

Annual Security and Fire Safety Report

– 2025 –



UNIVERSITY
of MARY

Campus Safety
& Security

**University of Mary 2024 Annual Security and Fire Safety Report
Statistics from Calendar Years: 2022, 2023, and 2024**

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Introduction

By its Christian, Catholic, and Benedictine identity, the University of Mary strives to provide a safe and enriching campus environment for living and learning. Crimes and acts of violence are not tolerated.

In 1990, Congress amended the Higher Education Act of 1965 bypassing the "Crime Awareness and Campus Security Act of 1990" (Title II of Public Law 101-542). In 1998, the law was amended to expand reporting requirements and renamed the "Jeanne Clery Campus Safety Act (Clery Act)." The Clery Act requires all institutions of higher education that participate in the federal student financial aid program to disclose information about crime on their campuses and is enforced by the U.S. Department of Education.

In compliance with the Clery Act, the University of Mary Campus Safety and Security Department collects crime data, submits annual statistics to the U.S. Department of Education, and publishes the Annual Campus Security and Fire Safety Report. An electronic copy of this report is available on the Campus Safety and Security website, and printed copies are available upon request.

The Department of Campus Safety and Security

General Information

The University of Mary established the Campus Safety and Security Department in August 2014 to build and promote a culture of safety through education and training for students, faculty, and staff. The Department collaborates with law enforcement and emergency agencies in the community; enacts policies and procedures to protect people, facilities, and resources; ensures compliance with legal requirements, and serves the University of Mary community and our guests by responding to their needs and requests for assistance.

The Campus Safety and Security office is located in Room 128 in the Harold J. Miller Center. A security officer can be reached 24/7 at 701-355-8000.

The Campus Safety and Security Department works closely with the Burleigh County Sheriff's Department, the Bismarck Police Department and all state-licensed law enforcement agencies. Consistent with ND state law, licensed security personnel are authorized to detain persons suspected of criminal activity until law enforcement officers can be present at all University of Mary locations. Campus Safety and Security officers employed by the University are not licensed security personnel and therefore are not authorized to make arrests. All alleged offenses are addressed and comply with university policy.

The University relies on close working relationships with the Burleigh County Sheriff's Department and the Bismarck Police Department to receive information about incidents involving students. The University of Mary Campus Safety and Security office reviews and processes all information it receives concerning or involving a member of the campus community. If the University is notified of a situation in which a campus community member is the victim of an off-campus crime, then Campus Safety and Security may issue a Public Safety Advisory detailing the incident and providing tips so that other community members may avoid similar incidents. The University of Mary does not have any officially recognized student organizations with "non-campus" housing facilities. Therefore, local PD is not used

to monitor and record criminal activity since there are no non-campus locations of student organizations.

The University of Mary Student Handbook stipulates that all students must cooperate with security officers and campus officials assigned to the campus and university-sponsored events. In addition to private security officers, the University authorizes the President, Vice Presidents, the Athletic Director, the Director of Student Life, the Director of Residence Life, Residence Directors, and Resident Assistants to address security and safety concerns, illegal activity, and violations of university policy. The University also authorizes these individuals to enter and search student residences and other private property belonging to the student, following the protocol for searches outlined in the student handbook.

Reporting a Crime

The University encourages students, faculty, staff, and guests to report all crimes accurately and promptly to the Campus Safety and Security (CSS) office by calling 701-355-8000 or by visiting the CSS website at: <https://www.umary.edu/life-at-mary/wellness-safety/campus-safety-security>. Individuals may also report a crime to the Burleigh County Sheriff's Department or the Bismarck Police Department by calling 911. To report off-campus crimes or emergencies, call 911.

Confidential Reporting

If you are the victim of or witness to a crime and do not want to pursue action within the University or criminal justice system, you may make a confidential report. Confidential reports are included in the University's annual crime statistics. **The University of Mary's Title IX Sex Nondiscrimination Policy, Grievance Procedure, and Process may be found:** <https://www.umary.edu/university-policies/title-ix>.

The University of Mary supports persons affected by sexual misconduct. Support is available in many forms and is available regardless of whether you decide to report to Campus Safety or the local police.

