Williston State College Policies and Procedures

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100 Introduction

This manual provides a written account of how certain activities are performed and is designed to guide and assist staff in performing their functions. When appropriate, there may be deviations from these written procedures due to changes in personnel, policies, interpretation, law, experimentation with different systems, or simply evolution of the process itself. This manual may be changed at any time. Employees are encouraged to review this manual periodically and suggest changes in the manual to keep the manual current and to minimize differences between the manual and actual practices.

600 Personnel

Harassment Policy

POLICY

It is the policy of Williston State College to provide an environment that is free from sexual harassment because such conduct seriously undermines the atmosphere of trust and respect that is essential to a healthy work and academic environment.

This policy applies to all members of the college community, who are encouraged to report promptly complaints about sexual harassment. Persons found to be in violation of this sexual harassment policy shall be subject to disciplinary action which may
include, but is not limited to, written warning, demotion, transfer, suspension, or dismissal.

**Legal Authority**

Sexual harassment is a form of sex discrimination which is prohibited by Title VII of the Civil Rights Act of 1964, by Title IX of the Education Amendments of 1972, and by the North Dakota State Board of Higher Education Policy 603.1.

**Definition**

A. Harassment on the basis of sex is a violation. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute harassment when

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,

(2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting an individual, or

(3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

B. In determining whether alleged conduct constitutes harassment, the College will look at the record as a whole and the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case-by-case basis.

C. Williston State College is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the College and regardless of whether the college's administration knew or should have known of their occurrence.

D. With respect to conduct between fellow employees, the College is responsible for acts of sexual harassment in the workplace when the College (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.
E. The College also may be responsible for the acts of non-employees, with respect to sexual harassment of Williston State College employees in the workplace, when the College (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and corrective action.

College policy on equal opportunity and nondiscrimination is in effect. This policy includes sexual harassment under sex discrimination guidelines and covers academic and classified staff. Title IX of the Education Amendments of 1972 covers students in federally assisted programs. The State Personnel Board has adopted sexual harassment policies for state employees. These policies prohibit sexual harassment and prohibit retaliation against a person filing a sexual harassment complaint.

Questions concerning the applicability of these guidelines to specific situations or incidents should be directed to the Director for Human Resources at 701-774-4204.

PROCEDURES

An initial course of action for any faculty, staff, or student who feels that he/she is being sexually harassed is for that person to tell or otherwise inform the harasser that the conduct is unwelcome and must stop. However, in some circumstances, this course of action may not be feasible, may be unsuccessful, or the individual may be uncomfortable dealing with the matter in this manner. To encourage persons experiencing alleged sexual harassment to come forward, the College provides several channels of communication and both informal and formal complaint resolution procedures.

Information, Counseling, and Informal Resolution

Anyone may seek advice, information, or counseling on matters related to sexual harassment without having to lodge a formal complaint. Persons who feel they are being harassed, or are uncertain as to whether what they are experiencing is sexual harassment, are encouraged to talk with whomever they feel comfortable. Such informal discussions can be handled by faculty, counselors, department coordinators, head residents, director for student development, dean for academic affairs, affirmative action officer, or other college personnel.

The person seeking information and advice will be counseled as to the options for action available under this policy. The information disclosed through the advisement process will be held in confidence, unless and until the initiating individual agrees that additional people must be informed in order to facilitate a solution. The informal complaint resolution is to ensure that the alleged offending behavior ceases and that the matter is resolved promptly at the lowest possible level. No disciplinary action is taken in resolving informal complaints.
**Formal Resolution**

If the complainant does not receive satisfaction through the informal resolution procedures, he/she shall submit to the President a written request for a hearing, along with a written grievance containing a concise description of the nature of the grievance. The grievance request can be filed with the President anytime after filing a formal complaint, but must be within five (5) calendar days after the written report has been submitted. The President shall immediately forward a copy of the grievance to the Chair of the Grievance Committee.

Upon receipt of the grievance, the Chair shall immediately notify the respondent that a grievance has been filed and submit a copy of the grievance to the respondent. The respondent may file a response to the grievance within three (3) working days.

Deliberations on the grievance shall begin within seven (7) calendar days after the Chair receives both the written grievance from the complainant and the respondent's response.

The Chair shall notify the complainant and the respondent of their rights to cross-examine witnesses who will appear against them, of their right to call witnesses on their own behalf, and the date and time of the scheduled hearing.

The Committee shall render a decision in writing to the complainant and the respondent within three (3) working days of the conclusion of the Committee hearing.

If either the complainant or the respondent is not satisfied with the decision, either may request a hearing before the President within ten (10) working days of the Committee notice. The President will review the testimony from the hearing and hear the appeal. The decision of the President shall be final.

*Spring, 1994.*

**Nondiscrimination Policy**

Williston State College operates in accordance with Title VI of the Civil Rights Act of 1964, Title IX of Education Amendment Act of 1972, and Section 504 of the Rehabilitation Act of 1973 which provide that: “No person in the United States shall, on the basis of sex, race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance; and prohibit discrimination on the basis of handicap against existing employees, students and applicants for employment and admission.” Williston State College does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.
The Coordinator for Title IX, Section 504 and Section 35.107 of the Department of Justice regulations is Heather Fink, Williston State College, 1410 University Avenue. Phone is 701-774-4281 or heather.fink@willistonstate.edu.

Theft and Fraud Policy

Each employee, as a basic condition of employment, assumes responsibility for safeguarding and preserving the assets and resources of the state and university system and its institutions, particularly those for which the employee is responsible.

Each employee is expected to report suspected theft, fraud or unlawful or improper use of public resources to a supervisor, department head, chief fiscal officer or other institution officer designated with responsibility for receiving and investigating such reports.

Williston State College has designated Laurie Furuseth, CFO of alleged violation(s), the CFO shall determine reasonable and appropriate action(s) to address the allegation(s). Such action(s) may include an internal investigation, commission of an audit, referral to law enforcement officials, and a recommendation for policy or procedure amendments. A report summarizing findings and actions taken shall be prepared by the CFO. This report shall be presented to the President’s Staff and filed in the office for Financial Affairs. The President’s Staff including the CFO are also responsible for periodic review of WSC policies and procedures concerning safeguarding and preservation of assets and resources of the state and university system, making recommendations for appropriate controls and staff training to minimize opportunities for theft or fraud.

