and lock your door.

Residence hall staff and University maintenance personnel may enter your room without notification during break times. Staff will be looking for safety concerns such as, smoke detectors activated, water problems, open windows, temperature, etc. Any policy violations that are found during this time will be the responsibility of the resident(s) of the room.

Lockouts

It is important that students always keep their ID card and residence key with them. If locked out residents can contact their Residence Life staff member On-Call or Minot State Campus Security. Students will be asked to verify their information including student ID number and residence number.

Lounge Furniture

Lounge furniture (including garbage bins) is not allowed in resident rooms. A $25 fine will be assessed for removal of lounge furniture to individual rooms.

Meetings/Solicitation

No person or organization, whether or not affiliated with the University, may advertise, sell, conduct a business, campaign, hold meetings or programs, or raise funds in University residences without receiving permission from the Residence Life and Housing Office.

Noise

Residents and staff are responsible for maintaining an atmosphere conducive to study and sleep. Noise which is disruptive to other residents is prohibited, as courtesy and consideration of others is expected at all times. Excessive noise at any hour is not acceptable and at no time should amplified sound or yelling be directed out your window or at other residents' windows. Noise may be deemed disruptive if it can be heard through a closed door or window. You are expected to respond positively to requests to reduce noise and should be able to feel comfortable approaching others with requests for noise reduction.

Musical Instruments

You may not play a musical instrument in your residence hall room. Practice rooms are available in Old Main.

Pregnant and Parenting Students

Pregnant students' on-campus housing status will not be altered based on pregnancy status unless requested by the pregnant students. Residence hall students may move to an on-campus apartment should they choose. Please refer to the Residence Life Apartment Lease for guidance of children with-in campus apartments.

Pets

Health policies do not permit pets in the on-campus housing, except for fish in a tank no larger than ten gallons.

Rollerblades

Wearing rollerblades is prohibited in on-campus residences.

Room Entry Policy

Authorized University personnel may enter an on-campus residence without permission for the following reasons:

- To provide routine maintenance and to ensure that residents are following health, fire, and safety regulations.
- To respond to emergency situations; i.e., situations which threaten the health and/or safety of room occupants and situations which require immediate maintenance to prevent property damage.
- Authorization to enter a student's room under this policy does not constitute authorization to conduct a search of the room. Authorized University personnel indicated above include:
- Full-time members of the Residence Life and Housing staff, including maintenance and custodial personnel and members
- Full-time members of IT Central, including approved part-time staff members
- Residence Hall Directors, subject to the following restriction: In non- emergency situations, RHDs must receive prior authorization from a full-time professional staff member when using the master key to enter a student's room
- Campus Security
- Fire Marshall

Master key protocol:

- No student room should be entered without knocking, regardless of whether the door is locked, unlocked, or open. The

only situations in which staff are not required to knock are emergencies.

- Before using the master key, university personnel attempting to enter a room should identify themselves and state the reason for entry. In addition, they should request that the door be opened.
- If the door is not opened and authorized personnel deem it necessary, the master key will be used to enter the student's room for one or more of the reasons listed above.

Room Personalization

Personalizing your room is permitted. However, you must not alter or damage the condition of the room. Tacks, nails, and duct tape should not be used on the doors and walls (blue painters tape may be used.) Walls and fixtures within your room should not be painted and plant hangers are not permitted in the ceiling. Posters, pictures, etc. hung on the outside of your door must be in good taste and not offensive to other residents or guests. Lofting of beds is not allowed. Waterbeds are not allowed. All carpeting in the room should be jute-backed and not attached to the floor with tape.

Service Animals and Emotional Support Policy

Minot State allows Service Animals and Emotional Support animals in our housing facilities. Please email msu.housing@minotstateu.edu for an accommodation request.

Safety and Security

Residence buildings are locked on a 24-hour basis. You are strongly encouraged to lock your room and suite doors whenever you are sleeping or leave your room. Carry your keys with you at all times. You should never prop locked building doors open or permit entry to persons you do not know. Doing so may jeopardize the safety of all residents.

Screen Removal

Removal of screens is not permitted. A fine of $50 – $75 will be assessed for the removal and/or damage of any screen. In addition, any fees for the repair or replacement of a damaged window screen in a residence hall room will be the responsibility of the student(s) living in that room.

Social Networking Responsibility

If evidence of a policy violation is documented on social networking web sites (Facebook, Twitter, Instagram, Snapchat, etc.) and brought to the attention of the University, you may be held accountable for the violations and/or conduct. Such a decision will be made by the Director of Residence Life and/or Residence Life Coordinator.

Tobacco Policy

Minot State University is a tobacco free campus. Smoking on University property, indoors or outdoors, or in University vehicles is prohibited at all times, including residential buildings.

For purposes of this policy, "tobacco use "means the personal use of any tobacco product, whether intended to be lit or not, which shall include smoking, as well as the use of:

- An electronic cigarette or any other device intended to simulate smoking
- Use of smokeless tobacco, including snuff, chewing tobacco, smokeless pouches, and any other form
- The use of unlit cigarettes, cigars, and pipe tobacco
- Any other device intended to be used to simulate smoking

Residence Life Alcohol and Drug Policy

Minot State University is a federally funded institution and hence follows federal law before state law. Please review Minot State's Drug Free Campus Policy.

