



Lake Region
State College

2018

**Annual Security and
Fire Safety Report**

Reporting Period January 1 – December 31, 2017

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We enhance lives and community vitality through quality education.

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Introduction

The safety of the campus community is of vital importance to Lake Region State College (LRSC). LRSC accepts its responsibility to employ safety measures and provide information on the prevention and reporting of crimes. Creating a safe and secure campus is a shared responsibility. The active involvement of the entire campus community – students, employees, visitors – in their own personal safety and the safety of their neighbors will help keep our campus safe and a desirable place to learn, work and live.

The *2018 Annual Security and Fire Safety Report* is prepared annually in compliance with the Clery Act. Clery Act reporting covers the preceding calendar year, January 1 to December 31, 2017. It provides information related to campus security and safety including crime statistics, policies and procedures, and other information designed to inform students, employees and visitors about prevention of crimes and how to respond if a crime occurs. Included in this report are three years of reported crimes that occurred on campus, in certain off-campus buildings, or on property owned or controlled by LRSC, and on public property within, or immediately adjacent to and accessible from the campus.

The Clery Act

Jeanne Clery was a freshmen at Lehigh University when she was raped and murdered in her residence hall on April 5, 1986. Her killer was a drug and alcohol abuser, a Lehigh student whom Jeanne had never met. He gained access to her room by proceeding, unopposed, through three propped-open doors, each of which should have been locked. He was convicted of the crime and sentenced to death.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education that participate in the federal student financial aid program to disclose campus crime statistics and security information. The Clery Act is intended to provide students and their families, as higher education consumers, with accurate, complete, and timely information about safety on campus so that they can make informed decisions.

Clery Act Compliance

The Clery Act requires LRSC to give timely warning of crimes that represent a threat of safety to students or employees and to make public its campus security policies and procedures. It also requires LRSC to publish and distribute an annual security report that provides crime statistics for the prior three years and campus crime prevention program descriptions.

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

1. Collect, classify and count crime reports and crime statistics.
2. Issue a timely warning for any Clery Act crime that represents an ongoing threat to the safety of students or employees.
3. Issue an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students of employees occurring on the campus.
4. Provide educational programs to promote the awareness of dating violence, domestic violence, sexual assault, and stalking.
5. Have procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, and stalking.
6. Publish an annual security report containing safety- and security-related policy statements and crime statistics and distribute it to all current students and employees.

7. Inform prospective students and employees about the availability of the annual campus security and fire safety report.
8. Submit crime and fire statistics to the Department of Education each fall.
9. Disclose missing student notification procedures that pertain to students residing in on-campus student housing facilities.
10. Disclose fire safety information related to on-campus student housing facilities. This includes maintaining a fire log that is open to public inspection; publishing an annual fire safety report containing policy statements and fire statistics associated with each on-campus student housing facility, including number of fires, cause, injuries, deaths and property damage; and submitting fire statistics to the Department of Education each fall.

This annual report reflects the period of January 1 through December 31, 2017. Campus crime statistics include those reported to designated campus safety officials and local law enforcement agencies. All policy statements and procedures contained within this report apply to all on- and off-campus locations. Each year notification is sent to current students and employees. The notification provides information on how to access the report online. A hard copy may be obtained by contacting Brandi Nelson, Director of Academic Affairs, at 701-662-1509.

Campus Safety

LRSC Policy 1500.18

Law Enforcement Agency

The Lake Region State College Police Department exists under authority granted by N.D.C.C. 15-10-17.1 and the State Board of Higher Education Policy 916. The licensed and sworn peace officers employed by LRSC have full powers of arrest pursuant to N.D.C.C 44-08-20.

The Lake Region State College campus falls under the jurisdiction of several law enforcement agencies willing and able to assume primary jurisdiction over the response to and investigation of criminal activity on campus. As such, officers of the Lake Region State College Police Department shall:

1. When on campus, proactively respond to a crime in progress that threatens the safety and/or security of campus based persons or property.
2. At all times and for all cases relinquish investigative authority and jurisdiction to the city police, county sheriff, and/or highway patrol upon their arrival to campus.
3. Assist those law enforcement agencies as requested during any investigation or call for service.
4. Notify the appropriate law enforcement agency in any instance where the officer makes a criminal arrest or responds to a crime in progress or other emergency on campus.
5. Provide a written narrative (copied to the LRSC Chief of Police) to the appropriate law enforcement agency whenever they take official action as a peace officer, use force, recover evidence, or otherwise have information that needs to be included in an official police report.

The President shall issue a Notice of Appointment and administer the Oath of Office to one licensed peace officer to serve as the Chief of Police. The Chief of Police shall issue a Notice of Appointment and administer the Oath of Office to any other licensed peace officers employed by LRSC.

LRSC Peace Officers shall at all times maintain a current ND Peace Officer License and comply with all requirements for licensure and training established by the ND Peace Officer Standards and Training Board. Officers shall adhere to all legal requirements regarding the enforcement of laws, jurisdictional authority, and use of force.

The LRSC Chief of Police shall establish and maintain an up to date policy handbook that must include, at a minimum, the department's policy on the use of force, emergency vehicle operations, and weapons carry/qualification standards.

