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# President's Message

Dear Community Member:

The 2022 Annual Security and Fire Safety Report for the 2021 calendar year for Williston State College is prepared by a comprehensive team representing various campus sectors: Title IX, Student Affairs, Campus Security, Residence Life, and Campus Services. This report complies with the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act as a part of our ongoing effort to inform you of the safety programs and services available and the steps you can take to maintain your safety and the security of others.

The safety and well-being of our students, faculty, staff, and visitors are our foremost concern. The best protections against campus crime are a strong security presence; collaboration with local law enforcement; an aware, informed, alert campus community; and a commitment to reporting suspicious activities and using common sense when carrying out daily activities.

Williston State College works diligently to reduce risk and the potential for crime. However, despite our best efforts, crimes may occur. Safety and security are a shared responsibility, and we expect all current and prospective community members to contribute to the safety and security of our campus.

If you have any questions or suggestions concerning this publication, please contact the President at (701) 774-4231.

Sincerely,

Dr. Bernell Hirning, President

Published

# Quick Reference: Resources

## WSC Campus Security (On-Campus)

Campus Security ..... (701) 570-6699  
Director for Campus Services..... (701) 774-4578

## Law Enforcement (Off-Campus)

Emergency .....9-1-1  
Non-Emergency:  
Williston Police..... (701) 577-1212  
Williams County Sheriff’s Office..... (701) 577-7700  
Northwest Narcotics Task Force ..... (701) 577-7711

## Fire Department (Off-Campus)

Emergency .....9-1-1  
Non-Emergency:  
Williston Fire Department ..... (701) 572-2196

## Health

Emergency .....9-1-1  
Non-Emergency:  
CHI St. Alexius..... (701) 774-7400  
Trinity Community Clinic..... (701) 572-7711  
Upper Missouri District Health Unit..... (701) 774-6400

## Additional Campus Offices

Office Hours: 8 am – 4:30 pm  
(summer hours may vary – please call for appointment)

Athletics ..... (701) 774-4588  
1410 University Avenue, Thomas Witt Leach Complex (The Well)

Facilities Management..... (701) 774-4578  
1410 University Avenue, Art Wood Building  
<http://www.willistonstate.edu/About-Us/Facilities-Management.html>

Housing ..... (701) 774-4528  
1410 University Avenue, Frontier Hall, Nelson Hall, Manger Hall, Abramson Hall  
<http://www.willistonstate.edu/Future-Students/Housing.html>

Human Resources ..... (701) 774-4202  
1410 University Avenue, Stevens Hall, 202A  
Employee Assistance Program..... 1 (800) 627-8220

Student Affairs Office..... (701) 774-4200  
1410 University Avenue, Stevens Hall, 105

**Title IX** ..... (701) 774-4295  
1410 University Avenue, Stevens Hall, 105E  
<http://www.willistonstate.edu/Current-Students/Title-IX.html>

**Visitors & Information** ..... (701) 774-4200  
1410 University Avenue, Stevens Hall, 105

**Williston Community Services**

**Family Crisis Shelter** ..... (701) 572-0757  
**Williams County Social Services** ..... (701) 774-6300  
**Northwest Human Service Center** ..... (701) 774-6400

**National & Statewide Hotlines**

**Poison Control** ..... 1 (800) 222-1222  
**Road Emergency Assistance** ..... 1 (800) 472-2121  
**National Suicide Prevention Hotline** ..... 1 (800) 273-TALK (8255)  
**Suicide Hotline** ..... 1 (800) SUICIDE (784-2433)

# The Clery Act

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial, and geographic considerations, the campus safety is a vital concern. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Clery Act affects virtually all public and private IHEs and is enforced by the U.S. Department of Education. Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program. The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh College residence hall in 1986. Clery's parents lobbied Congress to enact the law when they discovered students at Lehigh hadn't been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery's murder.

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## CLERY ACT COMPLIANCE

The Clery Act requires Williston State College (WSC) to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make their campus security policies available to the public. The act also requires WSC to collect, report, and disseminate crime data to everyone on-campus and to the Department of Education annually.

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

1. Publish and distribute an Annual Security Report to current and prospective students and employees by October 1 of each year. The report must provide crime statistics for the past three years, detail campus and community policies about safety and security measures, describe campus crime prevention programs, and list procedures to be followed in the investigation and prosecution of alleged sex offenses.
2. Provide students and employees with timely warnings of crimes that represent a threat to their safety. WSC Campus Security must also keep and make available to the public a detailed crime log of all crimes reported to them in the past 60 days. Crime logs must be kept for seven years, and logs older than 60 days must be made available within two business days upon request.
3. Keep the past three years of crime statistics detailing crimes that have occurred: on-campus; in college residential facilities; in public areas on or near campus; and in certain non-campus buildings, such as

fraternities/sororities and remote classrooms. WSC must also report liquor and drug law violations and illegal weapons possession if they result in a disciplinary referral or arrest.

4. Disclose missing student notification procedures that pertain to students residing in any on-campus student housing facilities.
5. Disclose fire safety information related to any on-campus student housing facilities. This includes maintaining a fire log that is open to public inspection and publishing an Annual Fire Safety Report containing policy statements and fire statistics associated with each on-campus student housing facility. These statistics must include the location, cause, injuries, deaths and property damage of each fire.
6. Submit the collected crime and fire statistics to the Department of Education each fall.
7. Inform prospective students and employees about the availability of the Annual Fire Safety Report.

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

Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. The report is available [online](#). All WSC employees and students receive an email describing the report and its website address. For more information, contact the WSC Campus Security at 701-570-6699.

# Campus Safety

This report contains emergency management information, campus crime statistics and critical campus safety information such as policies, crime prevention, crime reporting, and resources to aid you in becoming more safety minded. The best protections against campus crime are a strong law enforcement presence; an aware, informed, and alert campus community; and a commitment to reporting suspicious activities and using common sense when carrying out daily activities. WSC strives to be a safe place to learn, live, work, and grow.

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## CAMPUS SECURITY

WSC Campus Security is responsible for policy enforcement, security and emergency response on the campus. Campus Security is guided by the mission strategic principles of service, protection, enforcement, continuous and quality improvement.

The Department is under the leadership of the Director for Campus Services who reports to the Vice President for Business Services. The Director for Campus Services is responsible for coordinating the daily patrol and security operations and activities of the Department. The Director for Campus Services is additionally responsible for safety and environmental compliance, health, and safety concerns. The Director for Campus Services is additionally responsible for in-service training, crime prevention services, community-policing compliance, and field training and when appropriate. The Director for Campus Services is assigned the responsibility of coordinating the institution's life and fire safety and crime prevention program/initiatives, coordinating administrative duties and assignments relative to the public safety environment, including managing compliance records retention processes.

Campus security is contracted to Stonewall Security Services, a security agency that operates for 16 Mon-Thur, and Saturday, Friday 19hr, Sunday 10hrs and their patrol area includes the main campus at WSC and TrainND. Stonewall Security Services conducts security related duties such as: campus patrol, emergency non-emergency calls for service, life safety operations, parking enforcement, building checks, traffic control, access monitoring, escorts, on-campus event security, crowd control activities, as well as other pertinent security related operations.

Campus Security patrols the campus and provides public safety services through the deployment of vehicle and foot patrols. The main goal of patrol is to provide a means for security personnel to randomly patrol parking

lots and other areas not open to vehicle traffic, such as walkways and student gathering areas.

To be successful in providing the highest degree of public safety services on the campus, community members must follow good safety practices and understand that safety is the responsibility of all community members, not just those officially and formally charged with enforcing the laws, policies, and rules. This includes using the escort service, locking valuables, and reporting suspicious/criminal activities. Campus Security takes a leadership role in this area. This includes educational programs on campus safety, preventative patrols, incident investigation and crime reporting, fire safety and prevention, and crime prevention. Campus Security personnel receive security and emergency care training. Campus Security is located at 1410 University Avenue, Stevens Hall, Williston, ND 58801.

This publication is intended to provide information concerning educational programs, safety practices, and policies regarding the reporting of emergencies and campus crime rates. It is the primary objective of Campus Security to work collaboratively with campus community members in its efforts to work toward a safe campus environment wherein its community members can work, live, study, and personally and professionally develop both intellectually and socially. Should you have questions, comments, or suggestions regarding the information contained within this publication or any related public safety policies, procedures, or operations, please feel free to contact the Director for Campus Services, Travis Kitchens, at (701) 774-4578 or [Travis.Kitchens@willistonstate.edu](mailto:Travis.Kitchens@willistonstate.edu).

## CRIME/EMERGENCY REPORTING AND COLLEGE RESPONSE

Campus community members - students, faculty, staff, and guests - are encouraged to report all criminal actions, emergencies, or other public safety related

incidents occurring within the College's Clery geography to WSC Campus Security in an accurate, prompt, and timely manner. The College's Clery geography includes on campus property including campus residence halls, buildings, and/or facilities; designated non-campus properties and facilities; public property adjacent to or contiguous to on campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities.

Campus Security has been designated by WSC as the official office for campus crime reporting. Campus Security strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures Campus Security can evaluate, consider, and recommend timely warning reports and accurately document reportable crimes in its annual statistical disclosure. WSC further encourages accurate and prompt reporting to Campus Security, and/or the local police when the victim of a crime elects to, or is unable to, make such a report. This publication focuses on Campus Security because it has primary responsibility for patrolling the WSC campus. However, criminal incidents or incidents off campus can be reported to the local Williston Police Department.

To report a crime or emergency, members of the community should:

- Call Campus Security by dialing (701) 570-6699
- Report in person to Campus Security in Stevens Hall office 131B located at 1410 University Avenue, Stevens Hall, Williston, ND 58801
- Crimes or emergency situations can be reported to the Williston Police Department or local emergency services by dialing 911
- Sex offenses and other incidents of sexual or relationship violence can also be reported to the WSC's Title IX Coordinator, Megan Kasner, by calling (701) 774-4295 or emailing [megan.kasner@willistonstate.edu](mailto:megan.kasner@willistonstate.edu), or in person at the Student Affairs office, Stevens Hall, 105 E, 1410 University Avenue, Williston, ND 58801

Campus Security procedures require an immediate response to emergency calls. Campus Security works closely with a full range of community resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. Campus Security responds to all reports of crimes and/or emergencies that occur on-campus, adjacent to campus within its public property reporting area, or within a campus-controlled, -owned, -

operated, and/or -recognized facility, building, residence hall, or area. Campus Security personnel also have the ability to notify Williams County emergency dispatchers of emergency situations occurring on-campus via portable, mobile communications systems. This system allows Campus Security to summon assistance from emergency responders if deemed necessary and appropriate.

Incidents occurring on-campus, within residence halls or non-campus buildings, or on recognized private property adjacent to or contiguous to College-owned, -controlled, -operated, or -recognized facilities, buildings, or areas are documented and processed for further investigation and review by the Director for Campus Services and/or the local Williston Police Department, depending upon the nature of the crime or emergency and the involvement of the local Williston Police Department. Additional information obtained via any investigation will also be forwarded to the Director for Campus Services and Campus Security.

To obtain information or request any public safety or safety escort services, community members should call (701) 570-6699. If assistance is required from the local Williston Police Department or Williston Fire Department, Campus Security will contact the appropriate unit.

If any form of sexual misconduct should occur on campus, staff on scene, including Campus Security, can offer the reporting party a variety of resources and services. This publication contains information about on- and off-campus resources and services and is made available to the WSC community. The information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for WSC.

Crimes should be reported to Campus 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 WSC's Counselor would not be known to Campus Security, a Campus Security authority (CSA), or other College official.

## **ACCURATE AND TIMELY REPORTING OF CRIMINAL OFFENSES**

Prompt and accurate reporting of criminal offenses aids in providing a timely response and timely warning



notices to the community when appropriate and assists in compiling accurate crime statistics.

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents in an accurate and timely manner to the WSC Campus Security and/or local law enforcement.

To report a crime or an emergency, a non-emergency security or public safety related matter on the WSC Campus, call 701-570-6699 for Campus Security or 911 for local law enforcement.

In response to a call, Campus Security will take the required action, dispatching a security officer or asking the complainant to report to Campus Security to file an incident report.

Individuals on campus may also report crimes to a designated campus security authority (CSA). A CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution. These designated individuals are provided notice by WSC as to the extent of their responsibility and how to report crimes to Campus Security.

- A campus police department or a Campus Security department of an institution
- Any individual or individuals who have responsibility for Campus Security but who do not constitute a campus police department or a Campus Security department (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 take action or respond to particular issues on behalf of the institution.

WSC designated CSAs include:

- Campus Security (701-570-6699)
- Vice President for Academic Affairs or designee (701-774-4500)

- Vice President for Student Services or designee (701-774-4295)
- WSC Student Organization Advisors (701-774-4528)
- Athletic Director or designee (701-774-4546)
- Head & assistant coaches or designees (701-774-4546)
- Athletic Trainers (701-774-4287)
- Director Housing or designee (701-774-4528)
- Housing personnel (resident assistants) or designees (701-774-4258)
- Title IX Coordinator or designee (701-774-4295)
- Deputy Title IX Coordinator (701-774-4503)
- CLERY Report Personnel (701-774-4295)

A student's privacy concerns are weighed against the needs of WSC to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

Information reported to Campus Security is treated as confidential during the investigative phase, except as required by law. When major incidents occur, the Williston Police Department may also respond. Applicable Campus Security incident reports are forwarded to appropriate campus department offices for review and potential action. Campus Security will investigate a report when it is deemed appropriate. Additional information obtained via the investigation may also be forwarded to the appropriate campus department.

Campus professional counselors, when employed as a counselor and acting within the scope of their employment at WSC, are not considered to be CSAs and are not required to report crimes for inclusion in the annual disclosure of crime statistics. However, campus professional counselors are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics. WSC does not employ campus pastoral counselors. Medical providers, when acting as such, are considered to be CSAs and are required to report crimes for inclusion in the annual disclosure of crime statistics.

#### **Voluntary Confidential Reporting:**

With the only exception being the Counselor, WSC does not provide a confidential reporting option to Campus Security Authorities (CSA) and does not allow for voluntary confidential reporting. The Counselor, in their capacity as a CSA, can make crime reports to Campus

Security to ensure inclusion in the annual disclosure of crime statistics without disclosing personal identifying information. The Counselor will work closely with Campus Security in order to allow Campus Security to properly assess reports for timely warning consideration and to avoid double counting of crimes.

### **Confidential Reporting:**

Students may make confidential reports to off-campus Pastoral Counselors and/or other off-campus Counselors. Pastoral Counselors and Counselors in their capacity and function do not make identifiable reports of incidents to the Campus Security unless the student specifically requests them to do so; however, the College encourages counselors, if and when they deem it appropriate, to inform students they can report incidents of crime to Campus Security, which can be done directly or anonymously through the facilitated anonymous reporting process as outlined below.

### **Anonymous Reporting:**

The WSC Campus Security, unless otherwise prescribed by law or as set forth within this Annual Security and Fire Safety Report, does not take anonymous incident reports. The only exceptions to this policy are addressed below:

**Facilitated Anonymous Reporting:** Students may request an off-campus Pastoral Counselor or other off-campus Counselor to facilitate anonymous reporting using general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the college's Annual Security and Fire Safety report.

While anonymous reporting is available by these limited means, the College's ability to investigate and appropriately address allegations of misconduct will be significantly limited. Crimes reported confidentially to off-campus pastoral counselors or other off-campus counselors are not disclosed in the College's crime statistics or reporting processes, unless those crimes are reported to Campus Security through the facilitated anonymous reporting process.

## **RESPONSIBILITIES OF THE WSC COMMUNITY FOR PERSONAL SAFETY**

Members of the WSC community must assume responsibility for their own personal safety and the

security of their personal property. The following precautions provide guidance.

- Report all suspicious activity to Campus Security immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call Campus Security or WPD for help at the first sign of trouble.
- 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, and 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.

## **STATISTICAL DISCLOSURE OF REPORTED INCIDENTS**

Incidents reported to Campus Security that fall into one of the required reporting classifications will be disclosed as a statistic in the annual security and fire safety report published by Campus Security.

## **REPORTING A CRIME TO THE WILLISTON POLICE DEPARTMENT**

A person reporting a crime to Campus Security has the right to report the crime to the Williston Police Department by calling 911. Campus Security regularly discusses this option with the victim of a crime and will assist the victim with that process.

## **OFF-CAMPUS CRIME**

If the Williston Police Department is contacted about criminal activity off-campus involving WSC students, the police may notify Campus Security. Students in these cases may be subject to arrest by the local police and college disciplinary proceedings through the Office of Student Affairs.