The University offers access to confidential resources for students and employees who are unsure about whether to report prohibited conduct or are seeking counseling or other emotional support in addition to (or without) making a report to the University.

Confidential Support

[Abused Adult Resource Center](#)/Rape Crisis Line
(701) 222-8370 or (866) 341-7009

[University Counseling Services](#) & 24/7 Mental Health Crisis Line
(701) 530-7195 or (800) 327-7195

[University Clinic](#)
(701) 530-3670

[University Chaplain/John Paul II Center for University Ministry](#)
chaplain@umary.edu
(701) 355-3708

Employee Assistance Program
(701) 530-7195 or (800) 327-7195

Non-Confidential Campus Resources

Bismarck Emergency & Trauma Center
900 East Broadway Avenue
(701) 530-7000

Campus Safety & Security
(701) 355-8000 (24/7 coverage)

Office for Civil Rights
(312) 730-1560

Director of Human Resources
(701) 355-8245

Director of Student Life
stlife@umary.edu
(701) 355-8126

On-Call Residence Director
(701) 425-5242

Campus Security Authorities (CSAs)

The Clery Act designates University officials with significant responsibility for students and campus activities as Campus Security Authorities (CSAs). Examples of individuals who meet the criteria for this designation include the Director of Student Life, the Director of Athletics, team coaches, residence directors, student resident assistants, and faculty advisors to student organizations.

CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them by victims, witnesses, or other third parties. CSAs are not responsible for investigating or reporting incidents that they learn about indirectly. CSAs must report Clery Act crimes as soon as possible by calling Campus Safety and Security at 701-355-8000.

When acting in their professional capacity, pastors and counselors are not considered CSAs and therefore are exempt from disclosing reported offenses. Confidential access to resources, reporting options, services, and advocacy is available on campus through:

- Pastoral Counselor: An employee of an institution associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who functions within that recognition as a pastoral counselor.
- Professional Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and functioning within the scope of their license or certification.

- If a situation is brought to the pastor or counselor's attention, in a professional setting, the pastor or counselor, if and when they deem it appropriate, will discuss options with the student, staff, or faculty member, about reporting a crime on a voluntary and confidential basis to the Coordinator of Campus Safety and Security, Title IX Coordinator or to the Director of Student Life. To report a crime on a voluntary and confidential basis students and staff would reference the listed confidential resources in the section above or this link <https://www.umary.edu/life-at-mary/wellness-safety/campus-safety-security/report-incident-crime>.

Alert System and Timely Warning Notices

When a crime is reported within the University of Mary Clery Geography (see pg. 14), the Coordinator of Campus Safety or designee, in consultation with other senior administrators if time permits, will determine if the crime constitutes a serious or ongoing threat to the University of Mary community. If such a serious or ongoing threat exists, the University will issue a campus-wide Timely Warning Notice (a Crime Alert). Crime alerts are written by the Coordinator of Campus Safety and Security or designee in conjunction with the Public Information Officer and reviewed by the Executive Vice President or designee if time permits, before distribution is made by the Public Information Officer or his/her designee.

Crime Alerts are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident-Based Reporting System (NIBRS) classifications: major incidents of arson, murder/non-negligent manslaughter, burglary, and robbery. Cases of aggravated assault, motor vehicle theft, hazing, sexual assault, domestic violence, dating violence and stalking, are assessed for potential issuance of a Crime Alert on a case-by-case basis, depending on the facts of the case and the information known by Campus Safety and Security. The University will issue a Crime Alert as soon as pertinent information is available, withholding the names of victims, to aid in the prevention of similar occurrences.

The Campus Safety and Security Department posts digital copies of the alerts at 8000.umary.edu. In addition to Crime Alerts, Campus Safety and Security publishes Public Safety Advisories online and throughout campus to emphasize crime awareness and prevention.

Emergency Response

Emergency Response procedures and evacuation procedures are publicized to the University campus community and are posted in key locations across campus. The University's Emergency Response Team may conduct emergency response drills if deemed necessary. These drills may include first responder agencies such as the Burleigh County Sheriff's Department, Bismarck Rural Fire Department, Bismarck Police Department, and the American Red Cross. Additional drills may be conducted if deemed necessary. Documentation of drills, including descriptions of the exercises, dates, and times, can be found in the Campus Safety and Security office.

