Where the people make [the difference].
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Dear Community Member:

The 2018 Annual Security and Fire Safety Report for the 2017 calendar year for Williston State College is prepared by a comprehensive team representing various campus sectors: Title IX, Student Affairs, Campus Security, Residence Life, and Campus Services. Not only does this report comply with the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act, it is part of our ongoing effort to inform you of the safety programs and services available and the steps you can take to maintain your safety and the security of others.

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

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

If you have any questions or suggestions concerning this publication, please contact the Director for Campus Services at (701) 774-4578.

Best wishes,

Dr. John S. Miller, President

Published October 1, 2018
Quick Reference: Resources

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

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

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

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

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

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

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

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

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

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

Title IX .......................................................................................................................... (701) 774-4281
Visitors & Information ........................................................................................................ (701) 774-4200
1410 University Avenue, Stevens Hall

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

National & Statewide Hotlines
Poison Control ................................................................................................................1 (800) 222-1222
Road Emergency Assistance ............................................................................................1 (800) 472-2121
National Suicide Prevention Hotline .............................................................................1 (800) 273-TALK (8255)
Suicide Hotline ...............................................................................................................1 (800) SUICIDE (784-2433)
The Clery Act

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial, and geographic considerations, the issue of campus safety is a vital concern.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Clery Act affects virtually all public and private IHEs and is enforced by the U.S. Department of Education. Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program.

The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh College residence hall in 1986. Clery’s parents lobbied Congress to enact the law when they discovered students at Lehigh hadn’t been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery’s murder.

COMPLIANCE WITH THE CLERY ACT

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

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

1. Publish and distribute an Annual Security Report to current and prospective students and employees by October 1 of each year. The report must provide crime statistics for the past three years, detail campus and community policies about safety and security measures, describe campus crime prevention programs, and list procedures to be followed in the investigation and prosecution of alleged sex offenses.

2. Provide students and employees with timely warnings of crimes that represent a threat to their safety. The Williston State College Police Department (UPD) must also keep and make available to the public a detailed crime log of all crimes reported to them in the past 60 days. Crime logs must be kept for seven years, and logs older than 60 days must be made available within two business days upon request.

3. Keep the past three years of crime statistics detailing crimes that have occurred: on-campus; in college residential facilities; in public areas on or near campus; and in certain non-campus buildings, such as fraternities/sororities and remote classrooms. WSC must also report liquor and drug law violations and illegal weapons possession if they result in a disciplinary referral or arrest.

4. Disclose missing student notification procedures that pertain to students residing in any on-campus student housing facilities.

5. Disclose fire safety information related to any on-campus student housing facilities. This includes maintaining a fire log that is open to public inspection and publishing an Annual Fire Safety Report containing policy statements and fire statistics associated with each on-campus student housing facility. These statistics must include the location, cause, injuries, deaths and property damage of each fire.

6. Submit the collected crime and fire statistics to the Department of Education each fall.

7. Inform prospective students and employees about the availability of the Annual Fire Safety Report. WSC has a vested interest in campus security and the personal safety of its students and employees. The following pages contain specific information, including crime prevention, fire safety, law enforcement authority, crime reporting policies, disciplinary procedures and other matters of importance related to security and safety on
 Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. The report is available on the Internet at www.WSC.edu/annual-security-report. Every member of WSC receives an email that describes the report and provides its website address. For more information, contact the Department of Public Safety at 701-777-3491.
Campus Safety

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

CAMPUS SECURITY

Williston State College Campus Security is responsible for policy enforcement, security and emergency response on the campus. Campus Security is guided by the mission strategic principles of Service, Protection, Enforcement, Continuous and Quality Improvement.

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

Campus Security is staffed by 3 full-time and part-time contracted Security employees. Security personnel and perform other security related duties such as: campus patrol, communications center operations, life safety operations, parking enforcement operations, building checks, traffic control, access monitoring, escorts, on-campus event security, crowd and vehicular control activities, as well as other pertinent security related operations.

The Department patrols the campus and provides public safety services through the deployment of vehicle and foot patrols. The main goal of the patrol program is to provide a means for security personnel to randomly patrol parking lots and other areas not open to vehicle traffic, such as walkways and student gathering areas.

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

Campus Security Headquarters is located at 1410 University Avenue, Art Wood Building, Williston, ND 58801.

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

CRIME/EMERGENCY REPORTING AND COLLEGE RESPONSE

Campus community members - students, faculty, staff, and guests - are encouraged to report all criminal actions, emergencies, or other public safety related incidents occurring within the College’s Clery geography to Williston State College Campus Security (Campus Security) in an accurate, prompt, and timely
manner. The College’s Clery geography includes: on campus property including campus residence halls, buildings, and/or facilities; designated non-campus properties and facilities; public property adjacent to or contiguous to on campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities. Campus Security has been designated by Williston State College as the official office for campus crime reporting. Campus Security strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures Campus Security is able to evaluate, consider and send timely warning reports and accurately document reportable crimes in its annual statistical disclosure. Williston State College further encourages accurate and prompt reporting to Campus Security, and/or the local police when the victim of a crime elects to, or is unable to, make such a report. This publication focuses on Campus Security because it has primary responsibility for patrolling the Williston State College campus. However, criminal incidents or incidents off campus can be reported to the local Williston Police Department.

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

- Call Campus Security by dialing (701) 570-6699
- Report in person to Campus Security at the Campus Services office located at 1410 University Avenue, Art Wood Building, Williston, ND 58801
- Crimes or emergency situations can be reported to the Williston Police Department or local emergency services by dialing 911
- Sex Offenses and other incidents of sexual or relationship violence can also be reported to the college’s Title IX Coordinator, Heather Fink, by calling (701) 774-4281 or emailing heather.fink@willistonstate.edu, or in person at the Student Services Office Suite, Stevens Hall 105G, 1410 University Avenue, Williston, ND 58801
- Complete the online Suggestions/Positive Affirmations reporting form (This form should only be used for non-emergency or non-urgent reporting)

Campus Security procedures require an immediate response to emergency calls. Campus Security works closely with a full range of community resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. Campus Security responds to all reports of crimes and/or emergencies that occur on-
campus, adjacent to campus within its public property reporting area, or within a campus-controlled, -owned, -operated, and/or -recognized facility, building, residence hall, or area. Campus Security personnel also have the ability to notify Williams County emergency dispatchers of emergency situations occurring on-campus via portable, mobile communications systems, and transferring telephone calls to the 911 emergency center. This system allows Campus Security to summon assistance from emergency responders if deemed necessary and appropriate. Incidents occurring on-campus, within residence halls or non-campus buildings, or on recognized private property adjacent to or contiguous to College-owned, -controlled, -operated, or -recognized facilities, buildings, or areas are documented and processed for further investigation and review by the Director for Campus Services and/or the local Williston Police Department, depending upon the nature of the crime or emergency and the involvement of the local Williston Police Department. Additional information obtained via any investigation will also be forwarded to the Director for Campus Services.

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

If any form of sexual misconduct should occur on campus, staff on scene, including Campus Security, 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 Williston State College community. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Williston State College.

Crimes should be reported to Campus Security to ensure inclusion in the annual crime statistics and to aid in providing timely warning Campus Safety Alert notices to the community, when appropriate. For example, a crime that was reported only to the Williston State College counseling center would not be known to Campus Security, a Campus Security authority (CSA), or other College official.

**RESPONSIBILITIES OF THE WSC COMMUNITY FOR PERSONAL SAFETY**
Members of the Williston State College community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance.

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

**Voluntary Confidential Reporting:**
With the only exception being the Mental Health Counselor, Williston State College does not provide a confidential reporting option to Campus Security Authorities (CSA) and does not allow for voluntary confidential reporting. The Mental Health Counselor, in their capacity as a CSA, can make crime reports to Campus Security to ensure inclusion in the annual disclosure of crime statistics without disclosing personal identifying information. The Mental Health Counselor will work closely with Campus Security in order to allow Campus Security to properly assess reports for timely warning consideration and to avoid double counting of crimes.

**Confidential Reporting:**

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

**Anonymous Reporting:**
The Williston State College Department of Campus Security, unless otherwise prescribed by law or as set forth within this Annual Security and Fire Safety Report, does not take anonymous incident reports. The only exceptions to this policy are addressed below:

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

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

**STATISTICAL DISCLOSURE OF REPORTED INCIDENTS**

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

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

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

**OFF-CAMPUS CRIME**

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

**CAMPUS SECURITY ENFORCEMENT AUTHORITY**

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

**Campus Security Arrest Authority:**

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

**Campus Security Jurisdiction:**

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

**SECURITY OF AND ACCESS TO CAMPUS FACILITIES**

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

**Residence Halls:**
Access to residence halls is restricted to Williston State College students and authorized staff, and the halls are secured by access control systems, key and lock systems 24 hours a day/7 days a week. Members of Campus Security regularly patrol the interiors and exteriors of all campus residence halls. Residence hall professional and student staff also enforce campus policies and security measures within the residence halls to achieve a community respectful of individual and group rights and responsibilities.

