



BISMARCK STATE COLLEGE

2025

& CAMPUS SECURITY FIRE SAFETY REPORT



BISMARCK
STATE COLLEGE

North Dakota's
Polytechnic Institution

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STA-005-0824

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BISMARCK STATE COLLEGE 2025 ANNUAL SECURITY AND FIRE SAFETY REPORT

Enrollment: The student body is approximately 50% women and 50% men. For the fall 2023 semester, there were 2,093 full-time and 2,113 part-time students at the college, and about 10% of those students lived in college-owned, -leased, or otherwise controlled housing.

The BSC Campus Police Department (BSC Campus Police) is responsible for policy enforcement, security, and emergency response on the campus. Campus Police is guided by the mission strategic principles of Service, Protection, Enforcement, Continuous Quality Improvement, Constancy of Purpose, and Community Oriented Policing. The Department is under the leadership of the Campus Police Chief who reports to the Vice President for Student Affairs. Institutional Clery compliance initiatives are managed by the Campus Police Chief and Clery Compliance Team.

The Campus Police Chief is responsible for coordinating the daily patrol, security and fire safety operations and activities of the Department. The Campus Police Office is open Monday – Friday 8:00am – 5:00pm, while the department typically patrols Monday – Friday 8:00am-2:00am and Saturday and Sunday 2:00pm-12:00am by four Licensed Peace Officers who patrol the campus.

The Title IX Coordinator specifically assigns Title IX cases to Title IX Investigators. BSC Campus Police is responsible for violence prevention initiatives, along with department crime prevention and security awareness programming. The Campus Police Chief is assigned the responsibility of coordinating the institution's life and fire safety program initiatives; and is assigned the task of coordinating administrative duties and assignments relative to the public safety environment, coordinating functional needs associated with departmental technology, and managing Clery Act and North Dakota UCR Act compliance records retention processes.

BSC Campus Police may also contract security officers to provide additional support during large-scale campus events, annual leave and assisting BSC Campus Police with the management of on-campus social events/activities by upholding and enforcing all SBHE and BSC policies. Contract Security Officers have no powers of arrest. BSC Campus Police patrols the campus and provides security services through the deployment of vehicle and foot patrols.

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 your valuables, and reporting suspicious/criminal activities. BSC Campus Police 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, crime prevention, and community-policing. BSC Campus Police Officers are trained and certified under guidelines of the state of North Dakota Peace Officer Standards and Training board and are sworn officer(s) with full powers of arrest; empowered and mandated to enforce all applicable federal and state laws, local ordinance, and State Board of Higher Education and College policies. BSC Campus Police Officers receive training in security, law enforcement, and emergency care. Full-time uniformed patrol officers are required to be certified in first aid, CPR, and the use of an AED, and to be certified in various self-defense techniques. BSC Campus Police Office is located in Room #120 of the Student Union Lower Level at 1425 Schafer St., Bismarck, ND 58501.

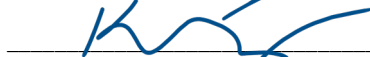
This publication is intended to provide information regarding educational programs, safety practices, crime statistics, and policies regarding the reporting of emergencies and campus crime rates. It is the primary objective of BSC Campus Police to work collaboratively with campus community members in our collective efforts to continually enhance the safety of the campus environment, thereby affording opportunities for community members to 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 Campus Police Chief at 701- 224-2700.

Sincerely,
Campus Police Chief

The undersigned individuals constituted BSC's 2025 Clery Compliance Team. They have reviewed the 2025 BSC CLERY Report and affirm that, to the best of their knowledge, it is accurate.



Michael McMerty, BSC Campus Police Chief



Kaylyn Bondy, Vice President for Student Affairs



Kacie Schlecht, Community Standards Coordinator



Nicole Mikkelsen, Chief Human Resources Officer



Sarah Bickert, Administrative Assistant

CRIME/EMERGENCY REPORTING AND COLLEGE RESPONSE

Reporting Crimes and Other Emergencies

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

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

The BSC Campus Police Department (Campus Police) has been designated by BSC as the official office for campus crime and emergency reporting. Campus Police strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures Campus Police can evaluate, consider and send timely warning notices, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure. BSC further encourages accurate and prompt reporting to Campus Police 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 Police because it has primary responsibility for patrolling the BSC campus and it has been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus can be reported to the local Bismarck Police Department. Additionally, as outlined below, the College has also identified a list of primary campus security authorities (CSA) or preferred receivers of reports to whom crimes or allegations of crimes can be reported specifically for the purpose of making timely warning reports and the annual statistical disclosure.

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

- Campus Police
 - Call 701- 224-2700.
 - Report in person to the Campus Police at the Campus Police office located in Room #120 of the Student Union Lower Level at 1425 Schafer St., Bismarck, ND 58501.
 - Crimes or emergency situations can also be reported to the Bismarck Police or local emergency services by dialing 911.
- Title IX Coordinator
 - Call 701- 224-5638.
 - Report in person in Room #307 of Jack Science Center at 1420 Schafer St., Bismarck, ND 58501.
- Human Resources (HR) Department
 - Call 701- 224-5427.
 - Report in person at the HR office located on the upper floor of the Meadowlark Building at 1700 Schafer St., Bismarck, ND 58501.
- Community Standards Coordinator
 - Call 701- 224-2540.
 - Report in person at Room #225 of Student Union, 1425 Schafer St., Bismarck, ND 58501.
- Complete the online reporting form at: [Campus Security Authority Reporting Form](#)

(This form should only be used for non-emergency or non-urgent reporting)

Response to Reports

The Campus Police Office is open Monday – Friday 8:00am – 5:00pm, while the department typically patrols Monday – Friday 8:00am-2:00am and Saturday and Sunday 2:00pm-12:00am by three Licensed Peace Officers who patrol the campus. In response to a call, Campus Police will take the required action by either dispatching an officer or asking the reporting party to go to the Campus Police Office to file an incident report in person. All reported crimes will be investigated by the college and may become a matter of public record. Crime victims are given on and off campus resource information as necessary and appropriate. Campus Police procedures require an immediate response to emergency calls. Campus Police works closely with a full range of city and county resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. Campus Police responds to and investigates all reports of crimes and/or emergencies that occur within the College's Clery geography. Campus Police personnel can also notify Central Dakota Communications Center (911) dispatchers of emergency situations occurring on-campus via portable, mobile, and fixed two-way radio communications systems, and transferring telephone calls to the 911 emergency center. This system allows Campus Police to summon assistance from emergency responders if deemed necessary and appropriate. Incidents occurring within the College's Clery geography are documented and processed for further investigation and review by the Campus Police Chief and/or Campus Police, depending upon the nature of the crime or emergency and the involvement of the local Bismarck Police. Additional information obtained via any investigation will also be forwarded to the Community Standards Coordinator. Residential Advisor student staff may also complete reports of potential criminal incidents that are forwarded to the Community Standards Coordinator for review and processing.

To obtain general information or request any security or safety escort services, community members should call Campus Police at 701-224-2700.). For emergency assistance community members should call 911. When placing an emergency call, remember to stay on the line and wait for the dispatcher to end the call.

If a sexual assault or rape should occur on campus, staff on scene, including Campus Police, 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 BSC community. The information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for BSC.

As mentioned, crimes should be reported to Campus Police 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 BSC Mystic Advising and Counseling Center would not be known to Campus Police, a campus security authority (CSA), or another College official.

RESPONSIBILITIES OF THE BSC COMMUNITY FOR THEIR OWN PERSONAL SAFETY AND SECURITY AND THE SAFETY AND SECURITY OF OTHERS

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

- Report all suspicious activity to Campus Police immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Use the Campus Police escort service.
- 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 Police or Bismarck Police Department or other local law enforcement agencies for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Always carry your keys and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether 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.

Limited Voluntary Confidential Reporting

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

Confidential Reporting

Students may make confidential reports to BSC's Counselor assigned to the Mystic Advising and Counseling Center. Counselors, when acting in their capacity and function as BSC counselors, do not make identifiable reports of incidents to the Official On-Campus Resources unless the student specifically requests them to do so; however, the College encourages counselors, if and when they deem it appropriate, to inform students they can report incidents of crime to Campus Police, which can be done directly or anonymously through the anonymous reporting processes as outlined below.

Pastoral Counselor: BSC does not employ campus Pastoral Counselors.

Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification. If Campus Police or other employees connecting with BSC's Counselor are made aware of a crime as a part of collaboration, Campus Police or other employees must report as a CSA.

Anonymous Reporting

BSC Campus Police, 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 exception to this policy is addressed below.

Facilitated Anonymous Reporting: Students may request a Counselor in the Mystic Advising & Counseling Center to facilitate anonymous reporting using an internal form designed to capture general details about the incident (date, time, location, and brief description of the incident type) to ensure a statistical disclosure in the college's Annual Security and Fire Safety report.

Online Anonymous Reporting: BSC does not provide for online anonymous reporting, however BSC does provide an online [General Concern Report](#) to report student/employee incidents and/or well-being concerns. Personal identifying information is not required for the submission of the General Concern Report.

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

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

STATISTICAL DISCLOSURE OF REPORTED INCIDENTS

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

REPORTING A CRIME TO THE BISMARCK CAMPUS POLICE DEPARTMENT

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

OFF-CAMPUS CRIME

If the Bismarck Police Department is contacted about criminal activity off-campus involving BSC students, the police may notify Campus Police. Students in these cases may be subject to arrest by the local police and college disciplinary proceedings.

MONITORING AND RECORDING CRIMINAL ACTIVITY AT NON-CAMPUS LOCATIONS OF STUDENT ORGANIZATIONS

BSC does not have any Non-Campus locations of Student Organizations. As such, BSC does not monitor and record through local police agencies criminal activity of students at non-campus locations.

BSC CAMPUS POLICE AUTHORITY AND JURISDICTION

Campus Police Department Enforcement Authority

The Campus Police Department is responsible for providing security services for the BSC Campus. Campus Police Officers and staff are responsible to BSC for the enforcement of College policies and Federal, State, and local laws for campus administrative purposes only. Campus Police Officers investigate campus criminal incidents for administrative purposes as they relate to its campus judicial process. Criminal incidents may be investigated for possible criminal prosecution by Campus Police Officers or other law enforcement agency with jurisdiction. The Community Standards Coordinator, in conjunction with the Vice President for Student Affairs/Title IX Coordinator, and Human Resources as it relates to employee conduct, coordinate disciplinary action for matters that are violations of College rules.

Campus Police may employ student employees as Campus Safety Officers or security contract officers through a written agreement to staff special events, perform asset security, conduct security patrols, assist with vehicle, and crowd control, and perform duties as access monitors as a means of supplementing existing proprietary security operations and staff. These safety officers enforce College policy under the leadership and supervision of Campus Police officers and report incidents and crimes immediately to the BSC Campus Police office. Campus Safety Officers and security contract officers do not possess arrest authority.

Campus Police Arrest Authority

BSC Campus Police Officers are sworn officer(s) with full powers of arrest; empowered and mandated to enforce all applicable federal and state laws, local ordinance, and State Board of Higher Education and College policies. BSC security contract officers serve the Campus Police by upholding and enforcing all SBHE and BSC policies, however, do not have arrest authority. Campus Police may summon support from the Bismarck Police or other applicable law enforcement entities to affect an arrest on or within campus-owned, -controlled, -leased, or -recognized property.

Campus Police Jurisdiction

Campus Police's jurisdiction encompasses its Clery geography which includes its core or main campus, campus residence halls, buildings, and/or facilities owned or controlled by BSC; designated non-campus long term properties and facilities; on all property owned or leased by the state board of higher education and public property on and within the boundaries of the area delineated by the intersections of Schafer Street and Canary Avenue, Canary Avenue and Edwards Avenue, Edwards Avenue and Schafer Street, Edwards Avenue and Ward Road, Ward Road and College Drive, and College Drive and Schafer Street.

Campus Police Officers law enforcement authority is directed by the North Dakota Century Code (NDCC) section 15-10-17 and 44-08-20, the State Board of Higher Education (SBHE) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) This is also true for any contract security officer(s) working for Campus Police.

Criminal Background Checks

The College does not routinely conduct state and/or federal criminal background investigations on prospective students. However, it is the policy of the College that all new employees and faculty, as well as volunteers and interns who have significant interaction with BSC students, have their criminal background records and sex and violent offender registries checked as soon as possible after an offer of employment has been accepted. Individuals who work with minors are required to complete additional background checks, including a State of North Dakota Criminal Check, and FBI Check.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

[916.1 Access to and Security of Campus Facilities Policy](#)

[916.1 Access to and Security of Campus Facilities Policy Procedure](#)

Academic and Administrative Buildings

During normal business hours, the BSC campus is generally open and accessible to students, faculty, staff, and visitors.

Most academic and administrative buildings are open during normal business hours (typically Monday through Friday, from 8am to 4pm, except holidays) and are typically secured during the late evening hours and weekends, depending upon class schedules, special event scheduling and community usage. Individuals who wish to access College buildings or property during non-business hours or for special events should contact the Campus Facilities Associate at 701-224-5686. Buildings have individual hours which may vary at different times of the year. In these cases, the building will be secured according to the schedules developed by the department or the individual responsible for the building.

Campus Police officers patrol the campus grounds via foot and vehicle, conduct regular interior and exterior checks of academic and administrative buildings and respond to incidents occurring anywhere within the college's Clery geography. Campus Police will provide security escorts when requested for staff members, students, and faculty.

Residence Halls

Access to residence halls is restricted to BSC students and authorized staff, and the halls are secured by key and lock systems 24 hours a day/7 day a week. All guests must be escorted by the resident host at all times. Officers of Campus Police routinely patrol the interior common areas, spaces, and hallways of buildings equipped with such common spaces and regularly patrol the exteriors of all campus residence halls. Residence hall professional and student staff also enforce campus policies and security measures within the residence halls to achieve a community respectful of individual and group rights and responsibilities.

Academic Break Housing

During the academic year, the College officially closes for Thanksgiving, Winter Break, Easter, and Spring Breaks. The residence halls close with a sign-up protocol for those needing to remain during break times for work, academic, or pre-approved personal reasons (those who cannot return home, etc.). Notices are posted through the College's official calendars, the housing contract, BSC Housing Self-Service, and before each break.

Students are reminded about the break protocols prior to each break and provided a QR code and/or link to sign-up as well as attach any appropriate documentation. The QR code/link guides student to a form to request accommodations during any portion of the break. The online request form is announced between 2-3 weeks prior to the beginning of the break. Students without the necessity to remain in the residence halls are reminded to make travel arrangements. Dates and times are not for the official departure and return of students exiting during this time.

When the residence halls close for break, students are expected to: unplug appropriate appliances, take out all garbage, attend to perishable food, clean out refrigerators and defrost pending residence hall and length of break, close and lock windows, ensure thermostat is set between 68-70 degrees, bedroom doors that are lockable and apartment doors must be closed and locked. Complete closing procedures for each hall is distributed prior to break closing. Residents may leave personal items in their room during all break, except summer. BSC recommends removing personal items like keepsake, money, and medication to ensure their safety since the campus is "unoccupied" during these breaks.

Residence hall staff members will conduct inspections during breaks. Any notable items or infractions will be discussed with residents and/or sanctioned accordingly. Any student requesting access to their residence hall or room during breaks when the residence halls are officially closed should present themselves to Student and Residence Life or the staff member on call by using information posted on the residence hall exterior entries and in the resident's housing self-service for access. BSC Student and Residence Life will determine a student's access to their respective space for legitimate reasons and authorized full discretion in determining a student's legitimacy to enter the closed residence hall based on information provided. Staff members will make an appointment and designate a time for the student to enter and exit their residence hall for the discussed needs. If a student needs to modify their stay, they may email bsc.housing@bismarckstate.edu or call the Residence Hall Coordinator on duty. In the absence of a residence hall staff person, BSC Campus Police may assist in room entry for legitimate needs.

SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

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

- Keys are issued to authorized faculty, staff, and students.
- Exterior building doors are prohibited from being propped open when the doors are locked.
- Building evacuation is mandatory for all fire alarms.
- Video security cameras are positioned to monitor all exterior doors and parking lots.
- Lighting on campus is periodically evaluated for safety purposes and added as needed.

- Parking lots and pathways are illuminated with lighting.
- Shrubbery in proximity to doors and sidewalks is removed.
- RA rounds and Police Patrol.
- Faculty or staff who encounter persons who behave in a suspicious manner or are involved in suspicious activities should report to Campus Police.
- Campus community members can additionally report hazards directly to Facilities Management through an online service response reporting process.