The Director of Peace Officer Training shall:

1. Oversee the licensing and training of the Peace Officer Training Program's employed training supervisors to ensure continued compliance with ND POST standards.
2. Serve on the Loss Control Committee.
3. Serve as the LRSC Police Department's primary liaison with other law enforcement agencies.
4. Provide assistance to the Director of Institutional Research in preparing our Campus Safety and Security Report.
5. Coordinate, provide, and/or delegate the delivery of annual safety training to LRSC faculty, staff, and students.
6. Help manage the LRSC safety and security responsibilities under the Clery Act.
7. Serve as the primary Campus Safety Authority (CSA).

Campus Safety

Lake Region State College works closely with the Devils Lake Police Department (DLPD) when incidents arise that require joint investigative efforts, resources, crime related reports, and exchanges of information. There is a cooperative agreement between LRSC and DLPD stating that the DLPD will notify LRSC if it determines that LRSC student(s) have been involved in any alcohol or drug-related occurrence off campus.

Campus safety is managed by the Loss Control Committee. During the academic year, the Loss Control Committee with assistance from the Physical Plant Director, the Risk Management Coordinator, and the Director of Peace Officer Training. The loss control Committee meets routinely to discuss locks, alarms, lighting, communications, and other safety issues.

Campus Access

During business hours, the college (excluding residence halls) is open to students, employees, and visitors. During non-business hours, access to all College facilities is by key, if issued, or by admittance via the Residence Life staff. Residence halls are secured 24 hours a day.

Some facilities may have individual hours, which may vary at different times of the year. Examples are the Library, the Bookstore, and Student Services. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Employees, when acting as advisor to a group of students, must not leave the building or room until all students using the facilities have left. Students must not be made responsible for locking up after an activity.

Safety Awareness Programs

Annually, students and employees are informed of services offered by Lake Region State College. Slide presentations and handouts outline ways to maintain personal safety. The annual safety report is made available to students and employees to inform them of safety related matters. Crime prevention programs and sexual assault prevention programs are available on a continual basis. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own safety and the safety of others. Crime prevention programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year.

Policies related to student safety are included in the Student Handbook, which is made available to all students.

Timely Warnings

Lake Region State College will issue a timely warning notice in the event of a Clery Act crime that occurred on or near campus that may pose a serious or ongoing threat to members of the campus community. The warning will be issued through the college emergency notification system to all employees and currently enrolled students. A timely warning notice will be issued when there is a threat to the safety and security of persons for the following Clery Act crimes:

- Aggravated assault
- Arson
- Burglary (involving violence)
- Domestic violence, dating violence, stalking
- Manslaughter
- Motor vehicle theft
- Murder
- Robbery
- Sexual offenses
- Any other crime in which the victim was chosen on the basis of race, color, national origin, religion, sexual orientation, gender identity, genetic information, sex, age, creed, marital status, veteran's status, political belief or affiliation, or disability.

Decisions concerning whether to issue a timely warning will be made on a case-by-case basis using the following criteria: (1) nature of the crime; (2) continuing danger to the campus community; (3) possible risk of compromising law enforcement efforts.

The President is responsible for deciding if a timely warning notice will be issued and designated personnel will issue the notice. In the President's absence the responsibility will go to: (1) Vice President of Academic and Student Affairs; (2) Vice President of Administrative Services; (3) Director of Student Services.

If the threat is sudden and serious, a warning will be issued immediately and will be continually updated until the threat is contained or neutralized. If a threat is less immediate, the warning will be fully developed and distributed after that point in time. In some cases, information may be kept confidential to avoid compromising an ongoing investigation.

Reporting Criminal Offenses

Students, employees, and visitors are encouraged to report all crimes and any suspicious activity in an accurate and timely manner to an identified campus safety authority (CSA) *and* local law enforcement. For emergencies call 9-1-1. The Primary CSA is the Director of Peace Officer Training. Additional CSAs include but are not limited to:

- Faculty assigned to the Peace Officer Training Program
- Director of Student Services (701-662-1655)
- Director of Academic Affairs (701-662-1509)
- Risk Management Coordinator (701-662-1543)
- Athletic Director (701-662-1654)
- Title IX Coordinators (701-662-1543 or 701-662-1509)
- Vice President of Academic & Student Affairs (701-662-1681)

- Vice President of Administrative Affairs (701-662-1505)
- Physical Plant Director (701-662-1521)
- Director of Housing (701-662-1525)
- Director of Counseling (701-662-1546)

Individuals filing a report may request confidentiality. LRSC will evaluate the request and determine the extent to which confidentiality may be maintained. LRSC must weigh the request for confidentiality against its desire to protect the safety and security of the entire campus. Therefore, with the exception of the counselor, LRSC cannot guarantee absolute confidentiality. All crimes reported, other than those reported to the counselor, are included in the annual disclosure of crime statistics.

Disclosure of Crime Statistics

The Director of Academic Affairs prepares the Annual Campus Security and Fire Safety Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on the college website at www.lrsc.edu. This report is prepared in cooperation with the local law enforcement agencies surrounding on campus and noncampus sites, the Director of Peace Officer Training, the Title IX Coordinator, Director of Housing, and Director of Student Services. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest, and referral statistics include those reported to designated campus security authorities (CSA) and local law enforcement agencies. Each year an email notification is made to all current students and employees. Copies of the report may also be obtained by calling 701-662-1509.

Lake Region State College employs one counselor who, when acting as such, is not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

Disclosure to Victims of Alleged Crimes

Lake Region State College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any investigation conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, LRSC will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Registered Sex Offenders

The Campus Sex Crimes Preventions Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted, registered sex offenders enrolled at, or employed by, institutions of higher education. The act requires sex offenders already required to register in a state to provide notice of each institution of higher education in the state at which the person is employed, carries a vocation, or is a student. Out-of-state sex offenders are required to register if they work or attend school in North Dakota. The state then provides this information to law enforcement authorities in the jurisdiction where the institution is located.