## **CRIMES INVOLVING STUDENT ORGANIZATIONS AT OFF-CAMPUS LOCATIONS**

WSC operates no off-campus student organization locations. All student organizations recognized by WSC are located on the main campus and are within the jurisdiction of the Campus Security. If a crime has been committed on-campus by student organization, report the incident to the Campus Security at (701) 570-6699 or to local authorities at 911.

## **DISCLOSURE OF DISCIPLINARY PROCEEDING RESULTS FOR VIOLENT CRIME**

WSC will, upon written request, disclose to the alleged victim of a crime of violence or non-forcible sex offense, the results of any disciplinary proceeding conducted by WSC against a student who is the alleged perpetrator of the offense or violation. If the alleged victim is deceased as a result of the crime or offense, WSC will provide the results of the disciplinary proceeding to the victim's next of kin.

## **CAMPUS SECURITY ENFORCEMENT AUTHORITY**

WSC Campus Security is responsible for providing security services for the WSC Campus. Campus Security is responsible for the enforcement of College policies and Federal and State laws for campus administrative purposes only. Campus Security investigates campus criminal incidents for administrative purposes as they relate to its campus judicial process. Criminal incidents may be investigated for possible criminal prosecution by the local Williston Police Department or other law enforcement agency with jurisdiction. The Vice President for Student Affairs, the Title IX Coordinator and Director for Residence Life, coordinate disciplinary action for matters that are violations of College policy and procedure.

### **Campus Security Arrest Authority:**

Campus Security personnel are unsworn security personnel for WSC and have no official powers of arrest authority. Campus Security will summon support from the Williston Police Department or other applicable law enforcement entities to affect an arrest on or within campus owned, controlled, leased, or recognized property.

### **Campus Security Jurisdiction:**

Campus Security's jurisdiction encompasses on campus property that includes campus residence halls, buildings, and/or facilities; property designated non-campus properties and facilities; public property adjacent to or contiguous to on campus property, and owned, operated, leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities. Campus Security has no jurisdiction or enforcement authority outside of its identified Clery reporting geography – this includes areas and/or properties that are not owned, rented, leased, recognized or otherwise controlled by the College. WSC's Campus Security Jurisdiction is outlined on its CLERY maps.

## **SECURITY OF AND ACCESS TO CAMPUS FACILITIES**

### **Academic and Administrative Buildings:**

WSC's campus is open to the public. The majority of academic and administrative buildings are open during normal business hours (typically Monday through Friday, from 7am to 5pm, except holidays) and are typically secured at 8pm, depending upon special event scheduling and community usage. Afterhours access is gained to these buildings via the access control system. The Learning Common's hours can fluctuate, but the library is normally accessible 8am to 4:30pm Monday through Friday of each week, except holidays, break periods, and summer session. Members of Campus Security regularly patrol the interiors and exteriors of all campus facilities.

### **Residence Halls:**

Access to residence halls is restricted to WSC students and authorized staff, and the halls are secured by access control systems, key and lock systems 24 hours a day/7 days a week. Members of Campus Security regularly patrol the interiors and 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.

### **Break Housing:**

During the academic year, the College housing officially closes for Thanksgiving, Semester Break, and Spring Break. Residence halls usually close at 10am the day after the last day of class or exams during these periods and reopen at noon on the day before the first regularly scheduled class. Notices of specific times and dates are publicized in the Residence Halls and before each break. Students are reminded to make travel arrangements accordingly; all students must vacate the residence halls during the breaks. For students who cannot return home or leave campus over breaks, break housing contracts may be provided. Should a student need break housing accommodations during *any* portion of a break, they must complete and submit the contract, to the Director for Residence Life for approval. The dates for the request form will be announced approximately one month prior to the beginning of each break.

When the residence halls close for breaks, students are expected to take out trash and perishable food, unplug items in the room, turn out the lights, and shut and lock the windows. Bedroom doors that are lockable and apartment doors must be closed and locked. A list of complete closing procedures will be distributed about two weeks prior to each break closing. Residents may leave personal items in their room during all breaks, except for the summer. However, due to the "unoccupied" status of the campus during breaks, it is suggested that students take valuable items with them to ensure their safety.

Staff members from the Residential Life Department and/or Campus Security may conduct inspections during breaks. Any infractions will be noted, and the student will be notified and/or charged accordingly. Any student requesting access to their residence hall or room during College break periods when the College is officially closed shall present themselves to the Director for Residence Life or to Campus Security and request permission for access.

Campus Security will authorize a student access to their respective room for legitimate reasons only. Campus Security authorizes full discretion in determining a student's legitimacy to enter the closed residence hall based on the information given. For example, access should be limited to medical needs and necessities and similar related urgent requests. Once the legitimacy of the request is established, access requests will be managed as follows: the student's identity, resident status, and room assignment will be verified. After this verification, Campus Security will escort the student to

their room, allow drop-off or retrieval of the item(s) in question, and then escort the student from the building.

### **Residence Hall Guests/Visitors:**

Campus housing is provided for the exclusive use of WSC students as assigned by the Residence Life Office. Current WSC Residence Life contracts can be found [online](#). Visitors may be allowed to use residence facilities with the following guidelines:

1. Visitors in the building must be invited guests of residents.
2. Residents are responsible for the behavior of guests and liable for loss or damage to property caused by their guests.
3. Residence hall visitation hours are
4. 10:00 a.m. to 12:00 a.m. Sunday through Thursday
5. 10:00 a.m. to 2:00 a.m. Friday and Saturday
6. Guests must be escorted by a student resident at all times.
7. No guests are permitted during break periods specified in Section 1. 2 of contract
8. All guests must be signed in at time of entrance.
9. Any overnight guest stay must be approved by the Director for Residence Life or designee prior to the guest stay and shall not exceed 72 hours without written permission. Allowing an uncontracted individual to reside in a residence hall room is grounds for eviction from college housing. The college reserves the right to deny access to non-residents at any time

## **MAINTENANCE OF CAMPUS FACILITIES**

WSC facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus Security regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Director for Campus Services for correction. Other members of the College community are helpful when they report equipment problems to Campus Security or Campus Facilities.

## **CAMPUS SECURITY TRAINING**

Director for Campus Services is responsible for ensuring contracted security services have and maintain ongoing training for Campus Security. Training subjects include criminal law, civil law, federal law, the Clery Act and

Campus Security authority, Title IX, sexual assault and gender violence response and investigation, trauma informed investigation, public relations, race relations, interpersonal communications, crisis intervention, critical incident response and incident command system, emergency operations, first responder medical training, and all facets of protection of persons and property. Training includes annual in-service sessions, select out-service seminars and conferences, and applicable online training/webinars.

## **CAMPUS SECURITY’S WORKING RELATIONSHIPS THE OTHER LAW ENFORCEMENT AGENCIES**

WSC Campus Security maintains a close working relationship with the Williston Police Department, Williams County Sheriff’s Office, Northwest Narcotics Task Force, local FBI office, and North Dakota State Police. Collaborative meetings and training sessions are occasionally held to review issues and incidents occurring within the multiple local jurisdictions. Campus Security and local law enforcement officers communicate regularly on the scene of incidents that occur in and around the campus area. Campus Security works closely with local law enforcement investigators when incidents arise that require joint communication efforts.

### **Written Memorandums of Understanding with Local Police:**

There is a Memorandums of Understanding (MOU) between WSC and the Williston Police Department. The purpose of the agreement is to enhance both parties ability to effectively address alleged crimes of violence. This includes sharing information about WSC students and employees who are the victim of, a witness to, or an alleged perpetrator of an offense of violence of sex offense. The MOU also establishes a standard procedure for handling incidents and reports of Sexual Assaults and issuing Timely Warnings and Emergency Notifications.

## **TRAINING OF RESIDENCE HALL STAFF**

Campus Security, the Director for Residence Life, the Title IX Coordinator and Vice President for Student Affairs provide annual security and life safety training. This training minimally includes introduction of staff, 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 Campus Security.

Other related training conducted for the Resident Assistants includes locking buildings, responding to fire alarms, and other crisis response procedures. Several times each academic year, Campus Security may be invited into residence halls to conduct informal meetings with students on security and enforcement procedures.

## **WEAPONS/FIREARMS/EXPLOSIVES POLICY**

Unauthorized and/or illegal possession, storage, display or use of firearms, explosives, or other weapons on College owned and/or leased property, including personal vehicles and at WSC sponsored events, is prohibited.

- Firearms and weapons include, but are not limited to, air-soft guns, BB guns, billy clubs, dart guns, handguns, paintball guns, pellet guns, rifles, shotguns, stun gun or similar devices designed to deliver an electric shock, daggers, knives (blade length of five (5) inches or more), martial arts implements, sabers, swords, bows and arrows, and dangerous fuels and/or chemicals.
- Explosives include, but are not limited to, bombs, firecrackers, fireworks, and other incendiary devices. Incendiary devices are defined as any flammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.
- Any object may be considered a weapon when used to inflict or threaten infliction of bodily injury or property damage.
- Throwing or casting any object into, upon, or against any building, structure, motor vehicle or at any person is prohibited.
- Ammunition of any type is prohibited.

Concealed weapons permits are not valid on WSC property or at College sanctioned events and activities.

Dependent upon the nature of the violation as determined by the Vice President for Student Affairs, sanctions for violations of this policy range from, but are not limited to, a \$100 fine, eviction from campus housing, and/or suspension of any kind from the institution. Possession of a knife (blade length of five (5) inches or more), firearm, explosive, or other weapon in or on College owned buildings, grounds, or controlled property, including personal vehicles while on College grounds, may result in immediate suspension of any kind from the institution.

This policy shall not prohibit persons or student organizations from possessing, storing or using weapons at approved locations for the purpose of meeting requirements of educational programs and/or a student group recognized by the College. This policy does not apply to law enforcement officers. For authorization, contact the Director for Campus Services, (701) 774-4578.

## STUDENT/STAFF/COMMUNITY SUGGESTIONS

Students, employees, and community members are encouraged to bring forward constructive suggestions. Appropriate divisions or departments will receive suggestions. Suggestions are handled courteously and efficiently. All suggestions will be taken seriously and thoroughly investigated by the appropriate Division or Department lead or designee. [Suggestions may be submitted online.](#)

## MISSING STUDENTS

A missing student is defined as a person currently enrolled at WSC and living in campus housing whose whereabouts have been unaccounted for by law enforcement for over 24 hours.

### Designating a contact person

Upon execution of a housing contract, all students living in campus housing will have the opportunity to identify a contact person to be notified if the student is determined to be missing by the Williston Police Department. This contact may be the same or different than the emergency contact information provided in the student's Campus Connection account. The Director for Residence Life maintains emergency contact information for all students residing in campus housing. This information is accessible by other Student Affairs administration and staff in the event a student is reported missing. Missing persons contact information is registered confidentially, and is be accessible only to authorized campus officials and law enforcement. It may not be disclosed outside of a missing person investigation.

Housing applications and contracts require annual renewal or upon any break in enrollment. A formal opportunity to update missing contact information occurs at annual reapplication. Students may also contact the Director for Residence Life to update outside of contract renewal.

### Procedures for notification of a missing person:

**Step 1:** Any individual on campus who has information suggesting a resident student may be missing must immediately notify the Director for Residence Life by calling (701) 774-4528 or visiting the Residence Life Office in Frontier Hall.

**Step 2:** The Director for Residence Life will gather essential information about the student reported missing: description, clothes last worn, schedule of classes and other known plans and/or activities, suggestions of where the student might be, who the student might be with, student's physical and mental wellbeing, recent photograph, etc.

**Step 3:** If the student is not found in a reasonable amount of time (as determined by the Director for Residence Life) or it is immediately apparent the student is a missing person (as in the case of a witnessed abduction), the Director for Residence Life will contact the Williston Police Department. Williston Police Department officers will take charge of further investigation or location efforts.

**Step 4:** No less than 24 hours after determining a resident student is missing, the Director for Residence Life will notify the student's designated contact that the student is believed to be missing. If a member of the College community has reason to believe that a student who resides in on-campus student housing is missing, they should immediately notify Campus Security at: (701) 570-6699. Campus Security will generate a Missing Person report and initiate an investigation.

### Additional conditions for minors

If the student is under the age of 18 and is not an emancipated adult, WSC is required to notify a custodial parent or guardian, in addition to any contact person specifically designated by the student. The Director for Residence Life will notify the parent or guardian no more than 24 hours after the student is determined to be missing by the Williston Police Department or other appropriate law enforcement agency.

### Failure to designate a contact

In the event a student residing in a residence hall is determined to be missing by the Williston Police Department or other law enforcement agency, and has not previously identified a missing person's contact, the Director for Residence Life will notify the individual identified in the student's Campus Connection account as the emergency contact. If no emergency contact

information is on record, the Director for Residence Life will use his or her discretion to notify the most appropriate individual while keeping the safety and well-being of the missing person in mind.

### **Communication with the media related to missing persons**

All communication with the media regarding missing persons will be handled by outside law enforcement authorities, as they are best suited to provide information to the media that is designed to elicit public assistance in the search for the missing person. All inquiries to WSC regarding missing students or information provided to any individual at WSC about a missing student shall be referred to the Director for Residence Life, who shall refer inquiries and information to law enforcement authorities as appropriate.

At no time shall information be shared with the media or other outside communication sources if doing so may hinder the investigation or other efforts to locate a missing person.

## **EMERGENCY MEDICAL RESPONSE PROCEDURES**

Students, faculty, staff, and guests should report any emergency medical situations to Williams County emergency center immediately by dialing 911. First Responders are trained to provide medical assessment and emergency care. Campus Security can help summon an ambulance through the Williams County Emergency Center by dialing (701) 570-6699.

## **RESPONSE PROCEDURES FOR AN EMERGENCY OR DANGEROUS SITUATION**

When a serious threat or disaster to the campus community occurs, the WSC Campus Security and the College will coordinate with other first responders, which may include the Williston Police Department, Williams County Sheriff's Office, Northwest Narcotics Task Force, local FBI office, and North Dakota State Police, the Williston Fire Department.

WSC incident response resources include the Campus Security and other employees designated in the Emergency Operations Plan and Continuity of Operations Plan who are tasked to help mitigate campus impacts. Depending on the nature and magnitude of the

incident, other local, state, and federal agencies may be called upon for assistance.

## **CRIME PREVENTION, FIRE SAFETY, AND SAFETY AWARENESS PROGRAMMING**

WSC offers many programs designed to inform students and employees about Campus Security procedures and practices. 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, fire safety, emergency response and evacuation procedures, and theft prevention. Campus Services, Residence Life, Student Affairs, and the Title IX Coordinator participate in meetings, and programs in residence halls to explain College security, campus safety, and fire safety measures and procedures at WSC with all incoming students during the fall move-in program.

New-employee orientation includes the distribution of crime prevention and fire safety materials to all new employees during scheduled orientation sessions throughout the year.

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

## **SECURITY PROGRAMS**

Security awareness and crime prevention programs encourage students and employees to be aware of their responsibility for their own security and the security of others. Campus security in cooperation with other college organizations and departments, is responsible for presenting security awareness and crime prevention programs to the campus community on an ongoing basis.



### **For Students**

- Residence Life student and staff resident assistants (RAs), receive training with campus security, Title IX, and others as appropriate: Ongoing
- New student orientation and Sexual Violence Prevention Programming - Ongoing

### **For Employees**

- New employee orientation: Ongoing
- Key inventory: Annually Ongoing
- Defensive driving training: Ongoing
- Escort program: Ongoing
- Title IX compliance training: Ongoing
- Campus lighting checks performed by Campus Security: Ongoing

### **Programs Encouraging Personal Security and the Security of Others for Students**

- Student Orientation: Ongoing
- Residence Hall Floor Meetings: Ongoing

### **Crime Prevention Programming**

Campus crime prevention programming is done through the partnership of various WSC departments and campus security.

### **Alcohol Awareness Programs**

The office of Student Affairs uses both a proactive and reactive approach to addressing the problems of underage drinking and drunk driving. Using a proactive approach, office of Student Affairs, WSC Counseling and the Student Life Department provide educational programs regarding the problems associated with alcohol abuse and misuse and its relationship to crimes such as drunk driving. In a reactive approach, Campus Security, Residence Life and the office of Student Affairs contact local law enforcement authorities for suspicion of drunk driving and cite violators for minor in consumption and minor in possession of alcohol. In addition, the office of Student Affairs, WSC Counseling and Student Orientation programming provide education on substance use and abuse issues.

### **Campus Lighting Checks**

Campus Security completes campus lighting checks regularly. Facilities Management is notified when there are burned out or damaged street and building lights via submission of online work tickets. This ensures adequate on campus lighting for the public at night. Shrubs are trimmed, lights changed, and improvements made to make campus a safer environment for the campus community.