The campus' overall Campus Police program is supplemented by a variety of technological systems including access control; closed circuit television; and fire detection, suppression, and monitoring systems.

Other members of the College community are helpful when they report equipment problems to Campus Police or Facilities Management.

BSC CAMPUS POLICE TRAINING

The Campus Police Chief is primarily responsible for conducting intensive and continuing training for campus police officers. Training topics may 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 and implicit bias, interpersonal communications, crisis intervention and de-escalation, critical incident response and incident command system, emergency operations, emergency medical training, and all facets of protection of persons and property. Training includes annual in-service sessions with department and guest lecturers, select out-service seminars and conferences, applicable online training/webinars, and regular roll-call information sessions.

BSC CAMPUS POLICE'S WORKING RELATIONSHIPS WITH OTHER LOCAL AND STATE LAW ENFORCEMENT AGENCIES

Campus Police maintains close working relationships with Bismarck Police Department, Burleigh County Sheriff's Office, Burleigh County District Attorney's Office, Mandan Police Department, Morton County Sheriff's Office, Morton County District Attorney's Office, North Dakota Highway Patrol, ND Bureau of Criminal Investigation, Metro Area Narcotics Task Force, Federal Bureau of Investigations and other state law enforcement agencies, and federal law enforcement agencies in implementing and coordinating campus law enforcement operations. BSC relies on these relationships for support on several levels. Collaborative meetings and training sessions are occasionally held to review issues and incidents occurring within the multiple local jurisdictions. Campus Police is comfortable with and capable of reaching out to these responsive law enforcement entities for support and assistance as it relates to the Campus Police of the campus community.

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

Written Memorandums of Understanding with Local Police

Campus Police has a direct working relationship with the Bismarck Police Department through a Memorandum of Understanding. When Campus Police exhausts internal resources, this Memorandum of Understanding allows for the cooperation regarding the investigation of alleged criminal offenses.

TIMELY WARNING NOTICES - NOTIFYING THE BISMARCK STATE COLLEGE COMMUNITY ABOUT CRIMES

To provide timely notice to the BSC community in the event of a criminal situation that, in the judgment of the Campus Police Chief or designee, may pose a serious or continuing threat to members of the campus community, a timely warning notice will be issued.

Time warning notices will be distributed as soon as pertinent information is available, in a manner that is timely, that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar crimes or occurrences.

Timely warning notices are primarily distributed by BSC email and the BSC website to all students, employees, guests, and visitors on campus as soon as pertinent information is available. Alerts can also be sent/communicated via campus public address system and a variety of other notification methods, as outlined in the Emergency/Immediate Notification section of this

Annual Report and highlighted below. The intent of a timely warning notice is to warn the campus regarding a criminal incident, providing individuals an opportunity to take reasonable precautions to protect themselves.

Timely warning notices are generally written and distributed to the campus community by the Campus Police Chief or designee, and they are routinely reviewed and approved by the Vice President for Student Affairs or a designated Crisis Management Team member prior to distribution. Any member of Campus Police has the authority to issue a timely warning notice without such consultation if consultation time is not available. Should the Campus Police Chief/Police Officers be directly impacted and involved in an incident response or otherwise unavailable, any trained member from the Crisis Management Team could write and send a timely warning notice.

Timely warning notices 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 Police and that have occurred on or within the college's Clery geography (on-campus, non-campus or public property), where after review and assessment it is determined that the incident may pose a serious or continuing threat to members of the College community.

Crimes that occur outside the campus' primary 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 policy statement for "Public Safety Notices."

Updates to the campus community, when deemed necessary, about any particular case resulting in a timely notice warning may be distributed via emergency notification system, campus public address system, phone, text message, email, posted on the official college website, on-campus TV screens. BSC Intranet/CORE Portal, press release, local media, social media by the Campus Police Chief or any trained member of the Crisis Management Team (CMT).

Timely warning notices may also be posted through target communication – poster, letters, group meetings, etc. by Campus Police in campus buildings when deemed necessary. When timely warning notices are posted in campus buildings, they are printed on red paper and posted in lobby/entrance areas of key buildings for a time-period determined by the Campus Police Chief or designee. BSC professional staff are informed of their responsibility to share timely warning notice information with their sponsored visitors and/or guests. The Campus Scheduling Assistant is instructed to inform conference organizers, attendees, and/or leaders about notices and notice posters that may be posted in areas where conference attendees are visiting and/or occupying.

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

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

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

Campus Police Officers confer with the Campus Police Chief during the response to a crime to ensure a proper review of all Clery crimes (and other criminal incidents, as deemed appropriate) to determine if there is a serious or continuing threat to the community and if the distribution of a timely warning notice is warranted.

Campus officials not subject to the timely reporting requirement are those with significant counseling responsibilities who were providing confidential assistance to a crime victim. At BSC, this would only apply to Counselors from the Mystic Advising and Counseling Center who are performing that specific function and role as their primary employment with the College.

Timely Warning Distribution Matrix

PRIMARY METHODS	Primary Message Creator	Backup Message Creator	Authority to Approve/Send	Primary Message Sender	Backup Message Sender
Blast Email	Trained Public Relations Personnel	Any trained member of Crisis Management Team	If time allows, consult with the VP for Student Affairs; <i>or</i> , If time does not permit, the sender can proceed.	VP for Student Affairs	Any trained member of Crisis Management Team
Official BSC Website	Trained Public Relations Personnel	Any trained member of Crisis Management Team	If time allows, consult with the VP for Student Affairs; <i>or</i> , If time does not permit, the sender can proceed.	Trained Public Relations Personnel	Any trained member of Crisis Management Team
SECONDARY METHODS	Primary Message Creator	Backup Message Creator	Authority to Approve/Send	Primary Message Sender	Backup Message Sender
Emergency Notification System	Campus Police Chief	Any trained member of Crisis Management Team	If time allows, consult with the VP for Student Affairs; <i>or</i> , If time does not permit, the sender can proceed.	Campus Police Chief	Any trained member of Crisis Management Team
BSC Intranet/ CORE Portal	Campus Police Chief	Any trained member of Crisis Management Team	If time allows, consult with the VP for Student Affairs; <i>or</i> , If time does not permit, the sender can proceed.	Campus Police Chief	Any trained member of Crisis Management Team
Press Release	Trained Public Relations Personnel	Any trained member of Crisis Management Team	If time allows, consult with the VP for Student Affairs; <i>or</i> , If time does not permit, the sender can proceed.	Trained Public Relations Personnel	Trained Public Relations Personnel
Local Media	Trained Public Relations Personnel	Any trained member of Crisis Management Team	If time allows, consult with the VP for Student Affairs; <i>or</i> , If time does not permit, the sender can proceed.	Trained Public Relations Personnel	Trained Public Relations Personnel
Social Media	Trained Public Relations Personnel	Any trained member of Crisis Management Team	If time allows, consult with the VP for Student Affairs; <i>or</i> , If time does not permit, the sender can proceed.	Trained Public Relations Personnel	Trained Public Relations Personnel
Targeted Communications	Trained Public Relations Personnel	Any trained member of Crisis Management Team	If time allows, consult with the VP for Student Affairs; <i>or</i> , If time does not permit, the sender can proceed.	Trained Public Relations Personnel	Any trained member of Crisis Management Team

DAILY CRIME LOG

The BSC Campus Police Department maintains a Daily Crime Log. Campus Police makes the Daily Crime Log for the most recent 60-day period open to public inspection during normal business hours (typically Monday through Friday, from 8am to 4pm, except holidays) at the Campus Police Office, located at Room #120 Student Union Lower Level, 1425 Schafer St., Bismarck, ND 58501. Any portion of these crime logs that are older than 60 days are made available for public inspection within two business days of a request. All confirmed fires occurring within or on any and all on-campus residential facilities will also be included in the Daily Crime and Fire Log. The information in the crime log typically includes the incident number, crime classification, date reported, date occurred, general location of crime, and disposition of each reported crime. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents that may impact the College's campus community. The names of crime victims will not be listed on the Daily Crime Log.

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

PREPARATION OF ANNUAL DISCLOSURE OF CRIME STATISTICS & CLERY COMPLIANCE

Bismarck State College (BSC) is responsible for preparing and disclosing crime statistics in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C. Section 1092. This federal mandate requires the disclosure of certain crime statistics so current and potential families, students, and employees can be knowledgeable about the safety of college campuses. This responsibility is specifically designated to the Campus Police Chief or designee. Clery reporting covers the preceding calendar year, January 1 to December 31.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the College community obtained from the following sources through an annual written request: the BSC Campus Police Department (Campus Police) the Bismarck Police Department (BPD), Burleigh County Sheriff's Office, Mandan Police Department, Morton County Sheriff's Office, North Dakota Highway Patrol, and other state law enforcement agencies with jurisdiction for non-campus property locations, and non-police or contract security officer personnel who have been designated as Campus Security Authorities or CSAs. Relevant crime data from those law enforcement agencies that responded to Campus Police requests regarding BSC's non-campus operations are shown within BSC's Crime Statistics. When received and usable, raw statistics provided by law enforcement agencies are categorized accordingly. Campus Police may be unable to determine if these statistics adhere to the UCR-defined categories utilized by Clery reporting. Further, statistics received may describe an area that is more expansive than the space controlled by BSC when and where instruction is offered.

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

Final report preparation is coordinated by the Campus Police Chief, Vice President for Student Affairs, with Human Resources, Student and 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/or through training to report crimes to Campus Police 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, Counselors of the Mystic Advising and Counseling Center who are performing that function and role as their employment with the College. Counselors are not required by law to provide statistics for this compliance document. Counseling Professionals, as defined by the Federal law, who act in such capacities, have

been advised that, while they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to Campus Police for inclusion in the annual statistics. The Counseling Center counselor may facilitate anonymous reporting, as outlined earlier in this Annual Security and Fire Safety Report.

All statistics are gathered, compiled, and reported to the college community via this report, entitled the “Annual Security and Fire Safety Report,” which is published by Campus Police no later than October 1st of each year. Campus Police submit the annual crime statistics published in this report via a Web-based reporting system to the Department of Education (ED) by October 15th of each year. The statistical information gathered by the Department of Education is available to the public through their website. Table One of the crime statistics satisfies the reporting requirements outlined by the Clery Act.

Campus Police 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 email includes the address for the Campus Police website where the Annual Security and Fire Safety Report (ASFSR) can be found online, and notification that a physical copy may be obtained by making a request to Campus Police by calling 701- 224-2700 or in person at the Campus Police Office in Room # 120 Student Union Lower Level, 1425 Schafer St., Bismarck, ND 58506. The availability of the ASFSR is also posted on the [admissions application website](#) and on the [employment application website](#) informing prospective students and employees how to access the ASFSR and obtain a copy.

Specific Information about Classifying Crime Statistics

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

Clery Act Reporting

For Clery Act reporting purposes, the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons Law violations, the statistics indicate the number of people arrested by law enforcement or referred to the Community Standards Coordinator or Human Resources for possible disciplinary action for violations of those specific laws.

Hate crimes are reported in narrative form and are separated by category of prejudice. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender’s bias. For example, 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.

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

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

Geography Definitions from the Clery Act

On-Campus *defined as*: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution’s educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (3), that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

Non-Campus Building or Property *defined as*: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

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

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

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

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

CAMPUS CRIME STATISTICS FOR BISMARCK STATE COLLEGE : Calendar Years 2022-2024

	On-Campus			On-Campus Residence*			Non-Campus			Public Property		
CRIMINAL OFFENSES	2024	2023	2022	2024	2023	2022	2024	2023	2022	2024	2023	2022
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	1	0	2	1	0	2	0	0	0	0	0	0
Fondling	0	0	1	0	0	1	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	1	0	0	1	1	0	0	0	0	0
Motor Vehicle Theft	1	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	1	0	0	1	0	0	0	0	0	0
VAWA OFFENSES	2024	2023	2022	2024	2023	2022	2024	2023	2022	2024	2023	2022
Domestic Violence	0	0	1	0	0	1	0	0	0	0	0	0
Dating Violence	0	0	1	0	0	1	0	0	0	0	0	0
Stalking	2	0	0	2	0	0	0	0	0	0	0	0
ARRESTS	2024	2023	2022	2024	2023	2022	2024	2023	2022	2024	2023	2022
Weapon Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	2	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY ACTIONS	2024	2023	2022	2024	2023	2022	2024	2023	2022	2024	2023	2022
Weapons Violations	1	1	0	1	0	0	0	0	0	0	0	0
Drug Abuse Violations	8	3	2	7	3	2	0	0	0	0	0	0
Liquor Law Violations	215	128	95	179	128	95	0	0	0	1	0	0
HAZING*	2024	2023	2022	2024	2023	2022	2024	2023	2022	2024	2023	2022
Hazing Violations	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

*As per the Stop Campus Hazing Act (SCHA) which was enacted December 23, 2004, BSC began hazing violation data collection as of July 1, 2025, and will begin reporting hazing violation information in its 2026 ASFR.

There were 0 hate crimes in 2022, 0 hate crimes in 2023, and 0 hate crimes in 2024.

There were 0 unfounded crimes in 2022, 0 unfounded crimes in 2023, and 1 unfounded crimes in 2024.

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

NOTE: BSC made a reasonable and good faith effort to request and retrieve statistics from all local law enforcement agencies with jurisdiction over the College's identified Clery geography. Reportable Clery crime data received from agencies who responded to these requests are included in the Table One crime statistics noted above. Not all agencies responded to these requests for crime statistics.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergency Preparedness

BSC's Emergency Operations Plan (EOP) that establishes policies, procedures, and an organizational hierarchy for campus emergency response. The Plan outlines incident priorities, campus organization and the role and operation of BSC personnel during an emergency. Emergency operations planning at BSC means preventing, preparing for, responding to, and recovering from any and all emergencies that could affect the College and local Bismarck community. Emergency preparedness at BSC is managed by the College's Crisis Management Team (CMT). The plan is available on the BSC's website at: [Bismarck State College EOP](#). As directed by the EOP, all members of the CMT shall receive IS-100.c Certification-Introduction to Incident Command System (ICS). The emergency response and evacuation protocols and procedures outlined within this report are reflective for both on- campus and non- campus buildings, facilities, and residence halls.

Emergency Response Testing

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

Emergency Response Testing						
Test	Type	Description	Date	Time	Unannounced/ Announced	Follow- Through
ENS Test	Drill	ENS test text, call, and email to all Crisis Team Members	1/11/24	8:21 AM	Announced	100%
ENS Test	Drill	ENS test text, call, and email to all Crisis Team Members	3/11/24	9:34 AM	Announced	100%
ENS Test	Drill	ENS test text, call, and email to all Crisis Team Members	7/29/24	3:05 PM	Announced	100%
ENS Test	Drill	ENS test text, call, and email to all Crisis Team Members	9/23/24	1:16 PM	Announced	100%
ENS Test	Drill	ENS test text, call, and email to all Crisis Team Members	10/24/24	1:42 PM	Announced	100%
ENS Test	Drill	ENS test text, call, and email to all BSC recipients	10/28/24	4:55 PM	Unannounced	90%
ENS Test	Drill	ENS test text, call, and email to all Crisis Team Members	11/21/24	11:06 AM	Announced	100%
ENS Test	Drill	ENS test text, call, and email to all Crisis Team Members	12/18/24	2:10 PM	Announced	100%

Emergency Response

The College's departments are responsible for developing emergency response and continuity of operations plans for their areas and staff. The Crisis Management Team (CMT) provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported to Campus Police by dialing 911.

Emergency Evacuation Procedures

General Building Evacuation Procedures

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

- Treat fire alarms as actual emergencies and not drills.
- Quickly gather personal belongings such as coats and car keys.
- Leave the building immediately in a calm, orderly manner through the nearest available exit.

- If there is no one behind you, close doors as you leave. Listen for and follow instructions.
- Do NOT use elevators.
- Aid individuals with functional impairments who may need help evacuating.
- Stay together in a group with your class or department if possible and proceed to your evacuation assembly location. Instructors must account for all students. Supervisors must account for all employees in their work areas.
- Move (and remain) at least 150 feet away from the building, and if possible, to the upwind side.
- WAIT to be contacted. Do not return to the building or move to another side of the building unless told to do so by emergency personnel.

Evacuation Assembly Locations

In the event that a building must be evacuated, all employees must proceed immediately upon that announcement to the nearest possible exit. All employees should evacuate in an orderly fashion to a pre-designated departmental evacuation assembly location.

The evacuation assembly location should be located at a point that is convenient to the building but does not interfere with any emergency response staging.

Employees should remain at the evacuation assembly location until departmental or unit management arrives.