The law requires LRSC to advise the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. The North Dakota Sex Offender website is available via Internet pursuant to North Dakota Century Code section 12.1-35-15 at <http://www.sexoffender.nd.gov/Laws/laws.shtml>.

Alcohol and Drugs

LRSC Policy 1500.15

Lake Region State College students and employees are required to abide by all federal, state and local laws. Except as authorized by SBHE policy 918 and/or NDUS procedure 918, the consumption, use, possession, distribution, or sale of alcoholic beverages or illicit drugs while on property under the control of LRSC or at an LRSC sponsored activity is prohibited. Students, employees and visitors shall not be on campus or at an LRSC sponsored activity while visibly impaired by the use of alcohol and/or drugs.

LRSC requires employees to maintain a safe and sober workplace. As such, employees shall not consume alcoholic beverages or drugs (including prescription drugs that can cause impairment) during scheduled work hours or within close proximity to scheduled work hours. Employees on call back, outside of regular hours, shall disclose to their supervisor if they have consumed alcoholic beverages to ensure that only appropriate duties are assigned or the need for the employee is reassigned to another. Employees taking prescription medication that can cause impairment must notify their supervisor, in advance of performing work, to ensure only appropriate duties are assigned, duties are reassigned as necessary, and/or sick leave is taken.

A supervisor may, after consultation with the Human Resources Director, require an employee suspected of violating this policy to submit to a breath, blood, or urine test. The test is not required should the employee admit to the consumption and/or impairment. If the employee refuses testing the employee may be disciplined as if the test had been positive. In the event of a positive test and/or admission, the employee shall be required to take annual leave for the remainder of the work day. The supervisor and/or the employee must arrange for safe transportation home.

Violations of this policy constitutes misconduct and disciplinary action may be imposed according to Student Conduct Policy 800.30 and the Code of Conduct Policy 1500.05.

The policy addressing alcohol and drugs in the residence halls can be found in the Residence Life/Housing Policy 800.08.

Medical Amnesty Laws: LRSC respects and abides by the medical amnesty laws for drug and alcohol related emergencies under North Dakota Century Codes 05-01-08 (6) and 19-03.01.

Parental Notification: In accordance with the Family Educational Rights and Privacy Act (FERPA), the Director of Student Services reserves the right to notify the parents/guardians of students under 21 years of age, and the parents/guardians of dependent students, regardless of age, of any incident in which the student is found responsible for violating this policy.

The college has programming, coordinated by the Director of Student Services, to prevent drug and alcohol abuse by students. The Director of Human Resources shall make similar information available to all employees. These programs shall include dissemination of informational materials, counseling services, educational programs, referrals, and code of conduct violations.

Emergency Notification System

LRSC Policy 1500.13

Lake Region State College uses an Emergency Notification System (ENS). This system allows the campus to contact students, employees, and on-campus entities during an emergency. The emergency notification system will require emergency notification information from students, employees, and on-campus entities. This information is how the campus can contact the employee, student, or designated person. LRSC employee participation in the emergency notification system is mandatory and all employees, including student employees, are required to provide emergency contact information.

The responsibility to make the decision to close Lake Region State College due to weather/emergency rests with the college President. Lake Region State College administrative staff at the Grand Forks Air Force Base has the authorization to make the appropriate call for LRSC classes at the GFAFB Education Center. The President may coordinate with designated personnel before making the decision to close campus, cancel classes, delay start time, etc.

In the President's absence the responsibility will go to the:

1. Vice President for Academic and Student Affairs
2. Vice President for Administrative Services
3. Director of Student Services

Employee emergency notification telephone numbers or other emergency notification information is exempt from the state's open records laws as provided in Policy 1912 and may be released only as provided in that policy.

Emergency notification contact information will come from ConnectND, and is updated monthly. This removes former employees and students from the system.

To eliminate misuse of the emergency notification system, only designated personnel will have access to deploy the system. An "emergency" means a situation that poses an immediate threat to the health or safety of someone in the institution or system community or significantly disrupts institution or system programs and activities.

The emergency notification system is only for emergencies as defined in NDUS Policy 1902. Lake Region State College's Loss Control Committee defines certain emergencies that warrant system use. According to NDUS system requirements, LRSC will conduct unannounced emergency notification tests at least once each fall, spring, and summer semester. A log is maintained of all notifications describing the exercise, date, start and end time.

Employees are required to review their emergency notification information annually. In addition, employees will receive reminders bi-annually to update their records. Emergency notification information may include campus email, campus phone, home phone, home cellular phone, and work cellular phone. Employees can opt-in for SMS "texting" capabilities. LRSC's Human Resources will gather emergency information from non-campus personnel such as the childcare center, Devils Lake Police Department, and the Devils Lake Fire Department, and other campuses based at LRSC.

Additional emergency notifications not outlined by the Loss Control Committee can be deployed if necessary by designated personnel (if situation fits NDUS Policy 1902). Campus emergency procedures will be available for employees on the shared information drive. LRSC will use campus email and website for detailed updates, unless the situation requires redeployment.

During an emergency, LRSC employees and students are asked to refer all media inquiries to LRSC's Marketing and Communication Director or President's Office.