Emergency Evacuation Drills

The University conducts emergency evacuation drills at least three times per year pertaining to fire safety. These unannounced fire drills are used to educate and train occupants on fire safety procedures specific to their building. Upon completion of each unannounced drill, assessment and evaluation of the

emergency plan and capabilities is discussed by the key members associated with the drills. In addition, the University strives to conduct non-fire related emergency evacuation drills as needed. If a non-fire emergency evacuation drill occurs, key members associated with that drill assess and review the emergency plan. During each exercise, students and employees become familiar with the sound of the alarm, learn the locations for properly exiting the building, and learn the assembly points.

General Evacuation Procedures

Evacuation procedures may vary depending on the nature of the emergency. Buildings will be evacuated when a fire alarm sounds or with university officials' notification. Evacuation assembly points have been determined for all buildings. If an evacuation occurs be prepared for the following:

- Activate the fire alarm if university officials tell you to do so, or it is apparent people will be in harm's way if they do not leave (i.e., fire)
- When the building's fire alarm is sounded or when you are told to leave by university officials, walk quickly to the nearest marked exit. **Do not use elevators. Do not take time to shut down computers.**
- Once outside, move clear of the building.
- Do not return to the evacuated building until advised to do so by university officials.
- Be ready to assist people with disabilities who may have difficulty evacuating.
 - To alert visually impaired persons
 - Announce the type of emergency.
 - Offer your arm for guidance.
 - Tell the person where you are going and warn him/her of obstacles.
 - To alert persons with hearing limitations
 - Turn lights on/off to gain the person's attention, indicate directions with gestures, or write a note.
 - To alert persons using crutches, canes, walkers, or wheelchairs
 - Do not attempt to carry people during an evacuation.
 - Give priority assistance to people with electrical respirators.
 - Persons on the ground level may need minimal assistance but offer them your arm and assist them outside.

Shelter in Place

Shelter-in-place orders are issued when it is safer for you to be sheltered indoors than for you to evacuate. To shelter-in-place is to seek safety within the nearest building or the building one already occupies. Examples of a shelter-in-place range from a tornado to a physical threat on or near campus.

If you are ordered to shelter-in-place:

- Seek safety within the nearest building or the building one already occupies.
- If possible, account for all the people in your designed area.
- Close windows and doors and stay away from them.
- Remain in place until notified by university officials.

Emergency Notification

The Emergency Notification System (ENS) is activated upon the direct order of the Executive Vice President or his/her designee. In consultation with the Policy Directors and Emergency Response Team members contacted, the Executive Vice President or designee will assign one of the following Emergency Statuses with respect to the campus conditions and status of the University and in turn shall activate the Emergency Notification System (ENS). When a crime is reported within the University of Mary Clery Geography, the Coordinator of Campus Safety or designee, in consultation with other senior administrators if time permits, will determine if the crime constitutes an immediate threat to the University of Mary community. If such an immediate threat exists, the University will issue a campus-wide ENS. Emergency Notification contents are written by the Incident Commander or designee in conjunction with the Public Information Officer or designee and reviewed by the Executive Vice President before distribution if time permits.

- **LEVEL 1 Emergency** – ENS *may be* activated.

-A minor, localized incident confined to a single office, building, floor or laboratory that can be resolved with existing university resources or with limited outside help. Examples of this type of incident are water leaks, power outages, small chemical spills, minor accidents, etc. The Emergency Response Plan may be partially implemented as required.

- **LEVEL 2 Emergency** – ENS *may be* activated.

-Larger in scope and size, this is an event or emergency that disrupts a sizable portion of the campus community or affects a significant number of people. A Level 2 incident may require assistance from external organizations such as the Burleigh Rural Fire Department, Burleigh County Sheriff's Department, Bismarck Police Department, or Metro Area Ambulance. These types of incidents may have the potential to escalate and have serious life safety and/or operational impact. Examples of this type of incident include inclement weather scenarios such as a blizzard, building fire, large scale/dangerous chemical spill, extensive power or utility outage, flooding, etc. The Emergency Response Plan may be fully or partially implemented as required.