Employees who do not report to the evacuation assembly location are presumed to be still in the building and possibly in need of emergency rescue. In the event of an actual emergency this information should be relayed to emergency response personnel.

The location of the evacuation assembly location should be communicated to new employees during their probationary period.

In the event of a fire drill, all employees should report to the evacuation assembly location as part of the evacuation practice.

Faculty and Staff Responsibilities

- If possible, keep students together in a group during the evacuation and stay with them.
- Account for all students present upon reaching the evacuation assembly location.
- Immediately report any students you believe to be missing to Campus Police or local law enforcement or fire department.

Directed Building Evacuation (Non-Fire Emergency)

Directed Evacuation is used to get occupants out of the building by a route designed to avoid contact with a potential threat, such as a suspicious package or a hazardous material spill, or if usual evacuation routes are blocked.

Directed evacuation procedures are the same as general evacuation procedures.

Instructions for a directed evacuation will be provided via the public address system or other appropriate communication.

Building Evacuation for People with Disabilities

People with disabilities or mobility impairments should plan for emergencies by developing an evacuation strategy and sharing it with staff, faculty, and fellow students who can assist them with evacuation. People with service animals should practice evacuating so that their service animal becomes familiar with both primary and alternate evacuation routes.

Some individuals with mobility impairments utilize special equipment such as wheelchairs, braces, or crutches to move around the campus. Others whose impairments are less visible may have decreased coordination or stamina and may need to move at a slower pace or rest frequently.

During an emergency situation, those persons requiring assistance should be consulted regarding their needs prior to assisting them. The suggestions listed below may vary depending on the emergency situation and the needs of the person requiring assistance.

To evacuate people with mobility impairments:

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

To evacuate people using wheelchairs:

- Consult the individual before moving him/her.

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

To assist people with visual impairment:

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

To alert people who are deaf or hard of hearing:

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

To assist people with service animals:

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

Basic "Shelter-in-Place" Guidance

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

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

A shelter-in-place notification may come from several sources, Campus Police, Student and Residence Life, other college employees, local law enforcement or outside emergency services, or other authorities utilizing the college's emergency communications tools.

How to "Shelter-in-Place"

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

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

Off-campus Emergencies

Campus Police officials often receive emergency information from the Central Dakota Communications Center (911) regarding incidents in Burleigh County that could imminently impact the safety of the BSC community. When appropriate, Campus Police notifies the campus community of off-campus threats that could also represent a threat to the health or safety of students or employees.

EMERGENCY/IMMEDIATE NOTIFICATION

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

How to Report an Emergency

Emergencies occurring on or within any of the College's Clery geography (as defined in the "Geography Definitions" elsewhere in this Annual Report) should be reported to Campus Police by dialing 911.

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

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

The College will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the campus community, unless issuing a notification will, in the professional judgment of responsible authorities (such as the Vice President for Student Affairs, or Crisis Management Team designee), compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

Immediate notification to the campus can be accomplished through a variety of communications methods. Notification will be made by using some or all of the following multi-modal notification methods depending on the type of emergency: College's Emergency Notification System (ENS) – which contains email, cell phone text, voice message alert; select in-building audible voice notification devices, fire alarm (where available); public address systems/outdoor speakers (where available); social media; digital signage (where available), local media, webpage, and/or alert siren for shelter-in-place. If any of these systems fail or the College deems it appropriate, in person communication may be used to communicate an emergency. Confirmation of the existence of an emergency typically involves the response and assessment by Campus Police officers, sometimes in conjunction with campus administrators and other college officials (BSC President, Vice President for Academic Affairs, Vice President for Student Affairs, Executive Vice President for Administration, Human Resources, Vice President for Advancement), local police and first responders and/or the national weather center.

When on-duty Campus Police officers become aware of a situation that may warrant the issuing of an immediate notification, the on-duty Campus Police Officer confirms (through response, investigation, or collaboration with emergency responders) that there is a significant emergency and then immediately contacts the Campus Police Chief or designee, who quickly evaluates the situation to determine if an alert is warranted, develops the content of the notification message, and then identifies the appropriate segment or segments of the campus community who will receive the notification.

The Campus Police Chief or designee has the ability and authority to issue an alert without delay and without further consultation with any other College official. Notification message content is determined based on the type of incident, the context with which it is occurring, and the immediate danger or threat to the campus community and the need to advise campus community members to act. The College will endeavor to make such notification sufficiently specific to enable recipients to take an appropriate response to the threat. Sample messages have been prepared as part of the emergency notification system to aid in rapid communication processes. In situations lacking the presence of an imminent threat, the Campus Police Chief or designee consults with the Vice President for Student Affairs, and/or other members of the Crisis Management Team (CMT) prior to an alert being issued.

Follow-up notices/communications will be provided as necessary during an active incident and may be provided by the Campus Police Chief, a designee, or a member of CMT, typically sent using the same method as the original message. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the aforementioned communications methods. Additionally, updates regarding a prolonged and ongoing emergency situation such as a health emergency (norovirus, serious illness, pandemic, etc.) can be provided by creating a banner (webpage) at the top of the College's homepage that would contain specific status update information along with links to public health agencies (for example) or other relevant entities.

When the emergency notification system (ENS) is fully activated using email, and cell phone text/voice messaging, 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.

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

Emergency/Immediate Notification Distribution Matrix

PRIMARY METHODS	Primary Message Creator	Backup Message Creator	Authority to Approve/Send	Primary Message Sender	Backup Message Sender
Emergency Notification System ENS (Text/Voice/Email,)	Vice President for Student Affairs	Any trained member of the CMT.	If time allows, consult with the VP for Student Affairs; or their designee; or, If time does not permit, the primary or backup creator/ sender can proceed.	Vice President for Student Affairs	Any trained member of the CMT.
Mass Email	Trained Public Relations Personnel	Any trained member of the CMT.	If time allows, consult with the VP for Student Affairs; or their designee; or, If time does not permit, the primary or backup creator/ sender can proceed.	Vice President for Student Affairs	Any trained member of the CMT.
SECONDARY METHODS	Primary Message Creator	Backup Message Creator	Authority to Approve/Send	Primary Message Sender	Backup Message Sender
Campus Public Address System	Campus Police Chief, Campus Police	Any trained member of the CMT	Campus Police Chief, Campus Police	Campus Police Chief, Campus Police	Any trained member of the CMT
Digital Signage	Trained Public Relations Personnel	Campus Police Chief, Campus Police	Campus Police Chief, Campus Police	Public Relations Office	Public Relations Office designee
Social Media Platforms	Trained Public Relations Personnel	Campus Police Chief, Campus Police	Campus Police Chief, Campus Police	Public Relations Office	Public Relations Office designee
College Website	Trained Public Relations Personnel	Campus Police Chief, Campus Police	Campus Police Chief, Campus Police	Public Relations Office	Public Relations Office designee
Face-to-Face Communication	Campus Police Chief, Campus Police	Any trained member of the Crisis Management Team	Campus Police Chief, Campus Police	Campus Police Chief, Campus Police	Any trained member of the CMT

Emergency Notification System (ENS) Testing and Registration

The Emergency Notification System (ENS) will be tested at least each academic semester to ensure that all systems are working properly and that CMT members maintain a working knowledge of the system. These tests will also be educational moments for the campus community to remind them that this system does exist, and that it is a working and functioning system that they can rely upon. In conjunction with at least one of the annual ENS test notifications, information is shared with the campus community related to the campus’ emergency response and evacuation procedures.

Students, staff, and faculty are informed of the College’s ENS program and evacuation processes annually during training and through written notification. This includes dissemination of information about how to respond during the activation of the ENS 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 move in day orientation, Residential Advisor student staff training, and new employee/faculty orientations.

The ENS processes are tested once each semester – including the activation of cell phone, work or home phone, email account, voice mail, text messaging systems. These tests are usually announced tests, but they may be unannounced. Available student

cell phone numbers are loaded into the ENS upon their registration for classes.

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

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

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

- Cell phone Text/Voice Messaging
- Alert Siren
- Campus Public Address System (PA)
- All Campus Email Alerts
- Voicemail
- 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

Procedures for Disseminating Emergency Information to the Larger Community

BSC’s website (www.bismarckstate.edu), Public Media (TV, radio, news websites), social media, and flyers posted throughout campus serve as primary distribution systems to disseminate emergency information to the larger community.

The Campus Police Chief, Vice President for Student Affairs, or designee, in collaboration with BSC’s Public Information Officer, will craft messaging for dissemination through the designated distribution systems.

ALCOHOL/DRUG POLICIES

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

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

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

It is illegal to give or sell alcohol to an individual under the age of 21. It is illegal to have an open container of alcohol in any vehicle. It is illegal to serve alcohol to an intoxicated person. It is illegal to sell alcohol of any kind without a license or permit. Organizations are not immune from prosecution for a legal violation. The officers of that group are usually the parties cited, but every group member is liable. Driving while intoxicated (.08 blood alcohol content) is a criminal offense. Being intoxicated is not a legal defense for any charge, including assault, rape, vandalism, slander, manslaughter, or accident. If an underage person is involved in a drinking/driving crash after leaving a party, the victim(s) of the crash may sue both the person at fault and those

who provided the alcohol.

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

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

Drug Free Schools and Communities Act (DFSCA) Compliance

A copy of the most current [Drug Abuse and Alcohol Prevention Program \(DAAPP\)](#) can be reviewed and obtained online or by contacting the Mystic Advising and Counseling:

- Contact the Mystic Advising and Counseling Center by dialing 701- 224-5752, or in person in the Student Union, 1425 Schafer St. Bismarck, ND 58501.

Information related to alcohol and other drug use can be found online at:

- [BSC Alcohol and Drug Information](#)
- [BSC 918.2 Alcohol and Illegal Drugs Policy](#)
- [BSC 918.2 Alcohol and Illegal Drugs Policy Procedure](#)

Additional alcohol and drug policies, standards of conduct, applicable disciplinary sanctions, health risks, counseling and treatment, processes, goals, and objectives can be found on this website and within the DAAPP. The biennial report, developed in accordance with the Drug Free Schools and Communities Act (DFSCA) of 1989, can also be obtained by contacting the Office of Human Resources, BSC's Community Standards Coordinator, or Mystic Advising and Counseling Center.

Drug and Alcohol-Abuse Education Programming				
Program	Description	Date	Time	Learning Outcome
Student All Substance Prevention Event to learn resources.	Popcorn with Prevention	8/26/2024	11am-3pm	Understanding resources available on-campus and in the community. Students will build communication skills by engaging in conversations about physical and mental well-being and learn substance prevention supports.
Cannabis Prevention	Cannabis Conversations Risks and Responsibilities	8/30/2024	11am-1pm	Students will be educated about the effects of cannabis, promote healthy alternatives, and learn about the risk associated with cannabis use.
Alcohol and Sexual Assault Speaker	CL Lindsay	9/24/2024	7pm-8pm	Students will learn skills for safe celebrations, learn strategies for making informed decisions about alcohol use, recognizing peer pressure, and have a better understanding of the consequences of impaired driving.
Alcohol Prevention Event	Cheers to Responsible Choices	9/26/2024	6:30pm-8pm	Students will learn about the short and long-term effects of alcohol use, and how drinking can impact academic performance, decision-making, relationships, and how to recognize signs of alcohol misuse. Students will have an opportunity to gain skills through a scenario board and roleplay.
Alcohol Prevention and Safe Drinking	Mix with the Prevention Team	10/17/2024	11am-1pm	Students will learn about the short and long-term effects of alcohol use, and how drinking can impact academic performance, decision-making, relationships, and how to recognize signs of alcohol misuse.

Alcohol Prevention Event	Tabling at Athletic Event and Engaging Activity during 1/2 Time	11/13/2024	5pm	Students will learn about ND statistics, impaired driving, and legal consequences. Resources will be available to students on safe drinking, safe rides, and community resources.
Substance Trivia	Engaging Trivia Event	11/19/2024	5pm	Students will learn about prevention of addiction, resources, and consequences both legal and personal.
Nicotine Awareness Event	Nicotine Awareness	12/11/2024	11am-1pm	Students will develop skills in using various art forms as means of expressing their feelings and thoughts about substance use and prevention.
Student All Substance Prevention Event to learn resources.	Popcorn with Prevention	8/26/2024	11am-3pm	Understanding resources available on-campus and in the community. Students will build communication skills by engaging in conversations about physical and mental well-being and learn substance prevention supports.
Cannabis Prevention	Cannabis Conversations Risks and Responsibilities	8/30/2024	11am-1pm	Students will be educated about the effects of cannabis, promote healthy alternatives, and learn about the risk associated with cannabis use.
Alcohol and Sexual Assault Speaker	CL Lindsay	9/24/2024	7pm-8pm	Students will learn skills for safe celebrations, learn strategies for making informed decisions about alcohol use, recognizing peer pressure, and have a better understanding of the consequences of impaired driving.

ALCOHOL AND OTHER DRUGS (AOD) EDUCATION AND OUTREACH

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

Where to Turn for Help:

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

1. BSC Counselor 701-224-2449; located in the Mystic Advising & Counseling Center (Lower level of the Student Union)
2. Director of Career Development & Support Services; 701-224-5666

3. Director of Student and Residence Life, 701-224-5465

Community Resources

1. "211" – 24-hour referral and crisis management hotline for North Dakota.
2. West Central Human Services, 701-328-8888
3. Heartview Foundation, 701-222-0386
4. Alcoholics Anonymous, 701-222-2100

National Numbers

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

Violence Against Women Act (VAWA) Reauthorization

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

BSC prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. Toward that end, BSC issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

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

- Domestic Violence:
 - i. A Felony or misdemeanor crime of violence committed by—
 - A) a current or former spouse or intimate partner of the victim;
 - B) a person with whom the victim shares a child in common;
 - C) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - D) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - E) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
 - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- Definition of a Crime of Violence: According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:
 - i. An offense that has an element of the use, attempted use, or threatened use of physical force against the person or property of another; or,
 - ii. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
- Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - ii. For the purposes of this definition—
 - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B) Dating violence does not include acts covered under the definition of domestic violence
 - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.
- Stalking:
 - i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - A) Fear for the person's safety or the safety of others; or,
 - B) Suffer substantial emotional distress.
 - ii. For the purposes of this definition—
 - A) *Course of Conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - B) *Reasonable Person* means a reasonable person under similar circumstances and with similar identities to the victim.
 - C) *Substantial Emotional Distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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

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

- e. The other person is a minor, fifteen years of age or older, and the actor is the other person's parent, guardian, or is otherwise responsible for general supervision of the other person's welfare; or
 - f. The other person is a minor, fifteen years of age or older, and the actor is an adult.
- The crimes defined under North Dakota law as Gross Sexual Imposition (NDCC 12.1-20-03), Sexual Imposition (12.1-20-04), and Incest (12.1-20-11), and are not included in this definition and are considered separate crimes.
- Further, under Clery and UCR (Uniform Crime Reporting) definitions, the North Dakota Criminal Code sections relating to Gross Sexual Imposition (NDCC 12.1-20-03) and Sexual Imposition (12.1-20-04) are considered rape for the purposes of Clery reporting.
- Stalking: North Dakota law (12.1-17-07.1) defines Stalking:
 1. As used in this section:
 - a. "Course of conduct" means a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity.
 - b. "Immediate family" means a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.
 - c. "Stalk" means:
 - 1) To engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person and which serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment; or
 - 2) The unauthorized tracking of the person's movements or location through the use of a global positioning system or other electronic means that would cause a reasonable person to be frightened, intimidated, or harassed and which serves no legitimate purpose.
 2. A person may not intentionally stalk another person.
 3. In any prosecution under this section, it is not a defense that the actor was not given actual notice that the person did not want the actor to contact or follow the person; nor is it a defense that the actor did not intend to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is prima facie evidence that the actor intends to stalk that person.
 4. In any prosecution under this section, it is a defense that a private investigator licensed under chapter 43-30 or a peace officer licensed under chapter 12-63 was acting within the scope of employment.
 5. If a person claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.
 6.
 - a. A person who violates this section is guilty of a class C felony if:
 - 1) The person previously has been convicted of violating section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07, or a similar offense from another court in North Dakota, a court of record in the United States, or a tribal court, involving the victim of the stalking;
 - 2) The stalking violates a court order issued under chapter 14-07.1 protecting the victim of the stalking, if the person had notice of the court order; or
 - 3) The person previously has been convicted of violating this section.
 - b. If subdivision a does not apply, a person who violates this section is guilty of a class A misdemeanor.
- Consent: The state of North Dakota does not explicitly define Consent.
 - o "Age of Consent" –According to North Dakota Century Code § 12.1-20-01:
 The "age of consent" is 18 years old in North Dakota; A person under the age of 15 cannot legally consent to sexual activity under any circumstances; A person between the ages of 15 – 17 is legally able to consent to sexual activity if the partner is less than three years older. For example, a 16-year-old can legally consent to engage in sexual activity with a partner who is 18 years old, but not a partner who is 19 years old.
 - o The state does provide descriptors commonly associated with Consent when describing the offenses of Sexual Assault (NDCC 12.1-20-07), Gross Sexual Imposition (NDCC 12.1-20-03), Sexual Imposition (12.1-20-04).

