



DAKOTA COLLEGE AT
BOTTINEAU



Annual Security and Fire Safety Report 2023-2024

2023-2024 Annual Security and Fire Safety Report – Dakota College Student Housing Department

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Dakota College at Bottineau 2023-2024 Annual Security and Fire Safety Report

Dakota College at Bottineau and its Housing Department are committed to ensuring a safe and secure campus for all students, staff and faculty.

Dakota College at Bottineau is student-focused and community centered. DCB values Integrity, Engagement, Inclusion and Passion. DCB provides a quality education in a caring environment and adapts to the changing educational landscape to empower students and impact communities. DCB first opened its doors in 1906 as the North Dakota School of Forestry. DCB is fully accredited by the Higher Learning Commission and offers over 30 Career and Technical Education programs, as well as Liberal Arts and Transfer Programs.

DCB prioritizes creating a safe learning and working environment for our campus community. DCB Housing Department and Plant Services Department are primarily responsible for overall safety and security on campus. Our offices work closely with local law enforcement at the Bottineau County Sheriff's Office to ensure we are proactive in providing a safe environment on campus. We ask all students, staff and faculty to be observant and report any safety related concerns to DCB Housing or Plant Services.

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

If you have any questions, concerns or suggestions regarding this publication, please contact DCB Housing at (701) 228-5657.

Sincerely,

Bridget Gustafson

Director of Student Life and Housing

Quick Reference Contact Information

In Case of Emergency – Call 911

On Campus Student Help (Non-Emergency)– (701) 480-9262

Bottineau County Sheriff's Office (non-emergency) – (701) 228-2740

DCB Housing and Student Life – Bridget Gustafson – (701) 228-5657 – Thatcher Hall Student Services

Title IX Office – Laura Halvorson – (701) 228-5680 – Thatcher Hall Library

DCB Athletic Director and Athletic Trainer – Carolyn Rygg – (701) 228-5620 – Thatcher Hall 158

DCB Plant Services Director (Facilities Management)– Christopher Nero – (701) 228-5461 – Arntzen Building

Bottineau Family Crisis Center (701) 228-2028 – 509 Main Street, Bottineau, ND. 58318

SMP Health Center/St. Andrew's Clinic – (701) 228-9400 – 314 Ohmer Street, Bottineau, ND. 58318

Pyramid Health and Walk-In Clinic – (701) 534-0109 – 516 Main Street, Bottineau, ND. 58318

ND Helpline, Suicide Prevention and Crisis Referral (800) 472-2911 or dial 211

ND Poison Control (800) 222-1222

Crime/Emergency Reporting and Campus Response

Reporting Crimes and Other Emergencies

Campus community members – students, staff, faculty and visitors are encouraged to report all criminal actions, emergencies, suspicious behavior, or other public safety related incidents occurring within DCB's Clery geography to the DCB Housing or Plant Services Departments in an accurate, prompt and timely manner. DCB's Clery geography includes:

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

DCB Housing and DCB Plant Services have been recognized as the official offices for campus crime and emergency reporting. DCB strongly encourages the accurate and prompt reporting of crimes.

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

This publication focuses on DCB Housing and DCB Plant Services because they have primary responsibility for patrolling the DCB campus and have been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus can be reported to the Bottineau County Sheriff's Office. Additionally,

DCB has identified a list of primary campus security authorities (CSA) to whom crimes or allegations of crimes can be reported.

Primary Campus Security Authorities (CSA)

- Contact DCB Student Help at (701) 480-9262
- Report crimes and/or incidents in person to DCB Housing in Thatcher Hall – Student Services, Title IX Office – Thatcher Hall Library or DCB Plant Services – Arntzen Building. Dakota College at Bottineau – 105 Simrall Blvd, Bottineau, ND. 58318.
- Crimes or emergency situations can also be reported to the Bottineau County Sheriff's Office by calling 911 or dialing (701) 228-2740 for dispatch.
- Title IX report forms can be found on our website: <https://www.dakotacollege.edu/student-life/title-ix>
- DCB Housing/Security Incident forms can be found on our website: <https://www.dakotacollege.edu/faculty-and-staff/forms> (this form is for non-emergency or non-urgent reporting purposes)

Response to Reports

DCB Housing Personnel are available 24/7 including holidays and periodic closures during severe storms or other unforeseen circumstances. DCB Housing Personnel are not available when the residence halls are closed for winter and summer breaks, and the halls have been vacated of all students. DCB Housing carries a department issued cell phone (701-480-9262) at all times to immediately respond to a call for service. DCB Housing Personnel will immediately respond or if appropriate contact the Bottineau County Sheriff's Office (BCSO) for response to campus. All reported crimes will be investigated by DCB unless a crime of violence against a person occurs. If appropriate, these crimes will be immediately referred to the BCSO for investigation. All criminal information and evidence obtained by DCB will be forwarded to BCSO. DCB Housing works closely with local law enforcement assuring a complete and timely response to all emergency calls. Priority is given to crimes against persons and personal injuries. Crime victims are provided with on and off campus resource information as necessary and appropriate. DCB Housing and DCB Plant Services responds to and investigates all reports of crime and/or emergencies that occur within the campus Clery geography.

To obtain general information, campus community members should call DCB Housing or the Student Helpline at (701) 480-9262. For emergency assistance community members should contact the Bottineau County Sheriff's department by dialing 911. All crimes should be reported to DCB Housing to ensure inclusion in the annual crime statistics and to aid in providing timely warning Campus Safety Alert notices to the community, when appropriate.

Responsibilities of the DCB Community for their own personal safety and security and the safety and security of others

Members of the DCB community must assume responsibility for their own personal safety and the security of their personal property and are encouraged to assist others. The following precautions provide guidance:

- Report all suspicious activity to DCB Housing or DCB Plant Services personnel immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night.
- Limit alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call DCB Housing personnel or the DCB Student Helpline at the first signs of concern.
- Carry only small amounts of cash.
- Never leave valuables unattended or in an unlocked room.

- Always carry your keys and never lend them out to anyone.
- Lock bicycles and motorcycles, lock car doors and windows when leaving your car.
- Always lock the door to your residence hall room when you leave, and when you are sleeping at night and that windows are closed and locked. Do not prop interior or exterior residence hall doors.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Inventory personal property and insure it appropriately with personal insurance coverage.

How to Report a Crime

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

Where to report a crime:

- DCB Student Helpline – (701) 480-9262 available 24/7
- Bottineau County Sheriff’s Office 911 or call (701) 228-2740 for dispatch

Limited Voluntary Confidential Reporting

DCB encourages anyone who is the victim or witness to any crime to promptly report the incident. Because many reports are public records under state law, DCB cannot hold reports of crime in confidence. Anonymous reports may be filed for statistical reporting purposes. A student’s privacy concerns are weighed against the needs of DCB to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. In compelling situations, DCB reserves the right to take reasonable action in response to any crime report, and information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

The Memorandum of Understanding with the Bottineau County Sheriff’ office stipulates DCB will notify BCSO of all crimes occurring on campus or other Clery reportable geography unless state law allows anonymity.

Confidential Reporting

If you are the victim or witness of a crime, and do not wish to pursue action within the campus or criminal justice systems, you should still consider making a confidential report. With your permission, a CSA may file a report that documents the details of the crime without revealing your identity. With this information, DCB can keep accurate records of crimes for inclusion in the Annual Security Report, and better identify crime trends. Students may make confidential reports to DCB’s Counselor assigned to the DCB Student Mental Health. Counselors, when acting in their capacity and function as DCB counselors, do not make identifiable reports of incidents to the Official On-Campus Resources unless the student specifically requests them to do so; however, DCB encourages counselors, if and when they deem it appropriate, to inform students they can report incidents of crime to a DCB CSA, which can be done directly or anonymously.

DCB Mental Health Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification. A counselor may be considered a Campus Security Authority (CSA) if, while not acting as a counselor, a crime is reported to them.

Anonymous Reporting

DCB Housing and/or DCB Plant Services, unless otherwise prescribed by law or as set forth within this Annual Security and Fire Safety Report, does not report anonymous incident reports. The only exception to this policy is addressed below.

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

Statistical Disclosure of Reported Incidents

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

Reporting a Crime to DCB Housing and/or DCB Plant Services and/or Bottineau County Sheriff's Department (BCSO)

A person reporting a crime to DCB has the right to report the crime to the BCSO by calling 911. DCB housing personnel regularly discuss this option with the victim of a crime and will assist the victim with that process.

Off-Campus Crime

If the BCSO is contacted about criminal activity off-campus involving DCB students, the police may notify DCB Housing and/or DCB Plant Services. Students in these cases may be subject to arrest by the local police and the student may be held accountable in college disciplinary proceedings.

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

In the 2023-2024 Academic year DCB did not have any non-campus locations of Student Organizations.

DCB Housing Safety Authority and Jurisdiction

DCB Housing and DCB Plant Services are recognized as the primary campus departments responsible for providing safety and security for students, faculty, staff, and campus visitors. DCB Housing personnel are available 24/7 and is comprised of four Head Residents that live and work on campus. Head Residents are not licensed police officers and do not possess the power of arrest as defined by the North Dakota Century Code. DCB's jurisdiction encompasses its Clery geography which includes its main campus, including campus residence halls, buildings, and/or facilities. DCB Housing or DCB Plant Services Personnel will respond immediately, or as soon as possible, to any call for service. DCB Housing and DCB Plant Services personnel have been granted the authority by the college to enforce its policies, consistent with federal, state, or local law. DCB Housing personnel patrol the campus grounds via foot and conduct regular interior and exterior checks of academic, administrative and residential buildings and respond to incidents occurring anywhere within the DCB's Clery geography.

Primary Law Enforcement Agency

The Bottineau County Sheriff's Office (BCSO) is the primary law enforcement agency responsible for sworn police services for DCB. DCB and the BCSO have developed a Memorandum of Understanding that provides for immediate notification and response to all crimes, emergencies, or requests for service to campus. DCB Housing personnel and DCB Plant Services can respond to and investigate all reports of crimes and/or emergencies that occur on or near campus. Priority response is given to crimes against persons and personal injuries. It is the policy of DCB to report all criminal activity to the

BCSO. We ask that all campus community members report any criminal activity to DCB Housing or DCB Plant Services, or BCSO. To obtain general information or request any security or safety services, campus community members should call DCB Housing personnel at (701) 480-9262. For emergency assistance campus community members should call 911. When placing an emergency call, remember to stay on the line and wait for the dispatcher to end the call. If a sexual assault should occur on campus, DCB will offer the victim a wide variety of resources and services. This publication contains information about on and off-campus resources and services and is made available to the DCB campus community. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for DCB. As mentioned, crimes should be reported to DCB Housing or DCB Plant Services to ensure inclusion in the annual crime statistics and to aid in providing timely warning Campus Safety Alert notices to the community, when appropriate.

Security and Access to Campus Facilities

Academic and Administrative Buildings

During normal business hours, the DCB campus is generally open and accessible to students, faculty, staff, and visitors. Most academic and administrative buildings are open during normal business hours (typically Monday through Friday, from 8 am to 5 pm, except holidays) and are secured at the designated closing time. Some highly utilized buildings are open on weekends to accommodate student’s needs, depending upon class schedules, special campus event scheduling, and community usage. Individuals who wish to access DCB buildings or property during non-business hours or for special events should contact DCB Plant Services at (701) 228-5441 to schedule an event. Some Buildings have unique normal operating hours which may vary at different times of the year. In these cases, the building will be secured according to the schedules developed by DCB in coordination with the academic department utilizing the building. DCB Housing personnel patrol the campus grounds on foot and conduct regular interior and exterior checks of academic, administrative and residential buildings and respond to incidents occurring anywhere within the college’s Clery geography. DCB Housing personnel can provide safety services when requested for students. To maintain the safety of DCB facilities, all access device holders (including employees, and students and personnel living in on-campus housing) are required to follow established security standards. The term “access device” refers to keys, fobs, and any other present or future device used on any approved access system at DCB. All access devices are the property of DCB and can be confiscated at any time. DCB Plant Services and Information Technology have the authority to change, add to, or alter any DCB approved and installed access system. This includes the installation of a hasp or padlock or privately supplied locking devices. These devices will be removed and the department or individual responsible will be charged for all costs incurred. DCB Housing personnel patrol the exterior and interior of each Thatcher Hall, the residence halls, Student Center and outdoor areas (parking lots) throughout the night. The campus video system allows for continuous monitoring in real time. The video system has a record and playback capability.