### **Expos and Wellness Fairs**

WSC participates in activities such as wellness fairs and expos by providing wellness information. Informational materials inform members of the campus community about campus services and how people can better protect themselves from becoming the victims of crime.

## **BYSTANDER INTERVENTION**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another, and it is not safe for you to interrupt.

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

## **RISK REDUCTION TIPS**

With no intent to victim blame, the following are some strategies to reduce one's risk of sexual assault or harassment.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.



- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.). Be explicit with doctors so they can give you the

correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- Remember that being in this situation is not your fault. The person who is making you uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Establish a means of communication with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

# Communication About Campus Crime

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## TIMELY WARNING CAMPUS SAFETY ALERTS – NOTIFYING THE WSC COMMUNITY ABOUT CRIMES

WSC will issue a timely warning campus safety alerts when it receives a report of a crime that represents a serious or continuing threat to the safety of members of the campus community. WSC may also issue a warning to the campus community when other instances pose a safety concern.

Timely warning campus safety alerts are sent in response to reports that have occurred on campus or on non-campus property or public property, where it is determined that the incident may pose a serious or ongoing threat to members of the College community. Such warnings provide an opportunity for individuals to take reasonable safety precautions.

Crimes that occur outside the campus' Clery geography, as stipulated or other non-Clery specific crimes, will be evaluated on a case-by-case basis. Information related to these crimes may be distributed to the campus as a Public Safety Notice, as outlined and described in the below statement for Public Safety Bulletins.

### Initiating Timely Warnings

Campus Safety Alerts are generally written and distributed to the campus community by the Marketing Department or designee, and they are routinely reviewed and approved by one of the Executive Cabinet members prior to distribution. The Director for Campus Services has the authority to issue a Campus Safety Alert without such consultation if consultation time is not available.

WSC, in conjunction with various campus offices, will distribute timely warning announcements when there appears to be a threat to the safety and security of persons on campus for the following crimes:

- Aggravated assault
- Arson
- Burglary
- Negligent manslaughter
- Motor vehicle theft
- Murder/non-negligent manslaughter
- Robbery
- Sexual offenses

- Domestic violence, dating violence, and stalking
- Violations of liquor law, drug law, or weapons possession law
- Any other crime in which the victim was chosen on the basis of race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin,
- Other crime classifications, as deemed necessary.

Decisions concerning whether to issue a timely warning will be made by the Director for Campus Services in conjunction with other departments as needed on a case-by-case basis using the following criteria:

- Nature of the crime,
- The timeliness of the report,
- Continuing danger to the campus community,
- Possible risk of compromising law enforcement efforts.

WSC will, without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

If the threat is sudden and serious, a warning will be issued immediately and will be continually updated until the threat is contained or neutralized. If a threat is less immediate, the warning will be fully developed and distributed after that point in time.

Crimes that could constitute a continuing threat include, but are not limited to:

- Serial crimes that target certain campus populations such as sex crimes or race-based crimes in which the perpetrator has not been apprehended, and
- Ongoing criminal activity in which there is no apparent connection between perpetrator and victim.

Crimes that would not constitute a continuing threat include, but are not limited to:

- Crimes in which the perpetrator has been apprehended, thereby eliminating the threat, and
- Crimes in which an identified perpetrator targets specific individuals to the exclusion of others, such as domestic violence.

## **Warning Content**

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

- A succinct statement of the incident
- Possible connection to previous incidents if applicable
- Date, time, and location of the warning
- Description and drawing of the suspect, if available
- Risk reduction and safety tips
- Other relevant and important information

In some cases, Campus Security may need to keep some facts confidential to avoid compromising an ongoing investigation.

## **Notification Methods**

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

- Phone
- Text message
- Email
- Official WSC website
- WSC internal televisions
- Local media
- WSC social media
- Targeted communication – posters, letters, group meetings, etc. posted in campus buildings, posted in lobby/entrance areas of key buildings for a time period determined by the Director for Campus Services or designee.

Campus officials not subject to the timely reporting requirement are those with counseling responsibilities who were providing confidential assistance to a crime victim, such as pastoral counselors and professional/certified counselors.

## **PUBLIC SAFETY BULLETIN**

A Public Safety bulletin may be sent to the campus community for general crime prevention purposes, to inform the community of crimes and/or incidents that are not generally time sensitive or considered to be an ongoing threat, but important to be aware of, and/or to inform the campus of incidents occurring on, around, or even off campus that do not meet the requirements or specifications for distribution of a timely warning Campus Safety Alert, as outlined above.

A Public Safety Bulletin may be sent via email to all students and employees on campus. A Public Safety Bulletin is generally initiated to the campus community by the Director for Campus Services or a designee, and they are written and distributed by the Director of Marketing.

Updates, when deemed necessary, to the campus community about any particular case resulting in a Public Safety Bulletin may be distributed via email, may be posted on the college website, may be included in electronic campus digests, may be shared with the Williston Herald newspaper, and may be distributed by the Director of Marketing or a designee, as deemed necessary and appropriate.

## **DAILY CRIME AND FIRE LOG**

WSC Campus Security makes the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection at the Campus Security communications center at Campus Security Headquarters, located at 1410 University Avenue, Stevens Hall Office 131B, Williston, ND 58801. Any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request. The information in the crime and fire log typically includes the incident number, crime classification, date reported, date occurred, general location, and disposition of each reported crime. All confirmed fires occurring within or on any and all on-campus residential facilities will also be included in the Daily Crime and Fire Log. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires which may impact the College's campus community.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the college's Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime and Fire Log within two business days of when it is reported to WSC Campus Security. It is important to note that Campus Security has no jurisdiction outside of its identified Clery geography. Anytime Campus Security assists the local police or Campus Security presence is otherwise requested by the police outside of the campus' Clery geography jurisdiction, an incident report will be generated, and the crime classification will be annotated on the Daily Crime and Fire Log.

## PREPARATION OF ANNUAL STATISTICS & CLERY COMPLIANCE

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The Vice President for Student Affairs or designee is primarily responsible for preparing the Annual Security and Fire Safety Report. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the College community obtained from the following sources: WSC Campus Security, the Division of Student Affairs, which includes Residence Life, the Williston Police Department, the Williams County Sheriff's Office, and individuals who have been designated as CSAs.

The Vice President for Student Affairs or designee annually requests statistical information from the appropriate law enforcement agencies for non-campus operations. These sites are classified as non-campus property and vary year-to-year based on WSC's program and outreach activities. The Vice President for Student Affairs or designee contacts appropriate law enforcement units requesting crime data for the specified locations.

Relevant crime data from those law enforcement agencies that responded to the Vice President for Student Affairs or designee's requests regarding WSC's non-campus operations are included in WSC's annual crime statistics and categorized accordingly. WSC may be unable to determine if these statistics adhere to categories utilized by Clery reporting. Further, statistics received may describe an area that is more expansive than the space controlled by WSC when and where instruction is offered.

For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

Final report preparation is coordinated by the Vice President for Student Affairs in coordination with the Director for Campus Services, Human Resources, Residence Life, and the Title IX Coordinator.

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 through training to report crimes to Campus Security in a timely manner so those crimes can be evaluated for timely warning purposes.

Statistical information is not requested from, nor is it provided by, WSC's Counselor. The Counselor is not required by law to provide statistics for this compliance document. The Counselor, 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 Campus Security for inclusion in the annual statistics. The Campus Counselor facilitates anonymous reporting, as outlined earlier in this Annual Security and Fire Safety Report. Anonymous reports of Clery Act crimes received by a CSA and reported to Campus Security are included in the College's annual crime statistics.

All statistics are gathered, compiled, and reported to the college community via this report, entitled the "Annual Security and Fire Safety Report," which is published by the Vice President for Student Affairs or designee. The Vice President for Student Affairs submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through their website.

The Vice President for Student Affairs or designee 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. The email includes a brief summary of the contents of this report, the web address where the Annual Security and Fire Safety Report can be found online, and notification that a physical copy may be obtained by making a request to Campus Security by calling (701) 570-6699 or in person at Campus Security Headquarters located at 1410 University Avenue, Stevens Hall Office 131B, Williston, ND 58801.

### Specific Information about Classifying Crime Statistics:

The statistics in this report are published in accordance with the standards and guidelines used by the relevant federal law (the Clery Act). 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 violations the statistics indicate the number of people arrested or referred to the Division of Student Affairs 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, which was motivated by the offender's bias. For example, a subject assaults a victim, which 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.

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:**

***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 (i.e. privately owned fraternity); or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

***Public 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. The WSC 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

## **UNFOUNDED CRIMES**

If a crime is reported as occurring on campus, in on-campus residential facilities, in or on non-campus buildings or property, or on Public Property, and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Only sworn or commissioned law enforcement personnel may unfound a crime.

## CAMPUS CRIME STATISTICS FOR WILLISTON STATE COLLEGE

(Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act Calendar Years 2020 – 2022)

	On-Campus			On-Campus Residence			Non-Campus			Public			Unfounded Cases		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Aggravated Assault	0	0	0	0	0	0	0	4	5	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Burglary: Total</b>	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0
Forcible	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Non-Forcible Burglary	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Attempted Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sexual Offenses: Total</b>	0	0	0	0	0	0	0	0	10	0	0	0	0	0	0
Rape	0	0	0	0	0	0	5	6	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
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	5	2	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arrests</b>															
Liquor Law Violations	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	4	2	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
<b>Non-Arrest Campus Referrals</b>															
Alcohol	0	0	5	36	0	5	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Hate Crime Statistics</b>															
2021	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2020	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2019	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

NOTE: Above statistics for Liquor, Drug, and Weapons Law Arrests and Referrals were calculated using standard hierarchy rules. Beginning with the 2016 crime statistics disclosure, WSC uses guidance from the 2016 Department of Education Handbook, and these statistics will be calculated outside of the hierarchy. Reported crimes may involve individuals not associated or affiliated with WSC. Reported Crimes may include information received from anonymous reporting. Residential Facility crime statistics are a subset of the On Campus category, i.e. they are counted in both categories.

## **EMERGENCY RESPONSE AND NOTIFICATION**

Williston State College (WSC) Emergency Operation Plan (EOP) describes the responsibilities and duties of campus personnel, departments, agencies, and nongovernmental organizations in event of an emergency or dangerous situation involving an immediate threat. The EOP is designed to assist WSC employees to respond appropriately when emergency conditions exist. To ensure emergency plans are appropriate, WSC conducts emergency response exercises. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

The EOP allows for immediate response procedures, thereby minimizing danger to the campus and students.

Moreover, WSC subscribes to the WSC emergency notification system (ENS). All WSC students and employees have access to WSC's ENS. To ensure the emergency notification system is functioning appropriately, WSC conducts a test of WSC-Alert at least once each semester.

### **How to Report an Emergency**

The campus community is encouraged to call 9-1-1 to report any situation on-campus that could constitute a significant emergency or dangerous situation involving an immediate or on-going threat to the campus. Dialing 9-1-1 is also the best way to help expedite an emergency notification to alert the rest of the campus community of the threat.

### **Response Procedures for an Emergency or Dangerous Situation**

When a serious threat or disaster to the campus community occurs, Campus Security will coordinate with other first responders, which may include the Williston Police Department, the Williston Fire Department, and the Williston County Sheriff's Department. WSC incident response resources include Campus Security and members of the Executive Cabinet and can help mitigate impacts to the campus. Depending on the nature and magnitude of the incident, other local,

state, and federal agencies may be called upon for assistance.

### **Confirming a Significant Emergency or Dangerous Situation**

First responders and Campus Security are responsible for confirming emergency situations.

Campus Security works in close collaboration with agencies and departments both on and off campus to gather and assess information related to events that may pose an immediate threat or hazard to the campus community. Campus Security, as the first responders, will investigate all reported incidents to determine if the incident poses an immediate threat to the campus community. Campus Security, in coordination with other departments, works with local authorities to confirm threats and implement procedures to minimize the impact of the incident to the campus community.

The Emergency Operations and Communication Center (EOCC) is the physical location at which the coordination of information and resources to support campus incident management activities takes place. The EOCC is the location of the emergency operations center. It is a centrally located facility with staff trained to notify and deploy college resources to an emergency or dangerous situation. It is also responsible for pushing information to and pulling information from the incident site to local responders. Furthermore, if a large-scale situation exceeds, or is likely to exceed, available campus capabilities and resources, the EOCC will contact the City of Williston and Williston County for additional resources.

### **Authorized Officials**

During or in the time leading up to an emergency that threatens life, safety, or security, it will be necessary for notification to be provided to the WSC community with speed and accuracy. Conditions may not allow time for responders or other officials to seek approval to send notification messages.

For this reason, WSC has designated specific campus officials to serve as authorized officials who are empowered to authorize the issuance of emergency notifications. Each authorized official is expected to act within his/her realm of responsibility as defined by department mission and authorize emergency notification when experience and prudence indicate that emergency conditions warrant such actions be taken. It is important to draw a distinction between the authorization of an emergency notification and the issuance of a notification. Authorizing a notification involves:

- Making a determination that notification is necessary,
- Formulating message content,
- Selecting the appropriate segment of the campus to receive notification, and
- Choosing the appropriate communication tool(s).

In contrast, issuing a notification is the physical act of using a communication tool to send a notification message to the population. Authorized officials likely will have not received training for all the emergency notification systems, nor is this necessary. Upon authorization of an emergency notification, the authorized official will either issue the notification him/herself or contact an individual who is trained to operate the system to send it.

The following individuals are the authorized officials at WSC (in the order listed below). Such authority is delegated to the highest ranked official on the list with whom the EOCC is able to contact in a timely manner:

1. WSC President
2. Director of Marketing
3. VP for Business Services
4. Chief Information Officer
5. VP for Academic Affairs
6. VP for Student Affairs
7. Director of Campus Services

In cases of imminent threat to the campus community, such as a tornado warning, the EOCC staff may send out initial emergency warning messages upon confirmation of such threat with the National Weather Service or the Williams County Emergency Management personnel.

### **Notifying the Campus**

Decisions concerning whether to issue a notification will be made on a case-by-case basis using the following criteria:

- Nature of the situation

- Continuing danger to the campus community
- Possible risk of compromising law enforcement efforts

The EOCC will, without delay, and considering the safety of the campus community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The EOCC will activate the appropriate emergency notification system(s).

A library of notification statements is scripted for anticipated emergencies and may be found in WSC's ENS. The EOCC is responsible for disseminating these statements when immediate campus notification is necessary. The release of all subsequent information is collaborated upon by first responders, the Operations Center and WSC administration, and is released as the situation unfolds.

### **Notification Methods**

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

- Phone
- Text message
- Email
- Official WSC website
- WSC internal televisions
- Local media
- WSC social media
- Targeted communication – posters, letters, group meetings, etc. posted in campus buildings, posted in lobby/entrance areas of key buildings for a time period determined by the Director for Campus Services or designee.

AssuranceNM is WSC's campus-wide emergency notification system. AssuranceNM is used when there is a severe or imminent threat to the public safety and health of the entire campus. Phone numbers entered by students into Campus Connection and by employees into Employee Self-Service are utilized by the AssuranceNM emergency notification system to disseminate emergency alerts by telephone and/or text. Students and employees must check information in Campus Connection and Employee Self-Service respectively at least once each semester to ensure data is current and up to date.



Contact information or preferences for the Emergency Notification System may be updated:

- Log onto Campus Connection
- Select Emergency Notification Update (from left column)
- Update phone numbers, emails and campuses as desired
- Click Accept upon completion

Individuals and organizations outside the campus community are notified of emergency and dangerous situations through the use of local media (i.e., radio and television), WSC's website, and WSC social media platforms. The Creative Services Department receives information to update these sources from the EOCC and provides campus updates to the media. Additionally, Campus Security can notify via land or cellular devices Williams County 9-1-1 Emergency System, when situations arise.

### **Notifying the Community**

The EOCC has several redundant methods of communication with the campus community and general public during and after an emergency. Depending on the type of emergency and the type of information to be disseminated, the EOCC can use one or a combination of the following methods to provide information: emergency notification system, electronic mail, website, voicemail, and media announcements.

### **Procedures for Evacuation in Emergency or Dangerous Situations**

In the event of an emergency or dangerous situation, the EOCC will direct students, faculty, staff, and guests to evacuate a building, several buildings, a portion of the campus, or the entire campus. The campus community will be asked to follow building and campus evacuation protocols and to obey directions from WSC and on-scene emergency responders.

Certain events, like a hazardous materials release, may require the WSC community and the general public to shelter-in-place to prevent exposure to harmful elements.

### **Drills and Exercises**

The College will test emergency response and evacuation procedures at least annually.