An employee found to have engaged in theft, fraud or unlawful or improper use of public resources, or an employee with knowledge of such acts by another who unreasonably fails to report such information as required by this policy, is subject to discipline, up to and including dismissal.

As used in this policy, "theft, fraud or unlawful or improper use of public funds or property" includes:

a. stealing, larceny or embezzlement;
b. making or altering documents or files with the intent to defraud;
c. purposely inaccurate accounting or financial reporting at any level;
d. fraudulent conversion or misappropriation of public resources, including funds, supplies or other property;
e. improper handling or reporting of financial transactions;
f. authorizing or receiving compensation for goods not received, services not performed or hours not worked, including payment or receipt of a bribe, kickback or other unlawful or unauthorized payment.

Reference: North Dakota State Board of Higher Education Policy 611.10

Copyright Policy

Context of Policy

1. **Impetus**: At the request of the Senate and the verbal director of the President, a subcommittee of faculty and classified staff was formed to develop a written policy to guide Williston State College and its employees and students in complying with the laws and guidelines regulating establishment of copyright ownership and use of copyrighted material.

2. **Key Definitions**:

    a. **Copyright**: Williston State College recognizes the professional and legal obligation of administration, staff, faculty, and students to respect the copyrights holders have over their creations. Section 106 of 17 USCS defines the five rights of holders: 1) to reproduce the work; 2) to prepare derivative works based on the work; 3) to distribute copies or audiovisuals of the work to the public by sale or other transfer of ownership, or by rental, lease or lending; 4) to perform the work publicly; and 5) to display the work publicly. Violation of holder's copyrights is infringement.

    b. **Fair Use**: Section 107 of 17 USCS defines fair use as a combination of four factors: 1) purpose & character use; 2) nature of copyrighted work; 3) amount and substantiality of portion copied relative to the entire work; 4) effect of copy upon potential market for or value of the copyrighted work. This does not give schools "open license" to copy anything to any amount. While the section specifically mentions that fair use may include "criticism, comment, . . . teaching (including multiple copies for classroom use), scholarship, or research. . .". Bruwelheide (1995), referring to case law, explicitly states, "Schools and libraries can be guilty of violating the copyright law despite their educational purposes" (p. 13).

    c. **Public Domain**: Works which are in the public domain are those whose copyrights have expired or been non-renewed, those created by the federal government, or those for which copyright was never claimed. Bruwelheide (1995) points out that, "Absence of a copyright notice on software or other media does not mean that the material is automatically in the public domain . . . Since March
1, 1989, the inclusion of a copyright notice on any form of material has been optional, but recommended" (p. 69).

d.  **Work for Hire:** Weinstein (1987) defines work for hire as either something done as an employee of another person within the scope of said employment or something which is a product of a contractual agreement between the maker and the owner of the product (p. 39). Usually the employer or patron owns all copyrights attached to the work created, although the employer or patron may allow the creator to have ownership of copyrights of works created in a work for hire situation if, in writing, the specific rights and the specific works are enumerated and both employer/patron and creator sign the document (p. 41).

Weinstein does point out that an exception to the standard work for hire definition exists in the education realm, however. "The employer (the educational institution) will not automatically be the initial copyright owner of such works, even though [the works] might otherwise be thought to fall within the scope of employment. Here, as a result of generally accepted practices, teachers and professors are entitled to possess initial copyright ownership" (p. 42).

**Purposes of Policy**

1. **Ethical:** As an institution valuing intellectual property as both creation and as tool, Williston State College shall value copyrights and shall expect employees and students to respect the right of holders to control dissemination and reproduction of works.

2. **Exemplary:** The University can serve as a lasting example for its students by adhering, at all levels from classroom to administrative office, to 17 USCS, case law decisions and interpretations, and guidelines provided for use by higher education institutions.

3. **Legal:**

"**Q: In case of an alleged infringement, who would be sued...?**"
A: Clearly, the librarian or the teacher can be sued, but the. . . university, even the equipment operators [i.e., students or classified staff] may also be named in a lawsuit. In fact, anyone who had something to do, even remotely, with the alleged infringement may be named. The person who does the infringing is the prime offender. Thus, copyright policies are extremely important for protection and clarification of responsibilities." (Bruwelheide, 1995, p. 10).

"**Q: What is sovereign immunity?**"
"A: [In addition to recent federal court rulings and consequent revision in North Dakota statutes,] in November 1990, Section 511 was added to the Copyright Law to clarify the issue. It stated that state entities, agencies, and employees were not immune from suits for copyright infringements and could be held liable for copyright violations." (Bruwelheide, 1995, p. 11).

"Q: What are the penalties if the court finds that the teacher or librarian or employee knowingly infringed upon the copyright?"
"A: The awards to the copyright owner can be substantial: $500 to $20,000 per work infringed upon and up to $100,000 in cases of willful, or knowledgeable, infringement. If the defendant is able to prove that the infringement was 'innocent,' such damages may be remitted, or not levied, by the court if there was honest belief and reasonable grounds to consider the use of copyrighted works as 'fair use,' as described in Section 107. (Bruwelheide, 1995, p. 9).

"Q: What efforts can underscore the 'innocence' of libraries, educational institutions, and their employees?"
"A: They can make every effort to show compliance by:
1. Applying the fair use factors. . .;
2. Applying the educational and library exemptions. . .;
3. Applying the various guidelines, when appropriate. . .;
4. Labeling all equipment capable of copying (not just photocopiers); and
5. Seeking permissions and retaining records." (Bruwelheide, 1995, p. 9).

Statement of Policy

1. Employees and students of Williston State College shall abide by the conditions of the Copyright Act of 1976, as amended in 1994 (17 USCS), end by Title 37 of the Code of Federal Regulations (updated whenever the Copyright Act is amended).

The "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions With Respect to Books and Periodicals" (HR 94-1476) is also a basis for sections of this policy; Bruwelheide (1995) reports that a 1994 report by the U. S. Department of Commerce Information Infrastructure Task Force says HR 94-1476 "has been endorsed by court decisions" (p. 14).