Residence Halls

DCB Housing personnel live in assigned residence halls and apartments and are on call on a weekly rotating schedule, 24 hours a day. All DCB Housing personnel undergo annual comprehensive training in enforcing residence life policies. All residence hall entrance doors are locked 24 hours a day. Access to residence halls is restricted to DCB students and authorized staff, and the halls are secured by key and fob systems 24/7. Students who are residents of a specific residence hall have building access by use of key fob swipe system. Both on-campus and off-campus guests that are not residents of a specific residence hall must be escorted by a resident of that hall. Guests must register with the appropriate housing personnel. DCB Housing personnel and student resident assistants (support personnel) routinely patrol the interior common areas, spaces, and hallways of buildings equipped with such common spaces and regularly patrol the exteriors of all campus residence halls. DCB Housing and support personnel also enforce campus policies and security measures within the residence halls to achieve a community respectful of individual and group rights and responsibilities.

Academic Break Housing

During the academic year, DCB is open during the holiday breaks. The residence halls may remain open to those students wishing to stay on campus, and with approval from DCB Housing. Students must turn off all lights, turn off alarms, empty wastebaskets, close and lock windows, and lock doors. Residence hall staff and college maintenance personnel may enter your room without notification during break times. Students are notified in the Residence Life Handbook that staff will enter rooms during academic breaks for room checks. Room checks are done by a minimum of two people to check for safety concerns such as open windows, activated smoke alarms, plumbing issues, and adequate room temperature. Policy violations are the responsibility of the assigned resident of each room. Students are encouraged to notify DCB Housing personnel if they are staying in a residence hall during an academic break. This allows efficient notification of any emergency.

Safety Considerations Used in the Maintenance of Campus Facilities

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

- Keys and fobs are issued to authorized staff, faculty and students.
- Exterior building doors are prohibited from being propped when the doors are locked.
- Building evacuation is mandatory for all fire alarms.
- Video security cameras are positioned to monitor all exterior doors and parking lots.
- Lighting on campus is continuously evaluated for safety purposes and more added when needed.
- Parking lots and pathways are illuminated with lighting.
- Head Resident and Student Resident Assistant evening rounds.
- Evening patrol by the Bottineau County Sheriff's Office.
- Staff, faculty and students who encounter persons who behave in a suspicious manner or are involved in suspicious activity should immediately report a description of the person and their location to DCB Housing personnel at (701) 480-9262.
- Campus community members can report hazards to DCB Plant Services through the online Minor Repair Order found on our website: <https://www.dakotacollege.edu/faculty-and-staff/forms>

DCB safety is supplemented by a variety of technological systems including electronic access to buildings, interior and exterior cameras, fire detection and monitoring systems. Members of the campus community are encouraged to immediately report equipment issues to DCB Plant Services at (701) 228-5441.

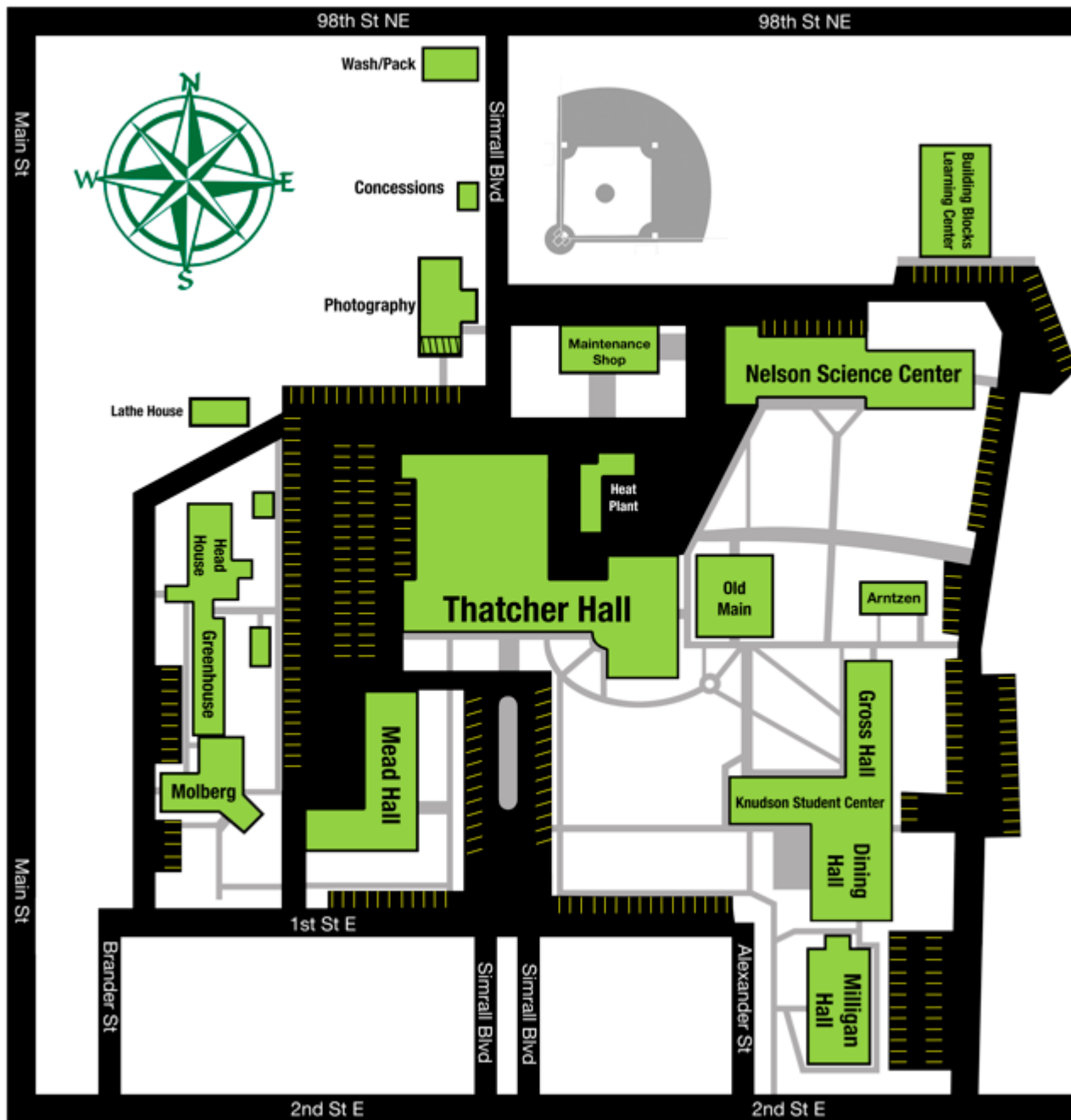
DCB's Working Relationship with Local Law Enforcement

DCB maintains a close working relationship with the Bottineau County Sheriff's Office (BCSO). The DCB Housing Director holds collaborative meetings with BCSO to review issues and incidents occurring on campus and campus adjacent. DCB is comfortable with and capable of reaching out to this responsive law enforcement entity for support and assistance as it relates to the DCB safety of the campus community. DCB Housing and Plant Services personnel and local law enforcement officers communicate on the scene of incidents that occur in and around the campus area. DCB Housing and Plant Services Personnel work closely with local law enforcement investigators when incidents arise that require joint communication efforts.

Memorandum of Understanding

A Memorandum of Understanding between DCB and BCSO assumes a direct working relationship. The Memorandum of Understanding allows for the cooperation and coordination of investigation activities of alleged criminal offenses. In addition to investigations, BCSO will respond to campus to make criminal arrests or perform other law enforcement functions.

Campus Map – Clery Geography



Safety Training

DCB Housing and DCB Plant Services provide in-house and practical training annually to personnel. Training topics include the DCB Student Handbook, Staff and Faculty Handbook, Residence Life Handbook, Clery CSA Training, Title IX Training, Avigilon Camera System, Fire Alarm and Monitoring systems and procedures, electronic access control, report writing and submissions, Mental Health Resources, CPR and Health and Safety training for emergency medical situations.

Timely Warning Notices – Notifying the DCB Campus Community about Crimes

To provide timely notice to the DCB community in the event of a criminal situation that, in the judgment of DCB Housing, Plant Services or Dean's Office, or designee, may pose a serious or continuing threat to members of the campus

community, a Timely Warning notice will be issued. Timely Warning notices will be distributed as soon as pertinent information is available, in a manner that is timely, that withholds the names of victims as confidential, and with the goal of increasing the safety of the campus community by aiding in the prevention of similar crimes or occurrences. Timely warning notices are primarily distributed by the emergency notification system (Assurance NM) to all students and employees on campus as soon as pertinent information is available. Alerts can also be sent/communicated via a variety of other notification methods, as outlined in the Emergency/Immediate Notification section of this Annual Report and highlighted below. The intent of a Timely Warning notice is to warn the campus regarding a criminal incident, providing individuals an opportunity to take reasonable precautions to protect themselves. Timely warning notices are generally written by the DCB Housing Director, Plant Services Director, or designee, and they are routinely reviewed and approved by the campus Dean and Campus Policy Committee. The campus Dean has the authority to issue a Timely Warning notice without such consultation if consultation time is not available. The campus Dean's office and Plant Services Director is responsible for activating the Assurance NM emergency notification system and coordinating with the DCB Housing Director for further notifications to students, staff and faculty. Should the campus Dean be directly impacted and involved in an incident response or otherwise unavailable, the DCB Plant Services Director will write and send a Timely Warning notice. Timely warning notices are sent to the campus community to notify members of the community about specific Clery Act crimes (as described below) that have been reported to DCB Housing and DCB Plant Services and that have occurred on or within the campus Clery geography (on-campus, non-campus, or public property), where after review and assessment it is determined that the incident may pose a serious or continuing threat to members of the campus community. Updates to the campus community when deemed necessary, about any case resulting in a Timely Warning notice may be distributed via the Assurance NM emergency notification system, phone, text message, email, posted on the official university website, press release, local media, and/or social media.

Timely warning notices may also be posted through target communication – poster, letters, group meetings, etc. by DCB Housing in campus buildings when deemed necessary. DCB personnel are informed of their responsibility to share timely warning notice information with their sponsored visitors and/or guests. The sponsoring DCB department of an event, or conference organizer, is responsible to inform attendees, and/or leaders about notices and notice posters that may be posted in areas where conference attendees are visiting and/or occupying.

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

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

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

The DCB Housing Director and Plant Services Director will confer with the DCB Dean's office during the response to a crime to ensure a proper review of all Clery crimes (and other criminal incidents, as deemed appropriate) to determine if there is a serious or continuing threat to the community and if the distribution of a timely warning notice is warranted. Campus officials not subject to the timely reporting requirement are those with significant counseling responsibilities who were providing confidential assistance to a crime victim. This exemption only applies to the DCB Mental Health Counselors who are performing that specific function and role as their primary employment with the college.

Safety Alert and/or Emergency Notification

A Safety Alert will be issued when an event or set of circumstances exist on or near campus that pose (or could potentially pose) a threat to the health or safety of the campus community. Safety Alerts may include but are not limited to information regarding suspicious people, sex offenders on or near campus, suspected criminal activity on or near campus, severe weather, hazardous material incidents, or any other situation affecting the safety of campus residents. A Safety Alert may include a Clery-reportable crime if it occurred within a close geographical proximity to the DCB campus, but not within DCB's Clery-reportable geography. If warranted, a Safety Alert may be issued for a Clery Act crime that occurred at a previous point in time and was not reported to DCB in a timely manner. The Dean's Office or Plant Services Director or any designee may issue a Safety Alert. The Safety Alert will be disseminated primarily through Assurance NM. Updates to the campus community, when deemed necessary, about any case resulting in a Safety Alert may be distributed via the Assurance NM emergency notification system, phone, text message and email. Safety Alert notices may also be posted through target communication – posters, letters, group meetings, etc. by DCB Housing in campus buildings when deemed necessary.

Daily Crime and Fire Log

DCB Housing maintains a Daily Crime Log in cooperation with the Bottineau County Sheriff's Office. DCB Plant Services maintains a daily Fire Log. DCB Housing makes the Daily Crime Log open to public inspection upon request via email, phone or in writing. All confirmed fires occurring within or on all on-campus residential facilities will also be included in the Daily Crime and Fire Log. The information in the crime log typically includes the incident number, crime classification, date reported, date occurred, general location of crime, and disposition of each reported crime. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents that may impact the campus community. The names of crime victims will not be listed on the Daily Crime Log. Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the campus's Clery geography and updated information regarding previously reported crimes are entered into the Daily Crime within two business days of it being reported to DCB Housing from the Bottineau County Sheriff's Office.

Preparation of Annual Disclosure of Crime Statistics and Clery Compliance

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The DCB Housing Department is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility is specifically designated to the DCB Director of Student Life and Housing. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the campus community obtained from the following sources: DCB Housing department and Judicial office, Bottineau County Sheriff's Office, Title IX Office and Human Resources Department are key offices from which drug, liquor, and weapon offense referral data is obtained along with sexual offenses and potential reports of other Clery crimes. A written request for statistical information is made at least on a semester basis to all Campus Security Authorities or CSAs (as defined by federal law). CSAs are also informed in writing and/or through training to report crimes to DCB Housing or DCB Plant Services in a timely manner so those crimes can be

evaluated for timely warning purposes. A Campus Security Authority or CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- DCB Housing Personnel including Head Residents and Student Resident Assistants.
- Any individual or organization specified 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, clubs and organizations.