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

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

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

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

MAINTENANCE OF CAMPUS FACILITIES

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

CAMPUS SECURITY TRAINING

Director for Campus Services is primarily responsible for conducting initial and continuing training for Campus Security. Training subjects include criminal law, civil law, federal law, the Clery Act and Campus Security authority, Title IX, sexual assault and gender violence response and investigation, trauma informed investigation, public relations, race relations, interpersonal communications, crisis intervention, critical incident response and incident command system, emergency operations, first responder medical training, and all facets of protection of persons and property. Training includes annual in-service sessions, select out-service seminars and conferences, and applicable online training/webinars.

CAMPUS SECURITY’S WORKING RELATIONSHIPS THE OTHER LAW ENFORCEMENT AGENCIES

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

Written Memorandums of Understanding with Local Police:

There is a Memorandums of Understanding (MOU) between WSC and the Williston Police Department. The purpose of the agreement is to enhance both parties ability to effectively address alleged crimes of violence.

RESIDENCE HALL ROOM OPTIONS/ROOM ASSIGNMENTS

Room selection is conducted each academic year on a first come, first serve basis. Each student may indicate a preferred roommate before participating in the room selection process.

Williston State College strives to help students create environments that complement their academic development, as well as their personal and intellectual growth. Residence Life provides students the opportunity to form self-directed groups focused on a particular academic focus, theme, or mutual interest.
GUESTS/VISITORS

Campus housing is provided for the exclusive use of Williston State College students as assigned by the Residence Life Office. Current WSC Residence Life contracts can be found here: http://willistonstate.edu/Future-Students/Housing.html

Visitors may be allowed to use residence facilities with the following guidelines:

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

TRAINING OF RESIDENCE HALL STAFF

Campus Security, the Director for Residence Life, the Title IX Coordinator and the Vice President for Student Affairs provide annual security and life safety training. This training minimally includes: introduction of staff, description of services offered, instruction on fire safety hazards and building evacuation, instruction on the emergency operations plan and emergency notification system, training related to the Clery Act and Campus Security Authorities (CSA), Title IX Awareness training, and general information on requesting emergency assistance from Campus Security.

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

WEAPONS/FIREARMS/EXPLOSIVES POLICY

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

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

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

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

Students, staff and community members are encouraged to bring forward constructive suggestions. Appropriate Divisions or Departments will receive suggestions. Suggestions are handled courteously and efficiently. All suggestions will be taken seriously and thoroughly investigated by the appropriate Division or Department lead or designee. Suggestions may be submitted online.

MISSING STUDENTS

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

Designating a contact person
Upon execution of a housing contract, all students living in campus housing will have the opportunity to identify a contact person to be notified if the student is determined to be missing by the Williston Police Department. This contact may be the same or different than the emergency contact information provided in the student’s Campus Connection account. The Director for Residence Life maintains emergency contact information for all students residing in campus housing. This information is accessible by other Student Affairs administration and staff in the event a student is reported missing. This information will be registered confidentially and will be accessed only by authorized campus officials and law enforcement in the case of a missing person investigation.

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

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

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

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

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

Failure to designate a contact
In the event a student residing in a residence hall is determined to be missing by the Williston Police Department or other law enforcement agency, and has not previously identified a missing person’s contact, the Director for Residence Life will notify the individual identified in the student's Campus Connection account as the emergency contact. If no emergency contact information is on record, the Director for Residence Life will use his or her discretion to notify the most appropriate individual while keeping the safety and wellbeing of the missing person in mind.

Communication with the media related to missing persons
All communications with the media regarding missing persons will be handled by outside law enforcement authorities, as they are best suited to provide information to the media that is designed to elicit public assistance in the search for the missing person. All inquiries to WSC regarding missing students or information provided to any individual at WSC about a missing student shall be referred to the Director for Residence Life, who shall refer inquiries and information to law enforcement authorities as appropriate.
At no time shall information be shared with the media or other outside communication sources if doing so may hinder the investigation or other efforts to locate a missing person.

**EMERGENCY MEDICAL RESPONSE PROCEDURES**

Students, faculty, staff, and guests should report any emergency medical situations to Campus Security immediately at: (701) 570-6699 or to the Williams County emergency center by dialing 911.

First Responders are trained to provide medical assessment and emergency care. Campus Security can help summon an ambulance through the Williams County Emergency Center.

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

Williston State College offers many programs designed to inform students and employees about Campus Security procedures and practices. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. Crime prevention programs on personal safety and security are sponsored by various campus organizations throughout the year. These programs include general crime prevention and security awareness programs, such as safety education forums, programs, and discussions about topics such as alcohol abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, fire safety, emergency response and evacuation procedures, and theft prevention. Campus Services, Residence Life, Student Affairs, and the Title IX Coordinator participate in forums, panels, meetings, and programs in residence halls to explain College security, campus safety, and fire safety measures and procedures at Williston State College with all incoming students during the fall move-in program.

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

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

**DISCLOSURES TO VICTIMS OF ALLEGED CRIMES**

Williston State College (WSC) adheres to disciplinary procedures when students are involved in any violent crime or sex offense. In instances of violent crimes or sex offenses, WSC may disclose the final results of any disciplinary proceeding conducted by WSC. WSC may not prohibit a complainant from disclosing this information to others.

If the complainant is deceased as a result of the crime or offense, WSC will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

Pursuant to the Family Educational Rights and Privacy Act (FERPA) and consistent with the Code of Student Life, a school is permitted to disclose to the harassed student information about the sanction imposed upon a student who was of WSC to have engaged in harassment when the sanction directly relates to the harassed student.

Further, when conduct involves a crime of violence or sex offense, FERPA permits postsecondary institutions to disclose to the complainant, upon written request, the final results of a disciplinary proceeding against the alleged perpetrator, regardless of whether the institution concludes a violation was committed. Additionally, the institution may, upon written request, disclose to anyone – not just the complainant – the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or sex offense, and, with respect to the allegation made, the student has committed a violation of the institution’s rules or policies. The final results are limited to the name of the alleged perpetrator, any violation of WSC to have been committed, and any sanction imposed against the perpetrator by WSC.

WSC may not prohibit a complainant from disclosing this information to others.

If the complainant is deceased as a result of the crime or offense, WSC will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested. The records of deceased students may also be released or disclosed at the request of a parent, personal representative or other qualified representative of the
student’s estate, or pursuant to a court order or subpoena.
Communication About Campus Crime

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

In an effort to provide timely notice to the Williston State College community in the event of a serious incident which may pose a serious or ongoing threat to members of the campus community, a Campus Safety Alert (timely warning notice) that withholds the names of victims as confidential and that will aid in the prevention of similar crimes, shall be sent primarily by blast email to all students and employees on campus. Alerts can also be sent/communicated via Williston’s text/voice messaging system and a variety of other notification methods, as outlined in the emergency/immediate notification section of this Annual Report.

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

Timely Warning Campus Safety Alerts are sent to the college community to notify members of the community about specific Clery Act crimes (as described below) that have been reported to Campus Security and that have occurred on campus or on non-campus property or public property, where it is determined that the incident may pose a serious or ongoing threat to members of the College community. Such timely warnings provide an opportunity for individuals to take reasonable precautions for their own safety.

Crimes that occur outside the campus’ Clery geography, as stipulated or other non-Clery specific crimes, will be evaluated on a case-by-case basis. Information related to these crimes may be distributed to the campus as a Public Safety Notice, as outlined and described in the below statement for Public Safety Bulletins. Updates to the campus community, when deemed necessary, about any particular case resulting in a Campus Safety Alert may be distributed via email, may be posted on the college website, may be shared with the Williston Herald newspaper, and may be distributed by the Director for Campus Services or other designee, as deemed necessary and appropriate. Campus Safety Alert posters may also be posted by Campus Security in campus buildings when deemed necessary. When Campus Safety Alerts are posted in campus buildings, they are printed on yellow paper and posted in lobby/entrance areas of key buildings for a time period determined by the Director for Campus Services or designee.

Campus Safety Alerts (timely warnings) may be distributed for the following Uniform Crime Reporting: (UCR)/National Incident Based Reporting System (NIBRS) classifications: murder and non-negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, arson, hate crimes, and motor vehicle theft.