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

- Consent: Consent is a clear, voluntary, mutual, affirmative verbal and physical agreement to engage in sexual activity; Someone who is incapacitated cannot consent;
 - o Incapacitation can be due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the individual from having the capacity to give consent
- Past consent does not imply future consent;

- Silence, passivity, or an absence of resistance does not imply consent;
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- Consent may not be inferred from a current or previous dating or sexual relationship;
- Consent can be withdrawn at any time; and
- Coercion, force, or threat of either invalidates consent.

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 clarifies, verbally, willingness to continue. Consent to one form of sexual act does not imply consent to other forms of sexual act(s).

BSC's definition of consent will be used for the purpose of determining whether an act is considered a violation of BSC policy.

How to Be an Active Bystander

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

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it."³ 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 list⁴ of some ways to be an active bystander. If you or

someone else is in immediate danger, call Campus Police at 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.
- Be direct, delegate responsibility, or cause a distraction when you see a person secludes, hits on, tries to make out with, or has sex with people who are incapacitated.
- Intervene when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

³ Burn, S.M. (2009). *A situational model of sexual assault prevention through bystander intervention*. *Sex Roles*, 60, 779-792

⁴ *Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse*

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Make sure your cell phone is with you and charged and that you have cab money and/or an on-demand driver app loaded.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- 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 911 in most areas of the U.S.).
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.

- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
 - Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
 - 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.

Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking

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

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

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

- Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;
- Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee codes of conduct;
- Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- Provide an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act;
- Provide information regarding:
 - procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs (as described in "Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs" elsewhere in this Annual Report);
 - how the institution will protect the confidentiality of victims and other necessary parties (as described in "Assistance for Victims: Rights and Options" elsewhere in this Annual Report);
 - existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and in the community (as described in "Assistance for Victims: Rights and Options" elsewhere in this Annual Report); and

- options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report);
- procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this Annual Report).

Primary Prevention and Awareness Programs

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

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

Ongoing Prevention and Awareness Campaigns

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

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

Ongoing prevention and awareness campaigns include self-defense programming; domestic violence month events and activities; sexual assault and awareness month, which includes presentations and an annual; Red Flag Campaign for bystander intervention programming; programming specific to developing healthy relationships; and regular student conversations related to sexual assault and relationship violence.

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

- Online Education: First year students complete online learning for effective ways to prevent and report sexual assault on our campus. Employees also receive online education through Vector Solutions.
- Consent Programs: An example is Fries and Consent. An interactive program for employees and students to note a variety of ways everyday consent can be related to relationship consent. Different program ideas are implemented to showcase this message including displays on celebrity standees.
- Red Flag Campaign: Red Flag Campaign helps people understand potentially concerning moments in relationships that individuals and friends should pay attention to. It helps people understand what may stop them from intervening in a potentially harmful situations and discusses tools to intervene.
- Specialty Programs: Speakers like, CL Lindsay, are invited to campus to discuss social media and sexual assault awareness for students regarding consent, social media posting, and how to protect their privacy to avoid being a target in particular situations.

Sexual Harassment & Misconduct Awareness Programming						
Audience	Scope	Program	Description	Date	Time	Learning Outcome
Employees	Primary Ongoing	Vector Solutions Online Training: Title IX Role of Employees and BSC Policy - Sexual Harassment & Title IX Compliance	Online learning for effective ways to prevent and report sexual assault on our campus.	11/7/24	Online	To understand the effective ways to prevent and report sexual assault on our campus.
Student	Primary	Vector Solutions Online Training: Title IX Role of Employees and BSC Policy - Sexual Harassment & Title IX Compliance	Online learning for effective ways to prevent and report sexual assault on our campus.	2/12/24 9/30/24	Online	To understand the effective ways to prevent and report sexual assault on our campus.

		Compliance				
Students & Employees	Primary	Pop Into the New Year	Healthy Relationship Handouts and Title IX Informational handouts given.	1/8/24	11 a.m.-1 p.m.	To understand and identify healthy relationship behaviors. General Title IX understanding and awareness.
Students & Employees	Primary	Self-Care Boundary Event	Healthy Boundary Handouts and Title IX Information given. Partnered with Central Dakota Forensic Nurse Examiners.	2/14/24	11 a.m.-1 p.m.	To be aware of, identify, and set healthy boundaries. General Title IX understanding and awareness. Awareness of community resource in the event of a sexual assault.
Students & Employees	Ongoing	Consent Fries	Showcase a variety of ways everyday consent can be related to relationship consent. Title IX Information given.	2/21/24	11 a.m.-1 p.m.	Understand and apply the concept of consent. General Title IX understanding and awareness.
Students & Employees	Ongoing	Consent Tanks	Understanding consent. Title IX information given.	3/13/24	11 a.m.-1 p.m.	Understand and apply the concept of consent. General Title IX understanding and awareness.
Students & Employees	Ongoing	Red Flag Event	Understanding and identifying red flags in a relationship. Bystander intervention tips given. Title IX information given.	4/2/24	11 a.m.-1 p.m.	Understand and apply the concept of red flags in a relationship. General Title IX understanding and awareness. Awareness of community resource in the event of a sexual assault.
Students, Employees, Public	Ongoing	Speaker CL Lindsay	Understanding the issues of underage drinking and the adverse effects of social media on youth.	9/23/24	6 p.m.	Understand issues of social media and underage drinking. General Title IX understanding and awareness.
Students & Employees	Primary	DVAM & N/A Mixers	Highlighting Domestic Violence Awareness Month and self-care tips. Title IX Information given.	10/17/24	11 a.m.-1 p.m.	Bringing awareness to the issue of domestic violence and its impacts. General Title IX understanding and awareness.
Students & Employees	Primary	Cocoa & Condoms	Safe sex education and pregnancy prevention information given. Condoms were given away. Title IX information given.	12/3/24	11 a.m.-1 p.m.	Gain access to safe sex education and pregnancy prevention. General Title IX understanding and awareness.

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at Sanford Health or St. Alexius Medical Center. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses not to make a report to law enforcement¹.

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

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

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

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

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or local police.

Involvement of Law Enforcement and Campus Authorities

Although the College strongly encourages all members of its community to report violations of this policy to Campus Police and/or the Bismarck Police, it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement.

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

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator (Kaylyn Bondy, Vice President for Student Affairs and Title IX Coordinator, Jack Science Center, Office 307, kaylyn.bondy@bismarckstate.edu, 701-224-5638). Reports of all domestic violence, dating violence, sexual assault, and stalking made to Campus Police will automatically be referred to the Title IX Coordinator for review. The Title IX Coordinator is not a confidential reporting entity and is required to report criminal incidents to Campus Police.

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

The College has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on- and/or off-campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The College will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator (Kaylyn Bondy, Vice President for Student Affairs and Title IX Coordinator, Jack Science Center, Office 307, kaylyn.bondy@bismarckstate.edu, 701-224-5638). The Title IX Coordinator may collaborate and coordinate with the Community Standards Coordinator for student cases and

the Chief Human Resource Officer for employee cases.

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

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

Facilitated Anonymous Reporting through the Counseling Center

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

Employee Assistance Program

BSC also provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to provide full-time employees assistance with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief,

critical incident stress, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible. The contact number of the EAP is listed in the "On- and Off-Campus Services" section of this Annual Report.

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

Assistance for Victims - Rights & Options

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

Such written information will include:

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

Rights of Victims and the Institution's Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

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

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

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

- An order restraining the abuser from further acts of abuse;
- An order directing the abuser to leave the victim's household/place of residence;
- An order directing the abuser to refrain from stalking or harassing the victim or other designated persons;
- Other protections based on issues related to cohabitation, residency, employment, and child custody.

Domestic Violence Protection Order (DVPO)

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

Sexual Assault Restraining Order (SARO)

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

Disorderly Conduct Restraining Order (DCRO)

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

"Disorderly conduct" means intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety,

security, or privacy of another person. For the purposes of this section, disorderly conduct includes human trafficking or attempted human trafficking as defined in this title. Disorderly conduct does not include constitutionally protected activity.

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

Campus Police will help put victims who are interested in pursuing a DVPO, SARO, or DCRO in contact with local courts or the local advocacy center. Any student who obtains a protection order from the State of North Dakota or any reciprocal State should provide a copy to Campus Police. Campus Police will file charges of violations of DVPO, SARO, DCRO with the State Attorney's Office.

While not the same as a state-mandated protection order, the College can issue a No Contact Directive. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication, including, but not limited to: email, instant messaging, and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A No Contact order may include additional restrictions and terms.

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

Supportive Measures Available for Victims

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

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

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

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

- Students: Contact the Title IX Coordinator and/or Community Standards Coordinator for assistance.
- Employees/Faculty: Contact the Human Resources Department.

If the victim wishes to receive assistance in requesting these accommodations, the victim should contact the Title IX Coordinator and/or Campus Police.

Confidentiality

Victims may request that directory information on file with the College be withheld by request. This request can be made by students to the Academic Record's Office in person by visiting Schafer Hall Academic Records, Schafer Hall, 1500 Edwards Ave., Room #135, Bismarck, ND 58501-5587, by calling 701-224-5420, or by emailing bsc.records@bismarckstate.edu. Employees can contact the Human Resources to make a similar request regarding directory information in person at 1700 Schafer St. Bismarck, ND 58501, by calling 701-224-5531, or by emailing bsc.humanresources@bismarckstate.edu.

Regardless of whether a victim has opted-out of allowing the College to share "directory information," personally identifiable information (PII) about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know; i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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

On- and Off-campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, BSC will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault or rape should occur on campus, staff on- scene, including Campus Police, will offer the victim a wide variety of services. This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for BSC.

ON CAMPUS	Employees	Students
Counseling/Mental Health	CHI St. Alexis Health Employee Assistance Program (EAP) 701-530-7195 or 1-800-327-7195	Counseling & Advising Services bsc.counseling@bismarckstate.edu 701-224-5752
Title IX Coordinator	Kaylyn Bondy VP for Student Affairs & Title IX Coordinator bsc.studentaffairs@bismarckstate.edu 701-224-5638	Kaylyn Bondy VP for Student Affairs & Title IX Coordinator bsc.studentaffairs@bismarckstate.edu 701-224-5638
Community Standards Coordinator	Kacie Schlecht kacie.schlecht.1@bismarckstate.edu 701-224-2540	Kacie Schlecht kacie.schlecht.1@bismarckstate.edu 701-224-2540
Student Financial Aid	Scott Lingen, Director of Financial Aid bsc.financialaid@bismarckstate.edu 701-224-5494	Scott Lingen, Director of Financial Aid studentaid.gov bsc.financialaid@bismarckstate.edu 701-224-5494
LGBTQIA Advocacy and Education	Human Resources bsc.humanresources@bismarckstate.edu 701-224-5531	Kaylyn Bondy VP for Student Affairs & Title IX Coordinator bsc.studentaffairs@bismarckstate.edu 701-224-5638
Campus Police	Campus Police bsc.safety@bismarckstate.edu 911, non-emergency: 701-223-9111	Campus Police bsc.safety@bismarckstate.edu 911, non-emergency: 701-223-9111
Multicultural Services	Human Resources Bsc.humanresources@bismarckstate.edu 701-224-5531	Mystic Advising & Counseling Services bsc.advising@bismarckstate.edu 701-224-5752
Sexual Misconduct	603.1.2 Sexual Harassment and Title IX Compliance Policy 603.1.2 Sexual Harassment and Title IX Compliance Policy Procedure 603.1 Harassment, Discrimination and Retaliation Policy 603.1 Harassment, Discrimination and Retaliation Policy Procedure	603.1.2 Sexual Harassment and Title IX Compliance Policy 603.1.2 Sexual Harassment and Title IX Compliance Policy Procedure 603.1 Harassment, Discrimination and Retaliation Policy 603.1 Harassment, Discrimination and Retaliation Policy Procedure
Facilitated Anonymous Reporting	CHI St. Alexis Health Employee Assistance Program (EAP) 701-530-7195 or 1-800-327-7195	Counseling & Advising Services bsc.counseling@bismarckstate.edu 701-224-5752
Immigration Services	Human Resources bsc.humanresources@bismarckstate.edu 701-224-5531	Anne Seidler bsc.admissions@bismarckstate.edu 701-224-2439
Victim Advocacy	Human Resources bsc.humanresources@bismarckstate.edu 701-224-5531	Kaylyn Bondy VP for Student Affairs & Title IX Coordinator bsc.studentaffairs@bismarckstate.edu 701-224-5638

Social Services	Human Resources bsc.humanresources@bismarckstate.edu 701-224-5531	Kaylyn Bondy VP for Student Affairs & Title IX Coordinator bsc.studentaffairs@bismarckstate.edu 701-224-5638
Legal Assistance	Human Resources bsc.humanresources@bismarckstate.edu 701-224-5531	Kaylyn Bondy VP for Student Affairs & Title IX Coordinator bsc.studentaffairs@bismarckstate.edu 701-224-5638

OFF CAMPUS	Employees	Students
Counseling/Mental Health	West Central Human Services Information 701-328-8888 Crisis Line 701-328-2585	West Central Human Services Information 701-328-8888 Crisis Line. 701-328-2585
LGBTQIA Advocacy and Education	DakotaOutRight	DakotaOutRight
Multicultural Services	National Diversity Council 281-975-0626	National Diversity Council 281-975-0626
Immigration Services	U. S. Citizenship and Immigration Services 800-375-5283 National Immigration Legal Services Directory	U. S. Citizenship and Immigration Services 800-375-5283 National Immigration Legal Services Directory
Victim Advocacy	Abused Adult Resource Center (AARC) Phone 701-222-8370 Toll-free (after hours) 1-866-341-7009	Abused Adult Resource Center (AARC) Phone 701-222-8370 Toll-free (after hours) 1-866-341-7009
Social Services	Burleigh County Social Services 701- 222-6670	Burleigh County Social Services 701- 222-6670
Public Health	Bismarck-Burleigh Public Health 701-355-1540	Bismarck-Burleigh Public Health 701-355-1540
Legal Assistance	Legal Services of North Dakota Age less than 60: 1- 800-634-5263 Age 60+: 1-866-621-9886	Legal Services of North Dakota Age less than 60: 1-800-634-5263 Age 60+: 1-866-621-9886
Bismarck Police	Bismarck Police Department 701-223-1212	Bismarck Police Department 701-223-1212
Burleigh County Sheriff's Department	Burleigh County Sheriff's Department 701-222-6651	Burleigh County Sheriff's Department 701-222-6651
Mandan Police	Mandan Police Department 701-667-3250	Mandan Police Department 701-667-3250
Morton County Sheriff's Office	Morton County Sheriff's Office 701-667-3330	Morton County Sheriff's Office 701-667-3330

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

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

Adjudication of Violations

BSC's disciplinary process includes a prompt, fair, and impartial investigation, and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault, and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The complainant and the respondent will have timely notice for meetings at which the complainant or respondent, or both, may be present;
2. The complainant, the respondent, and appropriate officials will have timely and equal access to any information that

will be used during formal and informal disciplinary meeting and hearings;

3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the complainant or the respondent;
4. The complainant and the respondent will have the same opportunities to have others present during any institutional disciplinary proceeding. The complainant and the respondent each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. BSC will not limit the choice of advisor or presence for either the complainant or the respondent in any meeting or institutional disciplinary proceeding. An Advisor is someone who acts as an advisor to the Complainant or Respondent involved in an investigation or disciplinary proceeding under BSC's policies. The Advisor is permitted to be a part of any meetings their student may have. College employees who provide confidential support services (Counseling) or have an actual or perceived conflict of interest may not serve as Advisors. A student or employee should select as an advisor a person whose schedule allows attendance at the scheduled date and time for any meetings, because delays will not normally be allowed due to the scheduling conflicts of an advisor.
5. The Title IX Coordinator keeps a list of trained Advisors. Although the Parties are not required to select a trained Advisor, because knowledge of the disciplinary process is important to the Advisor's role, it is highly recommended that they do so. The Complainant and Respondent are not obligated to accept the counsel of an Advisor.
6. The complainant and the respondent will be notified simultaneously, in writing, of any initial, interim, and final decision of any disciplinary proceeding and sanctions imposed; and,
7. Where an appeal or grievance is permitted under the applicable policy, the complainant and the respondent will be notified simultaneously in writing of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal or grievance is filed, the complainant and the respondent will be notified simultaneously in writing of any change to the result prior to the time that it becomes final. The complainant and the respondent will be notified simultaneously in writing of the final result once the appeal is resolved.