An Official is defined as any person who has the authority and the duty to act or respond to particular issues on behalf of the institution. Crime reports can be made to the following individuals who have been designated by DCB as Campus Security Authorities (CSAs) due to their significant responsibility over students and student activities on campus:

Associate Dean for Student Services – Corey Gorder – (701) 228-5451

Director of Student Life and Housing, Judicial Officer – Bridget Gustafson – (701) 228-5657

Plant Services Director – Christopher Nero – (701) 228-5461

Athletic Director – Carolyn Rygg – (701) 228- 5620

Title IX Coordinator – Laura Halvorson – (701) 228-5680

Head Residents and Student Resident Assistants

Head Coaches and Assistant Coaches

Faculty and Staff Advisors for Clubs and Organizations

Staff Supervisors of Student Workers

Counselors

Statistical information is not requested from, nor is it provided by, Student Mental Health who are performing that function and role as their employment with DCB. Counselors are not required by law to provide statistics for this compliance document. Counseling Professionals, as defined by the Federal law, who act in such capacities, have been advised that, while they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to DCB Housing and/or Plant Services for inclusion in the annual statistics. The Mental Health Center counselor may facilitate anonymous reporting, as outlined earlier in this Annual Security and Fire Safety Report. All statistics are gathered, compiled, and reported to the campus community via this report, entitled the “Annual Security and Fire Safety Report,” which is published by DCB Housing no later than October 1st of each year. DCB Housing submits the annual crime statistics published in this brochure via a Web-based reporting system to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through their website. Table One of the crime statistics satisfies the reporting requirements outlined by the Clery Act.

Annual Security Report Availability

DCB Housing 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 summary of the contents of this report. The email includes the address for the DCB Safety website where the Annual Security and Fire Safety Report (ASFSR) can be

found online, and notification that a physical copy may be obtained by making a request to DCB Housing; Student Services, Thatcher Hall, 105 Simrall Blvd. Bottineau ND. 58318 or (701) 228-5657.

Specific Information about Classifying Crime Statistics

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

Clery Act Reporting

For Clery Act reporting purposes, the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons Law violations, the statistics indicate the number of people arrested by law enforcement or referred to Human Resources for possible disciplinary action for violations of those specific laws. Hate crimes are reported in narrative form and are separated by category of prejudice. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender's bias. For example, if a subject assaults a victim it is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime. For Clery Act Purposes, Hate Crimes include any of the following offenses that are motivated by the offender's bias: Murder and Non-negligent Manslaughter, Sexual Offenses (rape, fondling, incest and statutory rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/ Vandalism of Property. Campus Save was signed into law on March 7, 2013, as part of the reauthorization of the Violence Against Women Act (VAWA); it covers students and staff of institutions of higher education and amends the Jeanne Clery Act to include new reporting requirements for Domestic Violence, Dating Violence, and Stalking and additional policy statements and training requirements.

Geography Definitions from the Clery Act

On-Campus defined as: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor). Non-Campus Building or Property defined as: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. The Non-Campus geography definition includes buildings or properties under temporary control during institutionally sponsored short-stay-away domestic or international trips for students of more than one night, or buildings or properties under temporary control during institutionally sponsored domestic or international trips for students to repeated locations.

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

Public Property defined as: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities. The DCB 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 considered a subset of the On- Campus category. Reasonably Contiguous is defined in as: Any building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the "campus." DCB considers locations within half a mile from the core or main campus border to be reasonably contiguous with the campus.

Established Clery Reportable Geography

According to The Handbook for Campus Safety and Security Reporting (Handbook), which explains the Department of Education’s requirements under the Clery Act, the 2023-2024 reportable geography of Dakota College at Bottineau includes the following locations:

- 105 Simrall Blvd, Bottineau, ND. 58318 (Main Campus) – includes all Campus Buildings and Residence Halls

Unfounded Crimes

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

CAMPUS CRIME STATISTICS FOR Dakota College at Bottineau

CRIMINAL OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENCE	NONCAMPUS	PUBLIC	TOTAL
Aggravated Assault	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Arson	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Negligent Manslaughter	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Burglary (Total)	2021	0	0	0	0	0
Burglary (Total) Forcible Burglary *	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Forcible Burglary * Non-Forcible Burglary *	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Non-Forcible Burglary * Attempted Burglary *	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Attempted Burglary * Motor Vehicle Theft	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Motor Vehicle Theft Murder/Non-Negligent Manslaughter	2021	0	0	0	0	0
	2022	0	0	0	0	0

	2023	0	0	0	0	0
Murder/Non-Negligent Manslaughter Robbery	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Robbery	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Sexual Offenses (Total) Rape *	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Rape *	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Fondling*	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Incest*	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Statutory Rape*	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Stalking*	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Domestic Violence*	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Dating Violence*	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Arrests – Liquor Law Violations	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	3	3	0	0	3
Arrests – Drug Abuse Violations	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Arrests – Weapons: carrying, possessing	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Non-Arrests/Campus Referrals Liquor Law Violations	2021	18	18	0	0	18
	2022	45	45	0	0	45
	2023	33	33	0	0	33
Non-Arrests/Campus Referrals Drug Abuse Violations	2021	0	2	0	0	2
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Non-Arrests/Campus Referrals Weapons: Carrying, possessing, etc	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0

During the 2021, 2022 and 2023 years, none of the statistics above were reported or determined to meet the definition of a hate crime as defined by the FBI Uniform Crime Reporting Hate Crime Data Collection Guidelines.

*These categories were new for the 2013 reporting period and were not required to be reported in this manner in 2012. Statistics for

2012, where available, have been provided for your information. *NOTE: Sodomy and sexual assault with an object are included in the rape category.*

By definition any occurrence in the 'campus residence' category also occurs in the 'campus' category. On campus Residence crimes are included in the on-campus numbers.

Emergency Response and Evacuation

Emergency Preparedness

Emergency operations planning at DCB means preventing, preparing for, responding to, and recovering from all emergencies that could affect the college and local Bottineau community. Emergency preparedness at DCB is managed by the Emergency Management Committee with oversight by the Directors of Housing and Plant Services. The emergency response and evacuation protocols and procedures outlined within this Annual Report are reflective for on-campus buildings, facilities, and residence halls.

Emergency Response

Emergencies occurring on campus should be reported to DCB Plant Services by dialing (701) 228-5461 or by dialing 911 for outside emergency responders. In conjunction with other emergency agencies, the college conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced are designed to assess and evaluate the emergency plans and capabilities of the institution. After-action reviews will be conducted following each test and/or exercise that documents the test/exercise, provides a description for each test/exercise, the date, time, whether the test was announced or unannounced, and an assessment of the lessons learned from the exercise.

Emergency Evacuation

General Building Evacuation Procedures: When the building fire alarm sounds, or when directed by a campus official to evacuate, all occupants will leave the building through the nearest exit. Designated DCB staff or Facilities personnel may remain behind for the purpose of assisting other occupants or emergency responders.

Actions to Take for Individuals Involved

In the event of an emergency or dangerous situation, DCB will direct students, faculty, staff, and guests to evacuate a building, several buildings, a portion of the campus, or the entire campus. Due to the unpredictability of these situations, affected parts of the campus will be provided directions on how to proceed while the event is happening or immediately after the event. The campus community will be asked to follow building and campus evacuation protocols and to obey directions from DCB and on-scene emergency responders (if present). Certain events, like a hazardous materials release or an active shooter, may require the DCB community and the public to shelter-in-place to prevent exposure to harmful elements.

Evacuation Procedure

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

- Know at least two ways out of the building.

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

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

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

Possible Evacuation Locations

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

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

Evacuation if Disable Persons

Always consult with the person in the chair regarding how best to assist them.

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

To evacuate people using wheelchairs:

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

To assist people with visual impairment:

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

To alert people who are deaf or hard of hearing:

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

To assist people with service animals:

- A service animal may become hesitant or confused during an emergency. Discuss how to best assist them if this should occur.

Basic “Shelter-in-place” Guidance

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

How to “Shelter-in-place”

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

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

Off-Campus Emergencies

DCB Plant Services may receive emergency information from the Bottineau County Sheriff’s Office regarding incidents in Bottineau County that could imminently impact the safety of the DCB community. When appropriate, DCB Plant Services notifies the campus community of off-campus threats that could also represent a threat to the health or safety of students or employees.

Emergency/Immediate Notification

DCB has developed a process to notify the campus community in cases of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire. Emergencies occurring on or within any of DCB's Clery geography (as defined in the "Geography Definitions" elsewhere in this Annual Report) should be reported to DCB Plant Services (701) 228-5461 or by dialing 911 for outside emergency responders. In the event of an emergency, an effective Campus-wide communications process is vital in order to provide the greatest safety possible for the DCB campus community. As part of its Emergency Management Operations, DCB has adopted a formalized procedure for issuing emergency/immediate notifications to the campus community. DCB will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on or near the campus that involves an immediate threat to the health or safety of students or employees. A threat is imminent when the need for action is instant, overwhelming, and leaves no moment for deliberation. Such situations would include, but are not limited to, a hazardous materials incident requiring shelter-in-place or evacuation, an armed intruder on or near campus, an approaching tornado, or a fire actively raging in a campus building. DCB will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the campus community, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency. Immediate notification to the campus can be accomplished through a variety of communications methods. Notification will be made by using some or all of the following multi-modal notification methods depending on the type of emergency: Assurance NM, email, cell phone text, voice message alert; fire alarm (where available). If any of these systems fail or DCB deems it appropriate, in person communication may be used to communicate an emergency. Confirmation of the existence of an emergency typically involves the response and assessment by DCB Plant Services, DCB Housing or the DCB Dean's Office, local police and first responders and/or the national weather center. When DCB personnel become aware of a situation that may warrant the issuing of an immediate notification, the DCB Plant Services Director or Dean's Office confirms (through response, investigation, or collaboration with emergency responders) that there is a significant emergency they evaluate the situation to determine if an alert is warranted, develops the content of the notification message, and then identifies the appropriate segment or segments of the campus community who will receive the notification. The DCB Plant Services Director or Campus Dean's Office, or Designee has the ability and authority to issue an alert without delay and without further consultation with any other campus official. Notification message content is determined based on the type of incident, the context with which it is occurring, and the immediate danger or threat to the campus community and the need to advise campus community members to act. DCB will endeavor to make such notification sufficiently specific to enable recipients to take an appropriate response to the threat. In situations lacking the presence of an imminent threat, DCB Plant Services or DCB Housing, consults with the Campus Dean's Office prior to an alert being issued. Follow-up notices/communications will be provided as necessary during an active incident and may be provided. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the described communications methods. Additionally, updates regarding a prolonged and ongoing emergency such as a health emergency (norovirus, serious illness, pandemic, etc.) can be provided by creating a banner (webpage) at the top of DCB's homepage that would contain specific status update information along with links to public health agencies (for example) or other relevant entities. When Assurance NM is activated, email, and cell phone text/voice messaging, college officials will notify campus community members of the emergency, its exact location, and will most likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the "shelter-in-place" concept. If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

Emergency Notification System Testing and Registration

DCB utilizes the Assurance NM emergency notification system. Assurance NM will notify the campus community through voice, text, and email. The Assurance NM system will be tested at least each calendar year to ensure that all systems are working properly. These tests will also be educational moments for the campus community to remind them that this system does exist, and that it is a working and functioning system that they can rely upon. In conjunction with at least one of the annual test notifications, information is shared with the campus community related to the campus' emergency response and evacuation procedures. Students, staff, and faculty are informed of DCB's Assurance NM emergency notification system and evacuation processes annually during training and through written notification. This includes dissemination of information about how to respond during the activation of the Assurance NM system in response to a significant incident on campus or within the immediate area of the campus that potentially directly impacts the safety of campus community members. These information sessions have been built into staff and faculty in service trainings, Housing personnel staff training, and new employee/faculty orientations. The Assurance NM procedural processes are tested annually – including the activation of cell phone, work or home phone, email account, voice mail, text messaging systems. These tests are usually announced tests but may be unannounced. Available student cell phone numbers are loaded into the Assurance NM system upon registration for classes.

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

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

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

The communications method used would depend on the type of emergency:

- Cell phone Text/Voice Messaging
- All Campus Email Alerts
- Voicemail
- Safety Website
- Fire Alarm System Notification
- Flyers posted throughout Campus.
- Direct On-foot and In-person Notifications

Additional Procedures for Disseminating Emergency Information to the Larger Community

DCB's website (www.dakotacollege.edu) and flyers posted throughout campus serve as primary distribution systems to disseminate emergency information to the larger community.