Students, employees, and visitors should report all emergency situations to the LRSC Risk Management Office or Physical Plant Director.

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

Students are allowed to leave cell phones on during class to receive emergency notifications unless instructed by faculty. If a faculty member instructs students to turn their cell phones off, the faculty member must be able to receive emergency notifications through a registered cell phone, or other means of receiving emergency messages at all times students are required to turn off their phones.

Students' emergency notification information, or contact information such as phone numbers or email addresses submitted for purposes of participation in an emergency notification system, shall be excluded from directory information that is therefore confidential as provided under the Family Educational Rights and Privacy Act (FERPA). However, if a student phone number or email or other address submitted for the purpose of participation in an emergency notification system is also contained in other institution records used for other purposes, that information contained in the other institution records is directory information and not confidential, unless a student has exercised the student's right to refuse to permit disclosure of directory information.

Emergency Response

LRSC Policy 1500.19

The Vice President for Administrative Affairs or designee, as delegated by the president, is responsible for directing emergency management operations. The designee identifies other departments, units, and individuals responsible for providing emergency response and critical support services, and describes their respective roles and responsibilities. The president or designee assesses the danger and potential threat the event may pose to the safety of the campus community. If a significant emergency or dangerous situation is confirmed, the designee shall take into account the safety of the campus community, determine what information to release about the situation, and begin the notification process. In the event that notification may compromise efforts to assist a victim, contain the emergency, respond to the emergency, to otherwise mitigate the emergency, a notification may not be issued. The Loss Control Committee shall create and maintain an emergency response plan.

LRSC has a variety of ways of disseminating emergency information to the larger community, including, but not limited to:

- **Public Media**
 - Local radio and television stations are notified of any disasters or emergencies occurring on the campus.
 - The Director of Marketing and Communications coordinates connections with all major media outlets to provide emergency notifications.
- **Mass Calling and Notification**
 - The emergency notification system allows designated personnel to send a recorded voice message, e-mail, and text message simultaneously from a remote site. This message will be sent to the entire campus community and will contain important information about the emergency. When the system is activated, one or more of the following alerts are sent depending on the contact information the recipient has provided.
 - Voice Call - Individuals who have provided their phone numbers are called and a prerecorded voice message is played.
 - Email - An email is sent to all individuals who have provided email addresses.
 - Text message - Individuals who have provided cell phone numbers are sent a text message.

- Warning Sirens
 - Warning sirens are strategically placed in and around the City of Devils Lake to sound in the event of a tornado warning. The sirens are tested on this system every Wednesday at 6:00pm.
- Building Evacuation Alarms
 - Every campus building has an evacuation alarm. Buildings may also be equipped with a voice public address system by which instructions may be given.
- LRSC Website
 - The Director of Marketing and Communications will update the LRSC website with pertinent information and instructions in the event of a disaster or emergency.
- Email Transmission
 - A mass email may be sent to the campus community with pertinent information and instructions in the event of a disaster or emergency.

The following is a list of individuals or organizations responsible for carrying out these procedures:

- President
- Vice President of Administrative Affairs
- Vice President of Academic & Student Affairs
- Director of Marketing and Communications
- Loss Control Committee

LRSC will publish a summary of its emergency response procedures in conjunction with at least one emergency notification test each calendar year.

Sexual Misconduct and Title IX

LRSC Policy 1500.09

- 1) Lake Region State College (LRSC) strives to create a campus community free from interpersonal abuse. In working to achieve this intent, LRSC commits to:
 - a. Taking action to stop misconduct,
 - b. Taking action to remedy its effects by providing advocacy, support and appropriate referral services for recipients of the behavior,
 - c. Taking action to prevent recurrences,
 - d. Educating individuals and promoting discussions on interpersonal abuse and violence, and
 - e. Conducting impartial investigations of all reports of misconduct through fair, equitable and prompt procedures. Campus investigations will be conducted independently from any law enforcement investigations.

- 2) This policy is required by federal law and implementation is guided by the U.S. Department of Education, Office of Civil Rights.
 - a. In accordance with Title IX, LRSC does not discriminate on the basis of gender in educational programs, activities and/or employment.
 - b. Any form of retaliation is prohibited and is considered misconduct.
 - c. Misconduct is prohibited in all forms, regardless of intent to harm.
 - d. Also prohibited under Title IX is any rule violated on the basis of gender, gender identity and/or sexual orientation which is severe enough to cause discriminatory effect. This

may include, but is not limited to, bullying, cyber-bullying, relationship violence and stalking.