Alerts for the crimes of aggravated assault, motor vehicle theft, burglary, sex offenses, domestic violence, dating violence, and stalking are considered on a case-by-case basis and depend upon a number of factors. These include the nature of the crime, the timeliness of the report, and the continuing danger to the campus community—such as whether the perpetrator was apprehended—and the possible risk of compromising law enforcement efforts. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other Williston State College community members and a timely warning Campus Safety Alert would not be distributed.

In cases involving sexual assault that can be typically reported long after the incident occurred, there is may be no ability to distribute a timely warning Campus Safety alert to the community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the Department of Campus Security.

Typically, alerts or warnings are not issued for any incidents reported that are older than two weeks or 14 days from the date of occurrence as such a delay in reporting has not afforded the College an opportunity to react or respond in a timely manner.

The Director for Campus Services or a designee reviews all criminal and/or serious incidents to determine if there
is an ongoing threat to the community and if the distribution of a Campus Safety Alert is warranted. Campus Safety Alerts may be issued for other crime classifications, as deemed necessary.

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

**PUBLIC SAFETY BULLETIN**

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

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

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

**DAILY CRIME AND FIRE LOG**

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

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

**PREPARATION OF ANNUAL STATISTICS & CLERY COMPLIANCE**

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The Williston State College Division of Student Affairs is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility is specifically designated to the Vice President for Student Affairs or designee. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the College community obtained from the following sources: the Williston State College Campus Security Department, the Division of Student Affairs, which includes Residence Life, the Williston Police Department (WPD), the Williams County Sheriff’s Office, and individuals who have been designated as Campus Security Authorities or CSAs. The Division of Student Affairs and Human Resources Department are key offices from which drug, liquor, and weapon offense referral data is obtained. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

Final report preparation is coordinated by the Director for Campus Services with Human Resources, Student Affairs, Residence Life, and the Title IX Coordinator.
A written request for statistical information is made at least on an annual basis to all Campus Security Authorities or CSAs (as defined by federal law). CSAs are also informed in writing and through training to report crimes to Campus Security in a timely manner so those crimes can be evaluated for timely warning purposes. A Campus Security Authority or CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

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

Statistical information is not requested from, nor is it provided by, WSC’s Mental Health Counselor. The Mental Health Counselor is not required by law to provide statistics for this compliance document. The Mental Health Counselor, as defined by the Federal law, who act in such capacities, have been advised that, while they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to Campus Security for inclusion in the annual statistics. The Campus Counselor facilitates anonymous reporting, as outlined earlier in this Annual Security and Fire Safety Report. Anonymous reports of Clery Act crimes received by a CSA and reported to Public Safety are included in the College’s annual crime statistics.

All statistics are gathered, compiled, and reported to the college community via this report, entitled the “Annual Security and Fire Safety Report,” which is published by the Vice President for Student Affairs or designee. Vice President for Student Affairs submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through their website. Table One of the crime statistics satisfies the reporting requirements described by North Dakota Statutes as outlined by the North Dakota Uniform Crime Reporting Act, and table Two satisfies the requirements outlined by the Clery Act.

The Vice President for Student Affairs or designee sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. The email includes a brief summary of the contents of this report, the web address where the Annual Security and Fire Safety Report can be found online, and notification that a physical copy may be obtained by making a request to Campus Security by calling (701) 570-6699 or in person at Campus Security Headquarters located at 1410 University Avenue, Art Wood Building, Williston, ND 58801.

**Specific Information about Classifying Crime Statistics:**
The statistics in this brochure are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and National Incident-Based reporting System (NIBRS), relevant federal law (the Clery Act), and applicable State law (the North Dakota Uniform Crime Reporting Act).

**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 violations the statistics indicate the number of people arrested or referred to the Division of Student Affairs for possible disciplinary action for violations of those specific laws.
Hate crimes are reported in narrative form and are separated by category of prejudice. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense, which was motivated by the offender’s bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim’s race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime.

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

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

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

*On-campus Student Housing Facility defined as:* Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is a considered a subset of the On-Campus category.
<table>
<thead>
<tr>
<th></th>
<th>On-Campus Residence</th>
<th>Non-Campus</th>
<th>Public</th>
<th>Unfounded Cases</th>
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<td>Non-Forcible Burglary</td>
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<tr>
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NOTE: Above statistics for Liquor, Drug, and Weapons Law Arrests and Referrals were calculated using standard hierarchy rules. Beginning with the 2016 crime statistics disclosure, WSC uses guidance from the 2016 Department of Education Handbook, and these statistics will be calculated outside of the hierarchy.

Reported crimes may involve individuals not associated or affiliated with Williston State College. Reported Crimes may include information received from anonymous reporting. Residential Facility crime statistics are a subset of the On Campus category, i.e. they are counted in both categories.

UNFOUNDED CRIMES

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

IMMEDIATE OF EMERGENCY NOTIFICATION, EMERGENCY RESPONSE AND THE EMERGENCY NOTIFICATION SYSTEM

The immediate notification capability of the emergency notification process is designed to assist the College in determining the content of the notification and initiating the notification system without delay, taking into account the safety of the community, unless issuing a notification will, in the professional judgment of responsible institutional authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency situation/incident.

The Director for Campus Services or a designee may initiate the College’s emergency notification processes during extremely violent or hazardous incidents that pose immediate danger or threat to the health and safety of campus community members wherein Campus Security personnel need to notify campus community members immediately in order to reduce the likelihood of casualties or injuries.

Immediate notification to the campus about a confirmed seriously violent or extremely hazardous incident or dangerous situation involving an immediate threat to the health and/or safety of students or staff occurring on the campus or near the campus can be accomplished through a variety of communications methods, but the use of the emergency cell phone text/voice messaging, and all campus email would be seen as the most common and quickest form of communications under these circumstances. Confirmation typically involves the response and assessment of Campus Security, college officials, local police, or emergency responders. As previously stated, notification will occur for these types of incident situations as described unless the notification will compromise efforts to assist a victim(s) or contain, respond to, or otherwise mitigate the emergency.

In the event of an emergency, an effective campus-wide communications process is vital in order to provide the greatest safety possible for the campus community. The College has adopted a formalized procedure for issuing emergency alerts to the campus community. When on-duty Campus Security officers become aware of a situation that may warrant the issuing of an emergency alert, the on-duty Campus Security Officer confirms (through response, investigation, or collaboration with emergency responders) that there is a significant emergency and then immediately contacts the Director for Campus Services, who quickly evaluates the situation to determine if an alert is warranted, the content of the notification message, and the appropriate segment or segments of the campus community who will receive the notification. In situations where an imminent threat is present, the Director for Campus Services has the ability and authority to issue an alert without delay and without further consultation with any other College official.

In situations lacking the presence of an imminent threat, the Director for Campus Services consults with the Vice President for Student Affairs and/or other members of Executive Cabinet prior to an alert being issued. The College, based on the judgments of members of the Executive Cabinet will endeavor to immediately notify the campus community (or appropriate segments separately and distinctly impacted) upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on or near the campus. A threat is imminent when the need for action is instant, overwhelming, and leaves no moment for deliberation. Such situations may include, but are not limited to, a hazardous materials incident requiring sheltering in place or evacuation, an active shooter on or
near campus, or a shooting incident on or near the campus. Follow-up notices/communications will be provided as necessary during an active incident and may be provided by the Director for Campus Services or a member of Executive Cabinet. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the aforementioned communications methods.

When the emergency notification system is activated using email, and cell phone text/voice messaging, college officials will notify campus community members of the emergency situation, 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. Shelter-in-place means to take immediate shelter wherever you happen to be at the time of a shelter-in-place notification – in campus housing, in privately-owned housing near campus, in an academic or administrative building, etc. Community members should remain in a shelter-in-place status until the all clear is communicated by emergency response personnel via an emergency rapid communications system(s).

College authorities may instruct campus community members to "shelter-in-place" if a condition exists that is potentially life threatening and has an immediate threat to the health and personal safety of the campus community. Immediate threats would include, but are not limited to: active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents.

How to Shelter-In-Place:

- If you can safely evacuate a potentially dangerous or hazardous situation, do so immediately. If you cannot safely evacuate and 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.
- 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, if possible, all windows (tighter seal) and close exterior doors. Doors and windows may need to be barricaded, if possible.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able.
- Make a list of people with you and ask someone to call the list into Campus Security to inform them where you are sheltering.
- Turn on a radio or TV and listen for further instructions.
- Make yourself comfortable.