Alcohol/Drug Policies

In accordance with the federal Drug-Free Workplace Act of 1988, the federal Drug-Free Schools, and Communities Act (DFSCA) of 1989, and State policies on Alcohol and Other Drugs, DCB prohibits the unlawful or unauthorized possession, use, sale, manufacture, distribution, or dispensation of alcohol and other drugs by employees and students in the workplace or when representing DCB in a working capacity off campus. Responsible use of alcohol at DCB related social events (e.g., Alumni Dinner, Holiday Party, Athletic Events, etc.) or during designated social hours at conferences, seminars, etc. is exempt. Employee or student violators are subject to disciplinary action, up to and including termination of employment and expulsion. DCB Housing reports violations of law to the appropriate campus department and works in collaboration with the local police, on enforcing the laws of the State of North Dakota, including laws relative to the possession, use, and sale of alcoholic beverages. This includes the enforcement of State underage drinking laws and Federal and State drug laws. Student violations of the policies and guidelines pertaining to alcohol and drugs specified in the DCB Student Handbook and Residence Life Handbook will result in sanctions appropriate to the degree of the violation. Sanctions will increase in severity for repeated violations. Student sanctions will include, but are not limited to, fines, education, loss of privileges, referrals for counseling, probations, residence hall separation, or suspension or expulsion from the college. North Dakota Century Code states that individuals be at least 21 years of age to buy, possess and consume alcoholic beverages. It is illegal to give or sell alcohol to an individual under the age of 21. It is illegal to have an open container of alcohol in any vehicle. It is illegal to serve alcohol to an intoxicated person. It is illegal to sell alcohol of any kind without a license or permit. Organizations are not immune from prosecution for a legal violation. The officers of that group are usually the parties cited, but every group member is liable. Driving while intoxicated (.08 blood alcohol content) is a criminal offense.

Being intoxicated is not a legal defense for any charge, including assault, rape, vandalism, slander, manslaughter, or accident. If an underage person is involved in a drinking/driving crash after leaving a party, the victim(s) of the crash may sue both the person at fault and those who provided the alcohol. There are also serious legal repercussions for driving under the influence of alcohol. Drivers under the age of 21 with a BAC of .02 or higher will be charged with Driving Under the Influence. Drivers 21 and over with a BAC of .08 or higher will be charged with Driving Under the Influence. The use of narcotics and controlled substances without a prescription on campus premises, as elsewhere, is illegal. Illegal possession, use, and/or sale of drugs or narcotics by students, employees, or guests constitutes unacceptable and illegal conduct. DCB Housing reports violations of law to the appropriate DCB department and works in collaboration with state and federal law enforcement and local police, on for enforcing the laws of the State of North Dakota, including laws relative to the possession, use, and sale of narcotics and controlled substances.

Drug Free Schools and Communities Act (DFSCA) Compliance

A copy of the most current Drug Abuse and Alcohol Prevention Program (DAAPP) can be reviewed and obtained by contacting the Student Nurse or Mental Health counselor. Information related to alcohol and other drug use can be found in the Residence Life Handbook as well as additional alcohol and drug policies, standards of conduct, applicable disciplinary sanctions, health risks and counseling and treatment.

Alcohol and Other Drugs Education and Outreach

- A student who brings or uses intoxicating liquors, alcoholic beverages or illegal drugs on campus is subject to disciplinary action.
- A student who attends class under the influence of alcohol or illegal drugs is subject to disciplinary action.
- Faculty and staff are justified in contacting appropriate law enforcement authorities and/or DCB Housing in the event a student is under the influence.
- Students who are involved in illegal drug usage, off the premises of the campus, may also face disciplinary action.

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

Where to turn for help

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

On Campus

Mental Health Counselor – Corey Gorder – (701) 228-5451

Student Health Nurse – Mary Gorder – (701) 228-5460

Director of Student Life and Housing – Bridget Gustafson (701) 228-5657

Title IX Coordinator – Laura Halvorson – (701) 228-5680

Athletic Director and Athletic Trainer – Carolyn Rygg – (701) 228-5620

Community Resources

St. Andrews Clinic – (701) 228-9400

Pyramid Health – (701) 534-0109

Family Crisis Center – (701) 228-2028

National Numbers

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

Alcohol Education

DCB offers Alcohol Education courses for students through and annual subscription to Safe Colleges.

Dakota College's Response to Sexual and Gender Based Harassment and Interpersonal Violence

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

Policy Statement

DCB's Title IX Sexual Harassment Policy is designed to address conduct that falls within Title IX of the Education Amendments of 1972 and other federal and state laws and regulations. Additionally, the Policy is designed to address sexual misconduct that falls outside the jurisdiction of the Title IX. DCB adheres to all federal, state, and local civil rights laws prohibiting sex-based harassment in employment and education. DCB does not discriminate in its admissions practices (except as permitted by law), in its employment practices, or in its educational programs or activities on the basis of sex/gender. As a recipient of federal financial assistance for education activities, DCB is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex/gender. Sex includes sex, sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or parenting status. DCB also prohibits retaliation against any person opposing sexual harassment or participating in any investigation or complaint process internal or external to the institution. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sexual harassment, which are prohibited under Title IX and DCB policy. Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities and/or benefits of any member of the campus community on the basis of sex is in violation of the Sexual Harassment Policy. Any person may report sex-based harassment (whether or not the person reporting is the person alleged to have experienced the conduct), in person, by mail, by telephone, by video, or by email, using the contact information listed for the Title IX Coordinator (below). A report may be made at any time (including during non-business hours). Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Laura Halvorson; Title IX Coordinator

Office: located in the Library of Thatcher Hall

Dakota College at Bottineau, 105 Simrall, Blvd. 58318

(701) 228-5680

Laura.halvorson@dakotacollege.edu

Definitions

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

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

1. Domestic Violence:

i. A Felony or misdemeanor crime of violence committed by—

a. a current or former spouse or intimate partner of the victim;

b. a person with whom the victim shares a child in common;

c. a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

d. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

e. 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.

ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

2. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

ii. For the purposes of this definition—

a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

b. Dating violence does not include acts covered under the definition of domestic violence

iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

3. Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

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

ii. Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

iii. Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

iv. Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.

4. Stalking:

i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
a. Fear for the person's safety or the safety of others; or,

b. Suffer substantial emotional distress.

ii. For the purposes of this definition—

a. Course of Conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

b. Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.

c. Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

JURISDICTIONAL DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

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

1. Domestic Violence (:NDCC 12.1-17-01.2). In North Dakota state law, domestic violence is defined as,

i. For purposes of this section "family or household member" means family or household member as defined in section 14-07.1-01.

ii. 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

iii. The offense is: 26

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.

iv. A person charged with an offense under this section must be prosecuted in district court.

2. Dating Violence: The state of North Dakota does not have a definition on Dating Violence.

3. Sexual Assault (NDCC 12.1-20-07). In North Dakota state law, sexual assault is defined as a person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:

a. That person knows or has reasonable cause to believe that the contact is offensive to the other person.

b. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person's conduct.

c. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct, by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means for the purpose of preventing resistance.

d. The other person is in official custody or detained in a hospital, prison, or other institution and the actor has supervisory or disciplinary authority over that other person.

e. The other person is a minor, fifteen years of age or older, and the actor is the other person's parent, guardian, or is otherwise responsible for general supervision of the other person's welfare; or

f. The other person is a minor, fifteen years of age or older, and the actor is an adult.

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

Further, under Clery and Uniform Crime Reporting (UCR) definitions, the North Dakota Criminal Code (NDCC) sections relating to Gross Sexual Imposition (NDCC 12.1-20-03), and Sexual Imposition (12.1-20-04) are considered rape for the purposes of Clery reporting.

4. Stalking (NDCC 12.1-17-07.1). In North Dakota state law, stalking is defined as:

i. As used in this section: a. "Course of conduct" means a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity.

b. "Immediate family" means a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.

c. "Stalk" means:

1) To engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person and which serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment; or

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

ii. A person may not intentionally stalk another person.

iii. 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 27 intends to stalk that person.

iv. 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.

v. 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.

vi. 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 NDCC 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07, or a similar offense from another court in North Dakota, a court of record in the United States, or a tribal court, involving the victim of the stalking.

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

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

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

5. Consent: The state of North Dakota does not explicitly define consent; however, according to North Dakota Century Code § 12.1-20-01, the age of consent is 18 years old. A person under the age of 15 cannot legally consent to sexual activity under any circumstances; a person between the ages of 15 – 17 is legally able to consent to sexual activity if the partner is less than three years older. For example, a 16-year-old can legally consent to engage in sexual activity with a partner who is 18 years old, but not a partner who is 19 years old. The state does provide descriptors commonly associated with Consent when describing the offenses of Sexual Assault (NDCC 12.1-20-07), Gross Sexual Imposition (NDCC 12.1-20-03), Sexual Imposition (12.1-20-04).

Dakota College's Sexual Harassment Policy Definitions

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

1. An Employee conditions the provision of an aid, a benefit, or a service on another Employee's or a Student's participation in unwelcome sexual conduct (i.e., Quid Pro Quo sexual harassment); or

2. A Student, Employee, or Third Party (to the extent applicable) engages in unwelcome conduct on the basis of sex that would be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies another person equal access to the University's programs or activities; or
3. A Student, Employee, or Third Party engages in Sexual Assault, Domestic Violence, Dating Violence, or Sexual and/or Gender-based Stalking as defined below; and a. The alleged conduct was perpetrated against a person in the United States; and b. The conduct took place within the University's programs and activities. Conduct takes place within the "University's programs and activities" when that conduct occurs: (1) in a location, at an event, or in a circumstance where the University exercises substantial control over both the respondent and the context in which the conduct occurs; or (2) in any building owned or controlled by a student organization recognized by the University. Events that occur off campus or in locations with no connection to the University are unlikely to be considered a college program or activity.

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

Consent is:

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

Individuals may experience the same interaction in different ways; therefore it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back. Consent can also be withdrawn once given, as long as the withdrawal is clearly communicated. If consent is withdrawn, that sexual activity should cease. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on DCB to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

How To Be An Active Bystander

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

What is Bystander Intervention?

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

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

Why might individuals not intervene?

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

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

What can I do?

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

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Be direct, delegate responsibility, or cause a distraction when you see a person secludes, hits on, tries to make out with, or has sex with people who are incapacitated.
- Intervene when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

Strategies for Intervention

- 1. Recognize** – If you observe or hear of incidents that might constitute or contribute to sexual or gender-based harassment, you have options. If a situation appears to involve unwanted sexual attention or advances, or gender discrimination, ask yourself if anyone involved may need help.
- 2. Recruit** – Seeking the perspective of a friend or colleague may help you to avoid acting on unconscious biases. If you notice a situation and are unsure whether to take action, you can ask for another bystander’s viewpoint to better understand context. Together, you can navigate available options.
- 3. Respond** – If it is safe to do so, you may try to:
 - Directly respond to the potentially harmful behavior
 - Delegate to someone in a trained role, such as an event host, supervisor, or Title IX Coordinator
 - Distract or divert attention such as interrupting the incident or conversation to ask for assistance
 - Delay your exit from the space and simply be present with the other person

4. Remove – If you are able to connect with the person who is potentially being harmed, check in to see what they may need. If the person wishes to remove themselves from the situation, you may offer to connect them with a trusted colleague, friend, or supportive resources.

5. Repeat – Remember, every time you choose to be an active bystander, you are modeling a positive approach for others. Being an active bystander not only helps one person— it sets the tone for the entire Community and can improve the climate around you.

Personal Safety: Risk Reduction

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

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around. • Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Make sure your cell phone is with you and charged and that you have cab money and/or an on-demand driver app loaded.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've • left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:

- a. Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
- b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- d. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are; needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Call for Help. If you or someone you know is feeling uncomfortable, scared, or pressured, you can call for help any time. You can contact professionals you trust, which may include the Student Help Line at 701-480-9262. You may also contact the Bottineau County Sheriff's Office or 911 if you need an immediate response.

Prevention and Awareness Programs and Campaigns

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

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

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

- Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;
- Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee codes of conduct;
- Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of

potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

- Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provide an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act.
- Provide information regarding:
 - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this Annual Report);
 - b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report);
 - c. existing counseling, health, mental health, victim advocacy, student financial aid, and other services available for victims, both in the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report); and
 - d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report);
 - e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this Annual Report).

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

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

Ongoing Training Initiatives

DCB provides an annual educational campaign for all students and employees designed to provide ongoing education and programming around issues of sexual violence – including sexual assault, domestic violence, dating violence, and stalking. Campaign strategies employed include face-to-face presentations, online training programs, printed materials, self-defense programming, tabling displays, and related lectures. Ongoing prevention and awareness campaigns include self-defense programming; domestic violence month events and activities; sexual assault and awareness month, which may

include presentations regarding bystander intervention programming; programming specific to developing healthy relationships; and regular student conversations related to sexual assault and relationship violence.