Additional building evacuation and sheltering drills are encouraged for WSC campus buildings and external campus locations. If building occupants wish to have a drill, the Director for Campus Services coordinate the drill and document it.

Campus Security may assist in departmental planning, implementation and evaluation of any drills that personnel wish to undertake in their building. Certain types of drills (e.g., lockdown, shelter-in-place, unannounced drills other than fire drills, etc.) require advanced planning and technical assistance, and should only be developed with assistance from, and consultation with, EOCC personnel.

WSC leadership and departments participate in on-campus and the community drills. In addition, reviews are completed for campus drills.

At least one full-system test of AssuranceNM is conducted each calendar year.

### **Promoting Emergency Procedures**

WSC promotes its emergency procedures through training sessions, drills, and Campus Security web content.

Students living on-campus receive training upon move-in and participate in drills held throughout the academic year.

# Alcohol and Drugs

WSC prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use, or sale of alcoholic beverages, controlled substances, and illegal drugs. This prohibition applies even if the North Dakota Department of Public Health has issued a certificate of registration permitting the individual to possess a limited amount of marijuana for medical purposes; those with medical marijuana cards are not permitted to use medical marijuana on campus. The impairment by alcohol or drugs of any student or employee while participating in an academic function, or of employees when reporting for work or engaging in work — during normal work hours or other times when required to be at work — is also prohibited. WSC employees and students are required to abide by all federal and state laws, local ordinances, North Dakota State Board of Higher Education (SBHE) policies, and other related requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs.

Additionally, WSC is concerned about the academic success of students and the safety of all members of the campus community and is committed to maintaining an academic and social environment conducive to the intellectual and personal development of students.

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## ALCOHOL/DRUG POLICIES

### Philosophy

WSC has a genuine caring concern for its people and for the community it serves. For this reason, the campus is committed to maintaining an academic and social environment that is conducive to the intellectual and personal development and to the safety and welfare of all members of the college community.

The misuse and abuse of alcohol and other drugs represents a major health problem in the United States today and poses a serious threat to health and welfare of the WSC Community.

This policy applies to all WSC students and employees, as well as campus visitors.

### Policy Distribution and Notification

In accordance with the 1989 amendments to the Drug-Free Schools and Communities Act, as articulated in the Education Department General Administrative Regulations (EDGAR) Part 86 (Drug Free Schools and Campuses Regulations), this policy will be distributed to all students and WSC employees each year. For more information on policy notification procedures, please contact the Vice President for Student Affairs at (701) 774-4295.

### State Board of Higher Education and WSC Policy

The State Board of Higher Education prohibits the possession, sale, dispensation, use or consumption of alcoholic beverages upon land or in buildings owned by the board or its institutions. Exceptions may include the lawful possession of alcohol in family student residences, on-campus professional staff residences,

fraternities and sororities (in certain circumstances), the President's residence and other special exceptions as granted by the President or the President's designee. For the complete State Board of Higher Education policy, please refer to [SBHE Policy 918 Alcoholic Beverages](#). For an electronic copy of this policy, go to: WSC Student Code of Conduct.

WSC prohibits the unlawful or unauthorized use, possession, storage, manufacture, distribution or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in campus buildings, any public campus area, in campus housing units, college vehicles or at any college affiliated events held on or off-campus, sponsored by students, employees and their respective campus organizations. For WSC employees, compliance with this policy is a term and condition of employment. For WSC students and student organizations, compliance with this policy is a term and condition of continued enrollment/organizational registration.

The WSC Student Code of Conduct and [WSC's Drug and Alcohol Abuse Prevention Program \(DAAPP\)](#) specify the policy, prohibitions and penalties for drug and alcohol violations. Both are published under separate cover and is available through the Office of the Vice President of Student Affairs. Additional alcohol and drug policies, standards of conduct, applicable disciplinary sanctions, health risks, counseling and treatment, processes, goals, objectives, outreach and education can be found on this website and within the DAAPP. The [Biennial Review](#), developed in accordance with the Drug Free Schools and Communities Act (DFSCA) of 1989 can be obtained from the Office of Student Affairs, located at 1410 University Avenue, Stevens Hall 105, Williston, ND 58801 or by calling

701) 774-4200. Students, staff, and faculty are informed each year about the DAAPP and DFSCA and how to obtain copies.

enforce campus policies and local, state, and federal laws.

[WSC's Student Code of Conduct.](#)

[WSC'S Drug and Alcohol Abuse Prevention Program \(DAAPP\).](#)

## **ALCOHOL AND OTHER DRUGS (AOD) EDUCATION AND OUTREACH**

Five primary points comprise WSC's Drug and Alcohol Abuse Education and Outreach Prevention Program (DAAPP). Detailed information concerning each point below can be found in the [WSC'S Drug and Alcohol Abuse Prevention Program \(DAAPP\).](#)

- 1. Alcohol Free Options:** Offer and promote social, recreational, extracurricular, and public service options that do not include alcohol.
- 2. Normative Environment:** Create a social, academic, and residential environment that supports health-promoting norms.
- 3. Alcohol Availability:** Limit alcohol availability both on and off campus.
- 4. Alcohol Marketing and Promotion:** Restrict marketing and promotion of alcoholic beverages both on and off campus.
- 5. Policy Development and Enforcement:** Develop and

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

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

Sexual violence is a form of sexual harassment and services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking.

In these situations, WSC is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues. The College's process does not preclude adjudication under state law.

The WSC prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision federal or state law, including Title IX and the Violence Against Women Reauthorization Act (VAWA), or this policy.

Title IX-related proceedings will be conducted by officials who do not have a conflict of interest or bias for or against the reporting or responding party. When a student or employee reports to WSC that an on- or off-campus Title IX-related incident has occurred, WSC will provide written explanation of the student or employee's rights and options including the procedures one can follow if such an incident has occurred, WSC and community victim services, and how to request protective and interim measures. WSC provides written information about how it protects reporting parties', responding parties' and other necessary parties' confidentiality.

WSC also provides written explanations of institutional disciplinary action procedures. WSC provides written notification to students and employees about options for and available assistance with how to request protective measures. WSC provides reasonably available protective measures regardless of whether the reporting party reports to local law enforcement. WSC provides written notification to students and employees about existing WSC and community resources such as: counseling, health, mental health, victim advocacy, legal assistance, visa & immigration assistance, student financial aid, and other victim-related services.

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## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### 1. Title IX Compliance - Sexual Harassment, Assault, and Misconduct

WSC will not tolerate sexual or gender-based harassment, domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct. Offenders may be subject to the appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. WSC utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases of any form of sexual misconduct.

These procedures are carried out by officials who receive specific annual training.

When made aware of complaints regarding sex discrimination, WSC will: (1) take prompt and effective steps to end the sexual or gender-based harassment, assault, and/or sexual violence; (2) eliminate any hostile environment; (3) prevent its recurrence; and (4) remedy the discriminatory effects on the victim and others as appropriate.

Services are available for students, faculty, and staff who experience any form of sexual misconduct. In these situations, WSC is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the

Complainant and Respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues. The College's process does not preclude adjudication under state law.

This policy governs the conduct of: WSC students, staff, faculty, and third parties (i.e., nonmembers of the College community, such as vendors, alumni, visitors, or local residents). This policy applies to conduct that occurs on WSC property (i.e., on campus) and to conduct that occurs off campus property when the conduct is associated with a WSC sponsored program or activity, such as travel, research, or internship programs. Additionally, this policy applies when such conduct may have a continuing adverse effect or could create a hostile environment on campus. Judgments about these matters will depend on the facts of each incident.

### 1.1. Statement of Purpose

This policy is required by federal law and will be reviewed annually. Implementation of this policy is guided by the U.S. Department of Education, Office of Civil Rights. WSC strives to create a campus community free from interpersonal abuse including sexual misconduct. In working to achieve this intent, WSC commits to:

- Responding to complaints or reports of prohibited conduct in a reasonably prompt timeframe;
- Taking action to stop sexual misconduct and prevent recurrences;
- Taking action to remediate any adverse effects of such conduct on campus by providing advocacy, support and appropriate referral services for recipients of the behavior; and
- Educating individuals and promoting discussions on sex or gender discrimination, sexual misconduct, and violence.

All forms of prohibited conduct under this policy are regarded as serious College offenses, and violations will result in discipline, including the possibility of separation from the College. State and federal laws also address conduct that may meet the College's definitions of prohibited conduct, and criminal prosecution may take place independently of any disciplinary action instituted by the College.

WSC has an obligation to conduct a prompt and impartial investigation of all complaints or reports of sexual misconduct through fair and equitable procedures. Once made aware, the College must conduct

an investigation regardless of how the information was brought to the College's attention or the extent to which the Complainant wishes to participate or be involved. All individuals have access to confidential resources that they may use for support and guidance. In light of these commitments and in the best interest of the college, WSC has adopted this policy, which includes investigation and disciplinary procedures that will be followed in response to allegations of sexual misconduct, such as sexual harassment and sexual assault, intimate partner violence, stalking, and related retaliation.

To ensure a fair and equitable process for all parties, WSC's Title IX Staff receives annual training on issues related to sexual and gender-based harassment, domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct as well as training on properly conducting investigations and hearing processes in order to protect the safety of victims and to promote the accountability of staff members. In addition, all WSC students, staff and faculty members are provided with training regarding sexual violence and mandatory reporting responsibilities. All WSC Students are required to complete a Sexual Violence Prevention training before the end of their first term. Failure to complete will result in the inability to enroll for subsequent terms. All WSC Employees are required to complete annual Sexual Violence Prevention Mandated Reporter training. Failure to complete will result in a written statement placed in the employee's personnel filing stating they did not complete on the required date. They will have 10 days to complete, or another written notice will be placed in their file.

WSC encourages all individuals to report any alleged or suspected violation of this policy to the Title IX Coordinator and/or Deputy Title IX Coordinator as available and to report potential criminal conduct to law enforcement.

## 2. Definitions

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

***Sexual Harassment*** - Unwelcome verbal, nonverbal, or physical sexual advances, requests for sexual favors, intimidation or hostility based on sex, and other conduct directed at an individual because of the individual's gender constitute sexual harassment when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an

- individual's employment or academic achievement,
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual,
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or
- 4) such conduct creates an intimidating, hostile, or offensive environment.

Please note that sexual harassment in electronic forms is also prohibited under SBHE Policy 1901.2 and NDUS Procedure 1901.2 - Computer and Network Usage. Individuals concerned about violations of this policy should request assistance from the College's Director for Human Resources or a Title IX Coordinator.

**Coercion** – To exploit fear and anxiety through intimidation, compulsion, domination, or control with the intent to compel conduct or compliance.

**Deviate Sexual Act** – Any form of sexual contact with an animal, bird, or dead person.

**Object** – Anything used in commission of a sexual act other than the person of the actor.

**Sexual Act** – Sexual contact between human being consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any other portion of the human body and the penis, anus, or vulva; or the use of an object which comes in contact with the victim's anus, vulva, or penis. For the purposes of this subsection, sexual contact between the penis and the vulva, the penis and the anus, any other portion of the human body and the anus or vulva, or any object and the anus, vulva, or penis of the victim, occurs upon penetration, however slight. Emission is not required.

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

**Gross Sexual Imposition**

- 1) Any person who engages in a sexual act with another, or who causes another to engage in a sexual act, is guilty of an offense if:

- a. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being;
  - b. 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 substances as defined in [NDCC chapter 19-03.1](#), or other means to prevent resistance;
  - c. That person knows or has reasonable cause to believe that the victim is unaware that a sexual act is being committed on him or her;
  - d. The victim is less than fifteen (15) years old; or
  - e. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct.
- 2) A person who engages in sexual contact with another, or who causes another to engage in sexual contact, is guilty of an offense if:
    - a. The victim is less than fifteen (15) years old;
    - b. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being; or
    - c. That person knows or has reasonable cause to believe that the victim is unaware that sexual contact is being committed with the victim.

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

- 1) Compels the other person to submit by any threat or coercion that would render a person reasonably incapable of resisting, or
- 2) Engages in a sexual act or sexual contact with another, whether consensual or not, as part of an induction, initiation, ceremony, pledge, hazing, or qualification to become a member or an

associate of any criminal street gang as defined in [NDCC section 12.1-06.2-01](#).

**Sexual Assault** – 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:

- 1) That person knows or has reasonable cause to believe that the contact is offensive to the other person;
- 2) That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person’s conduct;
- 3) That person or someone with that person’s knowledge has substantially impaired the victim’s power to appraise or control the victim’s conduct, by administering or employing without the victim’s knowledge intoxicants, a controlled substance as defined in [NDCC chapter 19-03.1](#), or other means for the purpose of preventing resistance;
- 4) That person is in official custody or detained in the hospital, prison, or other institution and the actor has supervisory or disciplinary authority over that other person;
- 5) That other person is a minor, fifteen (15) years of age or older, and the actor is the other person’s parent, guardian, or is otherwise responsible for general supervision of the other person’s welfare; or
- 6) The other person is a minor, fifteen (15) years of age or older, and the actor is an adult.

**Incest** – A person who intermarries, cohabits, or engages in a sexual act with another person related to him or her within a degree of consanguinity within which marriages are declared incestuous and void by [NDCC section 14-03-03](#), knowing such other person to be within said degree of relationship, is guilty of a class C felony.

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

**Stalking**

- 1) As used in [NDCC section 12.1-17-07.1](#):
  - a. “Course of conduct” means a pattern of conduct consisting of two or more acts

evidencing a continuity of purpose. The term does not include constitutionally protected activity.

- b. “Immediate family” means a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six (6) months regularly resided in the household.
  - c. “Stalk” means to engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person’s immediate family and must cause a reasonable person to experience fear, intimidation, or harassment.
- 2) No person may intentionally stalk another person.
  - 3) In any prosecution under this section, it is not a defense that the actor was not given actual notice that the person did not want the actor to contact or follow the person; nor is it a defense that the actor did not intend to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is prima facie evidence that the actor intends to stalk that person.
  - 4) In any prosecution under this section, it is a defense that a private investigator licensed under [NDCC chapter 43-30](#) or a peace officer licensed under [NDCC 12-63](#) was acting within the scope of employment.
  - 5) If a person claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.
  - 6) A person who violates this section is guilty of a class C felony if:
    - a. The person had previously been convicted of violating [NDCC sections 12.1-17-01, 12.1-17-01.1, 12.1-17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07](#), or a similar offense from another court in North Dakota, a court of record in the United States, or a tribal court, involving the victim of stalking.
    - b. The stalking violates a court order issued under [NDCC chapter 14-07.1](#) protecting



- the victim of the stalking, if the person had notice of the court order; or
  - c. The person previously has been convicted of violating this section.
- 7) If subdivision does not apply, a person who violates this section is guilty of a class A misdemeanor.

**Consent**

- 1) Consent is:
  - a. Words or actions showing a clear, knowing, and voluntary agreement to engage in mutually agreed upon sexual act; or
  - b. An affirmative decision given by clear actions or words.
- 2) Consent may not be inferred from:
  - a. Silence, passivity, or lack of resistance alone.
  - b. A current or previous dating or sexual relationship.

NOTE: It is important to obtain explicit consent from any sexual partner and not to make assumptions. If confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, it is essential that each participant stops and makes verbal clarification of willingness to continue. Consent to one form of sexual act does not imply consent to other forms of sexual act(s).

**Consent as a Defense**

- 3) Assent does not constitute consent, within the meaning if:
  - a. It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
  - b. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable or known by the actor to be unable to make reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
  - c. It is induced by force, duress, or deception.

**Intoxication as a Defense**

- 1) Intoxication is not a defense to a criminal charge. Intoxication does not, in itself, constitute

mental disease or defect within the meaning outlined in [NDCC 12.1-04-04](#). Evidence of intoxication is admissible whenever it is relevant to negate or to establish an element of the offense charged.

- 2) A person is reckless with respect to an element of an offense even though his/her disregard thereof is not conscious, if his/her not being conscious thereof is due to self-induced intoxication.

**Consensual Relationships** – Williston State College discourages consensual relationships, i.e., amorous, romantic, or sexual relationships, between faculty and students, staff and students, supervisors and subordinates, and students who have an authority relationship over other students. This policy is in effect when one individual has a control, power, authority, or responsibility position over another. WSC expressly prohibits any form of sexual harassment of employees and students when a previous consensual relationship ceases to exist, or such a relationship is rejected by one of the parties.

If the parties do engage in a consensual relationship as defined above, the person in the authority position is obligated to report the relationship to his or her department head or supervisor immediately. Failure to report the relationship or any significant delay in reporting may be cause for disciplinary action. Documentation of the reporting and any subsequent actions taken by the department head or supervisor, such as advising the parties of the potential for sexual harassment charges if the relationship ends, is required.