Off-Campus Emergencies:
Campus Security officials often receive emergency information from the Williams County 911 Center regarding incidents in Williams County that could imminentely impact the safety of the Williston State College community. When appropriate, Campus Security notifies the campus community of off-campus threats that could also represent a serious or continuing threat to students, employees, and visitors.

Emergency Notification System Testing and Registration:
The Emergency Notification System will be tested each academic semester to ensure that all systems are working properly and that emergency managers maintain a working knowledge of the system. These tests will also be educational moments for the campus community to remind them that this system exists, and that it is a working and functioning system that they can rely upon.

Students, staff, and faculty are informed of the College’s Emergency Notification System program and evacuation processes annually during training. This includes dissemination of information about how to respond during the activation of the Emergency Notification 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 first-year orientation, residence life student staff training, and new employee/faculty orientations.

The Emergency Notification System processes are tested once each semester. These tests are usually announced tests, but they may be unannounced. Student and employee contacts are automatically loaded into the email/cell/text notification system upon their registration for employment or for classes.
Contact information or preferences for the Emergency Notification System may be updated:

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

The College’s means of communicating during an emergency situation includes the following, although not all of these methods are always employed. The communications method used would depend on the type of emergency:

- Cell phone Text/Voice Messaging
- All Campus Email Alerts
- Voice-Mail
- Emergency Website, Facebook, and Twitter Accounts
- Telephone Trees
- Public Media (TV, radio, news websites)
- Fire Alarm System Notification
- Flyers posted throughout Campus
- Direct On-foot and In-person Notifications

**EVACUATION PROCEDURES**

Williston State College Campus Security is responsible for the safe evacuation of all persons utilizing the College’s facilities in the event of natural disasters, civil disturbances, and active threats. The level of necessity will determine the response by Campus Security. If large scale events occur that are beyond the resource capabilities of Campus Security and the College, officials will request assistance from outside emergency resources such as the Williston State Police and Fire, State Police, Williams County Sheriff’s Office, and/or state departments of emergency management. The need to implement evacuation from a campus building or the entire campus shall be based upon information received or furnished to Williston State College.

The information may be in the form of instructions or advice from the Williams County Emergency Management Agency, the Governor's Office or other officially recognized agency. Full or partial evacuations may be necessary as a protective action to reduce campus community members’ exposure to a hazard. Protective actions reduce time of exposure, create distance, or provide shielding from a specific hazard. Hazards that may require an evacuation include:

- Fire
- HAZMAT release
- Bomb threat or suspicious device/package
- Hostile intruder
- Massive utility failure
- Severe weather conditions
- Hazard that renders facilities uninhabitable

**Exercise of Judgment and Contingencies:**
The actions described are basically standard by nature. When situations arise for which the procedures to be followed are not fully prescribed in the College’s Emergency Preparedness Plan (EPP), responsible personnel will be expected to exercise good judgment, make appropriate decisions, and provide any support necessitated by the situation.

As part of the decision-making process relative to an evacuation, the evacuation must be able to be completed well before the arrival of a hazard. When there is little to no warning time, a shelter-in-place decision/order may be more appropriate. Additional factors to consider beyond warning time when deciding on whether or not to evacuate include:

- Size and geographical area affected
- Population density of the surrounding area
- Capacity and condition of the road network
- Are sufficient transportation resources available – college transportation, public transportation, and private transportation
- Are there safe alternatives?
- Ability of campus facilities to provide shielding from the hazard
- Ability of facilities to support the population
- Local considerations and local police and emergency resources support

**Scope of an Evacuation:**
The scope of an evacuation can include a single building, or a group of buildings, and/or a large geographical area. The scope could go beyond the borders of the institution, and/or the college may be impacted by an evacuation initiated by the local authorities. Size and scope considerations must be included in the overall decision-making process.

**Building Evacuation:**
- All building occupants are required to evacuate when the fire alarm sounds or upon the order of
an authorized College official, such as a Campus Security officer.

- If time permits, stabilize lab procedures, turn off stoves and ovens, and unplug or disable any device that could make a dangerous situation even worse.
- Move to the closest exit and proceed down the EXIT stairwell in a safe and orderly manner. Take personal belongings with you. Do NOT use elevators.
- Remain at least three hundred (300) feet outside of the building and await further instructions. Keep roadways open, and beware of approaching emergency vehicles. Notify emergency responders of anyone trapped, especially anyone with a physical disability.

Large-Scale Campus Evacuation:

- If evacuation of part or all of the campus is necessary, monitor text message/voice alert system, email, and the College’s website for additional information.
- Those in need of transportation will be directed to areas to await transport to an off-campus site.

EMERGENCY PREPAREDNESS OVERVIEW

Emergency preparedness at Williston State College is managed by the Director for Campus Services and the Executive Cabinet. Emergency operations planning at Williston State College means preventing, preparing for, responding to and recovering from any and all emergencies that could affect the Williston State College and surrounding community. It means having a comprehensive plan extending from all levels of emergency personnel down through the individuals that make up our community to prevent situations that cause emergencies; it means preparing people on the procedures to follow, should a crisis occur; it means having a well collaborated response approach from College and local officials and State and Federal agencies to effectively mitigate any crisis; and it means being ready and able to recover quickly from emergency events in order to keep the operations and business continuity of Williston State College moving forward.

CAMPUS EMERGENCY RESPONSE

The primary responsibility for responding to emergencies on Williston State College’s campus rests with the Campus Security, local emergency services, and the President of the College. Campus Security, along with other College departments, and the emergency services organizations play an essential role as the first line of defense. In responding to an emergency or disaster, Williston State College will make full use of the facilities, equipment, supplies, personnel, and resources of the College. The College President, as chief executive, has the authority to direct and coordinate disaster operations and may delegate this authority to an emergency manager. Incident Command is established when an authorized individual (usually Campus Security or supervisor, fire chief, police officer) is onsite and communicates their authority with all personnel involved.

If a situation arises on or around campus that could potentially threaten the health or safety of College community members, Executive Cabinet and members of Campus Security are immediately summoned as part of Williston State College’s crisis response procedure.

Campus Security officers, supervisors, and administrators have the authority to take immediate action in response to an imminent crisis, using the Emergency Preparedness Plan (EPP) and departmental procedures as a guideline.

These actions may include:

- Deployment of additional Campus Security officers
- Engagement of law enforcement officials
- Summoning of local, county, or state emergency management officials
- Enhanced patrol of the campus
- Closing of roads and entrances onto campus
- Securing of campus buildings and residence halls
- Evacuation of campus buildings and residence halls

There is one Incident Commander for an incident. When more than one jurisdiction or one agency is involved, a Unified Command structure will be established. Command will function from an Incident Command Post. Certain "triggering" conditions may dictate a broader institutional response. This broader response will be managed from an established Emergency Operations Center.

When an Emergency Operations Center is established, the Incident Commander will assume a policy, direction, and coordination role over the institution’s response and
recovery. The Emergency Operations Center will bring together all of the elements necessary to support the incident and maintain ongoing operations. Command will remain with the Incident Commander or Unified Command group.

The Campus Emergency Response group is comprised of the President and Executive Cabinet comprise and are considered the policy developers and implementers. The members are institutional emergency incident resources and potential responders; they are not persons who community members should report crimes to.

The Campus Emergency Response group composition is as follows:

- President
- CEO of TrainND
- VP for Student Affairs
- VP for Academic Affairs
- Chief Financial Officer
- Director for Human Resources
- Director for Extended Learning
- Director for Campus Services
- Director for Creative Services
- Athletic Director
- Director, Small Business Development Center
- General Counsel (as needed)

**TESTING, PREPARDNESS DRILLS AND EXERCISES**

In conjunction with the institution’s EPP, Williston State College will use these procedures and plans for testing emergency notification, response, and evacuation.

Campus Emergency Response group will perform periodic exercises in order to practice the implementation of the campus’ emergency operations plan and supplement emergency policies and procedures and to assess and evaluate emergency plan capabilities. Additionally, divisional and department level exercises may be initiated to train staff personnel on emergency operations. During such exercises, the all campus evacuation plan is either reviewed or practiced as part of the training session. The Director for Campus Services, in coordination with the Office of the President, will be responsible for scheduling and conducting these exercises. As a minimum, one exercise per academic year will occur with the entire Campus Emergency Response group. Additionally, local emergency responders from the Fire and Police Departments, emergency responders, and local hospitals and clinics may be invited to participate along with college officials during exercises. Exercises can be either announced or unannounced.

**After-Action Reports of Tests /Exercises:** 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, and whether the test was announced or unannounced.
Alcohol and Drugs

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

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

ALCOHOL/DRUG POLICIES

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

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

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

Policy Distribution and Notification
In accordance with the 1989 amendments to the Drug-Free Schools and Communities Act, as articulated in the Education Department General Administrative Regulations (EDGAR) Part 86 (Drug Free Schools and Campuses Regulations), this policy will be distributed to all students and WSC employees each year. For more information on policy notification procedures, please contact the Vice President for Student Affairs at (701) 774-4585.