Thomas (1992) includes the text of the 1981 "Guidelines for Off-the-Air Recording of Broadcast Programming for Educational Purposes," which she claims is "a retroactive part of the 1976 Copyright Act (pp. 22-23); section I of the "Guidelines" states that they "apply only to nonprofit educational institutions, which are further 'expected to establish appropriate control procedures to maintain integrity of these guidelines'" (p. 23).
Section 117 of PL96-517 is also applicable to matters of computer programs.

2. The Director of Finance and Operations is designated as the University Copyright Administrative Officer.

3. The University shall develop and have in place by the beginning of Fall Semester 1996 an operating system for maintaining records documenting copyright holders. These records shall include but not be limited to copies of requests for permission, copies of holders’ responses to requests for permission, copies of all licenses and licensing agreements for works.

4. The University shall not be a contributor to copyright infringement. **Liability for willful infringement of copyright rests on the individual or individuals committing the infringement.** In order to actively comply with copyright law, the University shall post the following on all printers, Thermofax machines, photocopying equipment, scanners, digitizers, transparency machines, and other devices developed to make reproductions: "Notice: The copyright law of the United States (Title 17 U. S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement."

5. All employees shall read and sign a statement attesting to their reading of, and acceptance of responsibility for choice for complying with, this policy.

6. **Obtaining Permission**

   a. Whenever possible, employees shall obtain permission of the copyholder before making and/or distributing copies; permission may take the form of license or licensing agreement. Obtaining permission requires finding the works and planning for their use long before the class session.

   b. Employees or students requesting permission are encouraged to use "Request for Permission to Copy" for text works, purchase of new non-text works, and "Audiovisual Permission Request for Media" for use of media already purchased. If these forms are not used, letters, FAX messages, or e-mail messages requesting permission to copy material or works should contain the same substantial information as does the appropriate form.

   c. Copies of all requests made by University personnel, and of all responses from copyright holders, shall be given to the Copyright Administrative Officer, who shall maintain a record of all requests and responses.

7. **Teaching situations: text**
a. If the decision to use the work and the moment of its use for maximum effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission, the following policies apply. (HR 94-1476)

b. Faculty or others so directed by faculty (ex. secretaries, student aides) may make single copies of a chapter of a book or of an excerpt of no more than 1,000 words or 10 percent of the work, whichever is less; a periodical or newspaper article of less than 2,500 words; a short story or short essay of less than 2,500 words; a poem of less than 250 words and if not printed on more than two pages OR an excerpt not to exceed 250 words from a longer poem; or one chart, graph, diagram, drawing, cartoon, or picture from a book, periodical (one per issue), or newspaper (one per issue) for individual research or use in teaching only one course or preparation to teach one course. (HR 94-1476)

c. Faculty or others so directed by faculty shall only copy one short poem, article, story; or two excerpts from the same author during one class term. Faculty shall copy three or less items from a single collective work or periodical volume during one class term. Faculty shall not make more than nine spontaneous copies without copyholders' permission per course per term. (HR 94-1476)

d. Multiple copies not exceeding one per pupil per course may be made for classroom use or discussion, provided they meet the criteria of the preceding three paragraphs and each copy includes a copyright notice (HR 94-1476)

e. Charges to students for copies made under these provisions shall not exceed the actual cost or photocopying or electronic reproduction. (HR 94-1476)

f. Faculty or others directed by faculty shall not copy the same item from term to term, nor shall they copy all or part of workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material. (HR 94-1476)

g. No employee shall assume that works no longer in print are in the public domain.

h. Faculty or others so directed by faculty shall place a copyright notice on all reproduced works. The notice shall state: "This material may be protected by copyright law (Title 17 U. S. Code)."

8. **Teaching Situations: Digitized/scanned material**
a. Employees and students shall obtain explicit permission from, and payment of required royalty fees to copyright holders prior to digitizing or scanning copyrighted materials into computer ("machine-readable" in HR 94-1476, Circular 21, 19) format, unless the original was in digital format. (HR 94-1476, 74-79) Bruwelheide (1995) states that "many legal experts say [digitizing or scanning texts into computer format] is not [legal] in most instances. The Association of American Publishers issued a report in 1994 stating that digitizing of copyrighted materials was not permissible without permission...Unfortunately, this is an area of the law where needed guidelines are still absent" (p. 64).

9. **Teaching Situations: Audiovisuals & Software**

a. Faculty or students shall only display lawfully made motion pictures or other audiovisual works, whether all or only a portion of the work is displayed. (HR 94-1476)

b. Provided that all conditions of section 110(1) are met, videotapes labeled "For Home Use" only may be shown. (HR 94-1476) Whenever possible, departments and the library shall purchase videotapes with explicit "Public Performance Use" permission.

c. Without explicit permission of the copyright holder, audiovisual displays whose rights are held by others shall be for educational purposes within the limitations of fair use, not for recreational purposes. (HR94-1476)

d. Employees and students shall only copy and distribute legally-made phone records; audiotapes; videotapes; computer tape, disk, or other medium embodying a program. (109 of 17 USCS)

   i. No employee or student shall copy audiovisuals labeled "For Home Use Only" without expressed permission of the copyholder.

   ii. Computer programs may be copied for either of the two following purposes:
       1. Creation of duplicate is an essential step to allow the software to run; or

              2. To create a backup/archival copy, which is then stored—not used. Only one archival copy shall exist at one time. (117 of PL 96-517)

   iii. Employees and students shall only sell, lease, or transfer computer program copies if the legally-made copy and the original program are BOTH included in the transaction. (117 of PL 96-517)
iv. Videotaped recordings may be kept for no more than 45 calendar days after the recording date, at which time the tapes must be erased, ("Guidelines" cited in Thomas. p. 23)

v. Videotaped recordings may be shown to students only within the first 10 school days of the 45-day retention period. ("Guidelines" cited in Thomas, p. 23)

vi. Off-air recordings must be made only at the request of an individual teacher for instructional purposes, not by school staff in anticipation of later requests by teachers. ("Guidelines" cited in Thomas, p. 23)

vii. The recordings are to be shown to students no more than two times during the 10 day period, and the second time only for necessary educational reinforcement. ("Guidelines" cited in Thomas, p. 23)

viii. The taped recordings may be viewed after the 10-day period only by teachers for evaluation purposes, that is, to determine whether to include the broadcast program in the curriculum in the future. ("Guidelines" cited by Thomas, p. 23)

ix. If several teachers request videotaping of the same program, duplicate copies are permitted to supply their request; all copies are permitted to the same restrictions as the original recording. ("Guidelines" cited by Thomas, p. 23)

x. The off-air recordings may not be physically or electronically altered or combined with others to form anthologies, but they need not necessarily be used or shown in their entirety. ("Guidelines cited by Thomas, p. 23)

xi. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded. ("Guidelines" cited by Thomas, p. 23)

xii. Pirating of audiovisuals or computer programs is a copyright infringement. See "Misuse of Computer Facilities, Equipment or Programs" policy in Section IV of the Faculty Handbook.