- 3) For the purpose of this policy, the following definitions apply:
- a. Bullying is repeated and/or aggressive behavior likely to intimidate, hurt, control or diminish another person, physically or mentally. Cyber-bullying is bullying that takes place using technology.
 - b. Consent is words or actions showing a clear, knowing and voluntary agreement to engage in sexual activity.
 1. Consent from sexual partners must be obtained. If confusion or ambiguity on the issue of consent arises anytime during sexual activity, consent must be clarified.
 2. Consent may not be inferred from:
 - a. Silence, passivity or lack of active resistance.
 - b. A current or previous dating or sexual relationship.
 3. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
 4. Consent can be withdrawn by clear communication at any time.
 - c. Coercion is compelling another to engage in conduct by threatening to expose a secret or publicize an asserted fact, whether true or false, that would affect another's reputation, academic or otherwise, or cause emotional distress. Coercion also means to exploit fear or anxiety through intimidation, domination or control with the intent to compel conduct or compliance.
 - d. Domestic/Dating Violence is physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense committed by any person who is or has been in a relationship of a romantic or intimate nature with another.
 - e. Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the college's education or work programs or activities.
 - f. Hostile environment is an environment in which misconduct occurs and is sufficiently severe, pervasive or persistent that it denies or limits a person's ability to participate in or benefit from any educational program, activity and/or employment.
 - g. Incapacitation is a state where a person cannot make rational, reasonable decisions because they lack the capacity to give consent, due to the use of drugs or alcohol, unconsciousness, or because of an intellectual or other disability.
 - h. Intimidation is threats or acts that cause reasonable fear.
 - i. Misconduct is any conduct that qualifies as bullying, coercion, cyber-bullying, domestic/dating violence, sexual assault, sexual exploitation, sexual harassment, stalking, or other harassment as a result of a person's gender, sexual orientation or gender identity.
 - j. Retaliation is any type of harassment or adverse action taken against a person because of their participation in a misconduct investigation.
 - k. Responsible employees include all LRSC faculty, staff and volunteers.

- l. Sexual Activity includes both sexual acts and sexual contact.
 - 1. Sexual Act is sexual contact involving penetration, however slight, between the penis and the vulva, the penis and the anus, the penis and the mouth, the mouth and the vulva, or any other portion of the human body and the penis, anus or vulva; or the use of an object which comes in contact with the victim's penis, vulva or anus.
 - 2. Sexual Contact means any touching, whether or not through the clothing or other covering, of sexual or other intimate parts of the person. Intimate parts would include the groin, buttocks, breasts or genitalia (penis/vulva).
- m. Sexual Assault is when a person knowingly engages in sexual activity with another or who causes another person to engage in sexual activity:
 - 1. Without consent,
 - 2. Using force, threats, intimidation or coercion,
 - 3. When a person knows or has reasonable cause to believe that the victim is unaware that sexual activity is being committed upon him or her,
 - 4. When a person knows or has reasonable cause to believe that the victim suffers from a mental disease or defect which renders the victim incapable of understanding the nature of the person's conduct, or
 - 5. When a person, or someone with knowledge of that person's intent, 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, or other means for the purpose of preventing resistance.
- n. Sexual Exploitation is the intent to arouse, appeal to, or gratify a person's lust, passions or sexual desires. This may include, but is not limited to:
 - 1. Masturbating in a public place or in the presence of a minor,
 - 2. Exposing one's penis, vulva, or anus in a public place or to a minor in a public or private place,
 - 3. Engaging in voyeurism or surreptitiously intruding on another's right to sexual privacy,
 - 4. Knowingly exposing another to a sexual transmitted disease or HIV,
 - 5. Prostituting another person or one's self,
 - 6. Recording, photographing, disseminating, publishing (electronically or otherwise) or relaying sexual images of another without written consent.
- o. Sexual harassment includes unwelcome behavior of a sexual nature that is made explicitly or implicitly a condition of an individual's education, employment, or participation in college-sponsored programs or activities. When the submission to or rejection of such behavior or conduct is a factor in decisions affecting that individual's education, employment, or participation in college-sponsored programs or activities sexual harassment has occurred. Sexual harassment has also occurred when the behavior creates an objectively hostile environment, or is sufficiently severe, persistent, or pervasive.
- p. Sexual image is any image that qualifies under the definition in the North Dakota Century Code 12.1-27.1-03.1 or any image that is sufficiently provocative to show sexual intent.
- q. Sexual misconduct is any conduct that qualifies as sexual assault, sexual exploitation, or sexual harassment.

- r. Stalking is engaging in intentional course of conduct directed at a specific person, which frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family or household and must cause a reasonable person to experience fear, intimidation, or harassment.

In the absence of a definition included in this policy, that provided by the North Dakota Century Code will be used.

- 4) **APPLICABILITY:** Any incident of misconduct may affect a student, employee, visitor, or volunteer's ability to participate in or benefit from a LRSC educational program, activity and or employment. This policy applies to all students and employees of LRSC at all on and off campus locations.
- 5) **SEEKING ASSISTANCE:** Confidential access to resources, reporting options, services, advocacy and medical treatment is available through on campus counseling, off-campus advocates and counselors, and medical providers. A list of these resources is available on the college website or from the Title IX Coordinator.
- 6) **AMNESTY FOR ALCOHOL, DRUG AND OTHER CODE OF CONDUCT VIOLATIONS:** Students who experience sexual misconduct, report an incident of sexual misconduct, or assist a victim of sexual misconduct, while under the influence of alcohol or other drugs, will not be subject to the student conduct process or suffer discipline from any other college sanctioned activity, club, or team for the alcohol or drug offense, nor will the alcohol or drug offense become part of the student's conduct record. LRSC cannot absolve anyone of criminal responsibility. Counseling referrals may be made as deemed appropriate by the Title IX Coordinator or Director of Student Services.
- 7) **REPORTING:** Responsible employees must address sex and gender-based discrimination and harassment by reporting misconduct to the Title IX Coordinator or a vice-president. Others are encouraged to immediately report violation of this policy. Incidents may be reported regardless of how much time has passed. The report must be made to or forwarded to the Title IX Coordinator or a vice president. Third party and anonymous complaints will be accepted, however, LRSC's ability to investigate and resolve may be limited.