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

- DCB Title IX and DCB Safety webpages contain safety related information about the prevention of sexual violence
- Online Education: All employees and students complete mandatory online training from ?? on an annual basis to promote healthier and a safer campus environment for everyone. The training includes information on sexual misconduct, stalking, and relationship violence as required by the “Campus Save Act”. The DCB Title IX office conducts presentations during staff and faculty in-service in the fall regarding mandatory reporting requirements and support measures.
- comprehensive training is provided to Residence Hall Head Residents and Student Assistants regarding Title IX requirements and proper procedures to follow in Title IX related complaints.
- students can participate in campus awareness events and activities throughout the academic year
- DCB’s Title IX web page is intended to provide student, faculty, and staff with information required under regulations and guidance issued by the US Department of Education Office for Civil Rights. This includes but not limited to nondiscrimination statement, Title IX Coordinator information, training materials used to train the Title IX Team, and 32 grievance procedure.

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

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

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

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

If a sexual assault victim does not currently wish to involve police, there is still an option to have the forensic evidence collected in a timely manner. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. By providing victims with the opportunity to preserve evidence, gather information, solidify their support system, and establish rapport with first responders, the campus hopes to create an environment that encourages reporting, even for those victims who initially feel unable, unwilling, or unsure about doing so. If the victim so chooses, campus authorities may assist them in notifying and involving law enforcement authorities and campus authorities. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant

messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to DCB adjudicators/investigators or local police.

Involvement of Law Enforcement and Campus Authorities

Although DCB strongly encourages all members of its community to report violations of this policy to DCB Housing or DCB Plant Services and/or the Bottineau County Sheriff's Department, it is the victim's choice whether to make such a report. Furthermore, victims have the right to decline to notify law enforcement. Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator (Laura Halvorson, Title IX Coordinator, Office: Thatcher Hall Library, (701) 228-5460: Laura.Halvorson@dakotacollege.edu). Reports of all domestic violence, dating violence, sexual assault, and stalking made to DCB Housing or DCB Plant Services will automatically be referred to the Title IX Coordinator for review.

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

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator (Laura Halvorson, Thatcher Hall Library – laura.halvorson@dakotacollege.edu). Reports of all domestic violence, dating violence, sexual assault, and stalking made to DCB Housing Staff will automatically be referred to the Title IX Coordinator for review.

PROCEDURES THE UNIVERSITY WILL FOLLOW WHEN A CRIME OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING IS REPORTED

DCB has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, and working accommodations, if reasonably available. DCB will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator for student cases and the DCB Human Resource Office for employee cases.

Facilitated Anonymous Reporting through DCB Counselors

Counselors at DCB are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, DCB encourages counselors to inform students that they assist in making an anonymous crime report. Students may request to anonymously report general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the DCB Annual Security and Fire Safety Report.

Employee Assistance Program

DCB also provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to provide full-time employees assistance with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible. All information relating to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services unless the employee gives their advance written consent. The EAP does not report incidents to any Official On-Campus Resources unless the employee specifically gives them permission to do so.

Assistance for Victims: Rights and Options

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

Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred.
- information about how the institution will protect the confidentiality of victims and other necessary parties.
- a statement that the institution will provide written notification to students and employees about victim services in the institution and in the community.
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

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

DCB complies with North Dakota State law in recognizing orders of protection. Any person who obtains an order of protection from North Dakota or any reciprocal state should provide a copy to DCB Housing, DCB Plant Services or the DCB Dean's Office and the Title IX Coordinator. A complainant may then meet with DCB Staff and Title IX Coordinator to develop a Safety Action Plan, which is a plan DCB Staff and the victim to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom/work site location, or working with Academic Advising on alternative class possibilities, allowing a student to complete assignments from home, allowing an employee to develop a flexible work schedule, etc. DCB cannot apply for a legal order of protection, No Contact order, or restraining order for a victim from the applicable jurisdiction(s).

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

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

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

- Threatening;
- Molesting;
- Injuring;

- Harassing;
- Or having any contact with another person.

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

Domestic Violence Protection Order (DVPO)

A spouse or former spouse; a family member; a parent; a child; a person related by blood or marriage; a person presently residing with the abusing person or who has resided with that person in the past; a person who has a child in common with the abusing person; persons who are in a dating relationship; or any other person with sufficient relationship to the abusing person as determined by the Judge or Judicial Referee may file a petition with the courts for a DVPO. A protection order is issued by a court. According to North Dakota Supreme Court Administrative Rule 34, Certified Domestic Violence Advocates may assist people in completing the necessary forms and may appear with them at protection order hearings.

Sexual Assault Restraining Order (SARO)

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

Disorderly Conduct Restraining Order (DCRO)

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

"Disorderly conduct" means intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person. For the purposes of this section, disorderly conduct includes human trafficking or attempted human trafficking as defined in this title. Disorderly conduct does not include constitutionally protected activity. Both DVPOs and SAROs prohibit an offender from having any contact with the victim. Protections can include preventing the offender from entering the victim's home, workplace, or school. Both orders can also be expanded to prevent intimidation/ contact from a third party on behalf of the offender, or extend protection to related parties, such as parents, siblings, or children of the victim. A Judge or Judicial Referee will sign the Domestic Violence Protection Order and specify the length. Both Sexual Assault and Disorderly Conduct Restraining Orders may not exceed 2 years. DCB Housing and/or DCB Plant Services will help put victims who are interested in pursuing a DVPO, SARO, or DCRO in contact with local courts or the local advocacy center. Any student who obtains a protection order from the State of North Dakota or any reciprocal State should provide a copy to DCB Housing or DCB Plant Services. DCB Housing and/or DCB Plant Services will file charges of violations of DVPO, SARO, DCRO with the State Attorney's Office.

No Contact Order

While not the same as a state-mandated protection order, DCB can issue a No Contact order. The No Contact Order may be issued if an abuser is released from custody on bond before an arraignment or trial. In the case of Domestic Violence law enforcement may make a probable cause arrest if a No Contact Order is violated by an abuser. The No Contact Order includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication, including, but not limited to email, instant messaging, and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A No Contact order may include additional restrictions and terms. If DCB receives a report that such an institutional No Contact order has been violated,

DCB will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the No Contact order.

Supportive Measures

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, DCB will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations). At the victim's request, and to the extent of the victim's cooperation and consent, DCB offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement. Any supportive or protective measures will be maintained as confidential as provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive or protective measures. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

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

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

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

Statewide Automated Victim Information Notification System (SaVin)

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

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

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

Confidentiality

DCB does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime and Fire Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy. Furthermore, if a timely warning notice is issued based on a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be

withheld; this could include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

On- and Off-campus Services for Victims

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

On Campus	Employees	Students
Counseling/Mental Health	Access online resources at http://villageeap.com or call 1-800-627-8220. (Emotional Health, Drug and Alcohol, Workplace Issues, Financial Issues, Legal, and Health and Wellness educational programs)	DCB Counseling and Mental Health Corey Gorder – Thatcher Hall Student Services (701) 228-5451 Corey.gorder@dakotacollege.edu
Title IX Coordinator Sexual Misconduct Victim Advocacy	Laura Halvorson Thatcher Hall Library (701) 228-5680 Laura.halvorson@dakotacollege.edu	Laura Halvorson Thatcher Hall Library (701) 228-5680 Laura.halvorson@dakotacollege.edu
Student Financial Aid	Lisa Anderson – Thatcher Hall (701) 228-5427 Lisa.anderson.2@dakotacollege.edu Jalee Lynnes – Thatcher Hall (701) 228-5440 Jalee.lynnes@dakotacollege.edu	Lisa Anderson – Thatcher Hall (701) 228-5427 Lisa.anderson.2@dakotacollege.edu Jalee Lynnes – Thatcher Hall (701) 228-5440 Jalee.lynnes@dakotacollege.edu
DCB Housing	Director of Student Life and Housing Bridget Gustafson Thatcher Hall – Student Services (701) 228-5657 Bridget.gustafson@dakotacollege.edu	Director of Student Life and Housing Bridget Gustafson Thatcher Hall – Student Services (701) 228-5657 Bridget.gustafson@dakotacollege.edu
Sheriff’s Department	Bottineau County Sheriff’s Department 314 5 th St W Bottineau, ND. 58318 (701) 228-2740 Emergency- 911	Bottineau County Sheriff’s Department 314 5 th St W Bottineau, ND. 58318 (701) 228-2740 Emergency- 911
Off Campus	Employees	Students
Victim Advocacy	Bottineau Family Crisis Center 509 Main Street Bottineau, ND 58318 (701) 228-2028 National Domestic Violence Hotline 1-800-799-7233 Text: 88788 www.thehotline.org	Bottineau Family Crisis Center 509 Main Street Bottineau, ND 58318 (701) 228-2028 National Domestic Violence Hotline 1-800-799-7233 Text: 88788 www.thehotline.org
Public Health	First District Health Unit	First District Health Unit

	314 5 th St W #7 Bottineau, ND. 58318 (701) 228-3101	314 5 th St W #7 Bottineau, ND. 58318 (701) 228-3101
Social Services	Bottineau County Social Services 314 5 th St W Bottineau, ND. 58318 (701) 228-3613	Bottineau County Social Services 314 5 th St W Bottineau, ND. 58318 (701) 228-3613
Legal Assistance	Legal Services of North Dakota Age less than 60: 1-800-634-5463 Age 60+: 1-866-621-9886 www.legalassist.org	

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

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

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE SEXUAL HARASSMENT POLICY

Overview

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

Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator (or designee) of an alleged violation of the Policy, the University initiates a prompt initial assessment to determine next steps taken. DCB will initiate at least one of three responses:

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

Initial Assessment

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

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

Violence Risk Assessment

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

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator (or designee) should pursue/sign a formal complaint absent a willing/able Complainant;

- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct and/or grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal from the University by the Respondent;
- Whether to impose transcript notation or communicate with a transfer Recipient about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing);and/or
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Threat assessment is the process of evaluating the legitimacy of the threat of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat. VRAs require specific training and are typically conducted by the BIT team members. A VRA authorized by the Title IX Coordinator (or designee) should occur in collaboration with the BIT. Where a VRA is required by the Title IX Coordinator (or designee), a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process. A VRA is not a psychological or mental health assessment. A VRA assesses the legitimate risk of violence, often with a focus on targeted/predatory escalations, and is supported by research.

Dismissal (34 CFR Part 106.45)

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

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

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

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

Upon any dismissal, DCB will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Counterclaims

DCB is obligated to ensure that the grievance process is not abused for retaliatory purposes. DCB permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted. Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator (or designee). When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

Right to an Advisor

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

Advisors

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the DCB campus community. Institutions are not required to provide attorneys to parties to act as advisor. However, the Title IX Coordinator (or designee) will offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the University, the Advisor will be trained and be familiar with the University's resolution process. If the parties choose an Advisor from outside the University pool, the Advisor may not have been trained and may not be familiar with DCB policies and procedures. Institutions are not required to attempt to create equality of advisors between that parties, particularly where one party selects an outside advisor, but should endeavor to seek parity of advisors the institution provides advisor to both parties. Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

Advisors in Hearings

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination. A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, DCB will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. The University cannot guarantee equality in Advisors, meaning that if one

party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

Pre-Interview Meetings

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

Advisor Violations of DCB Policy

All Advisors are subject to the same DCB policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address DCB officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decisionmaker(s) except during a hearing proceeding, during cross-examination. The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation. Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented, possibly including removing the Advisor from the meeting. Subsequently, the Title IX Coordinator (or designee) will determine how to address the Advisor's non-compliance and future role.

Sharing Information with the Advisor

DCB expects that the parties may wish to have them share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process. The University also provides a consent form that authorizes DCB to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator (or designee) or provide similar documentation demonstrating consent to a release of information to the Advisor before the University is able to share records with an Advisor. If a party requests that all communication be made through their attorney Advisor, DCB will comply with that request.

Privacy of Records Shared with Advisor

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

Expectations of an Advisor

DCB generally expects an Advisor to adjust their schedule to allow them to attend DCB meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. DCB may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available. Expectations of the Parties with Respect to Advisors A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout, with the exception that a party cannot dismiss an Advisor who was appointed by DCB except in the case of bias or conflict of interest. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators. The parties are expected to provide

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

Resolution Processes

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

Informal Resolution

Informal Resolution can include three different approaches:

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

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Complainant or Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator (or designee) to so indicate. It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. Prior to implementing Informal Resolution, DCB will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by DCB. DCB will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution. The Title IX Coordinator (or designee) may look to the following factors to assess whether Informal Resolution is appropriate:

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

- Goals of the parties;
- Adequate resources to invest in Informal Resolution (time, staff, etc.)