e. Employees shall only place copyrighted material on local area or wide area networks when licensing agreement of the material expressly allows such use. At any one time, the number of network users of a software shall not exceed the number permissible by licensing agreement. (117 of PL 95-517)

f. The following notice shall be placed in a conspicuous location on all work stations, dumb terminals, and standalone microcomputers: "Many computer
programs are protected by copyright, 17 U.S.C. sec. 101. The person using this equipment is liable for any infringement.

g. Lawfully made or obtained audiovisuals, in whole or in part, shall only be displayed by instructors and students in the course of:
   --Face-to-face teaching activities;
   --in a nonprofit educational institution;
   --in a classroom or similar place devoted to instruction. (110(1) 17 USCS)

10. **Works for Hire:** Refer to "Employee Responsibility and Activities: Copyrights" in Section III of the Faculty Handbook for University policy on works for hire.

11. **Student Works:**
   a. Faculty shall recognize that student musical works, dramatic works, pantomimes, choreographic works; literary works; pictorial, graphic & sculptural works; audiovisual works & motion pictures; sound recordings; and computer programs are works to which the student holds copyright. No student work shall be distributed or copied without expressed written consent of the student.

   b. The Williston State College faculty may use copies of works for assessment, examples for future courses, long-term files, etc., only with explicit written consent of the student.

   c. Under no circumstances shall any faculty coerce a student into signing away all copyrights, nor shall faculty ask student to remove names from compositions, nor shall faculty make student transfer of copyright a requisite for a course or assignment.

12. **Student Uses:** Instructors should inform students of legitimate academic uses of copyrighted material used for course work. Students shall abide by copyright and honesty policies.

13. **Library Uses:**
   a. Regarding texts and phone records and other works as allowed under subsection (h) of Section 108, the library and its staff shall abide by Section 108, 17 U.S.C.S. The library:

      --Shall not reproduce or distribute works for patrons if the library or any of its staff is aware or has substantial reason to believe that such actions will involve the library in related or concerted reproduction or distribution of multiple copies or phone records of the same material, whether intended for aggregate use by one or more individuals or for separate use by individual members of a group.

11/5/2015
--Shall not engage in systematic reproduction or distribution of single or multiple copies of material described in subsection (d) of Section 108, except for cases of legitimate, legal interlibrary loan arrangements which do not have, as their purpose or effect, that the library receiving such copies or phone records for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

--Shall not hold on reserve "For Home Use Only" videotapes unless students are able to view those videotapes outside the library.

b. As Bruwelheide (1995) states, "The library's duty is . . . merely to state the work is subject to the copyright laws: (p. 61); "There is room for a variety of approaches to this situation....While there is no clear duty to refuse to lend, there is a point at which a library's continued lending with actual knowledge of infringement could possibly result in liability for contributory infringement." (p. 62)

c. The library shall not use any system of reproducing single subscriptions or interlibrary loans to:
   i. Substitute for subscriptions, purchases by library, by faculty and staff, or by students; nor to
   ii. Create or replace or substitute for anthologies, compilations, collective works. (HR 94-1476)

d. The Congress established a Commission on New Technological Uses of Copyrighted Works (CONTU) Guidelines which in 1976 adopted guidelines which apply to Section 108 (g) (2) of the Copyright Act. The guidelines specifically apply to interlibrary loans situations. The guidelines, adapted for Williston State College Library application, are

   --Periodicals published with five years of a patron's request are known as the "rule of five." Periodicals older than five years are not addressed by the guidelines, but they are not to be considered as fair game for unlimited copying. Copyright term is still in effect. [The library shall] apply Section 108 or 107 criteria.

   --During a calendar year, no more than five copies may be requests and reproduced from any single periodical title (not single issue). If the . library uses a periodical heavily, the library [shall] subscribe to it.

   --"With respect to any other material described in 108(d), including poetry and fiction anthologies, filled requests will not exceed [five] copies or phone records within a calendar year." The library [shall] purchase a copy if a title is used that heavily.
--[The library] may request an item that it currently owns through interlibrary loan if its copy is currently unavailable. Such a request would not count in the annual tabulation. [The library] may also request a loan if the periodical is currently on order.

--[When requesting interlibrary loan items, the library] must use a requesting form that states that the CONTU guidelines are being followed. The American Library Association developed a form which complies with this requirement [; the library may use this form].

---... [The library] [shall] maintain records of all requests and fulfillments for copies or phone records for three years after conclusion of the calendar year when the requests were made. (Bruwelheide, 1995, pp. 18-19)

14. **Faculty/Employee/Administrative Directives**

   a. No faculty member or classified employee or administrator shall direct a subordinate or ancillary department (ex. library, faculty secretary) to violate this policy. (HR 94-1476)

   b. "Often teachers or administrators believe that if students, aides or volunteers make copies, the law is circumvented. This is a misconception. Anyone who violates the law can be held liable. In fact, school administrators and teachers who fail to inform students or staff about copyright laws may be held liable under the concept of 'contributory infringement.' The [employing institution] of a teacher who infringes could be held liable with the teacher" (Thomas, pp. 12-13).
References


Approved by Council on May 1, 1996
Substance Abuse Policy

PURPOSE

Williston State College recognizes that the use of illegal drugs, and abuse of alcohol and prescription drugs is a serious problem within our society. In response to this concern, Williston State College is committed to the following goals: (1) to establish and enforce clear campus policies regarding the use of alcohol and illegal drugs; (2) to educate members of the campus community for the purpose of preventing alcohol abuse and illegal drug use; (3) to create a campus environment that promotes the individual’s responsibility to him/herself and to the campus community; and (4) to provide resources through counseling and referral services for students, faculty, and staff who experience alcohol and other drug abuse problems.