State Board of Higher Education and WSC Policy
The State Board of Higher Education prohibits the possession, sale, dispensation, use or consumption of alcoholic beverages upon land or in buildings owned by the board or its institutions. Exceptions may include the lawful possession of alcohol in family student residences, on-campus professional staff residences, fraternities and sororities (in certain circumstances), the President’s residence and other special exceptions as granted by the President or the President’s designee. For the complete State Board of Higher Education policy, please refer to SBHE Policy 918 Alcoholic Beverages. For an electronic copy of this policy, go to: Williston State College Student Code of Conduct.

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

The WSC Student Code of Conduct and Williston State College’s Drug and Alcohol Abuse Prevention Program (DAAPP) specify the policy, prohibitions and penalties for drug and alcohol violations. Both are published under separate cover and is available through the Office of Vice President for Student Affairs. Additional alcohol and drug policies, standards of conduct, applicable disciplinary sanctions, health risks, counseling and treatment, processes, goals, objectives, outreach and education can be found on this website and within the DAAPP. The biennial report, developed in accordance with the Drug Free Schools and Communities Act (DFSCA) of 1989 can be obtained from the Office of Student Affairs, located at 1410 University Avenue,
Stevens Hall 105, Williston, ND 58801 or by calling 701) 774-4200. Students, staff, and faculty are informed each year about the DAAPP and DFSCA and how to obtain copies.

The WSC Student Code of Conduct can be found online.

The WSC Drug and Alcohol Abuse Prevention Program (DAAPP) can also be found online.

ALCOHOL AND OTHER DRUGS (AOD) EDUCATION AND OUTREACH

Five primary points comprise Williston State College’s Drug and Alcohol Abuse Education and Outreach Prevention Program (DAAPP). Detailed information concerning each point below can be found in the WSC Drug and Alcohol Abuse Prevention Program (DAAPP) can also be found online.

1. Alcohol Free Options: Offer and promote social, recreational, extracurricular, and public service options that do not include alcohol.

2. Normative Environment: Create a social, academic, and residential environment that supports health-promoting norms.

3. Alcohol Availability: Limit alcohol availability both on and off campus.

4. Alcohol Marketing and Promotion: Restrict marketing and promotion of alcoholic beverages both on and off campus.

5. Policy Development and Enforcement: Develop and enforce campus policies and local, state, and federal laws.
Preventing and Responding to Domestic Violence, Dating Violence, Sexual Assault, and Stalking

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

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

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

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

SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

PREVENTION EFFORTS

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

WSC develops educational programs concerning domestic violence, dating violence, sexual assault, and stalking. Involved students, faculty, staff, and community members provide information and promote discussion on interpersonal abuse and violence issues. Campus Security supports the educational programs by providing input and personnel to accomplish this task. For additional information about campus educational programs concerning domestic violence, dating violence, sexual assault, and stalking, contact the Title IX coordinator or the Human Resources.

First year students and employees are required to participate in a Title IX and VAWA education program that addresses sexual assault prevention in a comprehensive online training program. Additional awareness and prevention programming typically includes annual Mandated Reporter Training, relevant speakers, Walk A Mile in Her Shoes community events, pamphlet, internal television and cling resource information. The College continually reviews and modifies its physical surroundings to enhance security and safety, such as campus lighting, locking procedures, signage, etc. For additional safety information, contact Campus Security at 701-570-6969.

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. Bystanders are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, call 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.
• Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
• Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
• Speak up when someone discusses plans to take advantage of another person.
• Help someone who discloses sexual assault, abusive behavior, or experience with stalking report.
• Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction Tips
With no intent to victim blame, the following are some strategies to reduce one’s risk of sexual assault or harassment.
• Be aware of your surroundings. Knowing where you are and who is around you may help you to and a way to get out of a bad situation.
• Try to avoid isolated areas. It is more di cult to get help if no one is around.
• Walk with purpose. Even if you don’t know where you are going, act like you do.
• Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
• Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
• Make sure your cell phone is with you and charged and that you have cab money.
• Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
• Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if 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 and a way out of a bad situation.
• Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).
• Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve leave your drink alone, get a new one.
• Don’t accept drinks from people you don’t know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
• Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
• If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

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

1. Title IX Compliance - Sexual Harassment, Assault, and Misconduct Policy
WSC will not tolerate sexual or gender based harassment, domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct. Offenders may be subject to the appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. WSC utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases of any form of sexual misconduct. These procedures are carried out by officials who receive specific annual training.
When made aware of complaints regarding sex discrimination, WSC will: (1) take prompt and effective steps to end the sexual or gender-based harassment, assault, and/or sexual violence; (2) eliminate any hostile environment; (3) prevent its recurrence; and (4) remedy the discriminatory effects on the victim and others as appropriate.

Services are available for students, faculty, and staff who experience any form of sexual misconduct. In these situations, WSC is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the Complainant and Respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues. The College’s process does not preclude adjudication under state law.

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

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

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

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

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

To ensure a fair and equitable process for all parties, WSC’s Title IX Staff receives annual training on issues related to sexual and gender based harassment, domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct as well as training on properly conducting investigations and hearing processes in order to protect the safety of victims and to promote the accountability of staff members. In addition, all WSC staff and faculty members are provided with training regarding sexual violence and mandatory reporting responsibilities.

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

2. Definitions
The following definitions are informational and are not used to classify crime statistics in the WSC Annual Security Report.
Sexual Harassment - Unwelcome verbal, nonverbal, or physical sexual advances, requests for sexual favors, intimidation or hostility based on sex, and other conduct directed at an individual because of the individual’s gender constitute sexual harassment when:

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

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

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

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

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

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

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

Gross Sexual Imposition

1) Any person who engages in a sexual act with another, or who causes another to engage in a sexual act, is guilty of an offense if:
   a. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being;
   b. That person or someone with that person’s knowledge has substantially impaired the victim’s power to appraise or control the victim’s conduct by administering or employing without the victim’s knowledge intoxicants, a controlled substances as defined in NDCC chapter 19-03.1, or other means to prevent resistance;
   c. That person knows or has reasonable cause to believe that the victim is unaware that a sexual act is being committed on him or her;
   d. The victim is less than fifteen (15) years old; or
   e. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct.
2) A person who engages in sexual contact with another, or who causes another to engage in sexual contact, is guilty of an offense if:
   a. The victim is less than fifteen (15) years old;
   b. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being; or
   c. That person knows or has reasonable cause to believe that the victim is unaware that sexual contact is being committed with the victim.

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

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

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

**Sexual Assault** – A person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:

1) That person knows or has reasonable cause to believe that the contact is offensive to the other person;

2) That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person’s conduct;

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

4) That person is in official custody or detained in the hospital, prison, or other institution and the actor has supervisory or disciplinary authority over that other person;

5) That other person is a minor, fifteen (15) years of age or older, and the actor is the other person’s parent, guardian, or is otherwise responsible for general supervision of the other person’s welfare; or

6) The other person is a minor, fifteen (15) years of age or older, and the actor is an adult.

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

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

**Stalking**

1) As used in NDCC section 12.1-17-07.1:

   a. “Course of conduct” means a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity.

   b. “Immediate family” means a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six (6) months regularly resided in the household.

   c. “Stalk” means to engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person’s immediate family and must cause a reasonable person to experience fear, intimidation, or harassment.

2) No person may intentionally stalk another person.

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

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

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

6) A person who violates this section is guilty of a class C felony if:
a. The person had previously been convicted of violating NDCC sections 12.1-17-01, 12.1-17-01.1, 12.1-17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07, or a similar offense from another court in North Dakota, a court of record in the United States, or a tribal court, involving the victim of stalking.

b. The stalking violates a court order issues under NDCC chapter 14-07.1 protecting the victim of the stalking, if the person had notice of the court order; or

c. The person previously has been convicted of violating this section.

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

Consent
1) Consent is:
   a. Words or actions showing a clear, knowing, and voluntary agreement to engage in mutually agreed upon sexual act; or
   b. An affirmative decision given by clear actions or words.

2) Consent may not be inferred from:
   a. Silence, passivity, or lack of resistance alone.
   b. A current or previous dating or sexual relationship.

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

Consent as a Defense
1) Assent does not constitute consent, within the meaning if:
   a. It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
   b. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or

Intoxication as a Defense
1) Intoxication is not a defense to a criminal charge. Intoxication does not, in itself, constitute mental disease or defect within the meaning outlined in NDCC 12.1-04-04. Evidence of intoxication is admissible whenever it is relevant to negate or to establish an element of the offense charged.