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

Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator (or designee) will determine whether Informal Resolution can be used according to the criteria above. If Informal Resolution is applicable, the Title IX Coordinator (or designee) will determine whether all parties and DCB are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator (or designee) implements the accepted finding that the Respondent is in violation of DCB policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary. This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused. When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or misconduct, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

Formal Grievance Process Pool

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

A. Pool Member Roles

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

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

B. Pool Member Training

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

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

- The scope of DCB’s Sexual Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias

- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the recipient with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and/or retaliation allegations
- Recordkeeping

Formal Grievance Process

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

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known), • The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated, • A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that DCB presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the University’s policy on retaliation,

- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the DCB's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator(or designee) any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

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

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

Resolution Timeline

DCB will make a good faith effort to complete the resolution process within a 60 to 90 business- day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator (or designee), who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

Appointment of Investigators

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

Ensuring Impartiality

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator (or designee), Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for Complainants or Respondents generally, or for a specific party. The Title IX Coordinator (or designee) will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator (or designee) will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator (or designee), concerns should be raised with the DCB's Associate Dean for Student Services. The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. DCB operates with the presumption that the Respondent is not responsible for the reported mis- conduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

Investigation Timeline

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

involvement, etc. DCB will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. Delays in the Investigation Process and Interactions with Law Enforcement DCB may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

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

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

Investigation Process Steps

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

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

- Determine the identity and contact information of the Complainant
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator (or designee), if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the parties and witnesses
- Meet with the Complainant to finalize their interview/statement, if necessary
- Work with the Title IX Coordinator (or designee), as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations
 - o Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary

- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business-day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days.
- Elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.
- Share the report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties and Advisors are also provided with a file of any directly related evidence that was not included in the report

Witnesses Role and Participation in the Investigation

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

Recording of Interviews

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

Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to

prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator (or designee) will refer the matter for a hearing. The hearing cannot be less than ten (10) business days from the conclusion of the investigation—when the final investigation report is transmitted to the parties and the Decision-maker(s)—unless all parties and the Decision-maker(s) agree to an expedited timeline. The Title IX Coordinator (or designee) will select an appropriate Decision-maker(s) from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate Decisionmaker(s) depending on the context of the alleged misconduct.

Hearing Decision-maker Structure

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

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

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter. The Title IX Coordinator (or designee) may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Title IX Coordinator or designee.

Evidentiary Considerations

Neither the investigation nor the hearing will consider: 1) incidents not directly related to the possible violation(s), unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming DCB uses a progressive discipline system. This information is only considered at the sanction stage of the process. The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached. 48 After post-hearing deliberation, the Decision-maker(s) renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

Notice of Hearing

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

The notice will contain:

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

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by DCB and remain within the 60-90 calendar day goal for resolution. In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

Alternative Hearing Participation

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

The Title IX Coordinator (or designee) can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness

who cannot attend in person should let the Title IX Coordinator (or designee) know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

Pre-Hearing Preparation

The Chair, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator (or designee), will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing. 49 Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

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

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

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

Pre-Hearing Meetings

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

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

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

The pre-hearing meeting(s) will not be recorded.

Hearing Procedures

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

Participants at the hearing will include the Chair, any additional panelists, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, Title IX Coordinator (or designee) may act as the administrative facilitator of the hearing or will designate an individual to act as the facilitator, and anyone providing authorized accommodations or assistive services.

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

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to 50 specific questions from the Decision-maker(s) and the parties and will then be excused.

Joint Hearings

In hearings involving more than one Respondent or Complainants that arise out of the same facts or circumstances, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator (or designee) may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

The Order of the Hearing — Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator (or designee) will review and decide the challenge. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) may be present during the entire hearing, but not during deliberations. If the parties do not object, the Chair may dismiss the Investigator(s) after their testimony and cross-examination. Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Testimony and Questioning

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

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

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

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

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

Refusal to Submit to Questioning; Inferences

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

Hearing Recordings

Hearings (but not deliberations) are recorded by the University for the purpose of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Decision-maker(s), the parties, their Advisors, and appropriate administrators of DCB will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator (or designee). No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator (or designee).

Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used, which means the evidence must show that it is more likely than not that the Respondent committed the conduct as alleged. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

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

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

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

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

Notice of Outcome

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

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

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

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

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

Sanctions

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

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

- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

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

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

Student Sanctions

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

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

Employee Sanctions

Responsive actions for an employee include:

1. Warning (Written or Verbal)
2. Performance Improvement Plan
3. Required Counseling
4. Required Training or Education
5. Probation

6. Demotion
7. Reduction in Pay
8. Loss of annual pay increase
9. Loss of Oversight or Supervisory Responsibility
10. Delay of Tenure Track Progress
11. Suspension/Administrative Leave with pay
12. Suspension/Administrative Leave without pay
13. Termination
14. Other Actions: In addition to or in place of the above sanctions, DCB may assign any other sanctions as deemed appropriate.

Privacy

Every effort is made by DCB to preserve the privacy of reports. DCB will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of harassment, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures. DCB reserves the right to designate which campus officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to FERPA. Only a small group of officials who need to know will typically be told about the complaint. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy. DCB may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Mandated Reporting

All DCB employees (faculty, staff, contracted staff, and administrators) are expected to report actual or suspected sexual harassment to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected misconduct or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

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

The Sexual Misconduct Grievance process will be used in cases where a student engaged in sexual misconduct that does not fall within the sexual harassment definition under Title IX. For allegations where a faculty member or employee engaged in sexual misconduct that does not fall within the sexual harassment definition under Title IX, the Employee Standards of Conduct will be used. After the Complainant meets with the Title IX Coordinator to learn about their procedural options and what supportive/interim measures are available to them, the Complainant can decide to move forward with an investigation of the reported behavior. For the investigation to proceed the Complainant will need to provide to DCB a signed formal complaint. During the investigative process, all parties will have an opportunity to review the draft investigative report prior to it going to the Title IX Coordinator. The parties will have ten (10) calendar days to

review the draft of the investigative report and submit in writing comments about content, requests for additional meetings with the investigator to conduct further investigation or questions. The draft of the investigative report will be able to be reviewed, however the parties will not be able to take the draft of the investigative report with them during the draft period. This information will be included in the final documents that will be reviewed by the Title IX Coordinator and adjudicator(s), if applicable. If the student wishes to participate in a police investigation, DCB may wait a reasonable amount of time (usually 7 to 10 business days) to allow the police to conduct initial fact finding and the gathering of evidence in the criminal investigation. The DCB Dean's Office or designee may regularly confer on the status of an active investigation to ensure compliance with federal requirements while maintaining the integrity of any active criminal process.

DCB has a written Memorandum of Understanding (MOU) with the Bottineau County Sheriff's Office regarding the criminal and administrative investigation of incidents of sexual violence and the distribution of timely warning notices or campus safety alerts and immediate or emergency notifications. DCB will conduct a prompt, fair, impartial investigation in a timely manner designed to provide all parties with resolution. However, there may be times where the process may take longer and DCB will communicate on an on-going basis with the parties a realistic timeline, and the circumstances regarding the same. In every investigation conducted under this policy, the burden is on DCB—not on the parties—to gather sufficient evidence to reach a fair, impartial determination as to whether sexual misconduct has occurred and, if so, whether a hostile environment has been created that must be redressed. Investigations will be conducted by one or more of the following: DCB Judicial, the Title IX Coordinator, a trained Title IX investigator, or a trained Title IX investigator from another North Dakota University System institution. This designee may be an employee of DCB, an employee of a NDUS institution, or both. All reasonable efforts will be made to keep information private during DCB's investigation and adjudication of a complaint. Investigators receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an objective and impartial investigation and hearing processing that protects the safety of victims, promotes accountability, and ensures investigative techniques do not apply sex stereotypes and generalizations. Should a complainant or respondent feel that the investigator assigned to the report would not be able to be objective or impartial throughout the investigation, they must contact the Title IX Coordinator to request a different investigator be assigned to the report. The Title IX Coordinator will determine based on the concerns from the complainant or the respondent, if there is enough cause to have a different investigator assigned to the report. The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair. As described in the Confidentiality section of this Policy, the investigation will be conducted in a manner that is respectful of individual privacy concerns. The investigation is a process that involves obtaining and evaluating information given by persons having personal knowledge of the events or circumstances concerning the reported incident. This may include the collection of all statements (both oral and written), pertinent facts, and/or evidence. This process will be exhaustive and is likely to include the interviewing and re-interviewing of involved parties to ensure as much clarity around conflicting or differing statements as may be possible. The Title IX Coordinator, or their designees may refer an investigative report back to the investigator for further follow-up pending the availability of new information, for additional clarity regarding conflicting or inconsistent information/reports, or for any other reason necessary to ensure further clarity or strengthen the final report. At the conclusion of the investigation, the investigator will prepare a report setting forth the facts gathered. The report will provide the scope of the reported incident, statements from the parties involved in the incident, evidence provided to the investigator by the parties involved, and an overview of facts in agreement and facts in contention.

Interim Measures and Supportive Measures Overview

During the investigation and prior to the final determination, DCB may take appropriate interim measures to protect the parties involved; after a fair assessment to determine the need for such interim measures. Interim measures will be individualized an appropriate based on the initial information gathered by the Title IX Coordinator. A Complainant or Respondent may request a supportive measure, or DCB may impose interim measures at its discretion to ensure the safety of all parties, the University community, and/or the integrity of the process. Interim and Supportive measures will be

individualized and appropriate based on the information gathered by the Title IX Coordinator. These actions are not a presumption of responsibility for violation of the Sexual Harassment Policy. Interim and Supportive measures may be imposed whether or not formal disciplinary action is sought by the Complainant or DCB. Interim measures may prevent a student from attending class and other campus activities. The Title IX Coordinator or designee will communicate with a student's faculty instructors and/or advisors at the request of the student to determine if alternate arrangements can be made to support a student's completion of academic assignments. DCB will try to provide academic support where necessary. Academic support means that the Title IX Coordinator will communicate with faculty on a student's behalf. Services offered as appropriate (as reasonable available) and without fee or charge to the complainant or respondent.

Types of Interim and Supportive Measures

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

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

Interim residential relocation: A student may be separated temporarily from campus housing or temporarily reassigned to another residential location on campus. Their original housing location will be held until the process is over. It can be determined that residential relocation is a sanction when appropriate, and at that time the student will move permanently into a location determined by DCB Housing.

Class schedule changes: Changes to a student's class schedule may be made on a temporary basis in the event it is deemed appropriate by the Title IX Coordinator or their designee. Students may be sanctioned to a permanent change(s) through the normal adjudication process.

Restrictions from Campus activities and/or facilities: A student may be denied, on a temporary basis, participation in a university activity or privilege for which they may be otherwise eligible as determined to be appropriate. Students may also be prohibited from certain facilities including, but not limited to, academic buildings, athletic facilities and/or practice and competition spaces, and transportation services. Students may be sanctioned to a permanent restriction(s) through the normal adjudication process.

Counseling services: DCB Mental Health provides brief counseling for all students, including crisis counseling.

Academic Support Services: DCB Student Success helps with DCB courses at no cost to currently enrolled DCB students. On-campus and virtual tutoring is available.

No-Contact Directive. DCB may impose a No Contact Directive in cases where an agreement cannot be reached or is not applicable. Generally, No Contact is defined as having no direct or indirect contact with another party or parties at any time. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication; including, but not limited to, email, instant messaging text messaging, and all forms of social media. Verbal communication is understood to include phone calls and voice mail messages. A No Contact Directive may include additional restrictions and terms. Violations of the No-Contact Directive will result in disciplinary action.

Emergency Removal: If there is an immediate threat to the physical health or safety of any student or other individual arising from an allegation of sexual harassment, DCB is permitted to remove the Respondent from the campus community. For an emergency removal to take place DCB assesses the information that they have available to complete an individualized safety and risk analysis. This analysis includes determining if there is an immediate threat to the physical health and safety of an individual. Emotional or mental harm to a Complainant is not enough to warrant an emergency

removal and supportive measures can be provided to the Complainant. If the Respondent threatens their own physical health, that does warrant the ability to institute an emergency removal.

Informal Resolution for Sexual Misconduct Grievance Process

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with campus policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with 56 others if they so choose. DCB encourages parties to discuss this with their Advisors before doing so.

Informal Resolution

Informal Resolution can include three different approaches:

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

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

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

Prior to implementing Informal Resolution, DCB will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by DCB. DCB will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution. The Title IX Coordinator (or designee) may look to the following factors to assess whether Informal Resolution is appropriate:

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

- Goals of the parties;
- Adequate resources to invest in Informal Resolution (time, staff, etc.)

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

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

Election of Formal Resolution

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

Formal Resolution for Sexual Misconduct Grievance Process

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

Appeals

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

Additional specified timelines include the following:

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

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

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

Grounds for Appeal

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

- The Title IX Coordinator (or designee), Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied and the parties and their Advisors will be notified in writing of the denial and the rationale. If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator(or designee), and, when appropriate, the Investigator(s) and/or the original Decision-maker(s).