Lake Region State College Title IX Staff:

Sandi Lillehaugen, Title IX Coordinator - Office 121A; 701-662-1543;
Sandra.Lillehaugen@lrsc.edu
Brandi Nelson, Deputy Title IX Coordinator – Office 44; 701-662-1509;
Brandi.Nelson@lrsc.edu

If criminal activity is involved, students and employees may contact:

Devils Lake Police Department - Lake Region Law Enforcement Center
222 West Walnut Street, Devils Lake, ND 58301, 701-662-0700

If criminal activity is involved, students and employees may contact local law enforcement. If an individual chooses to file a report with the police for sexual misconduct, it is important not to destroy physical evidence. An evidence collection kit, preventative treatment for sexually

transmitted diseases, treatment of injuries and other health services can be obtained from any medical provider.

- 8) **CONFIDENTIALITY:** Individuals may request confidentiality. The Title IX Coordinator will evaluate the request and determine the extent to which confidentiality may be maintained. LRSC must weigh the requests for confidentiality against its desire to protect the safety and security of the entire campus.
- 9) **EMPLOYEE RESOLUTION:** Accused employees are subject to NDUS and SBHE policies and procedures regarding resolution, adjudication, appeals, discipline and/or dismissal.
- 10) **STUDENT RESOLUTION:** Misconduct complaints may be resolved formally or informally. LRSC will attempt to complete the investigation within 60 days. During this process, the complainant and the accused shall:
 - a. Receive written notice:
 1. Identifying the allegation(s) against the student.
 2. Providing three days' notice to any requests for information or response from the accused. The notice requirement can be waived if the accused consents to a shorter notice period. The notice period may also be waived during an emergency suspension process.
 3. Of information about the right to have a support person, advocate or attorney at the students' expense and initiation, to fully participate in the process.
 - b. Have equal opportunity to present evidence and respond to allegations.
 - c. Be provided with timely access to information.
 - d. Be informed of the outcome, the sanction (if any) and the right to appeal.
- 11) **INFORMAL RESOLUTION:** Except in cases that may result in a student's suspension or expulsion, complainants may choose to pursue an informal resolution. Informal resolution is entirely voluntary and must be agreed upon by the complainant and accused. The Title IX Coordinator will investigate or assign an investigator to oversee this process. The Director of Student Services shall decide the appropriate sanction to be imposed. No appeal is allowed.
- 12) **STUDENT ADJUDICATION PROCESS**
 - a. Investigation Process
 1. The Title IX Coordinator shall be responsible to assign each formal complaint to an investigator(s).
 2. The Title IX Coordinator may recommend interim measures to the Director of Student Services.
 3. Interim measures will be communicated in person (when possible) and in writing to both the complainant and the accused. These may include, but are not limited to:
 - a. Assistance moving safely between campus buildings,
 - b. Issuing a no contact order to the complainant and/or accused,
 - c. Moving the complainant and/or accused to different campus housing,
 - d. Altering the class schedule of the complainant and/or accused,
 - e. Providing counseling services,
 - f. Providing academic support services, and/or

- g. Placing employees on leave or students on suspension pending the outcome of the investigation.
- b. Decision-Making Process
 - 1. The Director of Student Services shall:
 - a. Review the investigative report, and consider only relevant evidence while excluding evidence that is neither relevant nor probative.
 - b. Determine whether policy was violated using a “preponderance of the evidence” standard.
 - c. Decide the appropriate sanctions to be imposed. These may include, but are not limited to:
 - 1. Written warning
 - 2. Limited access to campus
 - 3. Suspension or expulsion
 - 4. Counseling or training
 - 5. Restitution
 - 6. Performance improvement
 - 7. Loss of privileges or wages
 - 8. Class or job reassignment
 - 9. Termination
 - 2. The Title IX Coordinator will communicate in person (when possible) and provide in writing the final decision to both the complainant and the accused.
- c. Student Appeal Process: Both the complainant and accused have the right to appeal. An appeal must be made in writing to the Title IX Coordinator within 60 days of notification of the final decision. The other person will be notified if an appeal has been filed. The Title IX Coordinator will assign members to the appellate panel.

The original decision may be appealed only due to:

- 1. Procedural Errors: The appellant alleges that there was a deviation or change from the procedures outlined in the adjudication process which adversely impacted the outcome of the complaint. If the appellate panel determines that there was a procedural error which may have altered the outcome of the case, the appeal will be investigated.
- 2. New Evidence: The appellant alleges that new evidence became available which would have impacted the outcome of the complaint. The appellant must (i) present the new evidence, (ii) explain why it was unavailable prior to the original decision, and (iii) prove that the new evidence may have altered the outcome. The other person will be given an opportunity to address the new evidence.
- 3. Severity of the Disciplinary Action: The accused believes that the disciplinary action issued was insufficient or excessive.

The appellate panel will make a recommendation to the Vice President of Administrative Affairs who will then make the final decision and impose sanctions, if any, within 21 calendar days.

The accused has an additional right to appeal, within one year of the original final decision, to the Vice President of Academic and Student Affairs. The Vice President of Academic and Student Affairs may grant a rehearing, order a new

hearing, reduce or modify the suspension or expulsion, grant other appropriate relief, or uphold the original decision. Upon conclusion of all appeal activities, a final decision will be made within 21 days. If the appeal results in the reversal of the decision or a change to the sanction, the institution may reimburse the student for any tuition and fees paid to the institution for the period of suspension or expulsion which had not been previously refunded.