If the Victim Does Not Wish to Pursue Resolution

All reported cases of sexual harassment will be referred to the Title IX Coordinator for a preliminary assessment. In cases where the Victim does not wish to become a Complainant, the College has 2 (two) options:

1. BSC may attempt to resolve the complaint in a manner consistent with the Victim's request. This may include holding the report for action at a later date.
2. BSC may pursue a judicial hearing against the Respondent named in the investigation. Under these circumstances, BSC would take into consideration the nature of the assault, the safety of the Victim and the campus community, as well as the previous disciplinary history and previous allegations of sexual misconduct.

Whether or not criminal charges are filed, BSC or a person may file a complaint under the sexual harassment and grievance procedures outlined in the following section, depending upon the status of the accused (student or employee).

Student and Employee Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Organizational Behavior

Student groups are subject to the conduct expectations detailed throughout this policy. Any behavior, patterns of behavior, or information suggesting patterns of behavior that creates or contributes to the creation of hostile environment, retaliation, discrimination, or harassment will be investigated and could result in organizational and/or individual charges.

Any member of the college community may bring allegations against a student group/organization for violation of the Sexual Harassment and Title IX Compliance Policy. The College will conduct a preliminary investigation into an incident.

An investigation will be conducted to determine if the allegations have merit and have met the threshold (defined below) to move forward with charges. The Title IX Coordinator may confer with the student group/organization's advisor(s), inter/national headquarters and/or other faculty and staff with a relationship to the student group/organization to solicit advice and recommendations regarding the case. Ultimately, the College is responsible for determining if the organization and/or individuals will be charged and the process for adjudication. All sections of this policy apply to groups and organizations.

Statement on Privacy

The College will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking (to the fullest extent of the law). Additionally, the College will take all reasonable steps to investigate and respond to the complaint consistent with any request for privacy or request not to pursue an investigation. However, its ability

to do so may be limited based on the nature of the request by the Complainant. If the Victim requests anonymity or that the College not pursue an investigation, the College must balance this request in the context of its responsibility to provide a safe environment for all College community members. In cases where the College cannot respect the wishes of the Victim, the College will consult with the Victim and keep them informed about the College's course of action.

If the report of misconduct discloses an immediate threat to the campus community, where timely notice must be given to protect the health or safety of the community, BSC will maintain the privacy of the Victim or Respondent's identities, understanding that in a small community a timely warning notice may make members feel known or singled out.

The College will assess any barriers to proceeding, including retaliation, and in cases where informal or formal resolution will take place, the College will inform the Respondent that Title IX prohibits retaliation, and the College will take strong responsive action to protect the Complainant.

The College has designated individuals to evaluate requests for privacy once the College is aware of alleged sexual violence. That process is coordinated by the Title IX Coordinator.

Title IX Student and Employee Grievance Process (includes cases of Sexual Assault, Dating Violence, Domestic Violence, and Stalking)

To address formal complaints of sexual harassment, as defined by the Department of Education, that allege that sexual harassment occurred within the College's educational program or activity within the United States the following grievance process will be used. Note that this grievance process is applied equally to both parties, and as such the College will provide remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent, and by following the grievance process that complies with the process outlined below before any disciplinary sanctions or other actions that are not supportive measures are made against the Respondent.

Both parties will have the opportunity to review all relevant evidence that is collected during the investigation, both inculpatory and exculpatory, and not have any credibility determinations made based on a parties' status as Complainant, Respondent, or witness. As with the sexual harassment formal administrative process, the Respondent is not found responsible for a violation of any policy until the decision-maker(s) makes the determination for responsible or not responsible for a violation of policy.

The College strives for reasonably prompt time frames for the grievance process to conclude, and both parties are notified of the time frames allotted to them throughout the process. Should there be a request for a temporary delay in the grievance process or the limited extension of time frames, written notice will be provided to the Complainant and the Respondent the reason for the delay. Requests for a delay will be considered for good cause considerations, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Requests for delays need to be sent to the Title IX Coordinator in writing via email stating the reason for the request and the amount of time that is being requested.

When the Title IX Hearing Panel after all applicable processes, finds a Respondent responsible, the decision-maker(s) will assign appropriate sanctions (as described in "Sanctions" elsewhere in this Annual Report). The Title IX Hearing Panel uses the preponderance of the evidence standard when determining if the Respondent is responsible or not responsible for a violation of policy. Preponderance of the evidence means the adjudicator(s) finds it is more likely than not the respondent is responsible or not responsible for a violation of this policy based on the information presented to the Title IX Hearing Panel.

At the conclusion of the hearing process both parties will have the ability to appeal the outcome provided by the decision-maker(s), for the following reasons:

- BSC's failure to follow its own process and procedures that affected the outcome of the grievance process;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter;
- The Title IX Coordinator or Deputy Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent, that affected the outcome of the grievance process; or,
- The severity of the sanction was not consistent with the severity of the offense.

Notice of Allegations for Title IX Grievance Process

For both an informal and formal resolution process, the respondent will be contacted with the Notice of Alleged Violation through BSC email or certified mail. The notice of alleged violation will include, when known:

- Nature of the alleged violation;
- Date, time, and place of the alleged violation;
- Source of information;
- Maximum sanction applicable if found in violation of the Title IX Policy;
- The right to choose an advisor of choice or have one appointed by BSC;
- Notice that a decision may be made in their absence based on the information currently available;
- The complainant's desire for an informal or formal resolution.

Dismissal of a Formal Complaint for Title IX Grievance Process

If the conduct alleged in a formal complaint would not constitute sexual harassment as defined by the Department of Education or Title IX, or did not occur with the College's educational program or activity, or did not occur against a person in the United States, then the College must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. When the dismissal of a formal complaint under Title IX occurs, the Complainant may still be able to move forward using BSC's Sexual Harassment and Title IX Compliance Policy Procedure.

Formal complaints may also be dismissed during the investigation or hearing process for the following reasons: the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; the Respondent is no longer enrolled or employed by the College; or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Should there be a dismissal of a formal complaint the College will promptly send written notice of the dismissal and reason of the dismissal to both parties. Both parties will have the right to appeal if the College dismisses the formal complaint prior to a hearing.

Consolidation of Formal Complaints for Title IX Grievance Process

The College may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, such as with an organization or team, or by more than one Complainant against one or more Respondents, or where the allegations of sexual harassment arise out of the same fact pattern or circumstances.

Investigation of Formal Complaint for Title IX Grievance Process

In the formal grievance process for possible violations of sexual harassment as defined by the Department of Education under Title IX, both parties will have the opportunity to meet with the investigator, provide any witnesses, including expert witnesses, and share any evidence they wish to provide to the investigator. The parties can provide to the investigator sensitive personal information, such as medical records, only if they provide voluntary written consent with the documents.

Each party is able to have an advisor of their choice at any related meeting or proceeding related to the investigation and the formal grievance process. See the definition of advisor for additional information on the role of the advisor.

Both parties will be provided the opportunity to review and inspect all evidence that was obtained as part of the investigation. Both parties and their advisors will be provided with copies of the draft investigative report and all evidence that has been collected, for review and inspection, where they will have 10 (ten) business calendar days to review, inspect, and provide a response that will be included in the final investigative report. Once the investigative report is completed, the parties and their advisor will again receive the investigative report, at least 10 business calendar days prior to any hearing that may occur, for their review and written response.

Live Hearings for Title IX Grievance Process

As part of the Title IX formal grievance process there is a live virtual hearing, where the decision-maker(s) will ask relevant questions of both parties and will allow for each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility.

Cross examination will be conducted directly, orally and in real time via live virtual hearing, by the party's advisor of choice and never by the party personally. Only questions that are relevant may be asked, and the decision-maker(s) will first determine if the question is relevant before a party answers the question. If the decision-maker(s) exclude a question, they will provide an explanation of why the question is being excluded. If a party does not have an advisor at the time of the hearing, then the College will provide an advisor to that party for the purpose of asking cross-examination questions to the other party. A party is not permitted to question the other party directly at the live virtual hearing. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are provided to prove that someone other than the Respondent committed the alleged conduct, or if the questions and evidence regarding the prior sexual behavior with respect to the Respondent are offered to prove consent.

If a party or a witness do not submit to cross-examination at the live virtual hearing, then the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination of responsibility.

The hearing will be recorded, and the recordings will be made available to the parties for inspection and review.

Determination Regarding Responsibility for Title IX Grievance Process

The decision-maker(s) must issue a written determination regarding responsibility at the conclusion of the live hearing. This notification must be provided to both parties simultaneously, and the determination regarding responsibilities becomes final either at the time the parties are provided a written determination of the result of an appeal, if an appeal is filed, or the date that the appeal window closes if an appeal is not filed.

The written determination must include:

- Identification of the allegations potentially constituting sexual harassment;
- Description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- Findings of fact supporting the determination;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies will be provided to the complainant;
- The procedures, timelines, and permissible bases for the complainant and respondent to appeal findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

Appeals for Title IX Grievance Process

The College will offer to both parties the opportunity to appeal a determination regarding responsibility and if there is a dismissal of a formal complaint or any allegations, on the following bases:

- BSC's failure to follow its own process and procedures that affected the outcome of the grievance process;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter; or
- The Title IX Coordinator or Deputy Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent, that affected the outcome of the grievance process.
- The severity of the sanction was not consistent with the severity of the offense.

Both parties will have ten (10) calendar days to submit a written explanation of their appeal to the Title IX Coordinator. When an appeal is received the Title IX Coordinator will notify both parties that an appeal was received and provide notice of the appeal procedures. The appeal will be heard by a decision maker(s) who did not serve in the role of decision-maker(s) during the live hearing. Both parties will have the opportunity to submit a written statement in support of, or challenging the outcome, that will be considered by the decision-maker(s) for the appeals process. Both parties will be provided a written decision simultaneously that described the result of the appeal and the rationale for the result

Informal Resolution Under Title IX Grievance Process

A Complainant who has signed a formal complaint can request for an informal resolution process which both parties must voluntarily agree to before the College facilitates an informal resolution. A formal complaint needs to be signed for a formal grievance process or for informal resolution. The informal resolution process is voluntary and both parties have to provide their written consent to participate in the process. Informal resolution will not be allowed in reported incidents where an employee sexually harassed a student.

The informal resolution does not involve a full investigation and adjudication provided that the College still provides the parties with written notice that discloses the allegations, the requirements of the informal resolution process, and that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal grievance process with respect to the formal complaint, and any consequence resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

All resolution proceedings, whether informal or formal, are conducted in compliance with the requirements of FERPA and College policy. No information shall be released from such proceedings except as required or permitted by law and College policy.

BSC will create and maintain for seven years, records of any actions, including records of supportive measures, taken in response to a report or formal complaint of sexual harassment.

1. Each sexual harassment investigation, including any determination regarding responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant.
2. Any appeal and the result;
3. Any informal resolution and the result;
4. All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, which the institution must make available on its website.

BSC will maintain records involving expulsion indefinitely. In each instance, the institution must document the basis for its response was not deliberately indifferent, and document that it took supportive measures, or, if supportive measures were not provided, an explanation of why such a response was not clearly unreasonable in light of the known circumstances.

College-initiated Range of Supportive Measures

BSC will coordinate supportive measures with respect to the parties' situations. Questions regarding or requests for supportive measures can be made to BSC's Title IX Coordinator or Deputy Coordinator. Violation of these supportive measures may be considered grounds for additional reports of sexual harassment or as retaliation for the ongoing investigation of sexual harassment. BSC will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. Some possible supportive measures include, but are not limited to:

- a. Counseling;
- b. Extensions of deadlines or other course-related adjustments;
- c. Modifications of work or class schedules;
- d. Campus escort services;
- e. Mutual restrictions on contact between the parties;
- f. Changes in on-campus work or housing locations;
- g. Leaves of absence;
- h. Increased security or monitoring of certain areas of campus;
- i. Law enforcement resource assistance;
- j. Separate waiting rooms and/or entrances during the disciplinary process;
- k. Remote access availability during the hearing process;
- l. Chaperone availability for room escort.

These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's supportive measures will constitute related violations that may lead to additional disciplinary action. Supportive measures imposed may be temporary pending the results of an investigation or may become permanent as determined the Title IX Coordinator.

Sanctions for Sexual Harassment and Title IX Grievance Processes

A sanction is a consequence placed upon a Respondent for a violation(s) of BSC policies. Sanctions help define the individual's relationship with BSC in the context of current and potential future behavior, including a notice that further violations may lead to more severe behavioral sanctions.

Factors Considered in Determining Sanctions:

Although not binding or definitive, the following factors may be considered in determining what sanctions are appropriate in a particular case:

1. The nature and severity of the violation(s);
2. Prior violations and disciplinary history;
3. The Respondent's motive or purpose for engaging in the behavior;
4. Sanctions which have been imposed in similar cases in the past;
5. The developmental and educational impact on the Complainant and Respondent;
6. The level of accountability taken and cooperation by the Respondent;
7. The level of risk and/or harm of the Respondent to the Complainant and the campus community;
8. Any other aggravating, mitigating, or relevant factors surrounding the violation.

Individuals who are found in violation of BSC's policy may be subject to one or more of the sanctions below.

Student Sanctions:

Individual students who are found in violation of College policy may be subject to one or more of the sanctions below.

- Community Service - A sanction that actively engages students in the student conduct process by positively impacting and giving back to the BSC community. Students may also develop and foster positive relationships with other individuals throughout the campus community.
- Confiscation - In addition to items seized as evidence, goods used or possessed in violation of College policies and/or local, state or federal laws, may be confiscated and not be returned to the student. This includes, but not limited to, falsified information or identification.
- Consultation - A student may be required to attend a formal meeting with the Community Standards Coordinator in which the actions that warranted the complaint are examined. A typical goal of the consultation is to discuss the competencies of a successful College experience, career, and life and to maximize the student's opportunities for growth.
- Discretionary sanctions and/or conditions – Work assignments, service to the College, confiscation, educational projects, alcohol and drug testing and/or screening, participation in a specific program.
- Eviction – The formal removal of a student from College housing (following the process outlined in the Residence Hall Handbook located under Additional Resources).
- Expulsion from a specific program – A written notification that the student is removed from a program due to a violation of a program-specific policy.
- Expulsion from the College – A written notification that the student is permanently denied the privilege of enrollment at the College. This is a matter of permanent record.
- Failing grade – Possible penalty that may be used in the case of academic dishonesty. Depending on the circumstances, the failure may apply to a single assignment or exam, a unit of study, or an entire course.
- Fine – The imposition of a monetary penalty.
- Interim action – Immediate action (prior to a completed investigation or formal hearing) to ensure the safety and protection of all individuals involved including BSC property. Specific actions will be based on circumstances of the allegations and may include, but not limited to no contact orders, housing/workplace changes, loss of privileges, or temporary emergency suspension.
- Letter of Apology/or Reflection - A reflective letter describing the misconduct and acknowledging wrong-doing. This letter may be addressed to a specific person reflecting on the incident and how your actions impacted your community as well as the individual(s) you are apologizing to. It is not meant to justify your actions; defensiveness or inappropriate language will not be accepted.
- Loss of Classroom Privileges – The immediate revocation of the privilege of attending a class or laboratory based on classroom misconduct.
- Loss of privileges – Loss of privileges may include but are not limited to participating in or attending an event, receiving guests in residence halls, using network services, representing the College, and receiving financial aid.
- Mediation - A way of resolving disputes between two or more parties wherein the parties meet with a mutually selected impartial and neutral person who assists them in the negotiation of their differences.
- No contact order – Students may be prohibited from direct or indirect physical and/or verbal contact with another individual or group.
- Parental Notification - The Family Educational Rights and Privacy Act (FERPA) permits an institution of higher education to make disclosures to parents or legal guardians regarding determined sanctions with respect to the illegal use of alcohol and/or other drugs if the student is less than 21 years of age and has been found responsible for violating the Code of Conduct. The institution's primary relationship is with the student, and BSC's goal is to encourage individual personal growth and development. When such growth and development seems unlikely to occur without parental involvement, the College reserves the right to engage parents or guardians in that process.