POLICY

Williston State College policy prohibits the abuse of alcohol or use of illegal drugs, as well as reporting for work or engaging in work or other College-related activities under the influence of alcohol or illegal drugs. Behaviors which suggest alcohol/drug abuse include (but are not limited to) the following:

1. Repeated accidents (on or off campus)
2. Repeated illness absences
3. Chronic lateness or early departures
4. Significantly diminished task performance (with no other explanation)
5. Odor of alcohol, slurred speech, unsteady gait, disorientation, paranoia, hallucinations, and other physical signs of impaired function, not caused by a known medical condition

A faculty or staff member who suspects that a colleague or co-worker is under the influence of alcohol or illegal drugs should contact his/her department chair or supervisor immediately. A faculty or staff member who suspects that a supervisor or department head is under the influence of alcohol or other illegal drugs should contact the next level of supervision or administration.

If a department chair, supervisor, or administrator has been contacted or suspects that an individual is under the influence of drugs or alcohol, he/she should contact the next
level of administration for assistance. A person suspected or found to be under the influence of alcohol or other drugs and/or who may be incapable of performing his/her job will be sent home. The individual will be taken home or be sent home in a taxi. Anyone who insists on driving while suspected of being under the influence of alcohol or other drugs will be reported to authorities.

If a person admits to being under the influence of alcohol or illegal drugs, drug or alcohol testing of the individual may not be necessary. In these cases, a mandatory referral will be made for evaluation by a licensed addiction counselor on or off campus.
If it is determined that testing is necessary because of a critical incident in the workplace or because of safety concerns for the individual, colleagues, or co-workers, blood and/or urine testing procedures will be used. Williston State College will pay the costs of all required drug or alcohol testings. Drug or alcohol testing may be conducted at the appropriate health agency with test samples sent to a certified laboratory for analysis. Random drug or alcohol testing is not explicit or implicit in this policy.

An individual suspected or found to be under the influence of alcohol and/or illegal drugs will be referred for evaluation to a licensed addiction counselor, and, if indicated, will be expected to participate in an appropriate treatment program for rehabilitation. If an individual refuses evaluation, refuses to participate in the appropriate treatment program, if it is indicated, or does not successfully complete the program, he/she will be subject to disciplinary actions up to and including dismissal.

If the individual is able to continue working while involved in the treatment program, his/her supervisor, department head, or department chair will determine if the individual is capable of performing regular job duties. If it is decided that the person should not work at his/her regular job, a temporary alternate job may be offered if one is available for which the person is qualified, or he/she will be placed on leave of absence with or without pay based on the appropriate leave of absence policy.

**Conviction of Criminal Drug Statute Violation**

Any faculty or staff member convicted of violating a criminal drug statute in this workplace must inform his/her department chair or the supervisor of such conviction (including pleas of guilty and nolo contendere) within five working days of the conviction. Failure to so inform will subject the individual to disciplinary action, up to and including dismissal for the first offense. Under the Drug-Free Workplace Act of 1988, Williston State College will notify the federal contracting officer within 10 days of receiving such notice from a faculty or staff member on a federal grant or contract or otherwise receiving notice of such a conviction.

Williston State College reserves the right to offer individuals convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug assistance program as an alternative to discipline. If such a program is offered, and accepted by the faculty or staff member, then he/she must satisfactorily participate in the program as a condition of continued employment.

Upon completion of the initial alcohol/drug treatment program, the individual may be monitored for up to two years by the supervisor/department head as determined by the treatment program. As a part of the aftercare program, monthly reports from the licensed alcohol/drug treatment program will be submitted to the supervisor or department chair on the individual's progress while he/she is in the program. Reports of relapses and/or missed aftercare meetings.
will also be reported to the supervisor or department chair by the licensed alcohol/drug treatment program. Noncompliance in the above-stated elements of the aftercare program will result in disciplinary actions up to and including dismissal.

**Aftercare**

Upon completion of the initial alcohol/drug treatment program, the individual may be monitored for up to two years by the supervisor/department head as determined by the treatment program.

As a part of the aftercare program, monthly reports from the licensed drug/alcohol treatment program will be submitted to the supervisor or department chair on the individual's progress while he/she is in the program. Reports of relapses and/or missed aftercare meetings will also be reported to the supervisor or department chair by the licensed alcohol/drug treatment program.

Non-compliance in the above-stated elements of the aftercare program will result in disciplinary action up to and including dismissal.

**Prescription Drugs**

Although prescription drugs and over-the-counter drugs are legal, their use may be unsafe under certain circumstances. A person who is using a drug which impairs mental or physical functioning should inform his/her supervisor or department chair. The supervisor will be responsible for evaluating the individual's ability to work. If necessary, the faculty or staff member may be requested to obtain a statement from the prescribing physician, authorizing the individual to work. If it is determined that it would be unsafe for an individual to work in the regular work setting, an alternative, temporary job may be offered if one is available for which the person qualifies. If no suitable job is available, the impaired person will be sent home.

**Sale, Transfer, Possession of Illegal Drugs**

Possession of illegal drugs (except possession of current prescription drugs) is prohibited and anyone in violation shall be subject to discipline. Any person who sells, manufactures, or distributes any illegal drugs on College property will be reported to the authorities and will be subject to dismissal.

**Legal Sanctions**

Under the North Dakota Century Code, persons in the workplace suspected of violating either alcohol or drug statutes may be referred to civil authorities for prosecution. Conviction of either state or federal alcohol or drug statutes will subject an individual (faculty or staff) to disciplinary action including, but not limited to, a required rehabilitation program, suspension, demotion, or dismissal.
The classification of offenses and the sanctions for violating specific alcohol or drug statutes are as follows:

**Chapter 12.1-32-01.** Classification of Offenses-Penalties. Offenses are divided into seven classes which are denominated and subject to maximum penalties, as follows:

1. Class AA felony: up to life imprisonment.
2. Class A felony: up to 20 years in prison, $10,000 fine, or both.
3. Class B felony: up to 10 years in prison, $10,000 fine, or both.
4. Class C felony: up to 5 years in prison, $5,000 fine, or both.
5. Class A misdemeanor: up to one year prison, $1,000 fine, or both.
6. Class B misdemeanor: up to 30 days in prison, $500 fine, or both.
7. Infraction: up to a $500 fine

**ALCOHOL**

**Chapter 5-01-09.** Alcoholic Beverages: Delivery to certain persons unlawful. Penalty for knowingly delivering alcoholic beverages to a person under twenty-one years of age, ..., or an obviously intoxicated person is guilty of a Class A misdemeanor, subject to NDCC sections 5-01-08, 5-01-08.1, 5-01-08.2, or as excepted under section 5-02-06.