**Complicity** – Any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person. Any individual found responsible for complicity in prohibited conduct will be subject to the disciplinary procedures and sanctions outlined in this policy.

**3. Preventing and Responding to Sex Offenses**

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



response to sexual violence, domestic violence, dating violence, and instances of stalking, and physical surroundings throughout the campus community.

WSC has developed educational programs concerning domestic violence, dating violence, sexual assault, and stalking. Involved students, faculty, staff, and community members provide information and promote discussion on interpersonal abuse and violence issues. Campus Security supports the educational programs by providing input and personnel to accomplish this task. For additional information about campus educational programs concerning domestic violence, dating violence, sexual assault, and stalking, contact the Title IX coordinator, the Residence Life office, Human Resources, office of the Vice President of Student Affairs, and/or the Williams County Family Crisis Shelter program.

First year students are required to participate in an alcohol self-assessment and a sexual violence prevention program, which is a comprehensive online training regarding assault prevention.

The College continuously considers the physical surroundings in addressing campus security to avoid assault and other crimes on campus. The physical surroundings are modified when seen as a possible threat to the safety of students, staff, and faculty. The Campus Services division regularly tours campus to identify safety concerns. They assess campus signage, lighting, phones, locking procedures, signage, etc. For additional safety information, contact Campus Security at (701) 570-6699.

#### 4. Reporting

A guiding principle in the reporting of sexual harassment, domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct is to avoid possible re-victimization of the Complainant by forcing the individual into any plan of action. It is recommended that a person who has been assaulted consider each of the following:

- Getting to a safe place.
- Avoid the destruction of evidence by bathing, douching, changing clothes, or cleaning up in any way. Preserve evidence in a paper bag for possible future action. Also, keep copies of emails, text messages, and voice messages.
- Pursuing medical treatment. Post-assault medical care can be performed at a local emergency room. CHI St. Alexius Health Williston Medical Center, Great Plain's

Women's Health, and Trinity Community Clinic – Western Dakota have Sexual Assault Nurse Examiners (SANE\*) on staff who can complete an exam for victims of sexual violence. Such an exam can help the victim receive an appropriate medical assessment and treatment and can preserve evidence for possible future action.

The exam is voluntary. The decision to participate in all or part of the exam is made by the victim.

CHI St. Alexius Health Williston Medical Center, Great Plains Women's Health, and Trinity Community Clinic – Western Dakota providers file reimbursement forms for the survivor to cover the cost of the initial exam. See [NDCC Chapter 12.1-34-07](#).

\*NOTE: What is a Sexual Assault Nurse Examiner (SANE)?

Sexual Assault Nurse Examiners (SANE) are registered nurses who have completed specialized education and clinical preparation in the medical forensic care of the patient who has experienced sexual assault or abuse. The role of a SANE includes taking a history from the victim for the purpose of diagnosis and treatment of health care concerns; conducting a complete physical assessment; performing a thorough genital exam; collecting and documenting any forensic evidence; providing appropriate information and referrals; working with the victim advocate and other SART members to assure coordinated service; and providing courtroom testimony when needed (Retrieved from <https://www.cawsnorthdakota.org/get-help/>)

- Pursuing counseling services with appropriate agencies (e.g., Campus Counselor, Williams County Family Crisis Shelter program, Northwest Human Service Center, or private providers). Calling someone that is known and trusted, such as a friend or counselor, and discussing the assault with that person can help to evaluate the trauma and sort out next steps.
- Making a police report. A campus and/or criminal complaint can be initiated. Assistance may be obtained from campus authorities in this notification.

- Making a report to campus security, Title IX coordinator, or other responsible employee under Title IX.
- Making an anonymous report. An anonymous report to the police notifies them that an act of sexual violence has occurred but gives no names or identification.

All WSC employees, other than non-professional counselors, advocates, and those employees legally regarded as confidential resources, are expected to promptly report any sexual and gender-based harassment, assault, and violence that they observe or learn about.

#### **4.1 Filing a Police Report**

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

There may be consequences to waiting to file a police report. Early reports may improve the preparation of a viable prosecution. Filing a police report immediately following the incident does not force the Complainant to file charges and prosecute the Respondent. However, it does aid in the preservation of valuable evidence if the Complainant decides to pursue charges at a later date.

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

Victims may pursue a complaint under this policy and with the police simultaneously. If a police report is filed, WSC may need to briefly suspend the fact-finding aspect of the Title IX investigation at the request of law enforcement while the law enforcement agency gathers evidence, but WSC will maintain regular contact with law enforcement to determine when the investigation may resume. As soon as WSC is notified by law enforcement, we will promptly resume the investigation. WSC may also resume its investigation if it is determined that the evidence gathering process by law enforcement will be lengthy or delayed. In no event will WSC delay its investigation pending the outcome of a criminal investigation.

WSC will implement appropriate interim measures during any law enforcement agency's investigative period to assist and protect the safety of the Complainant, the campus community, and to prevent retaliation.

#### **4.2 Alternatives to filing a police report**

Alternatives to immediately filing a police report are:

- Report the crime at a later date.
- Make a complaint to a Title IX Coordinator or to campus security. Such a complaint may be used for actions which include, but are not limited to, on-campus administrative proceedings.
- Make an anonymous report to the police (a report that notifies the police that a sexual harassment, domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct incident has occurred, but gives no names or identification).
- Contact a referral agency for help: the Williams County Family Crisis Center, Northwest Human Service Center, Title IX Coordinator, Residence Life office, Human Resources, or the Vice President for Student Affairs.
- Contact the Title IX Coordinator for more information concerning the administrative process.

If the complainant does not choose to file a police report, he/she may still file an administrative complaint. The complainant will be referred to other agencies if appropriate. Specifically, a complainant may be encouraged to seek assistance at the Williams County Family Crisis Shelter, Northwest Human Service Center, or private providers. Support may also be sought from the Campus Counselor.

#### **4.3 Ongoing Care**

Students may seek assistance at any time from the WSC Campus Counselor at no additional charge. Referrals may be made upon request for relatives, partners, and friends of either the complainant or respondent to various support agencies.

Students may seek ongoing medical assistance from outside agencies. Post-assault medical care may include testing and treating for sexually transmitted diseases (STDs). Students are responsible for any/all incurred costs. Regional outside agencies include: CHI St. Alexius Health Williston Medical Center, Great Plain's Women's Health, Trinity Community Clinic – Western Dakota, or Upper Missouri District Health Unit.

#### 4.4 Anonymous Reports

Anonymous complaints will be accepted by the College. The College's ability to investigate and resolve anonymous complaints will be limited if the information contained in the anonymous complaint cannot be verified by independent facts.

#### 4.5 False Reports

Knowingly submitting a false report of sexual misconduct is prohibited. Anyone submitting a false report is subject to disciplinary action.

#### 4.6 Confidentiality

The term "confidentiality" refers to the circumstances under which information will or will not be disclosed to others.

The Complainant may request confidentiality at the time they disclose the sexual misconduct. However, confidentiality cannot be guaranteed. The Title IX Coordinator or Deputy Title IX Coordinator will evaluate the request and determine the extent to which confidentiality may be maintained. WSC will make every attempt to safeguard the privacy of the Complainant; however, WSC cannot ensure confidentiality in all cases. WSC must weigh the request for confidentiality against its obligation to protect the safety and security of the entire campus. As is the case with anonymous reports, the College's ability to conduct a meaningful investigation of the incident and pursue disciplinary action against alleged perpetrators may be limited when confidentiality has been requested.

Before a student reveals information that he or she may wish to keep confidential, any responsible employee at WSC is required to make every effort to ensure that the student understands:

- The employee's obligation to report the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator or Deputy Title IX Coordinator.
- The student's option to request that the school maintain his or her confidentiality, which the school will consider; and
- The student's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health center, and pastoral counselors).

Depending on the circumstances of the offense (the severity of the offense, the number of victims involved, etc.), WSC may be required to respond to an incident, even if confidentiality has been requested. Therefore, WSC employees cannot guarantee absolute confidentiality.

WSC's Reporting obligations under the Clery Act: The Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (20 USC & 1092(0)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. WSC is required to disclose statistics regarding certain types of crime, including sexual assault that occur on and around campus, as well as locations off campus at which WSC sponsored activities take place. The Clery Act also requires WSC to issue timely warning notices about crimes that pose a serious or on-going threat to the campus community.

#### 4.6.1 Confidentiality Rights of Complainants and Respondents

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, Complainants and respondents are not restricted from discussing and sharing information with others who may support or assist them in presenting their case. Medical and counseling records are privileged and confidential documents that parties will not be required to disclose.

#### 4.6.2 Privacy

The term "privacy" refers to the discretion that will be exercised by the College in the course of any investigation or disciplinary processes under this policy. The College has an obligation to make reasonable efforts to investigate and address complaints or reports of violations of this policy. In all such proceedings, the College will take into consideration the privacy of the parties to the extent possible. In cases involving students, the Title IX Coordinator may notify residential college staff and other College employees of the existence of the complaint for the purpose of overseeing compliance with this policy and addressing any concerns related to educational and residential life. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process. Any additional disclosure of information related to the complaint or report may be made if

consistent with the Family Educational Rights and Privacy Act (FERPA), or the Title IX requirements.

## 5. On-campus Investigation and Adjudication

This policy applies to complaints alleging all forms or sex discrimination (including sexual and gender-based harassment, assault, and violence) against employees, students, and third parties. WSC's response to complaints of sex discrimination may involve a number of individuals and agencies (e.g., campus security, Student Affairs office, Title IX Coordinator, and counseling services personnel). In addition, for cases involving campus community members, there is a timely, campus-based investigation which is private and protects individual rights and process. The complainant is presented with options about how he/she may pursue the complaint.

It is understood that there may be circumstances in which a complainant wishes to limit their participation. The complainant retains this right and acknowledges that limiting their participation may impact the effectiveness of the investigation.

If a respondent chooses not to answer any or all questions in an investigation for any reason, the College process will continue, findings will be reached with respect to the alleged conduct, and the College will issue any penalties, as appropriate. The College will not, however, draw any adverse inference from a respondent's silence.

Title IX complaints, including those reporting violence or who are concerned about WSC's compliance with Title IX or Department of Education policies, may be directed to the Title IX coordinator or the U.S. Department of Education. Complaints may also be directed to any other federal agency.

### 5.1 On-campus Investigation and Adjudication for Students

The *Student Code of Conduct* describes the procedures followed when a violation of the *Student Code of Conduct* is reported to the office of the Vice President for Student Affairs. The Student Affairs office manages all Title IX investigations when charges are brought.

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

The *Student Code of Conduct* outlines the process and protection of rights of both the complainant (the student

who brings the grievance or makes the complaint) and the respondent (the student or individual about whom the grievance or complaint is brought). For any Title IX allegation:

- All incidents are to be reported to the Title IX Coordinator.
- Based on the initial report of the incident, the Title IX Coordinator, with assistance from campus security, Human Resources, and/or the Student Affairs office, will immediately implement any temporary safety measures.
- The Title IX Office will give the complainant a written explanation of their rights and options throughout the Title IX process in its entirety.
- If complainant wishes to move forward with investigation, the Title IX Coordinator will then assign a Title IX investigator or investigators to investigate the incident.
- The Title IX Coordinator is responsible for handling all requests of confidentiality.
- If the complainant wishes to move forward with an investigation, the Title IX Investigator will send a Notice of Investigation letter to both the Complainant and the Respondent. This letter will be sent via Williston State College E-mail, the College's official means of communication. If any party to the complaint is a student athlete, the student athlete's head coach and/or the Athletic Director may also receive Notice of the Investigation letter. The notice will include information regarding the initiation of an investigation, the potential policy violation(s) at issue, the right to participate in the investigation, the timeframe for responding, that the investigation may proceed without the participation of either party, and the institution's policy on retaliation.
- The Title IX Investigator will work to have his/her investigation completed within 60 days. The first official day of the investigation is the date that the Notice of Investigation letter is sent by the Title IX Investigator. If for some reason (i.e. summer break, Christmas break, etc.) the investigator is not able to complete the investigation within the abovementioned 60 day period, he/she will contact the complainant and the respondent with an explanation for the delay and a revised expected date of completion.
- The Title IX Office will give the respondent a written explanation of their rights and options throughout the Title IX process in its entirety.
- In the event that the complainant or respondent is temporarily removed from campus during the

investigative period, the Vice President for Student Affairs, or designee, will notify the appropriate party's instructors and advisor(s) in order to communicate the removal and make scholastic arrangements for the removal period.

- The Title IX investigator(s) will investigate the incident and submit a final written report, including an outcome recommendation, to the Vice President for Student Affairs or designee. WSC will not allow conflicts of interest (real or reasonably perceived) by those investigating or adjudicating complaints.
- Both the Complainant and Respondent will be notified in writing of the completion of the investigation and any resulting actions by the Vice President for Student Affairs or designee.
- Should the determination not include suspension, both the Complainant and Respondent may appeal the determination pursuant to the Section VI College Student Review Committee Process/Procedures.
- Should the determination of the Vice President for Student Affairs or designee include suspension, a disciplinary hearing will take place.

Both Complainant and Respondent have certain shared or complementary rights in disciplinary hearings, which are enacted when the student disciplinary procedures involve suspension. The rights of the Complainant and Respondent are as follows:

- The complainant and the respondent have the right to be assisted by an advisor, including an advisor they choose at their own expense.
- The advisor may be an attorney; in such cases, note that Guidelines for Attorneys who accompany accused students are available on the Williston State College website. Included in these guidelines is a requirement of a five-business day notice to the College of a student's intent to be accompanied by an attorney.
- The Complainant and the Respondent have the right to access and review any information that will be used in the hearing.
- The Complainant and the Respondent will be advised of the date, time, and location of a hearing, when scheduled. Both may attend and participate.
- The Vice President for Student Affairs or designee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent,

and/or other witnesses during the hearing, in whatever manner and as determined in the sole judgment of the Vice President for Student Affairs or designee, to be appropriate.

- The Complainant and Respondent will be afforded regular updates regarding the status of the investigation, hearing, and/or appeal process.
- The Vice President for Student Affairs, or designee, shall render the decision to the Respondent and the Complainant simultaneously and in writing within five business days of completion of the hearing. The *Student Code of Conduct* provides for the disclosure of the final results of any disciplinary proceeding regarding a complaint of sexual harassment, domestic violence, dating violence, sexual assault, or stalking to the Complainant.
- Decisions may be appealed in accordance with the *Student Code of Conduct*, as applicable. All parties will be informed in writing of the outcome of any appeal.

The standard of proof that is used for campus disciplinary proceedings is preponderance of evidence, (i.e., more likely than not the event(s) occurred).

The Complainant has the right to decline to participate in an investigation, appear in a proceeding with the Respondent present, or otherwise confront the Respondent during the grievance process, including during hearings or appeals.

A student's privacy concerns are weighed against the needs of WSC to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community. Further, WSC has an obligation to promptly take steps to investigate or otherwise determine what occurred and to take appropriate steps to resolve the complaint when made aware of possible discrimination, regardless of the Complainant's willingness to participate in the process.

If WSC receives a complaint regarding off-campus misconduct, even if the misconduct did not occur in the context of a WSC program or activity, WSC will consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity.

## 5.2 On-campus Investigation and Adjudication for Faculty and Staff

If a faculty or staff member is involved as the Complainant or Respondent:

- All incidents are to be reported to the Title IX Coordinator.
- Based on the initial report of the incident, the Title IX Coordinator, with assistance from campus security, Human Resources and/or Student Affairs Office, will immediately implement any temporary safety measures.
- The Title IX Coordinator will then assign a Title IX investigator or investigators to investigate the incident.
- The Title IX investigator(s) will investigate the incident and submit a final written report, including outcome recommendation, to the Director for Human Resources.
- If it is determined that discipline or dismissal of a faculty or staff member is warranted, the following policies and procedures will be followed:
  - Faculty – Institutional Policy and Procedure Manuals.
  - Staff – [NDUS Human Resource Policy Manual section 25](#) and [section 27](#);
  - Employees excluded from the broad banding system who are not faculty [SBHE policy 608.2](#);
- Both the Complainant and Respondent will be notified in writing of the final results of the investigation and any resulting actions.
- Both the Complainant and Respondent may appeal the determination pursuant to the Faculty Handbook and [NDUS Human Resource Policy Manual section 27, Appeal Procedures](#).

The standard of proof that exists for campus disciplinary proceedings is preponderance of evidence, (i.e., more likely than not the event(s) occurred).

If a Complainant requests that his or her name not be revealed to the Respondent or asks WSC not to investigate or seek action against the Respondent, WSC will be limited in its ability to respond fully to the incident.