The Vice President of Academic and Student Affairs reserves the right to hear an appeal at any time should exculpatory information become available.

d. Records Retention/Reporting

1. Document Retention: After the decision has been issued, and after all appeals have been exhausted, all materials created by or reviewed by the investigators and/or the appellate panel will be retained by the Title IX Coordinator in accordance with the NDUS Records Retention Schedule.
2. Internal Reporting: If the final decision involves suspension, expulsion or termination, the resolution will become a permanent part of the accused student or employee record.
3. No person involved can be required to sign a nondisclosure agreement or to otherwise agree to a prohibition from truthfully discussing the case.

- 13) FALSE REPORTS: Knowingly making a false statement, presenting inaccurate information, or withholding evidence constitutes misconduct under LRSC Policy 800.30 (Student Conduct) and Policy 1500.05 (Code of Conduct) and will result in disciplinary action.
- 14) RETALIATION: Any person who retaliates against an individual reporting misconduct, filing a misconduct complaint or participating in an investigation is subject to disciplinary action up to and including suspension, expulsion or termination.
- 15) TRAINING: LRSC will engage in prevention and awareness training for students and employees. Annual training for LRSC's conduct and misconduct policies will be provided. Student training will focus on how to file a misconduct complaint, discussion on consent and incapacitation, resources available, complaint procedures, and bystander intervention. Employee training will focus on how to appropriately respond to misconduct complaints, the procedures to file a complaint and the importance of confidentiality. More comprehensive training will be provided to Title IX coordinators, investigators and others involved in the adjudication process.
- 16) The Title IX Coordinator is responsible for coordinating compliance with federal and state discrimination and sexual harassment laws. The Title IX Coordinator is also responsible to:
 - a. Ensure an up-to-date Sexual Misconduct & Title IX Compliance Policy,
 - b. Provide educational programs regarding harassment, discrimination and misconduct,
 - c. Respond to, investigate and seek resolutions to Title IX complaints,
 - d. Ensure impartial, fair and prompt investigation into all complaints,
 - e. Provide training to students and employees,
 - f. Oversee all Title IX complaints and reporting of student and employee misconduct,
 - g. Identify and address all systems relating to misconduct, and
 - h. Collaborate with law enforcement when investigations overlap.

LRSC has reporting obligations under The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). LRSC must disclose information about certain crimes that occur on campus, on public property within or immediately adjacent to the campus, and in or on other buildings or property that are owned or controlled by LRSC. The Clery Act also requires LRSC to issue timely warning notices about crimes that pose a serious or on-going threat to the campus community. The Director of Academic Affairs is responsible for Clery Act reporting and compliance.

Missing Student Notification

LRSC Policy 800.08.01

As required by the Higher Education Opportunity Act of 2008, this policy addresses missing student notification for students residing in on-campus student housing and includes procedures that LRSC will follow in the event a student is reported missing.

A missing student is defined as a person currently enrolled at LRSC, residing in on-campus student housing, whose whereabouts have been unaccounted for by LRSC or local law enforcement for more than 24 hours. If a student is determined to be missing, LRSC will initiate notification procedures within 24 hours.

Designation of Confidential Contact Information

1. Students residing in on-campus student housing have the option to designate a confidential contact person who will be notified in the event the student is determined by LRSC or local law enforcement to be missing.
2. A student may designate a confidential contact person at any time by filing a Confidential Contact Form with the Director of Housing or Assistant Director of Housing. The student is responsible for the accuracy of the contact information and for updating the information as necessary.
3. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.
4. The confidential contact may be someone other than the emergency contact listed in Campus Connection. Emergency contact information listed in Campus Connection will be kept separately from the missing student contact information.
5. If the missing student is under the age of 18 and is not an emancipated individual, LRSC is required to notify the student's parent or guardian, in addition to any confidential contact designated, immediately after determining that the student has been missing for 24 hours.
6. When a student is missing and the student failed to designate a confidential contact, LRSC may contact any person who they believe may have information about the student's whereabouts.

Notification of Missing Persons

1. Any individual who has information that a student who resides in on-campus housing is missing shall immediately notify the Assistant Director of Housing or the Resident Assistant on duty.
2. The housing official will confirm that the student is currently enrolled and living in on-campus student housing.
3. If confirmed, the housing official shall immediately notify the Director of Housing and Director of Student Services.
4. The Director of Housing will conduct an investigation to verify the situation and determine the circumstances that exist.
5. If it is determined that the student is missing, the Director of Student Services shall, within 24 hours, report the missing student to:

- a. Local law enforcement,
- b. The student's designated confidential contact,
- c. The student's parent or guardian,
- d. Other campus officials as deemed necessary.

Campus Communication Regarding Missing Persons

1. Prior to providing the LRSC community with any information about a missing student, the Director of Development and Community Relations shall consult with law enforcement to ensure that communications do not hinder the investigation.
2. All communication with the general public regarding missing students will be handled by law enforcement authorities, who shall consult with the Director of Development and Community Relations.

Fire Safety in Student Housing

Per federal law, Lake Region State College is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which one is unsure whether Lake Region State College may already be aware. If one finds evidence of such a fire or hears about such a fire, they can contact one of the following:

- Risk Management (701-662-1543)
- Physical Plant Director (701-662-1521)
- Director of Housing (701-662-1525)

Candles and Incense

For fire and safety reasons, candles, lanterns, and incense are not permitted in the residence hall rooms for any reason.