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

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

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

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

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

Sanctions Status During the Appeal

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

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

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

Appeal Considerations

- Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Panel may consult with the Title IX Coordinator (or designee) and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the Appeal Chair/Panel may order a new investigation and/or a new hearing with a new Pool members serving in the Investigator and Decision-maker roles.
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases that result in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Notification of Victims of Crimes of Violence

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

SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

The Adam Walsh Child Protection and Safety Act of 2006 (AWCPSA) is a federal law that provides for the registration and tracking of convicted sex offenders. The AWCPSA requires state law enforcement agencies (in North Dakota, it is the North Dakota Bureau of Criminal Investigations) to provide DCB with a list of registered sex offenders who have indicated that they are either enrolled or employed with DCB. This information is provided in compliance with the AWCPSA and the North Dakota Offender Registration requirements established by NDCC, section 12.1-32-15. Colleges and universities are required to disclose where to obtain information about registered sex offenders who are either students or employees at the institution. 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 59 school in North Dakota. Each time the offender moves or changes jobs, the offender must notify the local law enforcement agency.

Employment of Sex Offenders

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

Public Access to Sex Offender Information

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

RESIDENCE LIFE AND HOUSING SAFETY POLICIES

Residence Life and Student's Rights

DCB Housing has developed the following governing principles to ensure a courteous living and learning community on campus.

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

Residence Life Safety

Residence Life Staff live in the residence halls and apartments and are on call 24 hours a day. All Residence Life Staff members undergo comprehensive training in enforcing residence life policies. All residence's entrance doors are locked 24 hours a day through an automatic locking system, and only students who are residents of the hall have access through their DCB key fobs. The cooperation and involvement of students themselves in maintaining campus safety is absolutely necessary. You must assume responsibility for your own personal safety and the security of your personal belongings by taking simple precautions.

Student Responsibilities

- Lock the door to your room/apartment when you are alone, especially at night or when sleeping. Lock your room/apartment when you are not home.
- Do not let strangers into your building or your room/apartment. If someone tries to force their way into your space, notify a DCB Head Resident (701-480-9262), or a Residence Life Staff member immediately.
- Do not give your name or phone number to strangers.
- Keys, fobs and student ID cards should always be carried on your person and never lent to others.
- When going out, let your roommate or a friend know where you are going and what time you expect to return.
- Lock the door to your room/suite every time you leave (even for a few minutes).
- Close and fasten your windows when you leave your room. This protects you from theft and inclement weather.
- DCB does not carry insurance to protect student property, therefore, you are encouraged to provide your own insurance against loss of or damage to personal possessions.

- Keep a record of the serial numbers of all your belongings so that if something that has been lost or stolen is found, the police will be able to identify it.
- Do not advertise your valuables or keep large sums of money in your room.
- If you would like an escort on campus at night contact a Head Resident (701-480-9262)
- Under no circumstances should you prop open any exterior door, nor should you hold a door open to let an unknown person into the building. Everyone entering must be either a resident that gains access through swiping their fob, or a guest being escorted by a current resident.
- You should report any suspicious individuals who you feel do not belong in your residence, or any unusual incident in and around the building, to the residence life staff, Head Resident on call (701-480-9262), or the Bottineau County Sheriff's Department (911 or 701-228-2740).
- Do not store any gasoline-powered vehicles or equipment (mopeds, motorcycles, barbecue grills, etc.) in an on-campus residence
- Individual smoke detectors are placed in every room. Do not remove or disconnect these because they are placed there for your own protection. Please notify either a Residence Life Staff member immediately if your smoke detector is malfunctioning or missing.
- Never go up on the roof of a building or out on a window ledge.
- Refrain from horseplay and practical jokes. They may seem harmless, but they could cause unforeseen damage or injury.
- Fireworks, firearms, and other weapons are not allowed in on-campus residence halls.
- The fire extinguishers are available for your safety. Do not tamper with them.
- If the fire alarm sounds, leave the building immediately. Do not use an elevator. Do not pull the fire alarm unless there is a fire or smoke visibly verified in the building. If you smell smoke or any other foreign odor, please contact a Head Resident (701-480-9262) immediately so the situation can be assessed. Tampering with the fire alarm system (false alarm) is illegal.
- Notify a Residence Life Staff member if you receive an obscene phone call. Do not talk to the caller. Hang up immediately.
- During severe weather, be alert for a tornado warning. If a warning is sounded, you should immediately take cover in a sheltered area.
- Do not attempt to remodel your room. If you have plumbing, electrical, or structural problems in your room, notify your Residence Life Staff member immediately.
- If you or someone you know gets sick, let a Residence Life Staff member know about it.
- If you observe any hazardous conditions in your residence hall, notify a Residence Life Staff member.
- All students have the opportunity to request changes in room assignments, which are accommodated as quickly as possible based upon available facilities.
- Valuable items should be marked with engraving instruments.
- Vehicles should be parked in assigned parking lots and doors should be locked.
- Winter Care: occasionally, Facilities Management will ask you to remove your car from the parking lot for snow removal. Please be aware of the presence of snow removal equipment as you are walking and driving on campus. Please take precautions to protect your personal safety from slips and falls.

Firearms/Weapons

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

Gambling

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

Hall Sports

The common areas are not designed for sporting activities and may not be used for any sporting activities. All sport related activities should be held outside, or in the gym. You are not allowed to rollerblade in the building and are expected to carry your skates to/from the building doors. Students playing sports outside the buildings may be asked to move or cease if they are causing disturbance to those within the building or if their behavior may result in damage to person or property. Water fights (often beginning with squirt guns) are not allowed in the residence halls.

Health and Safety

You are responsible for the care and cleaning of your room. The residence hall staff perform routine health and safety checks. During this time, they are looking for over-loaded outlets, unhygienic living environments, as well as anything that would be considered a violation of the Fire Hazard Policy. Any other policy violations that are found during this time will be dealt with accordingly.

Keys

Residence hall security starts with responsible use of keys. Duplicating of keys, allowing someone else to use your keys, or using another resident's keys or fob to gain access to a building or room are not permitted. You are expected to report the loss of your keys immediately to your Head Resident, RA or Housing Director. If you are locked out of your room, contact an RA or your Head Resident.

Leaving for Breaks

Whenever you leave your room for vacation periods, you must turn off all lights, unplug all appliances not in use, turn off alarms, empty your wastebasket, close and lock windows, and lock your door. Residence hall staff and DCB maintenance personnel may enter your room without notification during break times. Staff will be looking for safety concerns such as, smoke detectors activated, water problems, open windows, temperature, etc. Any policy violations that are found during this time will be the responsibility of the resident(s) of the room.

Lockouts

It is important that students keep their room key and key fob with them at all times. If locked out residents can contact a Residence Life staff member.

Lounge Furniture

Lounge furniture (including garbage bins) is not allowed in resident rooms.

Meetings/Solicitation

No person or organization, whether or not affiliated with DCB, may advertise, sell, conduct a business, campaign, hold meetings or programs, or raise funds in campus residences without receiving permission from the Housing Director.

Noise

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

Pets

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

Rollerblades

Wearing rollerblades is prohibited in on-campus residences.

Room Entry Policy

DCB Housing and Residence Life staff may enter an on-campus residence without permission for the following reasons:

- To provide routine maintenance and to ensure that residents are following health, fire, and safety regulations.
- To respond to emergency situations; i.e., situations which threaten the health and/or safety of room occupants and situations which require immediate maintenance to prevent property damage.
- Authorization to enter a student's room under this policy does not constitute authorization to conduct a search of the room.

Authorized personnel indicated above include:

- Full-time members of the Residence Life and Housing staff, including maintenance and custodial personnel and members
- Full-time members of the IT department, including approved part-time staff members
- Fire Marshall

Master key protocol:

- No student room should be entered without knocking, regardless of whether the door is locked, unlocked, or open. The only situations in which staff are not required to knock are emergencies.
- Before using the master key, campus personnel attempting to enter a room should identify themselves and state the reason for entry. In addition, they should request that the door be opened.
- If the door is not opened and authorized personnel deem it necessary, the master key will be used to enter the student's room for one or more of the reasons listed above.

Room Personalization

Personalizing your room is permitted. However, you must not alter or damage the condition of the room. Tacks, nails, and duct tape should not be used on the doors and walls (blue painters tape, Command strips or sticky tack may be used.) Walls and fixtures within your room should not be painted and plant hangers are not permitted in the ceiling. Posters,

pictures, etc. hung on the outside of your door must be in good taste and not offensive to other residents or guests. Lofting of beds is not allowed. Waterbeds are not allowed. All carpeting in the room should be jute-backed and not attached to the floor with tape.

Service Animals and Emotional Support Policy

DCB allows Service Animals and Emotional Support animals in our housing facilities. Please email bridget.gustafson@dakotacollege.edu for an accommodation request.

Safety and Security

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

Screen Removal

Removal of screens is not permitted. A fine of \$100 will be assessed for the removal and/or damage of any screen. In addition, any fees for the repair or replacement of a damaged window screen in a residence hall room will be the responsibility of the student(s) living in that room.

Tobacco Policy

DCB is a tobacco free campus. Smoking on campus property, indoors or outdoors is prohibited at all times, including residential buildings. For purposes of this policy, "tobacco use" means the personal use of any tobacco product, whether intended to be lit or not, which shall include smoking, as well as the use of:

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

RESIDENCE LIFE ALCOHOL AND DRUG POLICY

DCB is a federally funded institution and hence follows federal law before state law. In accordance with state and federal laws, and with the necessary regulations and shared responsibilities of community living in mind, DCB Housing has established the following priorities:

- To discourage and prohibit illicit and illegal drug usage.
- To discourage and prohibit underage drinking.
- To prevent problem behavior and to educate against alcohol and drug abuse.
- To provide prevention, intervention information, and education for all residents, including information about confidential and effective guidance and counseling services for those with special concerns or needs regarding alcohol and drug use and/or abuse.

Residence Hall Alcohol Policy

DCB has declared all residence halls drug and alcohol free. Violations of this policy include but are not limited to:

- Drinking alcoholic beverages in the residence halls

- Being in possession of alcohol in the residence halls
- Using or possessing illegal drugs or prescription drugs that are not prescribed to the student in possession
- Abusing prescription drugs
- Being in possession of items that may be reasonably considered drug paraphernalia
- Selling and/or distributing alcohol or other drugs from any location on campus • Entering a residence hall while dangerously intoxicated
- Committing a separate policy violation while intoxicated (i.e. vandalism violation, noise violation, etc.)
- Displaying or possessing alcohol containers, full or empty for decoration

Medical Amnesty

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

DCB Parental Notification Policy

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

RESIDENCE LIFE GUESTS/VISITORS POLICY

We are all responsible for the safety of our residence halls. Visitors/Guests are the responsibility of the resident hosting them at all times. Guests must follow all DCB and Housing policies. Residents should not allow visitors into the building if they are not assuming personal responsibility for them. A resident that hosts a guest assumes responsibility for any policy or regulation infractions committed by his/her guest(s). Visitation is a privilege and the Housing Office can remove visitation privileges for any reason at any time. The right of a student to reasonably sleep, study, and feel safe in their unit supersedes the right to have a guest. There is no time restriction as to when a guest can visit (open 24-hours), however, roommates/suitemates should be in agreement on how they host guests. A resident’s right to visitation does not supersede another’s right to safety and privacy. All overnight guests are required to be signed in by the on-call Resident Assistant. Cohabitation is not permitted. Only contracted residents of the building may hold residence in their assigned room. The right of a student to reasonably sleep, study, and feel safe in their unit supersedes the right to have a guest.

TRAINING OF RESIDENCE HALL STAFF

DCB Housing provides annual security and life safety training. This training minimally includes: introduction of local law enforcement officers, description of services offered, instruction on fire safety hazards and building evacuation, instruction on the emergency operations plan and emergency notification system, training related to the Clery Act and Campus Security Authorities (CSA), Title IX Awareness training, and general information on requesting emergency assistance from Public Safety.

FIREARMS AND WEAPONS POLICY

The possession, display, storage or use of firearms or dangerous weapons on campus owned or leased property, and at DCB sponsored events is prohibited. This shall apply to all faculty, staff and students of DCB and all visitors on DCB property.

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

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

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

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

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

Enforcement

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

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

DCB Housing Complaints

All complaints will be taken seriously and thoroughly investigated. Where possible, the complaining party will be notified of the outcome of the complaint. Feedback may be used as part of the Department’s operations and strategic planning process.

MISSING STUDENT NOTIFICATION PROCEDURES AND POLICIES

Policy

This policy, with its accompanying procedures, establishes a framework for cooperation among members of the campus community aimed at locating and assisting currently enrolled students who reside in campus housing and are reported missing (as required by the 2008 reauthorization of the Higher Education Opportunity Act). A student shall be deemed missing when he or she is absent from the campus and/or has been reported missing by another individual without any known reason. All reports of missing students shall be directed to DCB Housing which shall investigate each report. All students shall have the opportunity to identify an individual to be contacted by the campus in case a student is determined to be missing. If a missing student is under 18 years of age and not an emancipated adult, DCB Housing is required to notify the parent or guardian of the missing student no later than 24 hours after the determination by DCB Housing that the student is missing.