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

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

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

Complicity – Any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person. Any individual found responsible for complicity in prohibited conduct will be subject to the disciplinary procedures and sanctions outlined in this policy.
3. Preventing and Responding to Sex Offenses
WSC attempts to foster a safe living, learning, and working environment for all members of the campus community. To accomplish this, WSC considers the educational programming that addresses all aspects of domestic violence, dating violence, sexual assault, and stalking (safety precautions and prevention, crisis management, reporting, medical and counseling services, the WSC discipline systems, academic schedules, living arrangement, etc.), the campus response to sexual violence, domestic violence, dating violence, and instances of stalking, and physical surroundings throughout the campus community.

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

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

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

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

- Getting to a safe place.
- Avoid the destruction of evidence by bathing, douching, changing clothes, or cleaning up in any way. Preserve evidence in a paper bag for possible future action. Also, keep copies of emails, text massages, and voice messages.
- Pursuing medical treatment. Post-assault medical care can be performed at a local emergency room. CHI St. Alexius Health Williston Medical Center, Great Plain’s Women’s Health, and Trinity Community Clinic – Western Dakota have Sexual Assault Nurse Examiners (SANE*) on staff who can complete an exam for victims of sexual violence. Such an exam can help the victim receive an appropriate medical assessment and treatment, and can preserve evidence for possible future action.

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

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

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

- Pursuing counseling services with appropriate agencies (e.g., Campus Counselor, Williams
County Family Crisis Shelter program, Northwest Human Service Center, or private providers). Calling someone that is known and trusted, such as a friend or counselor, and discussing the assault with that person can help to evaluate the trauma and sort out next steps.

- Making a police report. A campus and/or criminal complaint can be initiated. Assistance may be obtained from campus authorities in this notification.
- Making a report to campus security, Title IX coordinator, or other responsible employee under Title IX.
- Making an anonymous report. An anonymous report to the police notifies them that an act of sexual violence has occurred but gives no names or identification.

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

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

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

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

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

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

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

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

4.3 Ongoing Care
Students may seek assistance at any time from the WSC Campus Counselor at no additional charge. Referrals may be made upon request for relatives, partners, and friends of either the Complainant or Respondent to various support agencies.
Students may seek ongoing medical assistance from outside agencies. Post-assault medical care may include testing and treating for sexually transmitted diseases (STDs). Students are responsible for any/all incurred costs. Regional outside agencies include: CHI St. Alexius Health Williston Medical Center, Great Plain’s Women’s Health, Trinity Community Clinic – Western Dakota, or Upper Missouri District Health Unit.

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

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

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

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

Before a student reveals information that he or she may wish to keep confidential, any responsible employee at WSC is required to make every effort to ensure that the student understands:
- The employee's obligation to report the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator or Deputy Title IX Coordinator;
- The student's option to request that the school maintain his or her confidentiality, which the school will consider; and
- The student's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health center, and pastoral counselors).

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

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

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

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

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

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

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

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

5.1 On-campus Investigation and Adjudication for Students
The Student Code of Conduct describes the procedures followed when a violation of the Student Code of Conduct is reported to the office of the Vice President for Student Affairs. The Student Affairs office manages all Title IX investigations when charges are brought.

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

The Student Code of Conduct outlines the process and protection of rights of both the Complainant (the student who brings the grievance or makes the complaint) and the Respondent (the student or individual about whom the grievance or complaint is brought). For any Title IX allegation:

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

- In the event that the Complainant or Respondent is temporarily removed from campus during the investigative period, the Vice President for Student Affairs will notify the appropriate party’s instructors and advisor(s) in order to communicate the removal and make scholastic arrangements for the removal period.

- The Title IX investigator(s) will investigate the incident and submit a final written report, including an outcome recommendation, to the VPSA. WSC will not allow conflicts of interest (real or reasonably perceived) by those investigating or adjudicating complaints.

- Both the Complainant and Respondent will be notified in writing of the completion of the investigation and any resulting actions by the VPSA.

- Should the determination not include suspension, both the Complainant and Respondent may appeal the determination pursuant to the Section VI College Student Review Committee Process/Procedures.

- Should the determination of the VPSA include suspension, a disciplinary hearing will take place.

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

- The Complainant and the Respondent have the right to be assisted by an advisor, including an advisor they choose at their own expense.

- The advisor may be an attorney; in such cases, note that Guidelines for Attorneys who accompany accused students are available on the Williston State College website. Included in these guidelines is a requirement of a five business day notice to the College of a student’s intent to be accompanied by an attorney.

- The Complainant and the Respondent have the right to access and review any information that will be used in the hearing.

- The Complainant and the Respondent will be advised of the date, time, and location of a hearing, when scheduled. Both may attend and participate.

- The VPSA may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witnesses during the hearing, in whatever manner and as determined in the sole judgment of the VPSA, to be appropriate.

- The Complainant and Respondent will be afforded regular updates regarding the status of the investigation, hearing, and/or appeal process.

- The Vice President for Student Affairs shall render the decision to the Respondent and the Complainant simultaneously and in writing within five business days of completion of the hearing. The Student Code of Conduct provides for the disclosure of the final results of any disciplinary proceeding regarding a complaint of sexual harassment, domestic violence, dating violence, sexual assault, or stalking to the Complainant.

- Decisions may be appealed in accordance with the Student Code of Conduct, as applicable. All parties will be informed in writing of the outcome of any appeal.

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

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

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

If WSC receives a complaint regarding off-campus misconduct, even if the misconduct did not occur in the context of a WSC program or activity, WSC will consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on
5.2 On-campus Investigation and Adjudication for Faculty and Staff

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

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

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

6. Interim Arrangements and Post-Hearing Intervention

WSC actively provides services, which include interim measures, for all parties in sexual harassment, domestic violence, dating violence, sexual assault, or stalking cases. WSC continues a coordinated response system that attends to the Complainant’s and the Respondent’s physical and emotional well-being as well as the safety of the community. Interim measures are available during the investigation process as well as during any student conduct process, including appeals. WSC’s Title IX Coordinator will provide written notifications to those involved with Title IX reports about how to request interim arrangements, campus and community post-hearing interventions. Interim arrangements or protective measures shall remain confidential to the extent that maintaining such confidentiality does not impair the ability for WSC to provide the interim arrangements or protective measures. Requests for interim measures should be directed to WSC’s Title IX Coordinator, Heather Fink, Student Affairs Office, Stevens Hall, Williston, ND 58801, Phone: (701) 774-4281. Email: heather.fink@willistonstate.edu.

6.1 Administrative Services to Assist a Student Complainant or Respondent

WSC’s Title IX Coordinator will assist, including collaborating with campus security and other departments to provide:
- Referral to the Campus Counselor, or referrals to outside provider(s).
- Escort services.
• Assistance in petitioning for a protection order. WSC honors orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court.
• Withdrawal from college.
• An on-campus investigation and, if appropriate, initiate on-campus disciplinary procedures.
• Other referrals as necessary.

6.2 Administrative Services to Assist Faculty or Staff Complainant or Respondent
The Title IX coordinator will assist faculty and staff, including collaborating with campus security and other departments to provide:
• Referral to the Employee Assistance Program.
• Escort services.
• Assistance in petitioning for a protection order. WSC honors orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court.
• An on-campus investigation and, if appropriate, initiate disciplinary/dismissal procedures.
• Other referrals as necessary.

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

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

7. Status Sanctions
The Vice President for Student Affairs may impose one or more sanctions as described below for violations of the Student Code of Conduct:
• Written Warning,
• Consultation,
• Referral to special classes or counseling sessions,
• Parental notification,
• Restitution and/or fines,
• Conduct probation,
• Supervised conduct probation,
• Eviction from college-owned housing,
• Suspension, and/or
• Recommendation to the provost to withhold or rescind degree.