Title IX complaints, including the reporting of violence or the concerns about the compliance of WSC or Department of Education policies, may be directed to:

Megan Kasner  
Vice President for Student Affairs  
1410 University Avenue, Suite 105E

Williston, ND 58801

Phone: (701) 774-4295

Email: [megan.kasner@willistonstate.edu](mailto:megan.kasner@willistonstate.edu)

Hours: 8a-4:30p, Monday through Friday

Summer Hours may vary, please call for appointment

or to the:

Office for Civil Rights (OCR)

U.S. Department of Education

500 West Madison Suite 1475

Chicago, IL 60611-4544

Customer Service Hotline #: (800) 421-3481

Telephone: (312) 730-1560

Fax: (312) 730-1576

TDD#: (800) 877-8339

Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

## 6. Interim Arrangements and Post-Hearing Intervention

WSC actively provides services, which include interim measures, for all parties in sexual harassment, domestic violence, dating violence, sexual assault, or stalking cases. WSC continues a coordinated response system that attends to the Complainant's and the Respondent's physical and emotional well-being as well as the safety of the community. Interim measures are available during the investigation process as well as during any student conduct process, including appeals. Requests for interim measures should be directed to WSC's Title IX Coordinator, Megan Kasner, Student Affairs Office, Stevens Hall, Williston, ND 58801, Phone: (701) 774-4295. Email: [megan.kasner@willistonstate.edu](mailto:megan.kasner@willistonstate.edu).

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

The Student Affairs Office will assist students, including collaborating with campus security and other departments to provide:

- Referral to the Campus Counselor, or referrals to outside provider(s).
- Escort services.
- Assistance in petitioning for a protection order. WSC honors orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court.
- Withdrawal from college.
- An on-campus investigation and, if appropriate, initiate on-campus disciplinary procedures.
- Other referrals as necessary.

The Title IX Office will provide the Complainant and Respondent with written options available to them for

assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.

Additionally, The Title IX Office will provide the Complainant and Respondent with written resources available to them both within the institution and within the larger community.

Accommodations and protective measures provided to the Complainant and/or Respondent will be maintained as confidential by the Title IX Office, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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

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

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

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

- The Complainant and/or Respondent may have parking re-assigned.
- The Complainant and/or Respondent may have on-campus residence changed.
- The Complainant and/or Respondent may have his/her academic schedule altered and/or arrangements with instructors to assist in offsetting potential academic problems will be coordinated.
- The Respondent may be directed not to have contact, by any means, with a Complainant.
- The Complainant may be directed not to have contact, by any means, with a Respondent.
- Any individual who is alleged to have committed a violent act, including domestic violence, dating violence, sexual assault, or stalking upon a member of the campus community, may be banned from campus and campus activities.

- Other conditions as deemed appropriate.

The Vice President for Student Affairs, or designee, may impose one or more WSC sanctions as described below for violations of the *Student Code of Conduct*.

## **7. Status Sanctions**

The Vice President for Student Affairs, or designee, may impose one or more sanctions as described below for violations of the *Student Code of Conduct*:

- Written Warning,
- Consultation,
- Referral to special classes or counseling sessions,
- Parental notification,
- Restitution and/or fines,
- Conduct probation,
- Supervised conduct probation,
- Eviction from college-owned housing,
- Suspension, and/or
- Recommendation to the provost to withhold or rescind degree.

## **7.1 Restrictions of Educational Activities Sanctions**

Having the intent of effecting a safer campus environment and/or promoting the development of a student determined responsible for *Student Code of Conduct* violations, the Vice President for Student Affairs or designee may impose additional sanctions. Such sanctions may include but are not limited to:

- The Vice President for Student Affairs or designee will direct a disciplinary withdrawal of a student whose suspension was upheld by the Hearing Committee.
- No Contact Directive: A directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, email, telephone, or through third parties.
- Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations; or services; or events.
- Residence hall transfer, residence hall floor transfer, restricted access within the residence halls, restricted access to dining services, and removal and/or ban from the residence hall system for a specified period of time.
- Suspension of or restriction(s) on driving on or parking in campus-controlled streets, roads, and parking lots.
- Restitution to WSC for cleaning, replacing, or restoring some specific area or thing when loss



or damage was a result of the student's disciplinary violation.

- Referral to the Campus Counselor or another provider approved by the Campus Counselor.
- Mandated community service and/or participation in campus educational programs.
- Mandated participation in one or more campus activities, lectures or workshops, and/or other activity that employs an educational purpose.
- Enhanced Sanctions for Bias-Motivated Offenses – Violators of the regulations and policies outlined in this document whose violations are motivated by bias may face more severe or enhanced sanctions. Violations motivated by bias include the intentional selection of a person against whom the violation is committed because of the race, religion, color, genetic information, gender, disability, sexual orientation, gender identity, national origin, ethnicity, age, or ancestry of that person.

### 7.2 Suspension

The Hearing Committee will convene to hear a Title IX case if the Vice President for Student Affairs or designee recommendation involves suspension of any type. The Hearing Committee may impose one or more College sanctions listed above and/or others and/or the WSC sanction of suspension as described below.

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

- Suspension — Suspension is a temporary withdrawal of enrollment privileges and ban from campus property and activities (student) or recognition (student organization) for a specific period. Suspension notification will include conditions of the suspension and terms for reinstatement. In some cases, short term suspension may be imposed depending on the nature and severity of the offense.
- Indefinite Suspension — Indefinite suspension is a suspension which involves no definite time limit and may carry conditions which must be

met before the student/student organization may request reinstatement.

- Emergency Suspension – The Vice President for Student Affairs or designee may direct the temporary, immediate removal of a student in accordance with the Student Code of Conduct.

### 7.3 Recommendation and Authority to Impose Sanction

Vice President for Student Affairs or designee has the final authority in the recommendation of a suspension in Title IX cases. The Vice President for Student Affairs or designee authorizes an Emergency Suspension, subject to an Emergency Suspension Review Hearing by the Hearing Committee. The Hearing Committee has the sole authority to impose suspension in Title IX cases.

### 7.4 College Disciplinary Sanctions for Faculty and Staff

The College will follow the disciplinary policies and procedures in the Institutional Policies and Procedures. [North Dakota University System Human Resource Policy Manual section 25](#) and [section 27](#) will be followed for any disciplinary acts involving staff. For employees excluded from the broadbanding system, [State Board of Higher Education \(SBHE\) policy 608.2](#) will be followed. Faculty are not included under SBHE 608.2.

### 8. Title IX Hearings

The Hearing Committee consists of a group of staff and faculty members, appointed by the Title IX Coordinator, trained, and called upon to hear cases of alleged Title IX violations of the *Student Code of Conduct*. The Hearing Committee has the authority to suspend a student or student organization in Title IX cases.

When a student or student organization has allegedly committed a Title IX violation and the Vice President for Student Affairs or designee recommends suspension for the alleged behavior, the Hearing Committee will convene to hear the case. If it is determined that there may be cause for a Hearing, the Title IX Coordinator shall inform the student of his/her rights related to the Hearing. If the student or student organization is found to have violated Title IX policy as described in the *Student Code of Conduct*, appropriate sanctions are determined by the Adjudicator. All procedural rules for the conduct of hearings shall be identified in the *Student Code of Conduct*. All procedures will apply to students and student organizations.



## 8.1 Types of Title IX Hearings

**Full Hearing for an accused student** - A hearing committee is convened to consider cases of a very serious nature which could lead to a sanction of suspension from the College. After hearing information from all parties, including the accused student; witnesses; student Complainant, if any; and the Vice President for Student Affairs or designee; the hearing committee decides whether the student is responsible for a Title IX violation of the *Student Code of Conduct*, using a preponderance of evidence standard. If the student is found responsible for violation(s) of the *Student Code of Conduct*, the committee will also determine the appropriate sanction for the student.

**Full Hearing for a student organization** – A committee is convened to consider cases of a very serious nature which could lead to a sanction of suspension from the College. After hearing information from all parties, including the accused student organization; witnesses; student Complainant, if any; and the Vice President for Student Affairs or designee; the Committee decides whether the student organization is responsible for a violation of the *Student Code of Conduct*, using a preponderance of evidence standard. If the student organization is found responsible for violation(s) of the *Student Code of Conduct*, the committee will also determine the appropriate sanction for the student organization.

**Emergency Suspension Review hearing for a student organization** - In extraordinary circumstances and/or emergency situations, the Vice President for Student Affairs or designee may suspend a student or student organization, pending action on charges, the right of the student to be present on the campus and/or to attend classes (including on-campus or on-site instruction or practicum or on-line environments). The purpose of an Emergency Suspension Review Hearing is to determine if an Emergency Suspension should remain in effect until the matter is resolved.

## 8.2 Hearing Committee Membership

The Hearing Committee for a Full Hearing shall normally consist of three WSC employees, one of whom will act at the Hearing Committee Chair. All panelists shall be trained in conducting hearings as it relates to possible violations of the *Student Code of Conduct*. When that composition of members is not available (e.g., summer session, College breaks, or other exceptional circumstances), the Committee size shall be determined by the Vice President for Student Affairs or designee. The Committee size for an Emergency

Suspension Review Hearing shall be determined by the Vice President for Student Affairs or designee.

Composition of any Hearing Committee shall include a minimum of three members.

## 8.3 Personal Advisors (Advocates)

Both the Complainant and the Respondent are entitled to have a Personal Advisor present during the hearing. The rights/restrictions placed on a Personal Advisor and/or Personal Advocate will be applied equally to both parties. By definition, a Personal Advisor may act on behalf of the student, make opening and closing statements, and call and question witnesses during the hearing. However, a Personal Advisor does not have speaking privileges during a hearing (unless previously mentioned), must not disrupt the hearing, and cannot be called as a witness during any phase of the process. Conversely, a Personal Advocate acts only as a support system to the student during the hearing process. Additionally, a Personal Advocate may provide support, guidance, and advice to the student but may not act on his/her behalf.

The accused, and if applicable, Complainant, student may each have one Personal Advisor present during all portions of the proceedings in which the student participates. A Personal Advisor may, but does not need to, be an attorney. An attorney who is serving as a Personal Advisor is expected to follow the [North Dakota Rules of Professional Conduct](#). Personal Advisors and Personal Advocates are selected by the student. The student is responsible for sharing and communicating all information with his/her Personal Advisor (Advocate) unless other arrangements are made. If applicable, the student is responsible for any and all expenses associated with the Personal Advisor (Advocate).

A student should select a Personal Advisor (Advocate) whose schedule allows attendance at a previously scheduled date and time for the hearing. If a student has selected a Personal Advisor (Advocate) prior to a hearing being scheduled, the student can provide his/her Personal Advisor's (Advocate's) contact information and availability to the Vice President for Student Affairs or designee for consideration in scheduling.

If the Personal Advisor (Advocate) is unable to attend a previously scheduled hearing, the student is encouraged to inform the Vice President for Student Affairs or designee that his/her Personal Advisor (Advocate) is unable to attend. Upon request the Hearing may be rescheduled. The College requests that a student notify

the Vice President for Student Affairs or designee at least five business days prior to the scheduled hearing date of his/her intent to bring a Personal Advisor (Advocate).

The College requests that the notification also indicate if the Personal Advisor (Advocate) is a licensed attorney. This request is made to ensure that the parties involved in the Hearing may be notified of the name of the Personal Advisor (Advocate) and that any reasonable accommodations may be made prior to the hearing. If the student brings a licensed attorney to a Hearing as a Personal Advisor (Advocate) without prior notice to the Vice President for Student Affairs or designee, the attorney shall identify him/herself to the panel as such and the hearing may be rescheduled to allow for the College's legal representative to attend.

If the student is not in attendance, the Personal Advisor (Advocate) may not be in attendance.

## 8.4 Hearing Procedures

**8.4.1 Prior to the Hearing** – The Title IX Coordinator shall confer with the Hearing Committee to establish a time, date, and place for the hearing, and notify the accused student and the Complainant, if applicable, of such in writing, via Williston State College E-mail, the College's official means of communication. The accused student and the Complainant, if applicable, shall receive the Hearing Notification Letter at least seven business days prior to the hearing date. A student may request in writing that an earlier date be set. The Title IX coordinator will send each member of The Hearing Committee the final investigative report written by the Title IX investigator four business days before the hearing. The Hearing Committee may convene with the investigator, if necessary, to ask questions related to the investigation report.

The Hearing Committee, for good cause, may postpone the hearing. In the event that this occurs, the Title IX Coordinator will notify all interested persons of the new hearing date, time, and place. The Hearing Committee Chair, in consultation with the Hearing Committee, may refuse to conduct a hearing when in their determination there is insufficient information for a committee to consider the alleged violation or if the alleged violation would not merit suspension as a sanction. The Hearing Committee Chair may then assign such a case to the Student Review Committee for resolution.

## 8.4.2 The Hearing Notification Letter to the accused student shall:

- Direct the accused student to appear at the date, time, and space specified.
- Include alleged violations of the *Student Code of Conduct*.
- Advise the student that information provided to the Hearing Committee will be included in the deliberations.
- Advise the student of his/her rights.
- Include a request to the student to provide the following information to the Title IX Coordinator at least five (5) business days before the hearing: the identity of the student's Personal Advisor (Advocate) if any, whether the Personal Advisor (Advocate) is a licensed attorney, when the Person Advisor (Advocate) will act as a Personal Advocate, will be the student's Personal Advisor, and whether the student requests the hearing be an open hearing.
- Include a notice to the student to provide the following to the Title IX Coordinator at least two (2) business days before the hearing: a list of witnesses to be called on behalf of the student and copies of any documents or other materials to be presented by the student at the hearing.
- Contain the name of the person appointed to act as chair of the Hearing Committee.
- Contain the name of the person appointed to act as Personal Advisor for the student.
- Contain the names of witnesses being called by the Hearing Committee Chair, and a description of information, materials, and charges that will be offered against them.
- Contain a redacted copy of the complaint.
- Provide a copy of the Retaliation Prohibited Statement.
- Notify the student that if he/she chooses to serve as a witness, the student may be questioned by the Hearing Officer, the student Complainant, and the Hearing Committee.

## 8.4.3 Rights of the Accused Student

- To a closed hearing, which is held in private, unless the accused student, the student Complainant, if applicable, and the Hearing Officer agree to an open hearing, which is open to the campus community.
- The opportunity to appear alone or with a Personal Advocate.
- To challenge one (1) member of the Hearing Committee for bias at the start of the hearing.

- To know the identity of each witness who will speak to the alleged events.
- To serve as a witness, or not; to call witness(es); submit documentary and other information; offer information; and speak on his/her own behalf.
- To question each witness, for the purpose of clarification.
- To have access to the record of the hearing after all proceedings are complete.
- To appeal the decision of the Hearing Committee.

**8.4.4 When applicable, the Hearing Notification Letter to the student Complainant shall:**

- Inform the student of the date, time, and place specified for the hearing.
- Advise the student that information provided to the Hearing Committee will be included in the deliberations.
- Advise the student of his/her rights.
- Include a notice to student to provide to the Vice President for Student Affairs or designee at least five (5) business days before the hearing, whether an attorney will be the student's Personal Advisor.
- Contain the name of the person appointed to act as chairperson of the Hearing Committee.
- Provide a copy of the Retaliation Prohibited statement.
- Notify the student that if he/she chooses to serve as a witness, the student may be questioned by the Hearing Officer, the accused student, and the Hearing Committee.

**8.4.5 Rights of the Student Complainant**

- In such cases when an act of violence or harassment is alleged, the student Complainant has the following rights:
- To receive a notice of the hearing.
- The opportunity to appear, alone or with a Personal Advisor.
- To request accommodations during the hearing to increase his/her comfort or sense of safety in providing information.
- To speak for him/herself.
- To know the outcome of the hearing.
- To appeal the decision of the Hearing Committee.

**8.5 Full Hearing Process:**

**Introduction** – With all parties present, the Hearing Officer will call the meeting to order and will ask all

parties participating in the hearing to introduce themselves and identify their role in the proceedings.

The Hearing Officer will describe the general outline of the hearing and will read the honesty statement. If a student is represented by an attorney or non-attorney advisor, that individual has the ability to fully participate in the hearing. Hearing advisors (attorney or non-attorney) will be required to sign a confidentiality statement pertaining to information about all parties involved in the hearing.

**Honesty Statement:**

The College expects that all information presented in this hearing will be true and correct to the best of each person's knowledge. If students willfully provide false information, they will be in violation of WSC's Student Code of Conduct. As a result, they also may be subject to additional disciplinary action. Dishonest behavior of any faculty or staff members will be reported to supervisors for any necessary disciplinary action.

The Hearing Officer will dismiss witnesses until they are called to speak.