**Chapter 39-08-01.** Persons under the influence of intoxicating liquor or other drugs or substances are not to operate a vehicle. Conviction is a Class B misdemeanor.

**Chapter 39-08-01.** Open bottle law conviction carries a $50 fine.

**Chapter 48-05-06.** Alcoholic beverages and drugs in charitable institutions prohibited. Penalty for taking, sending, or introducing any alcoholic beverage or controlled substance into any building or upon the premises of any institution, except as stated in NDCC 48-05-06, is guilty of a Class A misdemeanor.

**Chapter 19-03.1.** Uniform Controlled Substance Act. Conviction under the Uniform Controlled Substance Act carries penalties that range from 1 year imprisonment, $1,000 fine or both, to 30 years imprisonment, $10,000 fine or both.

**Chapter 19-03.2.** Imitation Controlled Substances.
Penalties range from a Class B misdemeanor for a person to use, or to possess with intent to use, an imitation controlled substance to a Class C felony for the purpose of manufacturing, distributing, or possession with the intent to distribute, an imitation controlled substance.

**Chapter 19-04-08. Distribution of Anabolic Steroids Prohibited.**

Penalty for distributing or possessing with the intent of distribute an anabolic steroid for use in humans other than the treatment of disease under the prescription of a physician is a Class B felony.

**12.1-31.1-03.** Unlawful possession of drug paraphernalia is a Class A misdemeanor.

**12.1-21.2-04.** Unlawful manufacture or delivery of drug paraphernalia is a Class A misdemeanor.

**12.1-31.1-05.** Unlawful delivery of drug paraphernalia to a minor is a Class C felony.

**12.1-31.6-06.** Unlawful advertisement of drug paraphernalia is a Class B misdemeanor.

Other drug or alcohol-related statutes may apply in specified circumstances for which a person may be disciplined or prosecuted by appropriate Williston State College or civil authorities, respectively. Disciplinary and appeal procedures for faculty are found in the **Faculty Handbook** and for staff in the **Staff Personnel Policy Manual**.

Federal statutes are attached as printed in the August 16, 1990, **Federal Register** as part of the final regulation for the Drug-Free Schools and Campuses Act.

**SOURCES OF EDUCATION AND COUNSELING**

Williston State College offers an Employee Assistance Program (EAP) which can be used for referral to appropriate support agencies or services. The director for instruction or the director for business affairs is the college contact.

Mercy Recovery Center and Northwest Human Service Center offer educational programs for persons seeking assistance in drug and alcohol evaluation, intervention, treatment, and aftercare.
Other agencies or licensed addiction counselors are listed in the yellow pages of the telephone book under "Alcoholism Treatment" and "Drug Abuse Information and Treatment."

USES AND EFFECTS OF CONTROLLED SUBSTANCES

The table of controlled substances is reproduced from the final regulation issued from the Drug-Free Schools and Campuses Act of 1990.

REPORTING REQUIREMENTS AND RECORDS RETENTION

A department chair or supervisor who has disciplined a faculty or staff member for alcohol or drug-related workplace problems or who has knowledge of an alcohol or drug-related conviction, shall notify the appropriate vice president in whose area the faculty or staff member is employed. The following information will be retained: Faculty or staff member's name, department, date and type of offense, date and type of action taken, and any follow-up or aftercare required. Disciplinary reports on staff shall be submitted to the director for business affairs, who shall be the official repository of this data. Disciplinary reports on faculty shall be placed in their official personnel file. Referral data for evaluation, treatment, or aftercare that are non-disciplinary or contain medical information shall be retained by the director for instruction or the director for business affairs.

Williston State College will undertake, at minimum, a biennial review of the program starting in 1991 to (1) determine effectiveness of and changes to the program and (2) to ensure that disciplinary sanctions are consistently enforced.

800 Financial Affairs

Identity Theft and Prevention Program Plan

Purpose
To establish an Identity Theft Prevention Program designed to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the program in compliance with Part 681 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Definitions
Identity Theft:
Fraud committed or attempted using the identifying information of another person without authority.
Red Flag:
A pattern, practice, or specific activity that indicates the possible risk of identity theft.
Covered Account:
A financial account whose purpose can be personal or business and is offered or maintained by WSC. The account is designed to permit multiple payments or transactions. Covered accounts include but are not limited to Meal Card accounts, credit/debit card processing, financial aid information, student loan information, business accounts, phone accounts, payroll account information; and any other account that WSC offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of WSC from identity theft, including financial operational, compliance, reputation, or litigation risks.

Need to Know:
Authorization is given to a user for whom access to the information must be necessary for the conduct of one's official duties and job functions as approved by the employee’s supervisor.

Confidential Data:
Includes information that WSC is under legal or contractual obligation to protect.

Public Record:
Defined as a record or data item that any entity either internal or external to WSC can access.

Scope of Covered activities/business processes, rules
Any account or financial service that WSC offers or maintains for which there is reasonably foreseeable risk to customers or to the safety and soundness of WSC from identity theft, including financial operational, compliance, reputation, or litigation risks.

Existing policies and practices
WSC
Theft and Fraud Policy

Existing federal and state regulations
The Federal Information Security Act of 2002 (FISMA)
The Family Education Rights and Privacy Act of 1974 (FERPA)
The Gramm Leach Bliley Act of 1999 (GLBA)
The Health Insurance Portability Accountability Act (HIPAA)
The Fair Credit Reporting Act
The Children’s Online Privacy Protection Act
Fair and Accurate Credit Transaction Act of 2003 (FACTA)
Red Flag Rules – Interpretation of Sections 114 and 315 of FACTA
North Dakota Century Code, Chapter 44-04, Open Records
Payment Card Industry Data Security Standard (This is not a law, but is a set of standards for protecting credit card information developed by the credit card industry.)