BSC may choose not to notify parents or guardians of violations of the Student Code of Conduct in an effort to support and encourage students to engage in voluntary conversations about such incidents with their parents or guardians as well as to encourage personal development. Parents or guardians of students under 21 may be contacted by BSC personnel following alcohol and/or other drug related incidents:

- If a student is found responsible for violating the College's alcohol/drug policy that results in a College referral for assessments or evaluations for chemical dependency, and/or when College sanctions of Conduct Probation or greater are assigned.
- Based on situations that appear to endanger the health, safety, or life of other persons or the student.
- If an individual is involved in incidents that resulted in significant property damage.
- If a decision is made that it is in the best interest of a particular student to involve a parent or guardian to help address other significant life concerns related to illegal use of alcohol and/or other drugs.

- Participation in a Specific Activity or Project - A student may be required to participate in a specific activity or project, such as public service; an educational class; and/or meeting with a designated College official or other assignment.
- Probation – A written notification for violation of College policy. Probation indicates that continued enrollment is conditional upon review and observation in which the student demonstrates the ability to comply with College policies and any terms or conditions that have been imposed during a specified period. It is a matter of temporary record.
- Referral to Special Classes or Counseling Sessions - A student may be required to participate in alcohol, drug, and/or other programming as a result of participating in any incident involving the use or abuse of alcohol and/or other drugs. The College reserves the right to require alcohol/drug evaluation as a condition of enrollment or continued enrollment when:
 - A student's conduct endangers or may endanger the safety of themselves, others, or property, and/or;
 - A pattern of conduct has been demonstrated by a student.
- Registration/Graduation Hold - If a student (new, current, or returning) fails to respond to a request to meet to discuss an alleged violation of this code or fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this code, a hold may be placed on the student's eligibility to register or the student's current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the College's withdrawal policy.
- Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Restricted Access - Students may have access to College facilities and grounds restricted for a specified period of time. Restricted access may include, but is not limited to, entry into College or athletic facilities, access to specific College offices, and visiting and/or living in any College housing facility. Students found in violation of restricted access directives may be issued a trespass citation and may be subject to further conduct action.
- Revocation of admissions and/or degree – Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
Students may not be permitted to graduate or officially withdraw from BSC while disciplinary action is pending. If the student withdraws before BSC becomes aware of the potential violation of this code, the student's academic records may be placed on hold and the allegations must be resolved prior to the student's readmission.
- Supervised probation – Generally requires meetings with an appropriate BSC employee regularly to monitor progress to promote overall student success.
- Suspension for conduct – A written notification of denial of the privilege of enrollment in the College for a specific period. Conditions for re-enrollment may be specified. This is a matter of permanent record.
- Trespass from All, or Portions of, Campus - Trespass is defined as the restriction, withholding, or removal of access to College property from persons who violate College policies, regulations, or rules or who pose a risk to campus safety or security.
- Verbal Warning – A verbal explanation by a College official of violation and possible consequences if misconduct continues.
- Withholding transcript (grades) or degree — Refusal by the College to provide transcripts or the degree to the student, to other institutions, to employers, and to other agencies until the completion of the student conduct process, including the completion of all sanctions imposed, if any.
- Written Warning – A written explanation by a College official of violation and possible consequences if misconduct continues.

Employee Sanctions:

- Warning (written or verbal)
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Demotion
- Reduction in Pay
- Loss of intended pay increase
- Suspension with pay
- Suspension without pay
- Termination

Investigation of Reports of Sexual Misconduct Not Covered Under Title IX Grievance Process

August 16, 2024, BSC updated its [BSC 603.1 Harassment, Discrimination and Retaliation Policy](#) and [Policy Procedure](#) and the Employee Code of Conduct to address Reports of Sexual Misconduct Not Covered Under Title IX Grievance Process. During the 2021, 2022, and 2023 calendar years and until August of 2024, BSC followed the processes outlined in the next section.

The Sexual Misconduct Grievance process was used in cases where sexual misconduct did not fall within the sexual harassment

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

After the Complainant meets with the Sexual Misconduct Coordinator to learn about their procedural options and what supportive/interim measures were available to them, the Complainant could decide to move forward with an investigation of the reported behavior. For the investigation to proceed the Complainant needed to provide to the College a signed formal complaint.

The College took prompt action to investigate and adjudicate the complaint. A written notice of investigation was given to the Complainant and the Respondent informing them of the allegations, resources, and rights in the process at least ten (10) business days prior to the investigation meeting. Investigations included timely notice of meetings for both the Complainant and the Respondent throughout the process.

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

If the complainant wished to participate in a police investigation, the College may have waited a reasonable amount of time (usually 7 to 10 business days but could be extended at the request of the Campus Police Chief or District Attorney or their designee) to allow the police to conduct initial fact finding and the gathering of evidence in the criminal investigation. The Campus Police Chief or designee may have regularly conferred on the status of an active investigation to ensure compliance with federal requirements while maintaining the integrity of any active criminal process. The College has a written Memorandum of Understanding (MOU) with the Bismarck Police Department regarding the criminal and administrative investigation of incidents of sexual violence and the distribution of timely warning notices or campus safety alerts and immediate or emergency notifications.

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

Investigations were conducted by one or more of the following: BSC Campus Police Department (Campus Police), the Sexual Misconduct Coordinator, a trained Sexual Misconduct investigator, or a trained investigator from another North Dakota University System institution. This designee may be an employee of the College, an employee of a NDUS institution, or both. All reasonable efforts were made to keep information private during the College's investigation and adjudication of a complaint. Investigators received annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an objective and impartial investigation and hearing processing that protected the safety of victims, promotes accountability, and ensured investigative techniques do not apply sex stereotypes and generalizations. Should have a complainant or respondent felt that the investigator assigned to the report would not be able to be objective or impartial throughout the investigation, they were to contact the Sexual Misconduct Coordinator to request a different investigator be assigned to the report. The Sexual Misconduct IX Coordinator determined, based on the concerns from the complainant or the respondent, if there was enough cause to have a different investigator assigned to the report.

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

The investigation was a process that involved obtaining and evaluating information given by persons having personal knowledge of the events or circumstances concerning the reported incident. This may have included the collection of all statements (both oral and written), pertinent facts, and/or evidence. This process was exhaustive and is likely included the interviewing and re-interviewing of involved parties so as to ensure as much clarity around conflicting or differing statements as may be possible. The Community Standards Coordinator, Sexual Misconduct Coordinator, or their designees may have referred an investigative report back to Campus Police for further follow-up pending the availability of new information, for additional clarity regarding conflicting or inconsistent information/reports, or for any other reason necessary to ensure further clarity or strengthen the final report.

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

Interim Measures and Supportive Measures Overview

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

Interim measures may have prevented a student from attending class and other College activities. Alternate arrangements were to be made to support a student's completion of academic assignments. The Complainant and Respondent will be notified in writing of any or all interim measures.

Types of Interim and Supportive Measures

Supportive measures were used during the Sexual Misconduct Grievance process and were similar to interim measures. They were non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. They are designed to restore equal access to the College's educational program or activity without unreasonably burdening the other party.

Emergency Removal: In certain circumstances, the Vice President for Student Affairs or designee may have imposed an Emergency Removal from the College at any point after a complaint has been filed. Emergency Removal may be imposed:

- During the investigatory stage to ensure the safety and well-being of members of the College community or preservation of College property;
- To ensure the student's own physical or emotional safety and well-being; or,
- If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College, or the investigation.

During the Emergency Removal, a student was to be denied access to the residence halls, and/or to the campus or other areas owned or controlled by the College. Emergency Removal will not be placed on a student's official, permanent academic record.

A student may have been required to submit to an assessment before being considered for return from Emergency Removal. In the event that a student refused to cooperate with such an assessment or if an assessment cannot be completed within a reasonable amount of time, determination of eligibility for return would be based on readily available information, including indirect behavioral observations.

The Emergency Removal did not replace the regular process, which proceeded on the normal schedule, up to and through a hearing, if required. However, the student was notified in writing of this action and the reasons for the separation. The student was also be notified of the time, date, and place of a subsequent BSC Conduct Review Panel, Sexual Misconduct Hearing Panel, or Sexual Misconduct Hearing Panel, if applicable.

Interim residential relocation: A student could have been separated temporarily from College housing or temporarily reassigned to another residential location on campus. Their original housing location was held until the process was over. It could have been determined that residential relocation was a sanction when appropriate, and at that time the student was to move permanently into a location determined by Sexual Misconduct Coordinator.

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

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

Safety escorts: The purpose of the public safety escort was to provide a safe means of transportation for the BSC community around the BSC campus. The Campus Police provided an escort service for students, staff and faculty whose circumstances required them to travel alone on campus, in isolated areas after dark, during times of low activity on campus or whenever there is concern for one's own personal safety. Because of the various patrol functions required of the officer, there may sometimes have been a short waiting period.

Counseling services: BSC Counseling Services provided brief counseling for all students, including crisis counseling.

Academic Support Services: BSC Academic Support Services helped with BSC courses at no cost to currently enrolled BSC students. On-campus and virtual tutoring is available.

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

Emergency Removal: If there was an immediate threat to the physical health or safety of any student or other individual arising from an allegation of sexual harassment, the College was permitted to remove the Respondent from the campus community.

For an emergency removal to take place the College assessed the information that they have available to complete an individualized safety and risk analysis. This analysis included determining if there was an immediate threat to the physical health and safety of an individual. Emotional or mental harm to a Complainant was not enough to warrant an emergency removal and supportive measures could have been provided to the Complainant. If the Respondent threatened their own physical health, that does warrant the ability to institute an emergency removal.

The Respondent was provided notice of the removal and is provided with an opportunity to change the decision. The Respondent was provided ten (10) calendar days to respond if they were challenging the emergency removal. The challenge may occur after the removal took place and did not require a full hearing; rather the challenge/appeal will be submitted, and the Respondent will meet with the Hearing Panel to be heard as to why they were challenging/appealing the emergency removal.

Informal Resolution for Sexual Misconduct Grievance Process

A Complainant could have elected to pursue an informal resolution to a sexual misconduct complaint. The Sexual Misconduct Coordinator had the discretion to determine if it would be appropriate to resolve a complaint under this Policy through informal resolution. An informal resolution was designed to officially resolve complaints promptly, and with mutual approval of all parties involved. Informal resolution process was voluntary and intended to be flexible while providing a range of possible outcomes.

Informal resolution could have been used in certain cases involving sexual misconduct, such as non-consensual sexual contact (incidents that are not classified as fondling), sexual exploitation, and sexually inappropriate behaviors. Informal resolution was never be used in cases involving allegations of violent sexual assault (including rape, incest, or statutory rape).

Both the Complainant and Respondent needed to agree to engage in informal resolution. Either party could end the informal resolution process at any time, for any reason, and begin the formal resolution process. Formal resolution was not to be initiated after the conclusion of informal resolution.

Election of Formal Resolution

The College, Complainant, or the Respondent could have, at any time prior to the conclusion of the Informal Resolution, elected to end such proceedings and initiate Formal Resolution instead. In such cases, statements or disclosures made by the parties in the course of the Informal Resolution could have been considered in the subsequent Formal Resolution.

Formal Resolution for Sexual Misconduct Grievance Process

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

Pre-Hearing Process:

- The Sexual Misconduct Coordinator contacted the Complainant and Respondent where applicable, to go over details of the case, their rights for the hearing, and answer any questions concerning the process, this pre-hearing meeting took place at least three days before the scheduled hearing.
- The Complainant and Respondent were permitted to submit a written list of questions for consideration at the hearing. These questions must be submitted to the Sexual Misconduct Hearing Chair before the hearing. The Sexual Misconduct Hearing Chair approved all questions or topics that are relevant and that are not: 1) prohibited by these procedures or applicable laws, 2) unduly prejudicial, or 3) or questions previously answered by the investigative report. Questions around prior sexual history, mental health treatment and/or diagnosis, sensitive personal identifying information and

medical records were not permitted. The approved questions provided by the parties were asked during the live administrative hearing.

- The Complainant and Respondent were asked to provide the Sexual Misconduct Hearing Chair with a list of witnesses (if there are any). Character witnesses were not permitted as part of the hearing process. Anonymous witnesses were not permitted as part of the hearing process.
- The Sexual Misconduct Hearing Chair requested the names of the Complainant's and Respondent's advisors. The advisors were contacted by the Sexual Misconduct Coordinator to be certain that they understood their role in the hearing process.
- In the event of a hearing panel, the Complainant and the Respondent were provided with the hearing panel member names and were provided the opportunity to request a different panel member, should they have believed that a panel member would have a bias that would not allow for a neutral approach to the hearing.

Hearing Procedures

- The Sexual Misconduct Coordinator produced notification of charges to be delivered to the Complainant and Respondent. The letter indicated the elements of this policy that are alleged to have been violated.
- Adjudication of the Sexual Misconduct Policy was conducted by a Hearing Panel. The investigative report was provided to the panel.
- The Hearing Panel based their decision on the information available in the written report. The Hearing Panel had the opportunity to meet with the Complainant and the Respondent during the scheduled live virtual hearing, to ask any additional questions of the parties involved. If the Hearing Panel had insufficient information, they may have followed-up with the investigator to get additional information from the Complainant, Respondent, witnesses, and any other information that is deemed relevant and pertinent to the case. If either the Complainant or the Respondent submitted questions as part of the pre-hearing process, they were to be asked by the Hearing Panel during the live virtual hearing.
- The standard of proof that the Hearing Panel utilized is preponderance of evidence. The preponderance standard means that the Adjudicator found it more likely than not the Respondent was responsible or not responsible for a violation of this policy based on the information presented to the Hearing Panel.
- The Respondent and Complainant were notified in writing of the decision made by the Hearing Panel. This notification to both Respondent and Complainant(s) was done at the same time or as close to the same time as possible. If the Complainant is deceased, the next of kin will receive results of disciplinary proceedings.
- The Hearing Panel audio-visually records the hearing, but not the deliberations of the hearing panel members. The audio recording is created for limited purposes only. The audiovisual recording could be used as reference by the hearing panel during deliberations and for review by the Sexual Misconduct Appeals Officer (or designee) in connection with an appeal. The audio recording was a record of the college and is to be destroyed after 7 years. After this point the audio recording will be destroyed by the Sexual Misconduct Coordinator.
- An individual found responsible for violating this policy may have been assigned sanctions that include, but are not limited to, expulsion, suspension, or probation. A full list of sanctions is described in "Sanctions," elsewhere in this Annual Report.

The imposition of sanctions took effect immediately and were not delayed pending the resolution of the appeal.

Appeal Process

Reasons for Appeal: The Respondent or Complainant could appeal a decision in a case for the following reasons:

- BSC's failure to follow its own process and procedures that affected the outcome of the grievance process;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter;
- The Sexual Misconduct Coordinator or Deputy Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent, that affected the outcome of the grievance process; or,
- The severity of the sanction was not consistent with the severity of the offense.

Appeals were heard by the Sexual Misconduct Appeal Officer or their designee.

Appeals were to be submitted in writing to the Sexual Misconduct Coordinator within ten (10) calendar days of the Hearing Panel's Notice of Responsibility. However, in any case involving a student suspension and expulsion, an appeal from either party could have been made in writing within one (1) year following the date of the sanction and/ or decision.

If the Respondent or Complainant submitted an appeal and the appeal is granted, both parties were informed by the Sexual Misconduct Coordinator that an appeal has been granted.

Appeals with the Sexual Misconduct Appeals Officer

- The Sexual Misconduct Appeals Officer/or their designee had access to reports, statements made by the Complainant, Respondent, witness, and any other materials gathered during the investigation.
- The Sexual Misconduct Appeals Officer/or their designee determined whether the original sanction(s) should be amended. Amendment of the sanctions may include an increase or decrease in severity.
- The decision of the Sexual Misconduct Appeals Officer/or their designee was final.

NOTIFICATION OF VICTIMS OF CRIMES OF VIOLENCE

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

SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

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

Colleges and universities are required to disclose where to obtain information about registered sex offenders who are either students or employees at the institution. Information can be obtained from the Bismarck Police Records Department at 700 South 9th Street, Bismarck, ND 58504, or phone 701-223-1212. Information can also be found at the State of ND Attorney General's Office at sexoffender.nd.gov/.

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

All registered sex offenders are required to self-report their status to campus security upon employment or enrollment. If designated as a registered sex offender after employment or enrollment, the self-reporting must occur within three working days of the designation. Failure to self-report may result in disciplinary action up to and including termination of employment or suspension.

Employment of Sex Offenders

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

Enrollment of Sex Offender

Registered sex offenders are not barred from enrollment at BSC. Limitations and restrictions on enrollment must be reasonable and directly related to areas of potential risk.