In accordance with state and federal laws, and with the necessary regulations and shared responsibilities of community living in mind, the Residence Life Office has established the following priorities:

- To discourage and prohibit illicit and illegal drug usage.
- To discourage and prohibit underage drinking.
- To prevent problem behavior and to educate against alcohol and drug abuse.
- To provide prevention, intervention information, and education for all residents, including information about

confidential and effective guidance and counseling services for those with special concerns or needs regarding alcohol and drug use and/or abuse.

In incidents of suspected illegal drug use, or possession, and/or consumption of alcohol by minors, law enforcement WILL BE contacted. During the course of an investigation, a police canine team may be used.

Residence Hall Alcohol Policy

Minot State has declared all residence halls drug and alcohol free. Violations ofthis policy include but are not limited to:

- Drinking alcoholic beverages in the residence halls
- Being in possession of alcohol in the residence halls
- Using or possessing illegal drugs or prescription drugs that are not prescribed to the student in possession
- Abusing prescription drugs
- Being in possession of items that may be reasonably considered drug paraphernalia
- Selling and/or distributing alcohol or other drugs from any location on campus
- Entering a residence hall while dangerously intoxicated
- Committing a separate policy violation while intoxicated (i.e. vandalism violation, noise violation, etc.)
- Displaying or possessing alcohol containers, full or empty for decoration
- Signs (including neon "bar signs"), posters, or other material advertising or encouraging alcohol use displayed in residence windows, or visible from the hallway of the residence

Apartment Alcohol Policy

Minot State permits alcohol in apartments where all lease holders are over the age of 21. All federal and state laws apply. *Abuse of this privilege will lead to eviction.*

- Signs (including neon "bar signs"), posters, or other material advertising or encouraging alcohol use displayed in residence windows, or visible from the hallway of the residence
- Drinking or possessing alcoholic beverages with minors present
- Using or possessing illegal drugs or prescription drugs that are not prescribed to the person in possession
- Abusing prescription drugs
- Being in possession of items that may be reasonably considered drug paraphernalia
- Selling and/or distributing alcohol or other drugs from any location on campus.

The Residence Life Office holds the right to evict any residents in apartments or residence halls found responsible for violating state or federal drug laws.

Medical Amnesty

In order to encourage those who may be in danger from alcohol/drug poisoning or alcohol/drug related injuries to seek proper assistance, no student seeking medical treatment for his/her alcohol or drug- related overdose, or assisting another student in obtaining such treatment, will be subject to University discipline for that Alcohol Violation. The incident will be documented for health and safety purposes.

Minot State University Parental Notification Policy

Minot State has a responsibility to help students whenever University personnel believe the student is in need of assistance. This responsibility extends to "notification of parents," which is permitted under the 1998 Amendments to the Family Educational Rights and Privacy Act (FERPA). Therefore, parental notification may occur at Minot State after any violation or serious offense where alcohol/drugs is involved if the student is under the age of 21.

Residence Life Guests/Visitors Policy

We are all responsible for the safety of our residences. Visitors/Guests are the responsibility of the resident hosting them at all times. Guests must follow all University and residence life policies. Residents should not allow visitors into the building if they are not assuming personal responsibility for them. A resident that hosts a guest assumes responsibility for any policy or regulation infractions committed by his/her guest(s).

Visitation is a privilege and the Residence Life Office can remove visitation privileges for any reason at any time. The right of a student to reasonably sleep, study, and feel safe in their unit supersedes the right to have a guest.

There is no time restriction as to when a guest can visit (open 24-hours), however, roommates/suitemates should be in agreement on how they host guests. A resident's right to visitation does not supersede another's right to safety and privacy.

Any guest visiting for more than one night in the residence hall should be made known to the Residence Hall Director. Cohabitation is not permitted. Only contracted residents of the building may hold residence in their assigned room.

The right of a student to reasonably sleep, study, and feel safe in their unit supersedes the right to have a guest.

Training of Residence Hall Staff

The MSU Security Department and Student and Residence Life provide annual security and life safety training. This training minimally includes: introduction of officers, description of services offered, instruction on fire safety hazards and building evacuation, instruction on the emergency operations plan and emergency notification system, training related to the Clery Act and Campus Security Authorities (CSA), Title IX Awareness training, and general information on requesting emergency assistance from Public Safety.

Other related training conducted for the Resident Assistants by members of MSU Security includes locking buildings, responding to fire alarms, and other crisis response procedures. MSU Security officers are available to conduct informal meetings with students on security and enforcement procedures.

MSU Firearms and Weapons Policy

The possession, display, storage or use of firearms or dangerous weapons in university owned or leased buildings, and at MSU sponsored events is prohibited. This shall apply to all faculty, staff, students of MSU, and all visitors. ND law allows unloaded firearms to be stored securely in locked vehicles on campus.

"Firearms" include any device which expels or is readily capable of expelling a projectile by the action of an explosive and includes any such device, loaded or unloaded, commonly referred to as: bazooka, machine gun, cannon, revolver, gun, rifle, pistol, shotgun.

MSU also prohibits the possession of replicas (firearms) and the use of black powder rifles, pistols, and shotguns.

"Dangerous weapons" include but are not limited to: billy club (any type), knife with blade 5", sap, bow and arrow (more 12.7 cm), scimitar, blackjack, machete, slingshot, bludgeon, martial arts weapons, spear, crossbow, metal knuckles, stiletto, cudgel, nunchaku, switchblade, dagger, throwing star (any type), sword, gravity knife, sand club, projectile tasers.