Electrical Appliances

Popcorn poppers, George Foreman grills, pizza ovens, hot plates, toasters, toaster ovens, and other heating and cooking devices may not be used in student rooms. Such devices may be used in the kitchen area available in each hall. Microwaves and refrigerators (4.3 Cubic Feet or smaller) are permitted. All electrical appliances must be UL approved. The UL seal must appear on both the appliance and the cord. Coffee pots are not allowed, however, you may have a Keurig or Keurig type of device in your room.

Tobacco Free Campus

LRSC Policy 400.25

Smoking and the use of chewing tobacco are prohibited anywhere in LRSC buildings, on LRSC property, and/or on LRSC rented property by employees, students, and visitors. This includes traditional cigarettes, e-cigarettes, chewing tobacco, pipes, cigars, hookahs, water pipes, snus, snuff, or any other forms of tobacco. More information can be found in LRSC Policy 400.25.

Fire Emergency Procedures

When the fire alarm sounds, students must exit the room, shut the door, and leave the building at the nearest safest exit. Once students have left the building, they meet at the following locations:

- North Residents: North Hall parking lot. Once everyone has gathered the staff may choose to relocate to a more suitable location.

- Gilliland and South Residents: Gilliland/South Hall parking lot. Once everyone has gathered the staff may choose to relocate you to a more suitable location.

Once the Devils Lake Fire Department has determined it is safe, residents will be allowed back into the building.

Future Improvements in Fire Safety

During the 2015-2016 academic year, Lake Region State College upgraded the fire safety systems in on-campus student housing facilities.

Chart 1: Crime Statistics

| Residence Hall | Calendar Year | Total On-Campus | On-Campus Residence¹ | Non-Campus | Public | Unfounded |
|---------------------------------|----------------------|------------------------|--|-------------------|---------------|------------------|
| Aggravated Assault | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |
| Arson | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 1 | 1 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |
| Murder | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |
| Negligent Homicide/Manslaughter | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |
| Forcible Sexual Offenses | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |
| Non-Forcible Sexual Offenses | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |
| Domestic Violence | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |
| Stalking | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |

¹On-Campus Residence statistics are included in the Total On-Campus numbers.

Note: There were no hate crimes reported in 2015, 2016 or 2017. There were no crimes reported in 2015, 2016 or 2017 at LRSC's locations in Fargo (POTP), Grand Forks (GFAFB, Launch!, Nursing, POTP), Mayville (Nursing), and Minot (POTP).

Chart 2: Arrests

| Residence Hall | Calendar Year | Total On-Campus | On-Campus Residence ¹ | Non-Campus | Public | Launch! |
|-----------------------|---------------|-----------------|----------------------------------|------------|--------|---------|
| Liquor Law Violations | 2017 | 2 | 2 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |
| Drug Violations | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 2 | 2 | 0 | 0 | 0 |
| | 2015 | 1 | 1 | 0 | 0 | 0 |
| Weapons Violations | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |

Chart 3: Non-Arrest Campus Referrals

| Residence Hall | Calendar Year | Total On-Campus | On-Campus Residence ¹ | Non-Campus | Public | Launch! |
|--------------------|---------------|-----------------|----------------------------------|------------|--------|---------|
| Alcohol | 2017 | 4 | 4 | 0 | 0 | 0 |
| | 2016 | 13 | 13 | 0 | 0 | 0 |
| | 2015 | 13 | 13 | 0 | 0 | 0 |
| Drug Violations | 2017 | 6 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |
| Weapons Violations | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | 0 | 0 | 0 | 0 |

Chart 4: Fire Statistics

| Residence Hall | Calendar Year | Fires | Injury | Death | Financial Loss |
|----------------------------------|---------------|-------|--------|-------|----------------|
| Gilliland Hall | 2017 | 0 | 0 | 0 | \$0 |
| | 2016 | 0 | 0 | 0 | \$0 |
| | 2015 | 0 | 0 | 0 | \$0 |
| North Hall | 2017 | 0 | 0 | 0 | \$0 |
| | 2016 | 0 | 0 | 0 | \$0 |
| | 2015 | 0 | 0 | 0 | \$0 |
| South Hall | 2017 | 0 | 0 | 0 | \$0 |
| | 2016 | 0 | 0 | 0 | \$0 |
| | 2015 | 0 | 0 | 0 | \$0 |
| Schilken Apartments ² | 2017 | - | - | - | - |
| | 2016 | 0 | 0 | 0 | \$0 |
| | 2015 | 0 | 0 | 0 | \$0 |

¹ On-Campus Residence statistics are included in the Total On-Campus numbers.

² The lease on Schilken Apartments expired on August 1, 2016.

Note: There were no arrests or non-arrest campus referrals reported in 2015, 2016 or 2017 at LRSC's locations in Fargo (POTP), Grand Forks (GFAFB, Launch!, Nursing, POTP), Mayville (Nursing), and Minot (POTP).

Chart 5: Fire Safety Systems in Student Housing

| Residence Hall | Gilliland Hall | North Hall | South Hall |
|------------------------------------|-----------------------|-------------------|-------------------|
| Building Fire Alarm | X | X | X |
| Pull Stations | X | X | X |
| Smoke Detection | X | X | X |
| Fire Extinguisher Devices | X | X | X |
| Evacuation Plans | X | X | X |
| Fire-Rated Doors | X | X | X |
| Monitored Fire Alarm System | X | X | X |
| Number of Yearly Evacuation Drills | 4 | 4 | 4 |