Departments covered under the Red Flag Rule
Any department that offers financial services.

Red Flag Standards and Practices
Many colleges, departments, and offices maintain files, both electronic and paper, of personal biographical, academic, health, financial, and admission records. These records
may also include personal billing information, Perkins Loan records, student institutional loans, and personal correspondence with employees, students, and parents. Policies to ensure compliance with Gramm-Leach-Bliley Act, Family Educational Rights and Privacy Act (FERPA), and Payment Card Industry security standards (PCI), system and application security, and internal control procedures provide an environment where identity theft opportunities are mitigated. Personal financial records are safeguarded to ensure the privacy and confidentiality of student, parents, alumni, and employees. The Office of Human Resources and Payroll performs criminal background checks on all potential employees prior to their date of hire.

WSC is insured by a fidelity bond that covers losses arising from embezzlement, or the want of honesty, integrity, or fidelity by an employee or other person holding a position of trust.

- Staff who have access to HR and payroll data have received training that non-directory information regarding employees is not to be provided unless approved in writing by the employee.
- The student is required to give written authorization to the Registration and Records office and/or the Campus Connection if their information is permitted to be shared with another party. A FERPA disclosure statement is distributed to students each year informing them of their rights under FERPA. The student is given the opportunity to provide billing addresses for third party billing.
- Occasionally, the College will extend short term credit to a student for payment of their tuition bill or other items which thus creates a covered account. The student signs a short term promissory note, which is stored in a secured area.
- Access data in WSC’s ConnectND system is restricted to those employees of the College with a need to know and for proper performance of their duties. These employees receive training related to FERPA and “Red Flag” regulations.
- Social Security numbers are not used as identification numbers and this data is classified as confidential.
- All paper files, when not in use, must be stored in locked filing cabinets. All offices must be secured during normal business hours and, when not occupied, are to be locked.
- Access to confidential employee data in WSC’s Human Resources and Payroll systems is restricted to only those employees who have a need to know and for proper execution of their job functions. These employees receive training related to FERPA and “Red Flag” regulations.
- Employees and students are requested to report all changes in name, address, telephone or marital status to the Office of Human Resources and Payroll and/or the Registration and Records office as soon as possible; they must periodically verify those persons listed as contacts in case of an emergency.
- The College ensures that all personal data (dates of birth, EMPLIDs, Social Security numbers, etc.) that it maintains in its personnel files and databases is protected. WSC will not disclose personal information, except by written request or signed permission of the employee (e.g., the Campus Directory), or unless there is a legitimate business need-to-know, or if required by law.
Every effort is made to limit the access to confidential information to employees on campus with a legitimate need-to-know. Employees, who have been approved access to the administrative information databases, understand that they are restricted to using the information obtained only in the conduct of their job functions. The inappropriate use of such access and/or use of administrative data may result in disciplinary action up to, and including, dismissal from the College.

The University’s official personnel files for all employees are retained in the Office of Human Resources and Payroll.

Any information classified as confidential contained within the personnel file remains confidential. Employees have the right to review the information contained in their personnel file.

Personnel records are classified as open records according the North Dakota Century Code (Ref: N.D.C.C. 44-04-18.1 (2)).

Detecting Red Flag Activity

Alerts, Notifications, or Warnings from a Consumer Reporting Agency
- A fraud or active duty alert is included with a consumer report
- A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report
- A consumer reporting agency provides a notice of address discrepancy, as defined in §41.82(b) of the Final Rules for Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003, as outlined in the 11/19/07 Federal Register
- A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as
  - A recent significant increase in the volume of inquiries
  - An unusual number of recently established credit relationships
  - A material change in the use of credit, especially with respect to recently established credit relationships
  - An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

Suspicious Documents
- Documents appear to have been altered or forged
- The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification
- Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification
- An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled

Suspicious Personal Identifying Information
- Personal identifying information provided is inconsistent when compared against external information sources used by the financial institution or creditor.
• Examples: The address does not match any address in the consumer report; or the Social Security Number has not been issued, or is listed on the Social Security Administration’s Death Master File
  o Personally identifying information provided by the customer is not consistent with other personal identifying information provided by the customer.
  o Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the institution
    • Examples: The address on an application is the same as the address provided on a fraudulent application; or the phone number on an application is the same as the number provided on a fraudulent application
  o Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the institution.
    • Examples: The address on an application is fictitious, a mail drop, or a prison; or the phone number is invalid, or is associated with a pager or answering service
  o The SSN provided is the same as that submitted by other persons opening an account or other customers
  o The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons opening accounts or other customers
  o The person having or opening a covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete
  o Personal identifying information provided is not consistent with personal information that is on file with the institution
  o For financial institutions and creditors that use challenge questions, the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
• Unusual Use of, or Suspicious Activity Related to, the Covered Account
  o Shortly, following the notice of a change of address for a covered account, the institution receives a request for new, additional, or replacement cards, or the addition of authorized users on the account
  o The covered account is used in a manner commonly associated with known patterns of fraud.
    • Example: The customer fails to make the first payment or makes an initial payment but no subsequent payments
  o A covered account is used in a manner that is not consistent with established patterns of activity on the account.
    • Examples: Nonpayment when there is no history of late or missed payments; a material increase in use of available credit; a material change in purchasing or spending patterns; a material change in
electronic fund transfer patterns in connection with a deposit account; or a material change in telephone call patterns in connection with a phone account (can be cellular or landline)

- A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors)
- Mail sent to customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer’s covered account
- The institution is notified the customer is not receiving paper account statements
- The institution is notified of unauthorized charges or transactions in connection with a customer’s covered account

- Notice from Customers, Victims of Identity Theft, Law Enforcement Authorities, or Other Persons Regarding Possible Identity Theft in Connection with Covered Accounts Held by the Institution

Responding to Red Flags

- Should an employee identify a “red flag” (patterns, practices and specific activities that signal possible identity theft), they are instructed to bring it to the attention of their supervisor, who will bring it to the attention of the college registrar, Admissions and Records; the human resources technician, Office of Human Resources and Payroll; the controller, accounting; or the VP of Business Affairs, Administrative Affairs. The administrator will investigate the threat of identity theft to determine if there has been a breach and will respond appropriately to prevent future identity theft breaches. Additional actions may include notifying and cooperating with appropriate law enforcement and notifying the student or employee of the attempted fraud.