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

Public Access to Sex Offender Information

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

RESIDENCE HALL ROOM OPTIONS/ROOM ASSIGNMENTS

Move-in packets are sent to students starting in July. Every effort is made to place a student in their first-choice building and room type with a roommate that shares similar interests and living habits. Returning residents go through a room selection process for their placements, once completed, incoming residents room selection process will begin. Unfortunately, the number of student requests may exceed the number of available beds in a given residence hall or room type.

Full time BSC students (12 credits or more) will receive first priority for placement in the residence hall. Collaborative and part time students may reside in a residence hall if space allows. Students who apply as full time but become part time (less than 12 credits) for academic reasons must notify the Director of Student and Residence Life.

Upon move in, students must occupy the assigned room and may not sublet or reassign the room. Room or roommate exchanges as well as checkouts must be pre-approved by the Residence Hall Coordinator.

Students may occupy their room at 10 a.m. on the designated contract move in day and must vacate within three hours after their last final exam, unless participating in the graduation ceremony or arrangements have been made with the Residence Hall Coordinator.

In case one of the residents vacates a room, the remaining student agrees to accept another roommate as assigned or move into another room if requested.

Student and Residence Life reserves the right to consolidate and re-assign residents and/or vacancies when the occupancy is below 100 percent to achieve optimal utilization of the residence hall.

In spring of each year, those returning students applying for housing for the following academic year will be given preference based on order of application received through March 15 of that year and barring any sanction restrictions noted in Student and Residence Life. Though we cannot guarantee that we will be able to fulfill everyone's preference, we will do our best to fulfill as many requests as possible.

More information on Housing Options can be found at <https://bismarckstate.edu/students/campuslife/housingoptions/>

GUESTS/VISITORS

Our guest and visitation policy is enforced with the following priorities in mind:

- The need to maintain a safe environment in the halls.
- The need to respect student's desire for privacy and the roommate's rights in sharing a space.
- The need to recognize the value of visitors.
- The need to provide a policy to students and visitors who have different desires regarding visitation.

When receiving guests in the residence hall, as a host you must always accompany your guests. A guest is defined as any person who is not a current resident of the college residence hall being entered and has a specific resident of the hall being entered as a host. A resident that hosts a guest or visitor assumes responsibility for any policy or regulation infractions committed by their guest(s). Residents may only escort guests they are hosting.

A resident who does not comply with the guest and visitor's policy may have their guest privileges revoked or suspended.

Visiting hours are posted in each hall. Open Hours are 10:00 a.m. – 1:00 a.m. Sunday-Thursday, and 10:00 a.m. – 3:00 a.m. Friday through Saturday. Phones are posted in entryways with the exception of Mystic Hall so that guests may contact whom they wish to visit for an escort during these hours.

If there is a variation of Open Hours during a holiday, those changes will be posted by the Residence Hall Coordinator.

Guests of the same gender are permitted to remain in the residence hall if arrangements are made with your roommate and the residence hall staff on duty by 8:00 p.m. that night. There is a \$10.00 charge per night for guests.

TRAINING OF RESIDENCE HALL STAFF

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

Other related training conducted for the Resident Assistants by members of Campus Police includes: locking buildings, responding to fire alarms, and other crisis response procedures. Several times each academic year, Campus Police officers are

invited into each traditional residence hall to conduct informal meetings with students on security and enforcement procedures.

FIREARMS & WEAPONS POLICY

Except as provided by law, firearms, and dangerous weapons per North Dakota Century Code § 62.1-02-05 and Bismarck Code of Ordinances 6-08 on State Board of Higher Education (SBHE) owned or controlled campus buildings and property is prohibited.

Firearms and dangerous weapons include the items listed in N.D.C.C. § 62.1-01-01.

Exceptions to this operational procedure include authorized law enforcement officials carrying out the lawful discharge of their duties. Bismarck State College shall not prohibit persons from possessing, storing, or using weapons at approved locations for the purpose of meeting the requirements of a recognized educational program and/or student group sponsored by the College.

[BSC Operational Procedure 916.1 Possession of Firearms or Dangerous Weapons](#)

BSC CAMPUS POLICE COMPLAINTS/FEEDBACK

BSC will receive complaints regarding BSC's Campus Police Department courteously, and they will be handled efficiently. All complaints will be taken seriously and thoroughly investigated. Feedback may be used as part of the Department's operations and strategic planning process.

Complaints against Campus Police can also be filed with the Vice President for Student Affairs or their designee, by dialing 701-224-5638, or in person in the Jack Science Center Room 307; or with the Human Resources Department, by dialing 701-224-5531, or in person at the HR office located on the upper floor of the Meadowlark Building.

MISSING STUDENT NOTIFICATION PROCEDURES & POLICIES

In accordance with the Higher Education Opportunity Act (HEOA), the College must develop and implement certain procedures to be followed when on-campus residential students are determined to be missing for 24 hours.

Official Notification Procedures for Missing Persons

1. Any individual who has information that a student who has been missing for 24 hours must notify BSC Campus Police 911 or the Student and Residence Life Office/Staff 701-224-5464 or 701-224-5465.
2. Any official missing student report must be referred immediately to BSC Campus Police.
3. The BSC Campus Police Department will gather all essential information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.) Appropriate campus staff will be notified to aid in the search for the student.
4. BSC Campus Police Department will contact the appropriate local law enforcement agency to report the student as missing and the local law enforcement agency will take charge of the investigation unless the local law enforcement agency was the entity that made the determination that the student is missing.

Official Notification Procedures for Missing Student Who Resides in an On-Campus Student Housing Facility

1. Any individual who has information that a student who has been missing for 24 hours must notify BSC Campus Police 911 or the Student and Residence Life Office/Staff 701-224-5464 or 701-224-5465.
2. Any official missing student report must be referred immediately to BSC Campus Police.
3. The BSC Campus Police Department will gather all essential information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.) Appropriate campus staff will be notified to aid in the search for the student.
4. No more than 24 hours after determining that a residential student is missing, contact will be made by the BSC Campus Police Department or local law enforcement to the designated contact.
5. If a student is under the age of 18 and is not an emancipated adult, the College is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing, in addition to notifying any additional contact person designated by the student.
6. If the above actions are unsuccessful in locating the student or it is apparent immediately that the student is missing (i.e. a witnessed abduction), regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, the BSC Campus Police Department will contact the appropriate local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours to report the student as missing. The local law enforcement agency will take charge of the investigation unless the local law enforcement agency was the entity that made the determination that the student is missing.

Emergency Contact Information Designation

1. Students living in BSC's Residence Halls have the opportunity during each semester to designate an individual or individuals to be contacted by BSC Campus Police or appropriate local law enforcement in the event the student is determined missing.
2. Notification will be made no more than 24 hours after the time the student is determined to be missing in accordance with procedures in this policy.
3. A contact designation is registered and confidential and will remain in effect until changed or revoked by the student. This information will be accessible only to authorized campus officials and law enforcement. It may not be disclosed outside of a missing person investigation.
4. If a student is under the age of 18 and is not an emancipated adult, the College is required to notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

Campus Communication Regarding Missing Students

1. In cases involving missing persons, law enforcement personnel are best situated to provide information to the media that is designed to elicit public assistance in the search for a missing person. Therefore, all communications regarding missing students will be handled by outside law enforcement authorities, who may consult with the Public Affairs Office. All inquiries to the college regarding missing students, or information provided to any individual at the college about a missing student, shall be referred to the BSC Campus Police Department, who shall refer inquiries and information to law enforcement authorities.
2. Prior to providing the Bismarck-Mandan community with any information about a missing student, the Public Affairs Office shall consult with the BSC Campus Police Department and with local law enforcement authorities to ensure that communications do not hinder the investigation.

EMERGENCY MEDICAL RESPONSE PROCEDURES

Students, faculty, staff, and guests should report any emergency medical situations to Campus Police immediately at: 911.

Campus Police uniformed patrol officers are CPR/First Aid certified to provide basic emergency care. Campus Police can summon an ambulance through the Central Dakota Communications Center.

CRIME PREVENTION, FIRE SAFETY, AND SAFETY AWARENESS PROGRAMMING

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

These programs include general crime prevention and security awareness programs, such as safety education forums, programs, and discussions about topics such as alcohol abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, bystander intervention, fire safety, emergency response and evacuation procedures, crime and risk reduction strategies and theft prevention. Campus Police, Student and 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, campus policies, and expectations related to student conduct and behavior and fire safety measures and procedures at BSC with all incoming students.

These crime prevention and security awareness themes are additionally reviewed as part of Campus Police community policing program with first-year residents, and other key student groups and organizations. New employee orientation includes the distribution of crime prevention and fire safety materials to all new employees. Crime prevention, security awareness and fire prevention programming occur throughout the academic year with an average of 4 programs per year – this includes in-person programming, online programming, community-policing programming, and tabling events.

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

Crime Awareness Programming

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

Crime Awareness Programming				
Program	Description	Date	Time	Learning Outcome
Campus Security Authority Training	Online CSA Training regarding CLERY Act responsibilities	11/07/24	online	1. Identify and adhere to Clery Act requirements; 2. Recognize and fulfill CSA responsibilities; and 3. Properly engage with reporting parties to report all Clery crimes.

Fire Safety Awareness Programming

- Fire Safety Training: a training video regarding different types of fires and fire extinguishers, fire extinguisher techniques, live fire extinguishing scenario with the local fire department, group scenario discussions, and what to do while waiting for fire and other emergency personnel. Annual employee and student employee programming.
- Yearly Fire Drill and evacuations in conjunction with Bismarck Public Schools. Annual employee and student employee programming.

Fire Awareness Programming			
Program	Description	Date	Learning Outcome
Fire Safety Training	RA Training on different types of fires, fire extinguishers and techniques, live fire extinguishing scenario with the local fire department, group scenario discussions, and what to do while waiting for fire and other emergency personnel.	08/21/23	Fire extinguisher training and fire alarm response training.

Safety Awareness Programming

- Patrol and Safety Escort Program: Safety escorts are provided by Campus Police from 8:00am-2:00am Monday thru Friday and 8am-12am Saturday and Sunday. Ongoing employee and student employee programming.
- Coffee with a Cop: Meet Campus Police over coffee. Semiannual employee and student employee programming.
- CPR/First Aid & AED Classes: Annual student employee programming.

Safety Awareness Programming				
Program	Description	Date	Time	Learning Outcome
Patrol and Safety Escort Program	Safety escorts provided by Campus Police.	All Year long	8:00 am - 12:00 am	Provide Campus Community with a safe escort program.
Text Me When You Get Home	A campus poster board safety campaign that encourages peers to check in fostering a culture of care and accountability.	April 1-5, 2024	All Day	Students will be able to learn about personal and community accountability by learning the importance of safety check-ins that promote a culture of care and peer support.
Building Safe Sundaes Together - Adopt a Cop	Students can meet Campus Police Chief and become aware of safety resources.	09/9/24	11am - 1pm	The student will be able to relate safety phone numbers and safety resources for both campus and the surrounding community.
Q-ing with Campus Police	Students can meet Campus Police Chief and become aware of safety resources.	9/11/24	6pm – 8pm	Students will be able to identify campus safety personnel and learn about community resources.
Movie Night with Campus Police	students will attend an on campus movie regarding Juneteenth with Campus Police	9/19/24	7:30pm	Students will be able to identify safety personal on campus and have the resources to community with them when needed.
Winter Survival	students can grab a free winter survival kit for their car and learn about winter safety	11/16/24	11 a.m.-1 pm	Engage with BSC staff and businesses regarding winter preparedness and car safety

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

ANNUAL FIRE SAFETY REPORT (AY 2024)

Fire Safety Report Overview

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

BSC 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 BSC. This report includes statistics concerning the number of fires within on-campus residential facilities, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. Check with Student and Residence Life on location and availability.

General Residence Hall Fire Safety

With exceptions as noted below, all of BSC's on-campus residential student housing facilities are 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 private communications center.

In addition, on-campus residential facilities have the following life safety systems: portable fire extinguishers, emergency lighting, emergency exit signs and doors. A quality control program ensures that each building is inspected by trained building inspectors on a regular basis to ensure that these systems are in working condition and includes a yearly fire alarm system test and inspection. In addition, the sprinkler systems are tested and inspected annually.

Each resident has access to the Residence Halls Guidebook for Residents located on the Student Life website at: [Student Residence Life Residence Hall Handbook](#). This Guidebook includes information on fire safety and appropriate actions to take during a fire alarm or fire emergency. Every student room has an emergency evacuation map installed on the inside of the front door as well, to direct occupants to primary and secondary exits. Fire drills are conducted each semester.

Reporting a Fire for Inclusion in the Fire Statistics

If a fire occurs in a BSC-owned, -rented, -leased, or otherwise controlled building, community members should immediately notify the local fire department by dialing 911. Campus Police will initiate a response to all fire alarms or reports it receives. Upon confirmation of a fire, Campus Police will immediately summon the local fire department for assistance by contacting the Central Dakota Communications Center.

Fires should be immediately reported to the BSC Campus Police Department (Campus Police) for the purpose of including a fire in the statistics in the annual fire safety report. If a member of the BSC community finds evidence of a fire that has been extinguished, and the person is not sure whether Campus Police has already responded, the community member should immediately notify Campus Police to investigate and document the incident. For example, if a custodian finds evidence of a fire in a trashcan in the hallway of a residence hall, they should not touch the trashcan, and should report the incident to Campus Police immediately and wait for an officer's response. The officer will document the incident prior to removing the trashcan.

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

Procedures for Students and Employees in the Event of a Fire

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

- Shut all doors and windows in the vicinity of the fire
- If the fire is small, use fire extinguishers to put it out
- Exit by nearest safe stairway
- Do not use the elevators
- Do not run
- If there is smoke in the room, keep low to the floor
- Try to exit the room, feel the doorknob
 - If it is hot, do not open the door
 - If the doorknob is not hot, brace yourself against the door and crack it open
 - If there is heat or heavy smoke, close the door and stay in your room

- Don't panic
- Seal up the cracks under the door with sheets, or towels
- If there is smoke in the room, crack the windows at the bottom and at the top, if possible, to allow for ventilation
- Hang a sheet or towel from the window to announce that you are in your room
- Call 911; be sure to give your room number and your location
- If you can exit the room, put on shoes (and if necessary, a coat). If smoke is evident, get a wet towel to cover your face
- Close all doors
- If in exiting the building you are blocked by fire, go to the safest fire-free area, or stairwell. If a phone is available call CAMPUS POLICE; or find a window, and signal that you are still in the building.

Student Residence Hall Fire Evacuation Procedures in Case of a Fire

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

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

The College assesses and upgrades fire safety equipment as an ongoing process, to ensure that all equipment is functioning and operational. Future improvements will be made as needed as part of the ongoing assessment, budget, and strategic planning process. There are not intended plans for improvement at this time.

Safety Inspections and Violations

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

The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers, and other life safety systems. In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in

non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room, tampering with life safety equipment, possession of pets, etc.). This inspection will also include a general assessment of food and waste storage and cleanliness of the room.

Prohibited Items and Prohibited Conduct

If a student's behavior does not meet College community expectations or is in violation of the policies outlined in the Residence Hall Housing License Agreement or the Student Code of Conduct, they may expect

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:

- Guns; firearms; knives longer than three inches; or weapons of any type, including BB and pellet guns
- Candles and/or incense (lit or unlit)
- Tapestries, banners, and flags. These items can be hung with command strips. These items cannot be hung over windows. Window treatments such as curtains must be made of a fabric that resists or retards the spreading of flames and has either a UL fire rating #723 or NFPA 225
- Room-heating devices, including all space heaters, kerosene or oil lamps, and alcohol burners. Space heaters with automatic shut offs are used during times of maintenance service by the College.
- Gasoline-powered items, such as motorcycles, mopeds, or parts thereof
- Pressurized tanks (e.g., helium tanks)
- Flammable and/or combustible liquids and/or chemicals, including gasoline and charcoal
- Grills of any type (except UL-listed Foreman-style grills in apartments)
- Fireworks, smoke bombs, sparklers, etc.
- Drug paraphernalia and illegal drugs
- Animals or pets of any kind, except certified service animals or non-carnivorous fish; refer to the College's Pet Policy in the Student Handbook and on the College website. (Live in full-time College staff are allowed to have pets with approval from College housing.)
- Light dimmers, ceiling fans, or any other device that replaces, adds to, or interferes with any room apparatus
- Excessive furniture that blocks or restricts egress from sleeping areas
- Physical training equipment
- Three-section couches
- Waterbeds, and beds other than twin size
- Dartboards and darts
- Nails, hooks, double-faced adhesive tape, or other items that will damage walls
- Live trees
- Personal lofts
- Hoverboards

The following electrical appliances and corded items are prohibited in residence halls (Note: all cords and permitted appliances must be UL Listed):

- Portable electrical appliances (including toasters, toaster ovens, hot plates, etc.)
- Halogen lamps
- Overloaded electrical receptacles
- Faulty or old extension cords
- Portable washers, dryers, and dishwashers
- Air conditioners (except for a certified disability)
- Microwaves other than a microfridge (microwaves are permitted in apartments and Lidstrom Hall-, limit one)

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 pay a monetary fine and may be subject to Conduct action.