**Complaint and Response** – The Hearing Officer will introduce the case.

The accused student (and/or attorney or non-attorney advisor) will be permitted to respond to the charges and present information that is relevant in determining whether the student violated one or more sections of the code.

**Presentation of Witnesses** – The Complainant and the Respondent will be allowed to present witnesses who may be asked questions by the Hearing Officer, Complainant (and/or attorney or non-attorney advisor), Respondent (and/or attorney or non-attorney advisor) and Vice President for Student Affairs or designee. All questions will be directed to the Hearing Officer who will determine relevancy to the proceeding, request clarification if necessary, ask if the Respondent understands the question, and request a response.

**Final Questions** – The Hearing Officer and the Respondent (and/or attorney or non-attorney advisor) will be permitted to ask questions of each other.

The Hearing Officer and the Complainant (and/or attorney or non-attorney advisor) will be permitted to ask questions of each other.

Questions will be permitted by the Hearing Committee, who may question either party.

The Hearing Officer and Complainant (and/or attorney or non-attorney advisor) may be permitted to ask additional questions of each other.

The Hearing Officer and Respondent (and/or attorney or non-attorney advisor) may be permitted to ask additional questions of each other.

During this time, all questions will be directed to the Hearing Officer who will determine relevancy to the proceeding, request clarification if necessary, and request a response from the appropriate party.

In no event will the parties be allowed to personally cross-examine each other. The same applies to appeal proceedings.

**Closing Statements** - The Complainant (and/or attorney or non-attorney advisor) will have an opportunity for a closing statement.

The Respondent (and/or attorney or non-attorney advisor) will have an opportunity for a closing statement.

**Deliberation and Decision** – If the Hearing Committee believes that suspension is warranted, the Hearing Committee will make its written recommendation to the Title IX Coordinator and the Vice President for Student Affairs. Thereafter, Vice President for Student Affairs, or designee, will issue the written decision within five business days of the completion of the hearing.

The Vice President for Student Affairs, or designee, will provide written notice of findings to all parties stating whether or not the WSC Title IX Policy was violated. The written notice will include sanctions and terms and conditions for continued enrollment or re-enrollment, if any, as well as appeal information. The written notice, which will be provided via WSC email, will generally be provided within five business days following the hearing.

### **8.6 Record of the Hearing**

An individual student's hearing record is confidential and consists of:

- A copy of the Hearing Notification Letter sent to the accused student.
- All documents, information, and materials admitted in the hearing.

- The audio recording of the hearing, which is the sole official verbatim record of the Hearing, is the property of Williston State College.
- A copy of the Hearing Decision Letter.

The result of a hearing involving a student organization is not subject to FERPA. The records of student members of student organizations are subject to FERPA. The charges, findings, and sanctions for the student organization will be considered public information. Personally identifiable information will be redacted or omitted from any disclosure document. The Office of Record for Hearings is the Office of Student Affairs. Records will be kept for a minimum of six (6) years following final resolution. Even if the report was unsubstantiated, files must be kept in order to monitor progress in creating a safer campus by conducting assessments of the campus climate. In addition, files must be kept in order to identify and resolve harassment-related issues, patterns and problems. Students who wish to review their disciplinary or hearing records may contact the Student Affairs Office to schedule an appointment to conduct the review of these records.

### **8.7 Appeal Procedures**

The student in violation and the Complainant student have the right to appeal the outcome of a full hearing and both parties have the right to participate equally in the appeal process, even if the party has not filed an appeal. Appeals of a decision made by the Hearing Committee are made to the Vice President for Academic Affairs. Appeals must be made in writing to the VPAA within one (1) year after delivery posted date of the Hearing Decision Letter. A notice of appeal shall contain the student's name and contact information, the date of the decision or action, the reason for appeal, and the name of the student's Personal Advisor (Advocate), if any. An appeal may only be based on new information, contradictory information, and information that indicates the student in violation was not afforded due process.

The specific items for review that may be addressed in a written appeal are the following:

- Were Procedures for a Full Hearing as listed in section 8.4 of the Code followed? Please explain.
- Was a procedural error committed? Please explain.
- Were you given an adequate opportunity to make your presentation? Please explain.
- Is there any new or contradictory information that was unavailable at the time of the hearing that may have affected the outcome of the

hearing and/or the sanctions? Please explain the information and why the information was unavailable at the time of the hearing.

Filing of an appeal suspends the sanctions until the appeal is decided. However, interim action may be taken as outlined in Section 6 herein.

The case will be reviewed by a neutral party designated by the Title IX Coordinator. The designee may consider police reports, transcripts, the outcome of any civil or criminal proceedings directly related to the appeal, and information presented to the Hearing Committee. The designee will make all decisions regarding the appeal. The disciplinary process is educational in nature and a determination is made using a preponderance of evidence standard. A later finding of a court of law does not change the outcome of any completed disciplinary process, but it may be considered by the designee during an appeal process.

After reviewing the request for appeal, the designee will determine if there are grounds for appeal and make a determination whether to deny or grant the appeal. If the designee denies the appeal, the decision of the Hearing Committee is final. If an appeal is granted, the designee may:

- Modify the decision of the Hearing Committee. The designee may overturn all or some of the decisions regarding violations determined by the Hearing Committee. If a violation is overturned, the designee may modify, reduce, or vacate any sanction. If the accused student is found to be in violation of the *Student Code of Conduct* as the result of the appeal, the designee may impose sanctions, including, but not limited to, suspension.
- Order a new hearing. The designee may void all or some of the determinations of the Hearing Committee and call for a new Hearing. The designee may provide specific instructions to those participating in the Hearing regarding the rights of a student, the hearing process, or information that is or is not relevant to the hearing as it relates to the details of the appeal.
- Uphold the decision made by the Hearing Committee.

The designee shall have 21 business days from the receipt date of the appeal in which to issue a written determination on the appeal, although extensions of time may be granted and are available equally to each party. Such written determination shall be forwarded to the

accused student; student Complainant, if applicable; and each Hearing Committee member. The action of the designee shall be final. If the appeal results in a reversal of the decision or lessening of the sanction, the institution may reimburse the student for any tuition and fees paid to the institution for the period of suspension which had not been previously refunded.

### **8.8 Compliance with Sanctions**

The student in violation is responsible for completing the sanctions imposed by the Hearing Committee within the timeframe stated in the Hearing Decision Letter. If a student does not complete the sanctions or violates the sanctions as prescribed, the student will be prohibited from registering. If a student has already pre-registered and the sanction has not been completed, the student's classes will be canceled. Student organizations that do not complete the sanctions or violate the sanctions as prescribed will no longer be considered in good standing and will not be entitled to the rights or privileges of student organizations.

### **8.9 Reinstatement Following a Suspension**

Reinstatement for students following a Suspension involves the following procedure:

- The suspended student applies in writing to the Vice President for Student Affairs or designee for reinstatement.
- The Vice President for Student Affairs or designee reviews the record and ensures that the conditions (if any) for reinstatement have been satisfied.
- The Vice President for Student Affairs or designee shall either grant or deny the application. The student status of the Complainant student may be a factor among others in determining the reinstatement of the suspended student.
- If the Vice President for Student Affairs or designee reinstates the suspended student, the student must still complete the readmission process through the Enrollment Services Office.

Reinstatement for Student Organizations following a Suspension involves the following procedure:

- The suspended student organization applies to Student Senate for reinstatement.
- The Student Senate President, who may be assisted by other Student Senate members, reviews the record and ensures the conditions for reinstatement have been satisfied. The Student Senate President may consult with the Hearing

Committee about the completion of the conditions.

- Student Senate shall either grant the reinstatement or deny the application.

### **9. Emergency Suspension Review Hearing Procedures**

An emergency suspension is considered extraordinary and temporary in nature and subject to an Emergency Suspension Review Hearing (hereinafter “Review Hearing”) by the Hearing Committee. In most circumstances a Hearing Committee will be convened within ten (10) business days. However, in extenuating circumstances, the Hearing Committee Chair, with the approval of the Vice President for Student Affairs or designee, may grant an extension of that timeframe. All Review Hearings will be scheduled as expediently as possible.

The purpose of a Review Hearing is to hear information from both the student who has been placed under temporary suspension and the Office of Student Affairs for consideration in determining if the temporary suspension should remain in effect until the matter is resolved. Final resolution of the matter will include an investigation by the Student Affairs Office and any necessary actions to follow, possibly to include a Full Hearing before the Hearing Committee. Under the *Student Code of Conduct*, a student may be suspended on an emergency basis for behavior that the Vice President for Student Affairs, or designee, determines met at least one of the Criteria for Suspension.

#### **9.1 Criteria for Emergency Suspension**

Student’s behavior poses a significant threat of danger and/or injury to self or others,

OR

Student’s behavior poses a threat of disruption of the educational process for others,

OR

Student’s behavior poses a threat of destruction of property.

#### **9.2 Prior to the Emergency Suspension Review Hearing**

The Vice President for Student Affairs or designee shall confer with the Hearing Committee to establish a time, date, and place for the hearing. Notice is provided to the accused student by the Student Affairs office. The date, time, and place for the Review Hearing will be specified in the Review Hearing Notification Letter.

### **9.3 The Emergency Suspension Review Hearing**

#### **Notification Letter:**

The Emergency Suspension Review Hearing Notification Letter shall:

- Direct the accused student to appear at the date, time, and place specified.
- Include the alleged violations of the *Code*.
- Provide the name and contact information of the Process Advisor.
- Advise the student that information provided to the Hearing Committee will be included in the deliberations.
- Advise the student of his/her rights.
- Include a request to the student to provide the following information to the Vice President for Student Affairs or designee prior to the hearing: the identity of the student’s Personal Advisor (Advocate) if any, whether the Personal Advisor (Advocate) is a licensed attorney, whether the Personal Advisor will act as a Personal Advocate, and whether the student requests that the hearing be an open hearing.

#### **9.4 Rights of the student during the Emergency Suspension Review Hearing Process**

- To a closed hearing unless the accused student and the Judicial Officer agree to an open hearing.
- The opportunity to appear, alone or with Personal Advisor.
- To challenge one member of the Panel for bias at the start of the hearing.
- To know the identity of each witness who will speak to the alleged events.
- To serve as a witness, or not; to call witness(es); to submit documentary and other information; to offer information; and to speak on his/her own behalf.
- To question each witness, for the purpose of clarification.
- To have access to the record of the hearing after all proceedings are complete.

#### **9.5 Emergency Suspension Review Hearing Process**

The accused student, the Hearing Officer, and each witness will sign an honesty oath, confidentiality statement, and Retaliation Prohibited statement prior to the hearing.

The Hearing Officer will convene the hearing at the designated time and location.

The Hearing Committee may proceed with a hearing in the absence of the accused student. Such an absence is not to be interpreted as an admission of responsibility nor as a basis for additional disciplinary action. The College will be required to document that a reasonable attempt has been made to provide notification of the hearing to the student.

The accused student and the Hearing Officer are given the opportunity to challenge one member of the Hearing Committee for bias. A confidentiality statement is read. The hearing shall be closed to the public unless the Hearing Officer and the accused student agree to an open hearing.

The Hearing Committee Chair will read the complaint as included in the Review Hearing Notification letter sent to the accused student by the Vice President for Student Affairs or designee.

The Hearing Officer presents the reason for emergency suspension.

Witnesses may be called to offer testimony for consideration in determining if the emergency suspension should remain in effect until the matter is resolved. Any one of Criteria for Suspension is sufficient for continuing the suspension pending further investigation. The Hearing Officer, the accused student or his/her Personal Advocate, and the Hearing Committee members will have an opportunity to question the witnesses.

The accused student or his/her Personal Advocate may make a statement or call witnesses to offer testimony. The accused student or Personal Advocate, Hearing Officer, and the Hearing Committee will have an opportunity to question the witnesses.

Members of the Hearing Committee deliberate and determine if the Emergency Suspension should remain in effect until the matter is resolved. After the Panel makes their determination, the Hearing Committee Chair and the Vice President for Student Affairs or designee will meet with the accused student to announce the decision.

**9.6 Emergency Suspension Review Hearing Decision Letter**

A written notification of the outcome of the Emergency Suspension Review Hearing will be sent to the accused student within one week following the preliminary hearing, with copies provided to the Vice President for

Student Affairs or designee and to the Student Services Office to be placed in the student’s personal file.

**10. Communication of Decisions and Appeals**

Decisions regarding sanctions and/or appeal outcomes will be promptly communicated by the Vice President for Student Affairs or designee to all appropriate College administrators, faculty, and staff via WSC email to allow for general communication, suitable arrangements, or updates to prior arrangements.

**11. Documentation**

WSC will document all complaints received, regardless of outcome. A final report will be compiled for each complaint rising to the level of an investigation. When applicable, the Final report will include the following information:

- Description of the incident
- Record of how and when the incident was brought to attention
- Documentation of investigation process, including interview notes and supporting materials
- Documentation of all information reviewed by adjudicator
- Documentation of policy violation(s) and sanction(s)
- Documentation of all updates given to involved parties
- Documentation of all contact with law enforcement
- Documentation of interim measures and services provided
- Any other relevant information to the case.

**11. References**

Clery Act <a href="http://clerycenter.org/summary-jeanne-clery-act">http://clerycenter.org/summary-jeanne-clery-act</a>
NDCC 12.1-17-07.1 – Stalking <a href="http://www.legis.nd.gov/cencode/t12-1c17.pdf">www.legis.nd.gov/cencode/t12-1c17.pdf</a>
NDCC 12.1-17-08 – Consent as a Defense <a href="http://www.legis.nd.gov/cencode/t12-1c17.pdf">www.legis.nd.gov/cencode/t12-1c17.pdf</a>
NDCC 12.1-20-02 – Definitions related to Sex Offenses <a href="http://www.legis.nd.gov/cencode/t12-1c20.pdf">www.legis.nd.gov/cencode/t12-1c20.pdf</a>
NDCC 14-03-03 – Void Mariages <a href="http://www.legis.nd.gov/cencode/t14c03.pdf">www.legis.nd.gov/cencode/t14c03.pdf</a>
NDCC 14-07.1-01 – Definitions related to Domestic Violence <a href="http://www.legis.nd.gov/cencode/t14c07-1.pdf">www.legis.nd.gov/cencode/t14c07-1.pdf</a>
NDUS Human Resource Policy Manual 25 – Job Discipline/Dismissal



<a href="http://ndus.edu/makers/procedures/hr/?SID=44&amp;PID=246&amp;re=d%20">http://ndus.edu/makers/procedures/hr/?SID=44&amp;PID=246&amp;re=d%20</a>
NDUS Human Resource Policy Manual 27 – Appeal Procedures <a href="http://ndus.edu/makers/procedures/hr/?SID=46&amp;PID=248&amp;re=d%20">http://ndus.edu/makers/procedures/hr/?SID=46&amp;PID=248&amp;re=d%20</a>
U.S. Department of Labor - Title IX, Education Amendments of 1972 <a href="http://www.dol.gov/oasam/regs/statutes/titleix.htm">http://www.dol.gov/oasam/regs/statutes/titleix.htm</a>
NDCC 12.1-32-15 – Sex Offender Registration Policy <a href="http://www.legis.nd.gov/cencode/t12-1c32.pdf?20151207113531">http://www.legis.nd.gov/cencode/t12-1c32.pdf?20151207113531</a>

Students are encouraged to report incidents or information related to sexual misconduct as soon as possible. Anyone who becomes aware of a Title IX complaint or violation of this policy and has the authority to take action on the complaint or violation, shall report the complaint or violation either to the Title IX Coordinator or a Deputy Title IX Coordinator:

Megan Kasner  
 Vice President for Student Affairs /Title IX Coordinator  
 1410 University Avenue, Suite 105E  
 Williston, ND 58801  
 Phone: (701) 774-4204  
 Email: [megan.kasner@willistonstate.edu](mailto:megan.kasner@willistonstate.edu)  
 Hours: 8a-4:30p, Monday through Friday  
 Summer Hours may vary, please call for appointment

**SEX OFFENDER REGISTRATION**

All registered sex offenders are required to self-report their status upon employment to WSC’s Director for Human Resources or WSC’s Enrollment Services Department upon enrollment. Some limitations and restrictions may apply to that employment and/or enrollment.

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

All registered sex offenders are required to self-report their status to campus security upon employment or enrollment. If designated as a registered sex offender after employment or enrollment, the self-reporting must occur within three working days of the designation.

Failure to self-report may result in disciplinary action up to and including termination of employment or suspension.

**Employment and Enrollment of Sex Offenders**

Registered sex offenders are not barred from employment or enrollment at WSC. Limitations and restrictions on employment and enrollment must be reasonable, job related (for employees), and directly related to areas of potential risk.