MSU also considers any weapon that will expel, or is readily capable of expelling a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; any projector of a bomb; any object containing or capable of producing and emitting any noxious liquid, gas, or substance as a dangerous weapon. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile (commonly known as pepper spray); CN, also known as alpha- chloroacetophenone (commonly known as mace); or other irritating agents intended for use in the defense of an individual.

Concealed weapons permits are not valid on MSU property or at sanctioned events per North Dakota Century Code 62.1-02-05. 5. Other items may be considered weapons when those items are used to inflict bodily injury or to threaten the infliction of bodily injury to others.

Enforcement

This policy does not apply to legally sworn law enforcement officers/officials.

- Employees: Employees will be subject to disciplinary action (for staff—NDUS Human Resource Policy 25. Job Discipline/Dismissal, for faculty—SBHE Policy 605.3 Nonrenewal, Termination or dismissal of Faculty.
- Students: Students will be subject to disciplinary action (MSU Student Code of Conduct).

MSU Security Complaints/Feedback

MSU will receive complaints regarding the MSU Security Department courteously, and they will investigate in a timely manner. All complaints will be taken seriously and thoroughly investigated. Where possible, the complaining party will be notified of the outcome of the complaint. Feedback may be used as part of the Department's operations and strategic planning process.

Complaints against MSU Security can also be filed with the Vice President of Administration and Finance or their designee, by dialing 701-858-3321, or in person in the Administration Building, 2nd Floor; or with the Human Resources Department, by dialing 701-858-4610, or in person at the HR office located on the 2nd floor of the Administration Building.

Missing Student Notification Procedures and Policies

Policy

This policy, with its accompanying procedures, establishes a framework for cooperation among members of the university community aimed at locating and assisting currently enrolled students who reside in campus housing and are reported missing (as required by the 2008 reauthorization of the Higher Education Opportunity Act). A student shall be deemed missing when he or she is absent from the university and/or has been reported missing by another individual without any known reason.

All reports of missing students shall be directed to the Student Affairs Office which shall investigate each report. All students shall have the opportunity to identify an individual to be contacted by the university in case a student is determined to be missing. If a missing student is under 18 years of age and not an emancipated adult, the Student Affairs Office is required to notify the parent or guardian of the missing student no later than 24 hours after the determination by the Student Affairs Office that the student is missing. The Vice President for Student Affairs shall have the responsibility to make the provisions of this policy and the procedures set forth below available to students.

Procedure

- Anyone who suspects a student may be missing should notify the Student Affairs Office (701-858-3299), MSU Security (701-500-2423) or the Student Life office (701-858-3993) immediately.
- When a student is reported missing the Student Affairs Office shall initiate an investigation to determine the validity of the missing person report. If the report proves to be valid the Student Affairs Office shall:
    - If the missing student is under the age of 18 or not an emancipated adult, notify the student's custodial parent or guardian as contained in the records of the university within 24 hours of the determination that the student is missing.
    - Notify the individual identified by the missing student as the emergency contact within 24 hours of making the determination that the student is missing.
    - Notify the Minot Police Department within 24 hours after determining the student is missing.
- The Vice President for Student Affairs shall initiate whatever action is deemed appropriate under the circumstances in the best interest of the missing student.
- The Office of Student Affairs may also contact the student's instructors if necessary or beneficial to the student and/or the instructors.

Student Contact Information

Students are given the opportunity to confidentially designate emergency contact information at registration. This information is part of the university registration and is protected under FERPA. This information is accessible by housing officials and the Student Affairs Office.

Student Notification of This Policy

- Included on the MSU Housing Office website.
- Discussed at initial semester housing meetings.
- Included in the annual Campus Security Report.
- Sent to students by university email.
- Included in the annual paper version of the Student Handbook.

Emergency Contact Consent Form

Student's Name: _____

Cell phone number: _____

Residents 18 years and older:

_____ I choose to provide emergency contact information

_____ I decline the option to provide emergency contact information

Residents younger than 18 years old:

You are required to provide custodial parent or guardian emergency contact information.

In the event of an emergency, please contact the following individual(s):

Name: _____

Relationship: _____

Address: _____

Phone Number – Home: _____ Cell: _____

Student Signature: _____

Emergency Medical Response Procedures

Students, faculty, staff, and guests should report any emergency medical situations to MSU Security immediately at 701-500-2423, or to the Minot Police Department by dialing 911.

MSU Security officers are CPR certified to provide basic care. MSU Security can summon police, fire, or Minot Community Ambulance through Minot Central Dispatch.

Crime Prevention, Fire Safety, and Safety Awareness Programming

MSU offers many programs designed to inform students and employees about campus safety and security procedures and practices and the prevention of crimes. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. Crime prevention programs on personal safety and security are sponsored by various campus organizations throughout the year.

These programs include general crime prevention and security awareness programs, such as safety education forums, programs, and discussions about topics such as alcohol abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, bystander intervention, fire safety, emergency response and evacuation procedures, crime and risk reduction strategies and theft prevention.

MSU Security, Student and Residence Life, Student Affairs, and the Title IX Coordinator participate in training sessions, panels, meetings, and programs in residence halls to explain University security, campus safety, campus policies, and expectations related to student conduct and behavior and fire safety measures and procedures at MSU with all incoming students.