Procedure

- Anyone who suspects a student may be missing should notify DCB Housing (701-228-5657), Head Resident (701-4802-9262).
- When a student is reported missing DCB Housing shall initiate an investigation to determine the validity of the missing person report. If the report proves to be valid DCB Housing shall:
 - If the missing student is under the age of 18 or not an emancipated adult, notify the student's custodial parent or guardian as contained in the records of the campus within 24 hours of the determination that the student is missing.
 - Notify the individual identified by the missing student as the emergency contact within 24 hours of making the determination that the student is missing.
 - Notify the Bottineau County Sheriff's Office within 24 hours after determining that the student is missing.
 - The Associate Dean for Student Services shall initiate whatever action he or she deems appropriate under the circumstances in the best interest of the missing student.
 - DCB Housing may also contact the student's instructors if necessary or beneficial in the situation to the student and/or the instructors.

Student Contact Information

Students are given the opportunity to confidentially designate emergency contact information when filing a housing application. This information is part of the college registration and is protected under FERPA. This information is accessible by DCB Housing and DCB Student Services.

Student Notification of This Policy

- Included on the DCB Housing and Safety website.
- Included in the annual Campus Security Report.

EMERGENCY MEDICAL RESPONSE PROCEDURES

Students, faculty, staff, and guests should report any emergency medical situations to the Bottineau County Sheriff's Office by dialing 911 or (701) 228-2740. DCB Head Residents are CPR and First Aid Certified.

CRIME PREVENTION, FIRE SAFETY, AND SAFETY AWARENESS PROGRAMMING

DCB offers many programs designed to inform students and employees about campus safety and security procedures and practices and the prevention of crimes. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. Crime prevention programs on personal safety and security are sponsored by various campus organizations throughout the year. These programs include general crime prevention and security awareness programs, such as safety education forums, programs, and discussions about topics such as alcohol abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, bystander intervention, fire safety, emergency response and evacuation procedures, crime and risk reduction strategies and theft prevention. New employee orientation includes the distribution of crime prevention and fire safety materials to all new employees. Crime prevention, security awareness and fire prevention programming occur throughout the academic year with an average of four programs per year – this includes in- person programming, online programming, community-policing programming, and tabling events. The following are some specific examples of annual programs currently offered by the university. This list is not all inclusive:

Crime Awareness Programming

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

Fire Safety Awareness Programming

- Fire Safety Training: Head Residents and student RA's participate in live exercises to include the use of fire extinguishers to extinguish a fire.
- Yearly Fire Drill and evacuations Annual employee and student employee programming.
- Severe weather drills and other drills are held periodically to train students and employees for various emergency situations.

Safety Awareness Programming

- CPR/First Aid & AED Classes, Naloxone: Annual housing staff programming

NORTH DAKOTA HAZING LAW

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

ANNUAL FIRE SAFETY REPORT (2024)

Fire Safety Report Overview

The Higher Education Opportunity Act of 2008 (HEOA) requires all academic institutions with on-campus student residential facilities to develop and publish an annual fire safety report. The following report includes the information required by the HEOA, as it relates to the DCB campus. DCB 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 DCB. This report includes statistics concerning the number of fires within on-campus residential facilities, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire.

General Residence Hall Fire Safety

All residential student housing facilities have hard-wired addressable fire alarm systems, which are monitored twenty-four hours a day, seven days a week by private communications center. In addition, on-campus residential facilities have the following life safety systems: portable fire extinguishers, emergency lighting, emergency exit signs and doors. A quality control program ensures that each building is inspected by trained building inspectors on a regular basis to ensure that these systems are in working condition and includes a yearly fire alarm system test and inspection. Each resident has access to the Residence Life Handbook. This Handbook includes information on fire safety and appropriate actions to take during a fire alarm or fire emergency. Fire drills are conducted annually during Fall semester.

Reporting a Fire for Inclusion in the Fire Statistics

If a fire occurs in a MDCB owned, rented, leased, or otherwise controlled building, community members should immediately notify the local fire department by dialing 911. Upon confirmation of a fire, the fire monitoring company or DCB Plant Services will immediately notify the Bottineau County Fire Department for assistance. Fires should be immediately reported to DCB Plant Services. If a member of the DCB community finds evidence of a fire that has been extinguished, and the person is not sure whether campus staff have already responded, the community member should immediately notify DCB Plant Services to investigate and document the incident. Fire alarms alert community members of potential hazards, and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. Do not use the elevator. When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building.

Fire Investigations – Arson

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

Procedures for Students and Employees in the Event of a Fire

Find nearest pull station and sound central alarm, or call 911

- 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. o If it is hot, do not open the door. If the doorknob is not hot, brace yourself against the door and crack it open. If there is heat or heavy smoke, close the door and stay in your room.
- Don't panic.
- Seal up the cracks under the door with sheets, or towels.
- If there is smoke in the room, crack the windows at the bottom and at the top, if possible, to allow for ventilation
- Hang a sheet or towel from the window to announce that you are in your room.
- Call 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 911; or find a window, and signal that you are still in the building.

Student Residence Hall Fire Evacuation Procedures in Case of a Fire

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

Plans for Future Improvements in Fire Safety

DCB strives to constantly improve and expand on our in-service training sessions for all DCB staff, faculty and students. This training includes basic fire safety topics and hands-on fire extinguisher training courses. DCB continues to assess and upgrade fire safety equipment as an ongoing process, to ensure that all equipment meets National Fire Safety standards. Future improvements will be made as needed as part of the ongoing assessment, budget, and strategic planning process.

Safety Inspections and Violations

DCB Plant Services leads an inspection team that conducts a fire safety inspection in approximately one academic/business building on campus monthly. The purpose of the inspection is to identify and eliminate fire hazards within the classrooms and office areas. The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers, and other life safety systems. In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps etc. DCB Housing staff conduct regular inspections of residential hall areas throughout the academic year. Full- scale building/hall inspections are announced. Not all common area inspections are announced. The Safety inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Residential guidelines, which include life and fire safety rules and regulations for residential buildings. The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers, and other life safety systems. In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room, tampering with life safety equipment, possession of pets, etc.). This inspection will also include a general assessment of food and waste storage and cleanliness of the room.

Prohibited Items and Prohibited Conduct

If a student's behavior does not meet campus community expectations or is in violation of the policies outlined in the Residence Hall Housing License Agreement or the Residence Life Handbook, they may expect additional training and if needed, progressive disciplinary procedures to help students understand the need for following safety protocols. Students are responsible for the items contained in their rooms and the events that occur in their rooms. Special surveillance resources may be utilized by DCB when conduct issues become chronic or disruptive.

Prohibited Items

The following actions/items are prohibited in residence halls:

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

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

Smoke Detectors

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

Residence Hall Kitchens/Cooking

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

Fire Drills

Fire drills will be held periodically in order to ensure the building will be vacated in an orderly fashion should an emergency occur. Everyone must vacate the building regardless of whether they are in bed, on the phone, etc. Familiarize yourself with the fire exits in your building. DCB Plant Services and DCB Housing conduct all official fire drills.

EMERGENCY BUILDING EVACUATION DRILLS

Fire/emergency building evacuation drills are conducted annually for residence halls, academic, and administrative facilities. Emergency Building Evacuation Drills are conducted to familiarize occupants with emergency egress from a building and to establish conduct of the drill to a matter of routine. Drills will include suitable procedures, such as potential room-to-room checks, to ensure that all persons subject to the drill participate. Any person who fails to participate in a drill will be subject to disciplinary action by the appropriate authority. In the conduct of drills, emphasis shall be placed on orderly evacuation rather than speed. Participants shall relocate to a safe location outside the building and remain at such location until a recall signal is given or further instruction.

FIRE SAFETY SYSTEMS – RESIDENTIAL FACILITIES

FIRE SAFETY SYSTEMS IN DCB ON-CAMPUS RESIDENTIAL FACILITIES

Residence Hall	Gross Hall	Mead Hall	Milligan Hall
Year Built	1968	1968	1971
Sprinkler System	No	No	No
Building Fire Alarm	Yes	Yes	Yes
Smoke Detection	Yes	Yes	Yes

Pull Station	Yes	Yes	Yes
Remote Alarm Monitoring	Yes	Yes	Yes
Fire Extinguisher	Yes	Yes	Yes
# of Annual Fire Drills	1	1	1

ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS ON-CAMPUS RESIDENTIAL FACILITIES (2023, 2022, 2021)

2023

Location	Total Fires	Date	Time	Cause	Injured	Deaths	Property Value	Fire Drill
Gross Hall	0	n/a	n/a	n/a	n/a	0	n/a	09/18/2023
Mead Hall	0	n/a	n/a	n/a	n/a	0	n/a	09/18/2023
Milligan Hall	0	n/a	n/a	n/a	n/a	0	n/a	09/18/2023

2022

Location	Total Fires	Date	Time	Cause	Injured	Deaths	Property Value	Fire Drill
Gross Hall	0	n/a	n/a	n/a	n/a	0	n/a	09/18/2022
Mead Hall	0	n/a	n/a	n/a	n/a	0	n/a	09/18/2022
Milligan Hall	0	n/a	n/a	n/a	n/a	0	n/a	09/18/2022

2021

Location	Total Fires	Date	Time	Cause	Injured	Deaths	Property Value	Fire Drill
Gross Hall	0	n/a	n/a	n/a	n/a	0	n/a	09/18/2021
Mead Hall	0	n/a	n/a	n/a	n/a	0	n/a	09/18/2021
Milligan Hall	0	n/a	n/a	n/a	n/a	0	n/a	09/18/2021

CRIME DEFINITIONS

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

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

CRIME DEFINITIONS FROM THE SUMMARY REPORTING SYSTEM (SRS) USER MANUAL FROM THE FBI'S UCR PROGRAM

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

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

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

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

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

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

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

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

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

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

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

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

These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as “unfounded” cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

CRIME DEFINITIONS FROM THE NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) USER MANUAL FROM THE FBI'S UCR PROGRAM SEX OFFENSES

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

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

B. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

C. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

CRIME DEFINITIONS FROM THE HATE CRIME DATA COLLECTION GUIDELINES AND TRAINING MANUAL FROM THE FBI'S UCR PROGRAM

Hate Crimes: any of the above offenses, and any other crime involving bodily injury, reported to local police agencies or campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories. Additionally, on August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes. These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include: race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability.

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

Bias: a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin.

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

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

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

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

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

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

These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as "unfounded" cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING ADDITIONS FROM THE 2014 VAWA NEGOTIATED RULEMAKING FINAL CONSENSUS LANGUAGE

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

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

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

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

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

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

UNIFORM CRIME REPORTING (UCR)/NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) DEFINITIONS

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

The Bottineau County Sheriff's Office is required to report crime statistics as defined by the Uniform Crime Reporting Program for the following crimes if the crimes are reported and occur on the property owned, controlled, leased, recognized, or operated by DCB. DCB Housing through a written Memorandum of Understanding, reports all crime occurring on campus to the BCSO for reporting purposes. The Uniform Crime Reporting (UCR) program divides offenses into two groups, Part I and Part II crimes.

GROUP "A" OFFENSES

Animal Cruelty: Intentionally, knowingly, or recklessly taking an action that mistreats or kills any animal without just cause, such as torturing, tormenting, mutilation, maiming, poisoning, or abandonment. Included are instances of duty to provide care, e.g., shelter, food, water, care if sick or injured; transporting or confining an animal in a manner likely to cause injury or death; causing an animal to fight with another; inflicting excessive or repeated unnecessary pain or suffering, e.g., uses objects to beat or injure an animal. This definition does not include proper maintenance of animals for show or sport; use of animals for food, lawful hunting, fishing, or trapping.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pornography/Obscene Material: The violation of laws or ordinances prohibiting the manufacture, publishing, sale, purchase, or possession of sexually explicit material, e.g., literature, photographs, etc. **Prostitution:** To unlawfully engage in sexual relations for profit.

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

Prostitution – Purchasing: To purchase or trade anything of value for commercial sex acts. **Robbery:** The taking or attempting to take anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

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

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

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

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

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

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

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

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

GROUP “B” OFFENSES

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

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

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

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

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

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

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

Peeping Tom: To secretly look through a window, doorway, keyhole, or other aperture for the purpose of voyeurism.

Trespassing on Real Property: To unlawfully enter land, a dwelling, or other real property.

ALL OTHER OFFENSES

All crimes that are not Group “A” offenses and not included in one of the specifically named Group “B” crime categories listed above. (Traffic offenses, except for Hit and Run, are excluded). This information is provided as a part of DCB’s continuing commitment to safety and security on campus in compliance with the North Dakota Uniform Crime Reporting Act and the Jeanne Clery Act. Concerns, questions, or complaints related to this document or the applicable statutes should be directed to DCB Housing – Bridget Gustafson – (701) 228-5657, bridget.gustafson@dakotacollege.edu