**Employment**

Registered sex offenders are prohibited from working in or being on the premises, without proper authority, of any area of the College that is designated to provide service/care to minors. Locations and/or events may be added at the discretion of College administration.

Registered sex offenders are also prohibited from working in residence halls and apartments. Furthermore, registered sex offenders are prohibited from being within the living areas of Colleges residence halls, apartments, or any other living facilities owned or operated by WSC. Supervisors of registered sex offenders should not assign the employee to an area from which they are prohibited if other employees are available to complete the assignment. If the assignment of the sex offender is essential, their immediate supervisor must escort them for the entire time that they are working in the prohibited location.

**Enrollment**

Registered sex offenders are prohibited from living in College residence halls. Additionally, registered sex offenders are prohibited from being within the living areas of College residence halls, apartments or any other living facilities owned or operated by WSC. Other locations and/or events may be added at the discretion of College Administration.

**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](#).

The Adam Walsh Child Protection and Safety Act of 2006 (AWCPSA) is a federal law that provides for the tracking of convicted sex offenders. The AWCPSA requires state law enforcement agencies (in North



Dakota, it is the North Dakota Bureau of Criminal Investigations) to provide WSC with a list of registered sex offenders who have indicated that they are either enrolled or employed with WSC. This information is provided in compliance with the AWCPSA and the North Dakota Offender Registration requirements established by NDCC, section 12.1-32-15.

# Annual Fire Safety Report

The Campus Fire Safety Right-to-Know Act is an amendment to the Higher Education Opportunity Act. This amendment serves to increase campus fire safety awareness across the nation, providing students and their families with the fire safety records of colleges and universities. Signed into law on August 14, 2008, this amendment requires post-secondary institutions to publish fire safety information and statistics, much as is already done with other crime statistics, such as campus thief and assault.

Additionally, the National Student Loan Program requires all eligible Title IV institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The statistics include the number, cause, related injuries and deaths, and property damages associated with each fire. In addition, each institution is required to report fire safety information to the U.S. Department of Education.

Collectively, this information provides prospective and current students information regarding the policies, concerns, and fire safety conditions that are present at the WSC.

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## GENERAL RESIDENCE HALL FIRE SAFETY

WSC's primary on-campus residential student housing facility, Frontier Hall, is completely covered by integrated automatic sprinkler and hard-wired addressable fire alarm systems, which are monitored twenty-four hours a day, seven days a week by central monitoring. In addition, these facilities have the following life safety systems: portable fire extinguishers, emergency lighting, emergency exit signs and doors, and fire stairways.

WSC's on-campus residential student housing facilities, Abramson Hall, Manger Hall, and Nelson Hall, are covered by fire alarm systems. In addition, these facilities have the following life safety systems: portable fire extinguishers, and emergency exit signs.

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 and sprinkler systems test and inspection.

Each resident is given a copy of the WSC Housing Contract, which includes information on fire safety and what appropriate action to take during a fire alarm or fire emergency. Every student suite has an emergency evacuation map installed on the inside of the front door to direct occupants to primary and secondary exits. Fire drills are conducted each semester by the Director for Campus Services.

If a fire occurs in a WSC building, community members should immediately notify the local fire department by dialing 911. Campus Security can be contacted at (701) 570-6699. Campus Security will initiate a response to all fire alarms or reports it receives. Upon confirmation of a fire, Campus Security will immediately summon the local fire department for assistance by contacting the 911 Williams County Emergency Center.

**Fires should be immediately reported to 911 or Campus Security:** If a member of the WSC community finds evidence of a fire that has been extinguished, and the person is not sure whether Campus Security has already responded, the community member should immediately notify Campus Security 701-570-6699 to document the incident, involve local law enforcement, if necessary and assure the fire is included in the annual fire safety report.

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. Do not use the elevator. Community members should familiarize themselves with the exits in each building.

Campus Security can work with other College offices to sanction individuals who fail to evacuate a building promptly – but a more important reason for evacuating is for safety. When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building.

Campus Security 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 WSC. This report includes statistics concerning the number of fires, 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. The compliance document is available for review 24 hours a day on the Campus Security website, and a physical copy may be obtained by making a request to Campus Security (701) 570-6699 or by visiting Campus Security in person at: 1410 University Avenue, Art Wood Building, Williston, ND 58801.

### **Procedures for Students and Employees in the Event of a Fire:**

Find nearest pull station and sound central alarm, or call 911, or contact Campus Security directly at: (701) 570-6699.

- 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, if possible, to allow for ventilation
- Hang a sheet or towel from the window to announce that you are in your room.
- Call 911. 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 Campus Security; or find

a window, and signal that you are still in the building.

### **Student Residence Hall Fire Evacuation Procedures in the Event 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.
  - Stairway fire doors will keep out fire and smoke, if they are closed, and will protect you until you get outside.
- Close as many doors as possible as you leave; this helps to confine the fire.
- 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 or 9-911 from an on-campus phone, or (701) 570-6699 from a cellular phone, 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, brown or charred, call for 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 ahead for fire emergencies
  - Be aware of your own capabilities and limitations

### **Fire Safety Education and Training Programs**

WSC promotes campus fire safety on an ongoing basis through various safety education and training programs. Fire evacuation and muster points are reviewed with employees during Fall In-service. Residence hall and apartment staff receive orientation to the operations and locations of the fire alarm system, as well as a review of their roles during a fire or fire drill. Resident assistants receive general fire safety training from the Director for Residence Life during fall training. Students receive a general orientation to the fire systems present in the building during the first week of the residents' arrival. Staff also review evacuation and emergency procedures with residents. Residence hall students participate in one fire drill during both the fall and spring semesters.

### **Plans for Future Improvements in Fire Safety:**

WSC strives to improve and expand on our in-service training sessions for all Residential Life student staff, Campus Security staff, and other housing staff. The College 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 and budget process.

### **Life Safety Inspections and Violations:**

Residence Life Staff conduct regular inspections of residential hall common areas throughout the academic year. The Residence Life Department performs residence hall health and safety inspections one time per month for individual rooms. Full-scale building/hall inspections are announced. Not all common area inspections are announced. The Life Safety inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Residential and Fraternity 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 College 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 conduct action. WSC expects students, as adults, to maintain a standard of personal discipline that is in harmony with the educational goals of the institution, federal, state, and local laws, and to respect the rights, privileges, and property of fellow students, faculty, staff, and administrators. 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 College when conduct issues become chronic or disruptive.

### **Prohibited Items:**

The following items are prohibited in residence halls and/or rooms:

- Alcoholic beverages, alcohol containers and advertising or promotion of alcoholic beverages (regardless of age);
- Narcotics or other drugs when their use or possession is prohibited by law;

- Weapons including but not limited to firearms, ammunition, fire crackers, explosives, knives, bows and arrows, air-soft guns, paintball guns.
- Cooking or heating appliances except those listed in #3 above; equipment such as electric frying pans, electric grills, hot plates, toasters, air conditioners, space heaters, electric cords outside of the room or building, or halogen lamps.
- Antennas, dishes or aerials for radios or TVs.
- Battery chargers or engine heater cords.
- Open fires, candles, incense, potpourri pots or halogen light bulbs.
- Weightlifting or exercise equipment.
- Pets (other than fish in a tank no larger than 10 gallons).
- Skateboards, roller blades, roller skates, and hoverboards are not to be used in hall at any time.
- Other items deemed inappropriate by campus housing staff.

NOTE: The preceding list is not all inclusive; any item that is a threat to public safety may be removed. In addition to confiscation, violators may be subject to sanctioning.

### **WSC Housing Contract Standard Regulations and Expectations:**

1. The student signature on this contract is an acknowledgement that he or she agrees to the terms and conditions of this contract and the rules and regulations outlined in the WSC Student Code of Conduct. Violation of these rules or other inappropriate conduct is handled through the disciplinary processes outlined in the WSC Student Code of Conduct and may result in termination of this contract. Termination of contract for conduct reasons will result in a breach of contract (*see section 4.c.*).

2. No student may create excessive noise, disturb or infringe on the rights of others, harass, haze, or in any way lessen the educational effectiveness of the college. This includes behavior that attempts to force a roommate to move out of the room and/or attempts to prevent a new roommate from moving into the room.

a. The college will not tolerate verbally or physically threatening behavior toward staff members or students. Verbal or physical threats to staff members or students may result in eviction from residential and dining facilities and/or suspension or expulsion from the college.

b. Students are responsible for checking the condition of their room upon check-in. A signature on the room inventory and condition form is confirmation of the room condition at check-in. The Director for Residence Life may make a final inspection of the room and may adjust the damage assessment as necessary. Roommates are encouraged to discuss damages with each other and take responsibility for their respective charges before check out. The last roommate to check out is responsible of the remaining unclaimed damages. Failure to complete room condition form may result in additional charges.

c. Students are responsible for damages and loss to college property resulting from negligence or misuse. When responsibility within a room or suite cannot be determined, all roommates will be jointly responsible. Willful damage of college property shall be cause for disciplinary action, which can result in loss of housing privileges or dismissal from the college.

d. After termination of this contract, the Head Resident may dispose of abandoned or unclaimed property held in storage for more than 30 days by way of public or private sale or can otherwise dispose of such property. The Housing department can keep the proceeds.

e. Students are responsible for information provided during hall/floor meetings, via WSC email as well as materials posted in residential facilities.

f. All campus including residence halls and surrounding college grounds are designated as tobacco free. No tobacco use of any kind is allowed in any area of the campus.

### **DAILY CRIME AND FIRE LOG**

Campus Security makes the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection at the Campus Security Headquarters which is located at 1410 University Avenue, Art Wood Building, Williston, ND 58801. Any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request. The information in the crime and fire log typically includes the incident number, crime classification, date reported, date occurred, general location, and disposition of each reported crime. All confirmed fires occurring within or on all on-campus residential facilities will also be included in the Daily Crime and Fire Log. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal

incidents and fires that may impact the College's campus community.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the college's Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime and Fire Log within two business days of when it is reported to the Campus Security. It is important to note that Campus Security has no jurisdiction outside of its identified Clery geography. Any time Campus Security assists the local police or Campus Security's presence is otherwise requested by the police outside of the campus' Clery geography jurisdiction, an incident report will be generated, and the crime classification will be annotated on the Daily Crime and Fire Log.

## **EMERGENCY EVACUATION DRILLS**

Fire/emergency evacuation drills are conducted each semester in residence halls. Emergency 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.

Drills shall be held at expected and unexpected times, and under varying conditions to simulate the unusual conditions that can occur in an actual emergency. 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 INVESTIGATION/ARSON**

Every fire that is not known to be accidental (such as a cooking fire) will be investigated by Campus Security in conjunction with the Williston Fire Department and Williston Police Department, who may provide trained arson investigation techniques. Fires determined through investigation to be willfully or maliciously set are classified as arsons for Clery reporting purposes.

## FIRE SAFETY SYSTEMS IN WILLISTON STATE COLLEGE ON-CAMPUS RESIDENTIAL FACILITIES (2022)

Current Fire Safety Systems in place within On-Campus Residential Facilities as of Calendar Year 2022												
Facility	Address	Year Built	Building Fire Alarm	Room Detection	Smoke Detection	Pull Station	Operations Center Connected	Fire Evacuation Maps	Sprinkler	Fire Extinguisher	Fire-Rated Doors	Fire Drills Conducted
Frontier Hall	1410 University Ave.	2011	YES	YES	YES	YES	YES	YES	Full	YES	YES	2
Abramson Hall	601 E. Highland Dr.	1975	NO	YES	YES	NO	NO	NO	NO	YES	NO	2
Manger Hall	609 E. Highland Dr.	1975	NO	YES	YES	NO	NO	NO	NO	YES	NO	2
Nelson Hall	613 E. Highland Dr.	1975	NO	YES	YES	NO	NO	NO	NO	YES	NO	2

On-Campus Fire Statistics															
Facility	Number of Fires			Cause of Fire			Number of Injuries Requiring Medical Facility Treatment			Number of Deaths			Value of Property Damaged		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Frontier Hall	0	0	0	0	0	0	0	0	0	0	0	0	\$0	\$0	\$0
Abramson Hall	0	0	0	0	0	0	0	0	0	0	0	0	\$0	\$0	\$0
Manger Hall	0	0	0	0	0	0	0	0	0	0	0	0	\$0	\$0	\$0
Nelson Hall	0	0	0	0	0	0	0	0	0	0	0	0	\$0	\$0	\$0

## Appendix I: Clery-Designated Crime Definitions

WSC is required to report crime statistics as defined by the Clery Act for the following crimes if the crimes are reported and occur in geographic locations as defined above.

**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 or probably would result in a serious potential injury if the crime were successfully completed.

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

**Burglary** – The unlawful entry of a structure to commit a felony or a theft.

### **Dating Violence**

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

There is no local jurisdiction definition of dating violence.

### **Domestic Violence**

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

### [North Dakota Century Code 12.1-17-01.2 Domestic Violence](#)

1. For purposes of this section "family or household member" means family or household member as defined in section 14 - 07.1 -01.
2. A person is guilty of an offense if that person willfully causes:
  - a. Bodily injury to the actor's family or household member;
  - b. Substantial bodily injury to the actor's family or household member; or
  - c. Serious bodily injury to the actor's family or household member.
3. The offense is:
  - a. A class B misdemeanor for the first offense under subdivision a of subsection 2 and a class A misdemeanor for a second or subsequent offense under this section or sections 12.1 - 17 - 01, 12.1 - 17 - 01.1, or 12.1 - 17 - 02 involving the commission of domestic violence, as defined in section 14 - 07.1 - 01. For purposes of this subdivision, a prior conviction includes a conviction of any assault offense in which a finding of domestic violence was made under a law or ordinance of another state which is equivalent to this section.



- b. A class A misdemeanor for an offense under subdivision b of subsection 2 and a class C felony for an offense under subdivision c of subsection 2 .
  - c. A class B felony for an offense under subdivision b or c of subsection 2 if the victim is under twelve years of age.
4. A person charged with an offense under this section must be prosecuted in district court.

**Drug abuse violations** - violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

**Liquor law violations** - violations of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Motor Vehicle Theft** – The theft or attempted theft of a vehicle.

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

**Negligent Manslaughter** – The killing of another person through gross negligence.

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

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

- **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. This definition includes any gender of victim or perpetrator.
- **Fondling:** The touching of the private 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 his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

[There is no local jurisdiction definition of sexual assault, however North Dakota Century Code 12.1-20 Sex Offenses outlines definitions for Sex Offenses.](#)

### **Stalking**

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

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 to 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.

#### North Dakota Century Code 12.1-17-07.1 Stalking

1. As used in this section:

- "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.
- "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.
- "Stalk" means:
  - (1) To engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person and which serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment; or
  - (2) The unauthorized tracking of the person's movements or location through the use of a global positioning system or other electronic means that would cause a reasonable person to be frightened, intimidated, or harassed and which serves no legitimate purpose.

2. A person may not intentionally stalk another person.

3. In any prosecution under this section, it is not a defense that the actor was not given actual notice that the person did not want the actor to contact or follow the person; nor is it a defense that the actor did not intend to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is prima facie evidence that the actor intends to stalk that person.

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

5. If a person claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.

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

- (1) The person previously has been convicted of violating section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07, or a similar offense from another court in North Dakota, a court of record in the United States, or a tribal court, involving the victim of the stalking;
- (2) The stalking violates a court order issued under chapter 14-07.1 protecting the victim of the stalking, if the person had notice of the court order; or
- (3) The person previously has been convicted of violating this section.

b. If subdivision a does not apply, a person who violates this section is guilty of a class A misdemeanor.

**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.

**Weapons violations** - the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**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.

This information is provided as a part of WSC’s continuing commitment to safety and security on campus in compliance with the Jeanne Clery Act. Concerns, questions, or complaints related to this document, or the applicable statutes should be directed to the Director for Campus Services either by mail at WSC, 1410 University Avenue, Stevens Hall Building, Williston, ND 58801; email at: [travis.kitchens@willistonstate.edu](mailto:travis.kitchens@willistonstate.edu); or by telephone at (701) 774-4578

## Appendix II: Campus Map & Geographic Categories

WSC discloses statistics for reported Clery Act crimes that occur (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on noncampus buildings or property that WSC owns or controls.

To request copies of the campus maps indicating the above-mentioned locations, please contact:

Office of the Vice President for Student Affairs

1410 University Avenue

Stevens Hall, Suite 105

Williston, ND 58801

[wsc.studentaffairs@willistonstate.edu](mailto:wsc.studentaffairs@willistonstate.edu)

701-774-4295

Executive Assistant to the President

1410 University Avenue

Stevens Hall, Suite 201

Williston, ND 58801

701-774-4526