These crime prevention and security awareness themes are additionally reviewed as part of MSU Security community policing program with first-year residents, and other key student groups and organizations. New employee orientation includes the distribution of crime prevention and fire safety materials to all new employees. Crime prevention, security awareness and fire prevention programming occur throughout the academic year with an average of four programs per year – this includes in-

The following are some specific examples of annual programs currently offered by the university. This list is not all inclusive:

Crime Awareness Programming

- Campus Security Authority Training: Training provided to CSA's regarding responsibilities under the Clery Act. Annual employee and student employee programming.

Fire Safety Awareness Programming

- Fire Safety Training: All Residential Hall Managers and Resident Assistants attend a four-hour fire prevention and safety course administered by the Minot Fire Department. Live exercises include the use of fire extinguishers to extinguish a fire.
- Yearly Fire Drill and evacuations Annual employee and student employee programming.
- Severe weather drills and other drills are held periodically to train students and employees for various emergency situations.

Safety Awareness Programming

- Safety Escort Program: Safety escorts are provided by MSU Security 24 hours per day as requested. Ongoing employee and student employee programming.
- CPR/First Aid & AED Classes: Annual student employee programming.

Additional safety awareness and crime prevention training/programming occurs at the end of each fire/evacuation drill, RA training, and during other special campus events and safety forums throughout the year.

Annual Fire Safety Report (2024)

Fire Safety Report Overview

The Higher Education Opportunity Act of 2008 (HEOA) requires all academic institutions with on-campus student residential facilities to develop and publish an annual fire safety report. The following report includes the information required by the HEOA, as it relates to the MSU campus

MSU publishes this Fire Safety Report as part of its annual Clery Act Compliance document, via this annual report, which contains information with respect to the fire safety practices and standards for MSU. This report includes statistics concerning the number of fires within on-campus residential facilities, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. Check with Student and Residence Life on location and availability.

General Residence Hall Fire Safety

Two of MSU's on-campus residential student housing facilities are completely protected by integrated automatic sprinkler systems – Lura Manor and Crane Hall. All residential student housing facilities have hard-wired addressable fire alarm systems, which are monitored twenty-four hours a day, seven days a week by private communications center.

In addition, on-campus residential facilities have the following life safety systems: portable fire extinguishers, emergency lighting, emergency exit signs and doors.

A quality control program ensures that each building is inspected by trained building inspectors on a regular basis to ensure that these systems are in working condition and includes a yearly fire alarm system test and inspection. In addition, the sprinkler systems are tested and inspected annually by a qualified fire safety company.

Each resident has access to the Residence Life Student Handbook for Residents located on the Student Life website: https://www.minotstateu.edu/life/_documents/Residence-Life-Policies.pdf. This Handbook includes information on fire safety and appropriate actions to take during a fire alarm or fire emergency. Fire drills are conducted annually during Fall semester.

Reporting Fire for Inclusion in the Fire Statistics

If a fire occurs in a MSU owned, rented, leased, or otherwise controlled building, community members should immediately notify the local fire department by dialing 911. MSU Security can be contacted at 701-500-2423 or by activating the call button on the Blue Light system.

MSU Security will initiate a response to all fire alarms or reports it receives. Upon confirmation of a fire, the fire monitoring company or MSU Security will immediately notify the Minot Fire Department for assistance by contacting Minot Central Dispatch.

Fires should be immediately reported to MSU Security by calling 701-500-2423. If a member of the MSU community finds evidence of a fire that has been extinguished, and the person is not sure whether MSU Security has already responded, the community member should immediately notify MSU Security to investigate and document the incident.

For example, if a custodian finds evidence of a fire in a trashcan in the hallway of a residence hall, they should not touch the trashcan, and should report the incident to MSU Security immediately and wait for an officer's response. The officer will document the incident prior to removing the trashcan.

Fire alarms alert community members of potential hazards, and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. Do not use the elevator. When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building.

Fire Investigations – Arson

Every fire that is not known to be accidental (such as a cooking fire) is investigated by the Minot Fire Department. Fires determined through investigation to be willfully or maliciously set are classified as arson for Clery reporting purposes.

Procedures for Students and Employees in the Event of a Fire

Find nearest pull station and sound central alarm, or call 911, or contact MSU Security directly at 701-500-2423.

- Shut all doors and windows in the vicinity of the fire.
- If the fire is small, use fire extinguishers to put it out.
- Exit by nearest safe stairway.
- Do not use the elevators.
- Do not run.
- If there is smoke in the room, keep low to the floor.
- Try to exit the room, feel the doorknob.
    - If it is hot, do not open the door.
    - If the doorknob is not hot, brace yourself against the door and crack it open.
    - If there is heat or heavy smoke, close the door and stay in your room.
- Don't panic.
- Seal up the cracks under the door with sheets, or towels.
- If there is smoke in the room, crack the windows at the bottom and at the top, if possible, to allow for ventilation
- Hang a sheet or towel from the window to announce that you are in your room.
- Call MSU Security at: 701-500-2423; be sure to give your room number and your location.
- If you can exit the room, put on shoes (and if necessary a coat). If smoke is evident, get a wet towel to cover your face.
- Close all doors.
- If in exiting the building you are blocked by fire, go to the safest fire-free area, or stairwell. If a phone is available call MSU SECURITY; or find a window, and signal that you are still in the building.