7.1 Restrictions of Educational Activities Sanctions
Having the intent of effecting a safer campus environment and/or promoting the development of a student determined responsible for Student Code of Conduct violations, the VPSA may impose additional sanctions. Such sanctions may include but are not limited to:
• The VPSA will direct a disciplinary withdrawal of a student whose suspension was upheld by the Hearing Committee.
• No Contact Directive: A directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, email, telephone, or through third parties.
• Suspension of or restriction(s) on access to all or to specified campus facilities, buildings, or other locations; or services; or events.
• Residence hall transfer, residence hall floor transfer, restricted access within the residence halls, restricted access to dining services, and removal and/or ban from the residence hall system for a specified period of time.
• Suspension of or restriction(s) on driving on or parking in campus-controlled streets, roads, and parking lots.
• Restitution to WSC for cleaning, replacing, or restoring some specific area or thing when loss or damage was a result of the student’s disciplinary violation.
• Referral to the Campus Counselor or another provider approved by the Campus Counselor.
• Mandated community service and/or participation in campus educational programs.
• Mandated participation in one or more campus activities, lectures or workshops, and/or other activity that employs an educational purpose.
• Enhanced Sanctions for Bias-Motivated Offenses – Violators of the regulations and policies outlined in this document whose violations are motivated by bias may face more severe or enhanced sanctions. Violations motivated by bias include the intentional selection of a person against whom the violation is committed because of the race, religion, color, genetic information, gender, disability, sexual orientation, gender identity, national origin, ethnicity, age, or ancestry of that person.

7.2 Suspension
The Hearing Committee will convene to hear a Title IX case if the VPSA’s recommendation involves suspension of any type. The Hearing Committee may impose one or more College sanctions listed above and/or others and/or the WSC sanction of suspension as described below.

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

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

7.3 Recommendation and Authority to Impose Sanction
VPSA has the final authority in the recommendation of a suspension in Title IX cases. The VPSA or designee authorizes an Emergency Suspension, subject to an Emergency Suspension Review Hearing by the Hearing Committee. The Hearing Committee has the sole authority to impose suspension in Title IX cases.

7.4 College Disciplinary Sanctions for Faculty and Staff
The College will follow the disciplinary policies and procedures in the Faculty Handbook for faculty. North Dakota University System Human Resource Policy Manual section 25 and section 27 will be followed for any disciplinary acts involving staff. For employees excluded from the broadbanding system, State Board of Higher Education (SBHE) policy 608.2 will be followed. Faculty are not included under SBHE 608.2.

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

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

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

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

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

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

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

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

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

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

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

If the Personal Advisor (Advocate) is unable to attend a previously scheduled hearing, the student is encouraged to inform the VPSA that his/her Personal Advisor (Advocate) is unable to attend. Upon request the Hearing may be rescheduled. The College requests that a student notify the VPSA at least five business days prior to the
scheduled hearing date of his/her intent to bring a Personal Advisor (Advocate).

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

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

8.4 Hearing Procedures

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

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

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

8.4.2 The Hearing Notification Letter to the accused student shall:

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

8.4.3 Rights of the Accused Student

- To a closed hearing, which is held in private, unless the accused student, the student Complainant, if applicable, and the Hearing
Officer agree to an open hearing, which is open to the campus community.

- The opportunity to appear alone or with a Process Advisor, a Personal Advocate, and/or Personal Advisor.
- To challenge one (1) member of the Hearing Committee for bias at the start of the hearing.
- To know the identity of each witness who will speak to the alleged events.
- To serve as a witness, or not; to call witness(es); submit documentary and other information; offer information; and speak on his/her own behalf.
- To question each witness, for the purpose of clarification.
- To have access to the record of the hearing after all proceedings are complete.
- To appeal the decision of the Hearing Committee.

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

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

8.4.5 Rights of the Student Complainant

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

8.5 Full Hearing Process:

**Introduction** – With all parties present, the Hearing Officer will call the meeting to order and will ask all parties participating in the hearing to introduce themselves and identify their role in the proceedings.

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

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

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

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

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

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

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

Questions will be permitted by the Hearing Committee, who may question either party.
The Hearing Officer and Complainant (and/or attorney or nonattorney advisor) may be permitted to ask additional questions of each other.

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

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

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

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

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

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

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

**8.6 Record of the Hearing**
An individual student’s hearing record is confidential and consists of:
- A copy of the Hearing Notification Letter sent to the accused student.
- All documents, information, and materials admitted in the hearing.
- The audio recording of the hearing, which is the sole official verbatim record of the Hearing, is the property of Williston State College.
- A copy of the Hearing Decision Letter.

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

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

The specific items for review that may be addressed in a written appeal are the following:
- Were Procedures for a Full Hearing as listed in section 8.4 of the Code followed? Please explain.
- Was a procedural error committed? Please explain.
- Were you given an adequate opportunity to make your presentation? Please explain.
- Is there any new or contradictory information that was unavailable at the time of the hearing that may have affected the outcome of the hearing and/or the sanctions? Please explain the information and why the information was unavailable at the time of the hearing.
Filing of an appeal suspends the sanctions until the appeal is decided. However, interim action may be taken as outlined in Section 6 herein.

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

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

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

The VPAA or designee shall have 21 business days from the receipt date of the appeal in which to issue a written determination on the appeal, although extensions of time may be granted and are available equally to each party. Such written determination shall be forwarded to the accused student; student Complainant, if applicable; and each Hearing Committee member. The action of the VPAA or designee shall be final. If the appeal results in a reversal of the decision or lessening of the sanction, the institution may reimburse the student for any tuition and fees paid to the institution for the period of suspension which had not been previously refunded.

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

8.9 Reinstatement Following a Suspension
Reinstatement for students following a Suspension involves the following procedure:

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

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

- The suspended student organization applies to Student Senate for reinstatement.
- The Student Senate President, who may be assisted by other Student Senate members, reviews the record and ensures the conditions for reinstatement have been satisfied. The Student Senate President may consult with the Hearing Committee about the completion of the conditions.
- Student Senate shall either grant the reinstatement or deny the application.

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

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

9.1 Criteria for Emergency Suspension
Student’s behavior poses a significant threat of danger and/or injury to self or others,
OR
Student’s behavior poses a threat of disruption of the educational process for others,
OR
Student’s behavior poses a threat of destruction of property.

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

9.3 The Emergency Suspension Review Hearing Notification Letter:
The Emergency Suspension Review Hearing Notification Letter shall:

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

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

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

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

The Hearing Committee may proceed with a hearing in the absence of the accused student. Such an absence is not to be interpreted as an admission of responsibility nor as a basis for additional disciplinary action. The College will be required to document that a reasonable attempt has been made to provide notification of the hearing to the student.
The accused student and the Hearing Officer are given the opportunity to challenge one member of the Hearing Committee for bias. A confidentiality statement is read. The hearing shall be closed to the public unless the Hearing Officer and the accused student agree to an open hearing.

The Hearing Committee Chair will read the complaint as included in the Review Hearing Notification letter sent to the accused student by the VPSA.

The Hearing Officer presents the reason for emergency suspension.

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

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

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

9.6 Emergency Suspension Review Hearing Decision Letter
A written notification of the outcome of the Emergency Suspension Review Hearing will be sent to the accused student within one week following the preliminary hearing, with copies provided to the VPSA and to the Student Services Office to be placed in the student’s personal file.

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

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

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

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

Heather Fink
Director for Student Financial Aid/Title IX Coordinator
Student Affairs Office, Stevens Hall
Williston, ND 58801
Phone: (701) 774-4281
Email: heather.fink@willistonstate.edu
Hours: 8a-4:30p, Monday through Friday
Summer Hours may vary, please call for appointment

SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex
offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. In the State of North Dakota, information regarding registered sex offenders who are subject to community notification may be obtained from a community member’s respective local municipal police agency and/or the North Dakota State Police. In the City of Williston, information regarding registered sex offenders who are subject to community notification may be obtained at the Williston Police Department, located at 223 East Broadway, Williston, ND 58801 (phone #: (701) 577-1212). This information can also be obtained by visiting the State of North Dakota State Police’s Sex Offender website at: http://www.sexoffender.nd.gov/
Annual Fire Safety Report

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

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

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

GENERAL RESIDENCE HALL FIRE SAFETY

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

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

Each building is inspected by trained building inspectors on a regular basis to ensure that these systems are in working condition, and includes a yearly fire alarm and sprinkler systems test and inspection.

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

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

Fires should be immediately reported to 911 or Campus Security: If a member of the Williston State College community finds evidence of a fire that has been extinguished, and the person is not sure whether Campus Security has already responded, the community member should immediately notify Campus Security to investigate and document the incident. For example, if janitorial staff finds evidence of a fire in a trashcan in the hallway of a residence hall, they should not touch the trashcan, and should report the incident to Campus Security immediately and wait for a response. Campus Security will document the incident prior to removing the trashcan.

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

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

Campus Security publishes this fire safety report as part of its annual Clery Act Compliance document, via this annual report, which contains information with respect to the fire safety practices and standards for Williston State College. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. The compliance document is available for review 24 hours a day on the Campus Security website, and a physical copy may be obtained by making a request to Campus Security (701) 570-6699 or by visiting Campus Security in person at: 1410 University Avenue, Art Wood Building, Williston, ND 58801.