Prohibited Conduct

The following activities and actions are prohibited in residence halls and may result in conduct action:

- Physical abuse, verbal abuse, stalking, hazing, verbal or physical threats, intimidation, bullying, harassment, coercion, or any other conduct that threatens or endangers the health or safety of any person.
- Refusal to respond to reasonable requests and direction from BSC authorities while in the performance of their duties.
- Sexual Harassment and Title IX Violations policy (BSC's Sexual Harassment and Title IX Compliance).
- Stalking, which is intentionally and repeatedly following, contacting, or harassing another person, so that fear is instilled

in that individual.

- Hazing, which is abusing or humiliating initiation into a group or affiliation.
- Disorderly conduct that is intended to harass, annoy, or alarm another person.
- Failure to pay financial obligations to the College (library fines, parking fines, tuition, etc.).
- Breaching a contract made with BSC, including those related to BSC housing.
- Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.
- Interfering with, obstructing, or disrupting police or fire responses. This prohibition includes but is not limited to: resisting arrest; failing to abide by the directions of a peace officer; tampering with, impairing, disabling, or misusing fire protection systems such as smoke detectors, fire extinguishers, sprinklers, or alarms; failing to evacuate during a fire alarm; and arson/setting fires.
- Violation of state computer usage policy (Use of Computer and Network Facilities).
- Acts of dishonesty, including but not limited to making false statements, fraud, providing false information or identification, forgery, or misuse of BSC documents, forms, records, and identification cards.
- Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.
- Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.
- Illegal or unauthorized possession or use of a firearm, ammunition, explosives, weapons, or dangerous chemicals on BSC property or at BSC events; or use of such items, even if legally possessed, in a threatening or irresponsible manner that causes fear or imminent bodily harm (Firearms and Weapons).
- Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law (Alcohol and Illegal Drugs).
- Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College or NDUS regulations) and public intoxication (Alcohol and Illegal Drugs).
- Violating any federal, state, local law or ordinance, violating any College or State Board of Higher Education policy, rule, or regulation published in hard copy or available electronically on the BSC or North Dakota University System website.

EMERGENCY BUILDING EVACUATION DRILLS

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

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 INVESTIGATIONS/ARSON

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

FIRE SAFETY SYSTEMS IN BSC ON-CAMPUS RESIDENTIAL FACILITIES

Building-Halls	Lidstrom	Mystic	Swensen	Werner	Ritchie	Gate City Bank Hall
Year Built	2007	1978	1971	1964	2015	2017
Sprinkler System	Full	None	None	None	Full	Full
Building Fire Alarm	Yes	Yes	Yes	Yes	Yes	Yes
Smoke Detection	Yes	Yes	Yes	Yes	Yes	Yes
Pull Station	Yes	Yes	Yes	Yes	Yes	Yes
Operations Center Connected	Yes	Yes	Yes	Yes	Yes	Yes
Fire Rated Doors	Yes	Yes	Yes	No	Yes	Yes
Room Detection/ Smoke Detection	Yes	Yes	Yes	Yes	Yes	Yes
Fire Extinguisher	Yes	Yes	Yes	Yes	Yes	Yes
Fire Evacuation Map	Yes	Yes	Yes	Yes	Yes	Yes
Number of Annual Fire Precautions or Fire Drills	2	1	2	2	1	1

ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS ON-CAMPUS RESIDENTIAL FACILITIES (2024, 2023, 2022)

2024

Location	Total Fires	Date	Time	Cause of Fire	Intent	Injuries	Death	Property Value	Fire Drills
Lidstrom Hall 1330 Edwards Ave., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	1/29/24 9/2/24 10/9/24
Mystic Hall 1309 Schafer St., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	4/20/24 10/10/24 10/15/24
Swensen Hall 1411 Schafer St., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	1/31/24 9/10/24 10/23/24
Werner Hall 1600 Edwards Ave., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	1/30/24 9/3/24 9/16/24 11/14/24
Ritchie Hall 1248 Edwards Ave., Bismarck ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	1/31/24 10/28/24
Gate City Bank Hall 1226 Edwards Ave., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	1/30/24 10/28/24

2023

Location	Total Fires	Date	Time	Cause of Fire	Intent	Injuries	Death	Property Value	Fire Drills
Lidstrom Hall 1330 Edwards Ave., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	2/9/23 8/30/23
Mystic Hall 1309 Schafer St., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	2/8/23 8/29/23

Swensen Hall 1411 Schafer St., Bismarck, ND	1	3/28/23	11:25am	Contractor repair caused fire in pipe	Unintentional	N/A	0	N/A	2/8/23 8/30/23
Werner Hall 1600 Edwards Ave., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	2/8/23 8/29/23
Ritchie Hall 1248 Edwards Ave., Bismarck ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	1/25/23
Gate City Bank Hall 1226 Edwards Ave., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	1/25/23

2022

Location	Total Fires	Date	Time	Cause of Fire	Intent	Injuries	Death	Property Value	Fire Drills
Lidstrom Hall 1330 Edwards Ave., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	1/18/22 8/30/22
Mystic Hall 1309 Schafer St., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	1/26/22 8/30/22
Swensen Hall 1411 Schafer St., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	1/26/22 9/1/22
Werner Hall 1600 Edwards Ave., Bismarck, ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	1/18/22 8/31/22
Ritchie Hall 1248 Edwards Ave., Bismarck ND	0	N/A	N/A	N/A	N/A	N/A	0	N/A	1/14/22 8/29/22
Gate City Bank Hall 1226 Edwards Ave., Bismarck, ND	1	4/15/22	10:41PM	Student set a fire.	Intentional	0	0	\$6,000	1/14/22 8/29/22

STOP CAMPUS HAZING ACT

BSC prohibits students, athletic teams, student groups and organizations and their members from engaging individually or collectively in hazing activities. The College promotes safety and accountability in its efforts to prevent and respond to reports of hazing that occur on and off campus. If you have been a victim of hazing or have knowledge related to hazing incidents, we highly encourage you to file a report. All reports will be investigated to the fullest extent possible.

BSC Hazing Policy & Policy Procedure

515.0 [Hazing Policy](#)

515.0 [Hazing Policy Procedure](#)

Hazing: Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

1. is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
2. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including:
 - a. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
 - b. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - c. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - d. causing, coercing, or otherwise inducing another person to perform sexual acts;
 - e. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - f. any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law;
 - g. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law; and
 - h. Any behavior described in NDCC Chapter [12.1-17-10](#).

Athletic Team: An officially recognized sports team, club sport, or other organized group of student-athletes representing BSC in competitive or recreational athletic activities. This includes, but is not limited to, varsity, junior varsity, intramural, and club teams, as well as any affiliated groups participating in team-related events, training, or activities under BSC's oversight.

Group: A group consists of two or more individuals who are associated with the College and each other, but who have not registered, or are not required to register, as a student organization (including but not limited to athletic teams, musical or theatrical ensembles, academic or administrative units, and clubs not registered as student organizations).

Student: Any person taking courses at BSC, both full-time and part-time, credit and non-credit. Persons who are not officially enrolled and have a continuing academic relationship with the College are considered students.

Student Organization: An organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

Hazing Reporting Requirements:

All employees, students, and members of its community who believe that they have witnessed, experienced, or are aware of conduct that constitutes hazing must report the violation to the Vice President for Student Affairs, the Campus Police Chief, the Community Standards Coordinator, or the Director of Athletics. If traveling or studying abroad on behalf of BSC, reports should be made to the supervising staff member.

Reporting Procedures:

For emergency situations, report hazing by:

1. Calling 911

For non-emergency situations, report hazing by:

1. Completing a [General Concern Report](#)
2. Making a report via email or telephone to the:
 - a. Vice President for Student Affairs
 1. telephone: 701-224-5638
 2. email: bsc.studentaffairs@bismarckstate.edu
 - b. Campus Police Chief
 1. telephone: 701-224-2700
 2. email: bsc.safety@bismarckstate.edu
 - c. Community Standards Coordinator
 1. telephone: 701-224-2540
 2. email: kacie.schlecht@bismarckstate.edu
 - d. Director of Athletics
 1. telephone: 701-224-5512
 2. email: myron.schulz@bismarckstate.edu

Investigation Process:

BSC will investigate all reports of hazing following its Alleged Violation Resolution Process as outlined in the [BSC Student Code of Conduct](#).

Campus Hazing Transparency Report (CHTR)

Beginning July 1, 2025, BSC began collecting hazing-related data, and by December 23, 2025, will make that data available to the public in a transparent manner, not only as part of this yearly report, but also in standalone reports on hazing prevention efforts and related statistics that are developed in accordance with the statement of policies referenced above. The Campus Hazing Transparency Report (CHTR) will be updated biannually at a minimum.

The CHTR will summarize findings concerning any hazing violations and is only applicable to organizations established or recognized by the College. Reporting is not limited to “campus.”

The CHTR will capture the following information:

- a. Name of student organization (recognized student organizations only);
- b. A general description of the violation that resulted in a finding of responsibility;
- c. Whether the violation involved the abuse or illegal use of alcohol or drugs;
- d. The findings of the College and any sanctions placed on the student organization by the College (if applicable);
- e. Date on which the incident was alleged to have occurred;
- f. Date on which the investigation into the incident was initiated;
- g. Date on which the investigation ended with a finding that a hazing violation occurred; and
- h. Date on which the College provided notice to the student organization that the incident resulted in a hazing violation.

Note: The CHTR will not include personally identifiable information in accordance with the Family Educational Rights and Privacy Act (FERPA).

Prevention & Awareness Programming

Beginning Fall of 2025, BSC will provide research-informed campus-wide prevention programs designed to reach all students, staff,

and faculty, prevention and awareness programs include information on the BSC's hazing policy, primary prevention strategies intended to stop hazing before hazing occurs, information about ethical leadership, and the promotion of strategies for building group cohesion without hazing.

North Dakota Hazing Law

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

CRIME DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BSC Campus Police Department is required to report crime statistics as defined by the Uniform Crime Reporting Program for the following crimes if the crimes are reported and occur on the property owned, controlled, leased, recognized, or operated by the college.

The Uniform Crime Reporting (UCR) program divides offenses into two groups, Part I and Part II crimes. Each month the BSC Campus Police Department submits information on the number of Part I and Part II offenses known to Campus Police, and those offenses cleared by arrest or exceptional means, to the Pennsylvania State Police.

GROUP "A" OFFENSES:

ANIMAL CRUELTY

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

ARSON

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

ASSAULT – AGGRAVATED

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

ASSAULT – SIMPLE

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

ASSAULT – INTIMIDATION

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

ASSAULT – STALKING

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

BRIBERY (Except Sports Bribery)

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

BURGLARY/BREAKING AND ENTERING

The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

COUNTERFEITING/FORGERY

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

DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY

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

DRUG/NARCOTIC VIOLATIONS (Except “DUI”)

The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

DRUG EQUIPMENT VIOLATIONS

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

EMBEZZLEMENT

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

EXTORTION/BLACKMAIL

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

FRAUD – FALSE PRETENSES/SWINDLE/CONFIDENCE GAME

The intentional misrepresentation of existing fact or condition, or the use of some other deceptive scheme or device, to obtain money, goods, or other things of value.

FRAUD – CREDIT CARD/AUTOMATIC TELLER MACHINE FRAUD

The unlawful use of a credit (or debit) card or automatic teller machine for fraudulent purposes.

FRAUD – HACKING/COMPUTER INVASION

Wrongfully gaining access to another person's or institution's computer software, hardware, or network without authorized permissions or security clearances.

FRAUD – IDENTITY THEFT

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

FRAUD – IMPERSONATION

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

FRAUD – WELFARE FRAUD

The use of deceitful statements, practices, or devices to unlawfully obtain welfare benefits.

FRAUD – WIRE FRAUD

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

GAMBLING – BETTING/WAGERING

To unlawfully stake money or something else of value on the happening of an uncertain event or on the ascertainment of a fact in dispute.

GAMBLING – OPERATING/PROMOTING/ASSISTING GAMBLING

To unlawfully operate, promote, or assist in the operation of a game of chance, lottery, or other gambling activity.

GAMBLING – GAMBLING EQUIPMENT VIOLATIONS

To unlawfully manufacture, sell, buy, possess, or transport equipment, devices, and/or goods used for gambling purposes.

GAMBLING – SPORTS TAMPERING

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

HOMICIDE – MURDER AND NON-NEGLIGENT MANSLAUGHTER

The willful (non-negligent) killing of one human being by another.

HOMICIDE – NEGLIGENT MANSLAUGHTER

The killing of another person through negligence. The offense does not include "Vehicular Manslaughter".

HOMICIDE – JUSTIFIABLE HOMICIDE

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

HOMICIDE – SUICIDE (Attempted/Completed)

The taking of, or attempted taking of, one's own life.

HOMICIDE – VEHICULAR MANSLAUGHTER

Recklessly causing the death of an individual while operating a motor vehicle.

HUMAN TRAFFICKING – COMMERCIAL SEX ACTS

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

HUMAN TRAFFICKING – INVOLUNTARY SERVITUDE

The obtaining of person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force,

fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).

KIDNAPPING/ABDUCTION

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

LARCENY/THEFT – POCKET-PICKING

The theft of articles from another person's physical possession by stealth where the victim usually does not become immediately aware of the theft.

LARCENY/THEFT – PURSE-SNATCHING

The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.

LARCENY/THEFT – SHOPLIFTING

The theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.

LARCENY/THEFT – THEFT FROM BUILDING

A theft from within a building which is either open to the general public or to which the offender has legal access.

LARCENY/THEFT – THEFT FROM COIN-OPERATED MACHINE OR DEVICE

A theft from a machine or device that is operated or activated by the use of coins.

LARCENY/THEFT – THEFT FROM MOTOR VEHICLE

The theft of articles from a motor vehicle, whether locked or unlocked.

LARCENY/THEFT – THEFT OF MOTOR VEHICLE PARTS OR ACCESSORIES

The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle or necessary for its operation.

LARCENY/THEFT – ALL OTHER LARCENY

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

MOTOR VEHICLE THEFT

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

PORNOGRAPHY/OBSCENE MATERIAL

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

PROSTITUTION

To unlawfully engage in sexual relations for profit.

PROSTITUTION – ASSISTING OR PROMOTING

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

PROSTITUTION – PURCHASING

To purchase or trade anything of value for commercial sex acts.

ROBBERY

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

SEX OFFENSES – RAPE (Except "Statutory Rape")

The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

SEX OFFENSES – SODOMY

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

SEX OFFENSES – SEXUAL ASSAULT WITH AN OBJECT

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

SEX OFFENSES – FONDLING

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

SEX OFFENSES, NON-FORCIBLE – INCEST

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

SEX OFFENSES, NON-FORCIBLE – STATUTORY RAPE

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

STOLEN PROPERTY OFFENSES

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

WEAPON LAW VIOLATIONS

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

GROUP “B” OFFENSES:

BAD CHECKS (Except counterfeited or forged checks)

Knowingly and intentionally writing and/or negotiating checks drawn against insufficient or nonexistent funds.

CURFEW/LOITERING/VAGRANCY

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

DISORDERLY CONDUCT

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

DRIVING UNDER THE INFLUENCE

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

DRUNKENNESS (Except DUI) (This is not a crime in ND)

To drink alcoholic beverages to the extent that one’s mental faculties and physical coordination are substantially impaired.

FAMILY OFFENSE, NON-VIOLENT

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

LIQUOR LAW VIOLATIONS (Except DUI and Drunkenness)

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

PEEPING TOM

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

TRESPASS ON REAL PROPERTY

To unlawfully enter land, a dwelling, or other real property.

ALL OTHER OFFENSES

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

This information is provided as a part of College's continuing commitment to safety and security on campus in compliance with the North Dakota Uniform Crime Reporting Act and the Jeanne Clery Act. Concerns, questions, or complaints related to this document, or the applicable statutes should be directed to the Campus Police Chief either by mail at 1425 Schafer St. #120, Bismarck, ND, 58501 or by email at bsc.safety@bismarckstate.edu.