Student Residence Hall Fire Evacuation Procedures in Case of a Fire

- The fire alarm system may be used to evacuate a building(s) if there is a potential threat to the health and safety of that segment of the community.
- Activate the building fire alarm if it is not already sounding. Pull a fire alarm station on the way out.
- Leave the building by using the nearest exit.
- Crawl if there is smoke. Cleaner, cooler air will be near the floor. Get Low and Go.
- Before opening any doors, feel the metal knob. If it is hot, do not open the door. If it is cool, brace yourself against the door, open it slightly, and if heat or heavy smoke are present, close the door and stay out of the room.
- Go to the nearest exit or stairway. If the nearest exit is blocked by fire, heat, or smoke, go to another exit.
- Always use an exit stairway, not an elevator. Elevator shafts may fill with smoke, or the power may fail, leaving you trapped.
- Close as many doors as possible as you leave. This helps to confine the fire. Stairway fire doors will keep out fire and smoke, if they are closed, and will protect you until you get outside.
- Total and immediate evacuation is safest. Only use a fire extinguisher if the fire is very small and you know how to do it safely.
- Do not delay calling emergency responders or activating the building fire alarm.
- If you cannot put out the fire, leave immediately. Make sure the fire department is called—even if you think the fire is out.
- If you get trapped, keep the doors closed. Place cloth material (wet, if possible) around and under door to prevent smoke from entering.
- Be prepared to signal your presence from a window.
- Signal for help. Hang an object at the window (jacket, shirt) to attract the fire department's attention. If there is a phone in the room, call 911, and report that you are trapped. Be sure to give your room number and location. If all exits from a floor are blocked, go back to your room, close the door, seal cracks, open the windows if safe, wave something out the window, and shout or phone for help.
- If you are on fire, stop, drop and roll, wherever you are. Rolling smothers fire.
- Cool burns. Use cool tap water on burns immediately. Don't use ointments. If skin is blistered or charred, call an ambulance.

- Be aware of obstacles. Storage of any items in the corridors, such as bicycles, chairs, desks, and other items is prohibited in all exit ways, including stairwells. Blocked exits and obstacles impede evacuation, especially during dark and smoky conditions.
- If you are a person with a disability (even temporarily), you should do the following:
    - Learn about fire safety.
    - Plan for fire emergencies
    - Be aware of your own capabilities and limitations.

Plans for Future Improvements in Fire Safety

MSU strives to constantly improve and expand on our in-service training sessions for all Residential Life student staff, MSU Security staff, and other housing staff. This training includes basic fire safety topics and hands-on fire extinguisher training courses.

The University continues to assess and upgrade fire safety equipment as an ongoing process, to ensure that all equipment meets National Fire Safety standards. Future improvements will be made as needed as part of the ongoing assessment, budget, and strategic planning process.

Safety Inspections and Violations

MSU Security leads an inspection team that conducts a fire safety inspection in approximately one academic/business building on campus monthly. The purpose of the inspection is to identify and eliminate fire hazards within the classrooms and office areas. The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers, and other life safety systems. In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps etc.

Residence Life and MSU Security staff conduct regular inspections of residential hall areas throughout the academic year. Full-scale building/hall inspections are announced. Not all common area inspections are announced. The Safety inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Residential guidelines, which include life and fire safety rules and regulations for residential buildings.

The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers, and other life safety systems. In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room, tampering with life safety equipment, possession of pets, etc.). This inspection will also include a general assessment of food and waste storage and cleanliness of the room.

Prohibited Items and Prohibited Conduct

If a student's behavior does not meet University community expectations or is in violation of the policies outlined in the Residence Hall Housing License Agreement or the Handbook of Student Rights and Responsibilities, they may expect additional training and if needed, progressive disciplinary procedures to help students understand the need for following safety protocols.

Students are responsible for the items contained in their rooms and the events that occur in their rooms. Special surveillance resources may be utilized by the University when conduct issues become chronic or disruptive.

Prohibited Items

The following actions/items are prohibited in residence halls:

- Overloaded electrical outlets, damaged or non-UL approved cords, unsafe placement of cords or improper use of electrical items
- Only 1 power strip is permitted per resident.
- Damaging or tampering with fire safety equipment (smoke detectors, fire extinguishers)
- Obstruction of room door/windows
- Use of any open flame device, (candles, etc.); burning of incense; Scentsy pots; possession/use of fireworks or other explosives; possession/storage of gasoline or other fuels/flammable chemicals
- Lamps generate heat such as Lava lamps, Halogen lamps, and halogen bulbs 300 watts or more.
- Microwaves

- Space heaters
- A/C units requiring external ventilation.
- Appliances without automatic shutoffs (e.g., coffeemakers, grills)
- Non-LED holiday lights
- Cloth and/or paper items hung near lights/lamps.
- Blocking open or otherwise interfering with the intended smoke barrier purpose of fire doors
- Blocking hallways or building exits
- Failure to evacuate according to designated procedures during a building alarm and/or failure to follow instructions of University or fire safety personnel.
- False report of fire or other dangerous condition (bomb threats, etc.)
- Activating false alarms will result in disciplinary action and possible removal from the residence hall.
- Hanging items from the ceiling

Smoke Detectors

Each room is equipped with a smoke detector for your protection. The light on the detector indicates it is in working order. The detectors must be tested at the beginning of each year and can be tested monthly. If the light is not on, report it to your Residence Hall Director.

Residence Hall Kitchens/Cooking

Fire regulations forbid cooking in your room. Kitchen facilities are available as well as microwaves and toasters, are provided for resident use only. You must stay with your food while cooking. Kitchens may be closed if residents neglect to clean up after using the facilities.

Window Coverings

All residence windows must have neutral window coverings. No externally facing graphic or image should be visible from the outside. No tinfoil or flags. Window draperies or coverings must be flaming retardant.