Procedures for Students and Employees in the Event of a Fire:
Find nearest pull station and sound central alarm, or call 911, or contact Campus Security directly at: (701) 570-6699.

- Shut all doors and windows in the vicinity of the fire
- If the fire is small, use fire extinguishers to put it out
- Exit by nearest safe stairway
- Do not use the elevators
- Do not run
- If there is smoke in the room, keep low to the floor
- Try to exit the room, feel the doorknob
  - If it is hot, do not open the door
  - If the doorknob is not hot, brace yourself against the door and crack it open
  - If there is heat or heavy smoke, close the door and stay in your room
- Don’t panic
- Seal the cracks under the door with sheets, or towels.
- If there is smoke in the room, crack the windows, if possible, to allow for ventilation
- Hang a sheet or towel from the window to announce that you are in your room.
- Call 911. Be sure to give your room number and your location.
- If you can exit the room, put on shoes (and if necessary a coat). If smoke is evident, get a wet towel to cover your face.
- Close all doors.
- If in exiting the building you are blocked by fire, go to the safest fire-free area, or stairwell. If a phone is available call Campus Security; or find a window, and signal that you are still in the building.

Student Residence Hall Fire Evacuation Procedures in the Event of a Fire:
- The fire alarm system may be used to evacuate a building(s) if there is a potential threat to the health and safety of that segment of the community.
- Activate the building fire alarm if it is not already sounding. Pull a fire alarm station on the way out.
- Leave the building by using the nearest exit.
- Crawl if there is smoke. Cleaner, cooler air will be near the floor. Get Low and Go.
- Before opening any doors, feel the metal knob.
  - If it is hot, do not open the door.
  - If it is cool, brace yourself against the door, open it slightly, and if heat or heavy smoke are present, close the door and stay out of the room.
- Go to the nearest exit or stairway. If the nearest exit is blocked by fire, heat, or smoke, go to another exit.
- Always use an exit stairway, not an elevator.
  - Elevator shafts may fill with smoke or the power may fail, leaving you trapped.
  - Stairway fire doors will keep out fire and smoke, if they are closed, and will protect you until you get outside.
- Close as many doors as possible as you leave; this helps to confine the fire.
- Total and immediate evacuation is safest.
- Only use a fire extinguisher if the fire is very small and you know how to do it safely.
  - Do not delay calling emergency responders or activating the building fire alarm.
  - If you cannot put out the fire, leave immediately.
  - Make sure the fire department is called—even if you think the fire is out.
- If you get trapped, keep the doors closed. Place cloth material (wet, if possible) around and under door to prevent smoke from entering.
• Be prepared to signal your presence from a window.
• Signal for help. Hang an object at the window (jacket, shirt) to attract the fire department’s attention. If there is a phone in the room, call 911 or 9-911 from an on-campus phone, or (701) 570-6699 from a cellular phone, and report that you are trapped; be sure to give your room number and location.
• If all exits from a floor are blocked, go back to your room, close the door, seal cracks, open the windows if safe, wave something out the window, and shout or phone for help.
• If you are on fire – stop, drop, and roll, wherever you are. Rolling smotheres fire.
• Cool burns. Use cool tap water on burns immediately. Don’t use ointments. If skin is blistered, brown or charred, call for an ambulance.
• Be aware of obstacles. Storage of any items in the corridors, such as bicycles, chairs, desks and other items is prohibited in all exit ways, including stairwells. Blocked exits and obstacles impede evacuation, especially during dark and smoky conditions.
• If you are a person with a disability (even temporarily), you should do the following:
  o Learn about fire safety
  o Plan ahead for fire emergencies
  o Be aware of your own capabilities and limitations

Plans for Future Improvements in Fire Safety:
WSC strives to improve and expand on our in-service training sessions for all Residential Life student staff, Campus Security staff, and other housing staff. The College continues to assess and upgrade fire safety equipment as an ongoing process, to ensure that all equipment meets National Fire Safety standards. Future improvements will be made as needed as part of the ongoing assessment and budget process.

Life Safety Inspections and Violations:
Residence Life Staff conduct regular inspections of residential hall common areas throughout the academic year. The Residence Life Department performs residence hall health and safety inspections one time per month for individual rooms. Full-scale building/hall inspections are announced. Not all common area inspections are announced. The Life Safety inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Residential and Fraternity Guidelines, which include life and fire safety rules and regulations for residential buildings.

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

Prohibited Items and Prohibited Conduct:
If a student's behavior does not meet College community expectations or is in violation of the policies outlined in the Residence Hall Housing License Agreement or the Handbook of Student Rights and Responsibilities, they may expect conduct action. Williston State College expects students, as adults, to maintain a standard of personal discipline that is in harmony with the educational goals of the institution, federal, state, and local laws, and to respect the rights, privileges, and property of fellow students, faculty, staff, and administrators. Students are responsible for the items contained in their rooms and the events that occur in their rooms. Special surveillance resources may be utilized by the College when conduct issues become chronic or disruptive.

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

- Alcoholic beverages, alcohol containers and advertising or promotion of alcoholic beverages (regardless of age);
- Narcotics or other drugs when their use or possession is prohibited by law;
- Weapons including but not limited to: firearms, ammunition, fire crackers, explosives, knives, bows and arrows, air-soft guns, paintball guns.
- Cooking or heating appliances except those listed in #3 above; equipment such as electric frying pans, electric grills, hot plates, toasters, air conditioners, space heaters, electric cords outside of the room or building, or halogen lamps;
- Antennas, dishes or aerials for radios or TV’s;
- Battery chargers or engine heater cords;
• Open fires, candles, incense, potpourri pots or halogen light bulbs;
• Weight lifting or exercise equipment
• Pets (other than fish in a tank no larger than 10 gallons)
• Skateboards, roller blades, roller skates, and hoverboards are not to be used in hall at any time.
• Other items deemed inappropriate by campus housing staff.

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

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

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

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

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

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

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

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

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

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

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

EMERGENCY EVACUATION DRILLS
Fire/emergency evacuation drills are conducted each semester in residence halls. Emergency Evacuation Drills are conducted to familiarize occupants with emergency egress from a building and to establish conduct of the drill to a matter of routine. Drills will include suitable procedures, such as potential room-to-room checks, to ensure that all persons subject to the drill participate. Any person who fails to participate in a drill will be subject to disciplinary action by the appropriate authority. In the conduct of drills, emphasis shall be placed on orderly evacuation rather than speed.

Drills shall be held at expected and unexpected times, and under varying conditions to simulate the unusual conditions that can occur in an actual emergency. Participants shall relocate to a safe location outside the building and remain at such location until a recall signal is given or further instruction.

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

FIRE SAFETY SYSTEMS IN WILLISTON STATE COLLEGE ON-CAMPUS RESIDENTIAL FACILITIES (2017)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Year Built</th>
<th>Building Fire Alarm</th>
<th>Room Detection</th>
<th>Pull Station</th>
<th>Operations Center Connected</th>
<th>Fire Evacuation Maps</th>
<th>Sprinkler</th>
<th>Fire Extinguisher</th>
<th>Fire-Rated Doors</th>
<th>Fire Drills Conducted</th>
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<td>YES</td>
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<td>NO</td>
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<tr>
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<tr>
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On-Campus Fire Statistics

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<tr>
<th>Facility</th>
<th>Number of Fires</th>
<th>Cause of Fire</th>
<th>Number of Injuries Requiring Medical Facility Treatment</th>
<th>Number of Deaths</th>
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Appendix I: Clery-Designated Crime Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- **Statutory Rape**: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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 to suffer substantial emotional distress.

For the purposes of this definition:

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

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim

- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

Unfounded Crime Reports – According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority “if the investigation shows that no offense occurred nor was attempted.” These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as “unfounded” cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either False or Baseless.

Weapons violations - the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.
**Hate Crimes** – any of the above offenses, and any other crime involving bodily injury, reported to local police agencies or Campus Security authority that manifest evidence that the victim was intentionally selected because of the perpetrator’s bias, or the perpetrator perceived the person to be in one of the protected group categories. Additionally, on August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes. These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include: race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability.

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

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

**Bias Crime** – a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender’s bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as Hate Crime.

**Note:** Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

This information is provided as a part of Williston State College’s continuing commitment to safety and security on campus in compliance with the Jeanne Clery Act. Concerns, questions, or complaints related to this document or the applicable statutes should be directed to the Director for Campus Services either by mail at Williston State College, 1410 University Avenue, Art Wood Building, Williston, ND 58801; email at: clayton.sponable@willistonstate.edu; or by telephone at (701) 774-.4578
Appendix II: Campus Map & Geographic Categories