Oversight of Service Providers

- Collection agency data sharing procedure
- Information service data sharing procedure (North Dakota Student Loan Center procedure for finding student whereabouts)

Section VI, part C, of the guidelines provides that, whenever a service provider is engaged to perform an activity in connection with one or more covered accounts, the institution should take steps to ensure the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. Thus, the guidelines make clear that a service provider that provides services to multiple financial institutions and creditors may do so in accordance with its own program to prevent identity theft, as long as the program meets the requirements of the regulations. The guidelines also provide an example of how a covered entity may comply with this provision. The guidelines state that a financial institution or creditor could require the service provider, by contract, to have policies and procedures to detect relevant red flags that may arise in the performance of the service provider’s activities and either report the red flags to the financial institution or creditor or take appropriate steps to prevent or mitigate identity theft.
Plan Responsibility, Review, Updates, and Approval
Responsibility for WSC’s Identity Theft Prevention Program is assigned to a team comprised of the following positions:

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<thead>
<tr>
<th>Department</th>
<th>Position</th>
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<tbody>
<tr>
<td>Technology and Services</td>
<td>Director of Technology</td>
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<tr>
<td>Accounting</td>
<td>Controller</td>
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<tr>
<td>Administrative Affairs</td>
<td>VP of Business Affairs</td>
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<tr>
<td>Financial Aid</td>
<td>Director of Financial Aid</td>
</tr>
<tr>
<td>Human Resources</td>
<td>Human Resources Technician</td>
</tr>
<tr>
<td>Admission and Records</td>
<td>Registrar</td>
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These positions will work together and be responsible for coordinating WSC’s Identity Theft Prevention Program including the following:

- Identify relevant patterns, practices, and specific forms of activity that are “red flags” signaling possible identity theft and incorporate those red flags into the program;
- Detect red flags that have been incorporated into the program; and
- Respond appropriately to any red flags that are detected to prevent and mitigate theft.
- The Identity Theft Prevention Program will be reviewed and updated regularly by this team. Changes will be approved by the President of WSC.
- Identify training and education relevant to the Identity Theft Prevention Program.
- Develop and review policies and procedures as appropriate to the Identity Theft Prevention Program.

Violations

- The Federal Trade Commission is authorized to commence action in a federal district court in the event of a knowing violation of FACTA. Civil penalties for violations are capped at $2,500 per offense. For colleges that use and review consumer reports of customers, failure to comply with the address discrepancy regulations subjects violators to penalties not exceeding $1,000.

Resource Links

- Fair Credit Reporting Act: http://www.ftc.gov/os/statutes/031224fcra.pdf
Equipment Use, Disposal, and Transfer

Employees are responsible for the custody, proper use, reasonable care, and maintenance of equipment purchased for or assigned to the respective departments of the college. Equipment over the amount of $750.00 must be tagged and inventoried annually. A Disposition or Transfer of Equipment form must be completed for the disposal of property and transfer of property from one department to another. Forms are available in the Business Office.

Each employee is expected to report the disappearance, suspected theft, fraud, or unlawful or improper use of any college property to his/her supervisor.

Revised 2/2008

1900 Miscellaneous

Emergency Notification System Policy

Williston State College has an emergency notification system (ENS) called Notifind. This system allows the campus to contact students, employees, and designated people rapidly during an emergency. The emergency notification system will require emergency notification contact information from students, employees, and on-campus businesses. This information is how the campus can contact the employee, student, or designated person.

- Williston State College mandates all employees, including student employees, participate in the emergency notification system. Employees will be required to review their emergency notification information annually. In addition, employees will receive reminders twice a year to update their records. Emergency notification contact information includes campus email, campus phone, home phone, personal cellular phone, and work cellular phone. The college's Human Resource Officer will gather emergency information from non-campus personnel deemed appropriate.

- Students will have the ability to add and update their information in the Connect ND portal. The portal will allow students to enter campus phone, cell phone, email, texting information, and home phone. The system will periodically remind students to review their information. In addition, students can receive emergency notifications from other campuses depending on their class location. Students can “opt-out” of the emergency notification system in the Connect ND portal.

- The emergency notification system is only for emergencies as defined in NDUS policy 1902. An "emergency" means a situation that poses an immediate threat to the health or safety of someone in the institution or system community or significantly disrupts institution or system programs and activities. Williston State College’s Emergency Management
Committee is responsible for defining emergencies that warrant system use. WSC will conduct emergency notification tests at least once each semester.

- Students are allowed to leave cell phones on during class to receive emergency notifications unless instructed by faculty. If a faculty member instructs students to turn their cell phones off, the faculty member must be able to receive emergency notifications by one of the following methods: registered personal cell phone, registered campus email, campus phone, or nearby office personnel instructed to notify faculty.

- Emergency notification information will be populated in the notification system from PeopleSoft, and be refreshed a minimum of once per semester. This removes former employees and students from the system.

- To eliminate misuse of the emergency notification system, only the President; Vice President for Academic and Student Affairs; Vice President for Business Affairs; Director of Student Services; Director of Institutional Research, Planning, and Housing; the Human Resource Officer; and the Facilities Director will have access to deploy the system.

- **All emergency situations should be reported to 911, if applicable, and then reported to a WSC administrator or designee at 701 570-2895.**

- During any emergency, WSC employees and students are asked to refer all media inquires to the Public Affairs Officer.

- Additional emergency notifications not outlined by the Emergency Management Committee can be deployed if necessary by designated personnel. WSC will use campus email and website for detailed updates, in addition to redeploying NotiFind.

- Employee emergency notification telephone numbers or other emergency notification information is exempt from the state's open records laws as provided in Policy 1912 and may be released only as provided in that policy. Student emergency notification information, or contact information such as phone numbers or email addresses submitted for purposes of participation in an emergency notification system, shall be excluded from directory information and is therefore confidential as provided under the Family Educational Rights and Privacy Act (FERPA). However, if a student phone number or email or other address submitted for the purpose of participation in an emergency notification system is also contained in other institution records used for other purposes, the information contained in the other institution records is directory information and not confidential, unless a student has exercised his or her right to refuse disclosure of directory information.

Reference: North Dakota State Board of Higher Education Policy 1902