Fire Drills

Fire drills will be held periodically in order to ensure the building will be vacated in an orderly fashion should an emergency occur. Everyone must vacate the building regardless of whether they are in bed, on the phone, etc. Familiarize yourself with the fire exits in your building. Campus Security (Minot Police Dept.) and the Residence Hall Directors will conduct all official fire drills.

Emergency Building Evacuation Drills

Fire/emergency building evacuation drills are conducted annually for residence halls, academic, and administrative facilities. Emergency Building Evacuation Drills are conducted to familiarize occupants with emergency egress from a building and to establish conduct of the drill to a matter of routine. Drills will include suitable procedures, such as potential room-to-room checks, to ensure that all persons subject to the drill participate.

Any person who fails to participate in a drill will be subject to disciplinary action by the appropriate authority. In the conduct of drills, emphasis shall be placed on orderly evacuation rather than speed. Participants shall relocate to a safe location outside the building and remain at such location until a recall signal is given or further instruction.

Fire Safety Systems – Residential Facilities

Fig. 5 - Fire Safety Systems in MSU On-Campus Residential Facilities

Building	Campus Heights	C.P. Lura Manor	Cook Hall	Crane Hall	Dakota Hall	McCulloch Hall	Pioneer Hall	University Heights
Year Built		1986	1966		1931	1959-60		
Sprinkler System	No	Yes	No	Yes	No	No	No	No
Building Fire Alarm	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Smoke Detection	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Pull Station	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Remote Alarm Monitoring	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Room Detection/ Smoke Detection	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fire Extinguisher	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Number of Annual Fire Precautions or Fire Drills	1	1	1	1	1	1	1	1

Fig. 6 - Fire Safety Systems in MSU On-Campus Apartment Facilities

Building	703 University Ave W	836 10th Ave NW	838 10th Ave NW	840 10th Ave NW	844 10th Ave NW	816 10th Ave NW Beaver Suites	1100 North Broadway Beaver Ridge
Year Built	1947	1920	1925	1908	1916	2012	2010
Sprinkler System	No	No	No	No	No	Yes	Yes
Building Fire Alarm	No	No	No	No	No	Yes	Yes
Smoke Detection	Battery	Battery	Battery	Battery	Battery	Hard Wired	Hard Wired
Pull Station	No	No	No	No	No	Yes	Yes
Remote Alarm Monitoring	No	No	No	No	No	Yes	Yes
Room Detection/ Smoke Detection	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fire Extinguisher	No	No	No	No	No	Yes	Yes
Number of Annual Fire Precautions or Fire Drills	0	0	0	0	0	0	0

Annual Fire Safety Report/Fire Statistics:
On-Campus Residential Facilities (2024, 2023, 2022)

Fig. 6 – 2024 Fire Statistics for On-Campus Residential Facilities

Location	Total Fires	Date	Time	Cause of Fire	Injured	Death	Property Value	Fire Drills
Campus Heights 1428 7th St NW Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/19/2024
C.P. Lura Manor 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/19/2024
Cook Hall 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/19/2024
Crane Hall 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/19/2024
McCulloch Hall 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/19/2024
Pioneer Hall 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/19/2024
University Heights 1432 7th St NW Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	No Fire Alarm in University Heights
703 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	N/A
836 10th Ave NW Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	N/A
838 10th Ave NW Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	N/A
840 10th Ave NW Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	N/A
844 10th Ave NW Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	N/A
816 10th Ave NW Minot, ND **Beaver Suites**	0	N/A	N/A	N/A	N/A	0	N/A	N/A
1100 N Broadway Minot, ND **Beaver Ridge**	0	N/A	N/A	N/A	N/A	0	N/A	N/A

Fig. 7 – 2023 Fire Statistics for On-Campus Residential Facilities

Location	Total Fires	Date	Time	Cause of Fire	Injured	Death	Property Value	Fire Drills
Campus Heights 1428 7th St NW Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/28/2023
C.P. Lura Manor 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/28/2023
Cook Hall 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/28/2023
Crane Hall 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/28/2023
Dakota Hall 500 University Ave West Minot, ND	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
McCulloch Hall 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/28/2023
Pioneer Hall 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/28/2023
University Heights 1432 7th St NW Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	No Fire Alarm in University Heights

Fig. 8 – 2022 Fire Statistics for On-Campus Residential Facilities

Location	Total Fires	Date	Time	Cause of Fire	Injured	Death	Property Value	Fire Drills
Campus Heights 1428 7th St NW Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/21/2022
C.P. Lura Manor 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/21/2022
Cook Hall 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/21/2022
Crane Hall 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/21/2022
Dakota Hall (Removed from Service) 500 University Ave West Minot, ND	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
McCulloch Hall 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/21/2022
Pioneer Hall 500 University Ave West Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	9/20/2022
University Heights 1432 7th St NW Minot, ND	0	N/A	N/A	N/A	N/A	0	N/A	No Fire Alarm in University Heights

Footnote: These statistics are from January 1, 2020 - December 31, 2022. Fire statistics are included within the Daily Crime/Fire Log

Crime Definitions

The following definitions are to be used for reporting the crimes listed in the Clery Act, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program.

- The definitions of murder/non-manslaughter by negligence, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program.
- The definitions of fondling, incest, and statutory rape are excerpted from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program.
- The definitions of larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.

Crime Definitions from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Criminal Homicide – Manslaughter by Negligence: The killing of another person through gross negligence.

Criminal Homicide – Murder and Nonnegligent Manslaughter: The willful (nonnegligent) killing of one human being by another.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

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

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

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

Weapons – Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations: The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Unfounded Crime Reports: According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as

unfounded by a sworn law enforcement authority "if the investigation shows that no offense occurred nor was attempted."

These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as "unfounded" cases within UCR reports on the various index crimes.

According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual from the FBI'sUCR Program – Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
B. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
C. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Crime Definitions from the Hate Crime Data Collection Guidelines and Training Manual from the FBI's UCR Program

Hate Crimes: any of the above offenses, and any other crime involving bodily injury, reported to local police agencies or campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories. Additionally, on August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes.

These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include: race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability.

Hate Crime Definitions: To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

> Bias: a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin.
>
> Bias Crime: a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as Hate Crime.
>
> *Note: Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.*

Larceny-Theft (Except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it

Unfounded Crime Reports: According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority "if the investigation shows that no offense occurred nor was attempted."

These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as "unfounded" cases within UCR reports on the various index crimes.

According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

Domestic Violence, Dating Violence, and Stalking Additions from the 2014 VAWA Negotiated Rulemaking Final Consensus Language

The Federal definition (from VAWA) of Domestic Violence: a felony or misdemeanor crime of violence committed:

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

The Federal definition (from VAWA) of Dating Violence: the term "dating violence" means violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of such a relationship shall be determined based on the reporting party's statement with consideration of:
    - the length of the relationship;
    - the type of relationship;
    - the frequency of interaction between the persons involved in the relationship.
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

The Federal definition (from VAWA) of Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress For the purposes of this definition:
- Course of Conduct: means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property
- Reasonable Person: means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial Emotional Distress: means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Uniform Crime Reporting (UCR)/National Incident-Based Reporting System (NIBRS) Definitions

The Bureau of Criminal Investigation manages the state Uniform Crime Reporting (UCR) program, which involves the collection and analysis of crime statistics reported by local law enforcement agencies in North Dakota.

The Minot Police Department is required to report crime statistics as defined by the Uniform Crime Reporting Program for the following crimes if the crimes are reported and occur on the property owned, controlled, leased, recognized, or operated by the university. MSU Security, through a written Memorandum of Understanding, reports all crime occurring on campus to the Minot Police Department for reporting purposes.

The Uniform Crime Reporting (UCR) program divides offenses into two groups, Part I and Part II crimes.

GROUP "A" OFFENSES

Animal Cruelty: Intentionally, knowingly, or recklessly taking an action that mistreats or kills any animal without just cause, such as torturing, tormenting, mutilation, maiming, poisoning, or abandonment.

Included are instances of duty to provide care, e.g., shelter, food, water, care if sick or injured; transporting or confining an animal in a manner likely to cause injury or death; causing an animal to fight with another; inflicting excessive or repeated unnecessary pain or suffering, e.g., uses objects to beat or injure an animal.

This definition does not include proper maintenance of animals for show or sport; use of animals for food, lawful hunting, fishing, or trapping.

Arson: To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

Assault – Aggravated: An unlawful attack by one person upon another wherein the offender uses or displays a weapon in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Assault – Simple: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Assault – Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Assault – Stalking: To engage in an intentional pattern of conduct consisting of two or more acts directed at a specific person which frightens, intimidates, or harasses that person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to experience fear, intimidation, or harassment.

Bribery (Except Sports Bribery): The offering, giving, receiving, or soliciting of anything of value (i.e., a bribe, gratuity, or kickback) to sway the judgment or action of a person in a position of trust or influence.

Burglary/Breaking and Entering: The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

Counterfeiting/Forgery: The altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Drug/Narcotic Violations (Except "DUI"): The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

Drug Equipment Violations: The unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing or using drugs or narcotics.

Embezzlement: The unlawful misappropriation by an offender to their own use or purpose of money, property, or some other thing of value entrusted to their care, custody, or control.

Extortion/Blackmail: To unlawfully obtain money, property, or any other thing of value, either tangible or intangible, through the use or threat of force, misuse of authority, threat of criminal prosecution, threat of destruction of reputation or social standing, or through other coercive means.

Fraud – False Pretenses/Swindle/Confidence Game: The intentional misrepresentation of existing fact or condition, or the use of some other deceptive scheme or device, to obtain money, goods, or other things of value.

Fraud – Credit Card/Automatic Teller Machine Fraud: The unlawful use of a credit (or debit) card or automatic teller machine r fraudulent purposes.

Fraud – Hacking/Computer Invasion: Wrongfully gaining access to another person's or institution's computer software, hardware, or network without authorized permissions or security clearances.

Fraud – Identity Theft: Wrongfully obtaining and using another person's personal data (e.g., name, date of birth, Social Security Number, driver's license number, credit card number).

Fraud – Impersonation: Falsely representing one's identity or position and acting in the character or position thus unlawfully assumed, to deceive others and thereby gain a profit or advantage, enjoy some right or privilege, or subject another person or entity to an expense, charge, or liability that would not have otherwise been incurred.

Fraud – Welfare Fraud: The use of deceitful statements, practices, or devices to unlawfully obtain welfare benefits.

Fraud – Wire Fraud: The use of an electric or electronic communications facility to intentionally transmit a false and/or deceptive message in furtherance of a fraudulent activity.

Gambling – Betting/Wagering: To unlawfully stake money or something else of value on the happening of an uncertain event or on the ascertainment of a fact in dispute.

Gambling – Operating/Promoting/Assisting Gambling: To unlawfully operate, promote, or assist in the operation of a game of chance, lottery, or other gambling activity.

Gambling – Gambling Equipment Violations: To unlawfully manufacture, sell, buy, possess, or transport equipment, devices, and/or goods used for gambling purposes.

Gambling – Sports Tampering: To unlawfully alter, meddle in, or otherwise interfere with a sporting contest or event for the purpose of gaining a gambling advantage.

Homicide – Murder And Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Homicide – Negligent Manslaughter: The killing of another person through negligence. The offense does not include "Vehicular Manslaughter".

Homicide – Justifiable Homicide: The killing of a perpetrator of a serious criminal offense by a peace officer in the line of duty; or the killing, during commission of a serious criminal offense, of the perpetrator by a private individual.

Homicide – Suicide (Attempted/Completed): The taking of, or attempted taking of, one's own life.

Homicide – Vehicular Manslaughter: Recklessly causing the death of an individual while operating a motor vehicle.

Human Trafficking – Commercial Sex Acts: Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age.

Human Trafficking – Involuntary Servitude: The obtaining of person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).

Kidnapping/Abduction: The unlawful seizure, transportation, and/or detention of a person against their will, or of a minor without the consent of their custodial parent(s) or legal guardian(s).

Larceny/Theft – Pocket-Picking: The theft of articles from another person's physical possession by stealth where the victim usually does not become immediately aware of the theft.

Larceny/Theft – Purse-Snatching: The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.

Larceny/Theft – Shoplifting: The theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.

Larceny/Theft – Theft from Building: A theft from within a building which is either open to the general public or to which the offender has legal access.

Larceny/Theft – Theft from Coin-Operated Machine or Device: A theft from a machine or device that is operated or activated by the use of coins.

Larceny/Theft – Theft from Motor Vehicle: The theft of articles from a motor vehicle, whether locked or unlocked.

Larceny/Theft – Theft of Motor Vehicle Parts or Accessories: The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle or necessary for its operation.

Larceny/Theft – All Other Larceny: All thefts that do not fit any of the definitions of the specific subcategories of Larceny/Theft listed above.

Motor Vehicle Theft: The theft of a motor vehicle, including automobiles, buses, recreational vehicles, trucks, and other motor vehicles.

Pornography/Obscene Material: The violation of laws or ordinances prohibiting the manufacture, publishing, sale, purchase, or possession of sexually explicit material, e.g., literature, photographs, etc.

Prostitution: To unlawfully engage in sexual relations for profit.

Prostitution – Assisting or Promoting: To solicit customers or transport persons for prostitution purposes; to own, manage, or operate a dwelling or other establishment for the purpose of providing a place where prostitution is performed; or to otherwise assist or promote prostitution.

Prostitution – Purchasing: To purchase or trade anything of value for commercial sex acts.

Robbery: The taking or attempting to take anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

Sex Offenses – Rape (Except "Statutory Rape"): The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

Sex Offenses – Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. (This includes members of the same sex.)

Sex Offenses – Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

Sex Offenses – Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

Sex Offenses, Non-Forcible – Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Sex Offenses, Non-Forcible – Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. "With the consent of the victim" is an element of Statutory Rape. In addition, there is no force or coercion used in Statutory Rape; the act is not an attack.

Stolen Property Offenses: Receiving, buying, selling, possessing, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by Burglary, Embezzlement, Fraud, Larceny/Theft, Robbery, etc.

Weapon Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

GROUP "B" OFFENSES

Bad Checks (Except counterfeited or forged checks): Knowingly and intentionally writing and/or negotiating checks drawn against insufficient or nonexistent funds.

Curfew/Loitering/Vagrancy: The violation of a court order, regulation, ordinance, or law requiring the withdrawal of persons from the streets of other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.

Disorderly Conduct: Any behavior that tends to disturb the public peace or decorum, scandalize the community, or shock the public sense of morality.

Driving Under The Influence: Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic. This offense includes being in "Actual Physical Control."

Drunkenness (Except DUI) (This is not a crime in ND): To drink alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially impaired.

Family Offense, Non-Violent: Unlawful, nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member, and that are not classifiable as other offenses, such as Assault, Incest, Statutory Rape, etc. This offense includes: Abandonment; Desertion; Neglect; Nonsupport; Nonviolent Abuse; or Non-Violent Cruelty to other family members. It also includes the nonpayment of court-ordered alimony, as long as it is not considered Contempt of Court within the reporting jurisdiction. Does not include victims of these offenses who are taken into custody for their own protection.

Liquor Law Violations (Except DUI and Drunkenness): The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

Peeping Tom: To secretly look through a window, doorway, keyhole, or other aperture for the purpose of voyeurism.
Trespassing on Real Property: To unlawfully enter land, a dwelling, or other real property.

ALL OTHER OFFENSES

All crimes that are not Group "A" offenses and not included in one of the specifically named Group "B" crime categories listed above. (Traffic offenses, except for Hit and Run, are excluded).

MINOT STATE UNIVERSITY

This information is provided as a part of Minot State University's continuing commitment to safety and security on campus in compliance with the North Dakota Uniform Crime Reporting Act and the Jeanne Clery Act. Concerns, questions, or complaints related to this document or the applicable statutes should be directed to the MSU Security Director either by mail at 500 University Avenue West, Minot, ND, 58707 or by email at a.livingston@minotstateu.edu.