- **LEVEL 3 Emergency** – ENS *will be* activated.

-This is a campus-wide event causing widespread damage and injuries, or has the immediate potential to cause widespread damage, injuries, or loss of life. Normal university operations may be suspended. Level 3 incidents would require university-wide cooperation and extensive coordination with external organizations such as the Burleigh County Fire Department, Burleigh County Sheriff's Department, Bismarck Police Department, SWAT Team, or Metro Area Ambulance. Examples of this type of incident include tornadoes affecting campus or the immediate Bismarck vicinity, severe flooding, terrorist activity, explosions, or active shooter scenarios occurring on campus. The Emergency Response Plan would be fully implemented.

Through assistance from the Public Information Officer or his/her designee, the Executive Vice President will ensure that appropriate notification through the Emergency Notification System is made to staff and students when necessary.

Once the ENS has been activated and at the prompting of the Incident Commander, the Coordinator of Campus Safety and Security will contact the needed Emergency Response Team (ERT) members and provide them with the instructions for reporting to the appropriate Emergency Operations Center. Once at the Emergency Operations Center the Emergency Response Team will assist in the implementation of the strategies developed to mitigate the effects, along with the Assistant Coordinator of Campus Safety and Security. The campus community will be alerted by one or more of the following methods:

- Text Messaging: For the safety of our community, the most up-to-date mobile/cell number provided by students and employees will be automatically enrolled in our Emergency Notification System (ENS). Being enrolled in our ENS allows students and employees to receive communication for all emergency notifications (including inclement weather/school closures). Those wishing personally to assume the risk of missing emergency notifications may opt out of ENS text notifications by texting “STOP” in response to the first text notification. Those without a mobile/cell number or who OPT out of text notifications will receive emergency notifications via UMary email only.
- E-mail: All employees and students will receive email notifications from our Emergency Notification System (including inclement weather/school closure updates).
- Website: In the event of an on-going campus emergency (including inclement weather/school closure updates) regular updates will be provided on the following webpage: 8000.umary.edu.

The time and method of the emergency notification will be dependent on the origin and nature of the campus wide emergency. The University will, without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency.

As for disseminating emergency information to the larger community, the Vice President for Public Affairs or his or her designee prepares internal and external statements, contacts external media to alert the community about the emergency as appropriate, and coordinates notices to students, faculty, and staff through the appropriate departments, as needed.

Timely Warnings

The Department of Campus Safety and Security is authorized by the University to maintain accurate law enforcement records of all criminal activity on campus, near campus, or involving the University community. Campus Safety and Security have a strong working relationship with the Director of Student Life, Residence Life, Human Resources, and other departments and campus security authorities. Campus Safety and Security work closely with these reporting authorities to ensure timely reporting of criminal information while maintaining or extending confidentiality (except where required by law or university policy).

To make timely warnings to the University of Mary community, it is important for all faculty, staff, students, and visitors to notify Campus Safety and Security and proper authorities when a crime occurs. Accurate and prompt reporting ensures Public Safety can evaluate, consider, and send timely warning reports, and 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. The University of Mary encourages accurate and prompt reporting to Campus Safety and Security and Burleigh County Sheriff’s Department (BCSD), Bismarck Police Department (BPD), or the local police when the victim of a crime elects to or is unable to, make such a report.

Various efforts are made to inform the campus community in a timely way about crime and suspicious activity, personal safety issues, and other crime-related concerns on campus and the neighboring community. Sharing timely information educates our community and aids in the prevention of similar incidents. For these reasons, CSS and the University go beyond reporting requirements found in this law by sharing information about more than just the crimes gathered in this report.

To protect confidentiality, Campus Safety and Security withhold the names of victims from its timely warnings. These postings describe crimes or security concerns and solicit information from the University community regarding the reported incidents. They also share important crime prevention tips, ways to report a crime, and phone numbers to use to share information.

There are two different types of postings: Campus Safety and Security Bulletins and posters. Campus Safety and Security posters are printed, and outline topics of concern that serve to educate students, faculty, and staff on the environment in which they live and work. These postings emphasize crime awareness and prevention and are posted around campus to warn of situations in which the University community may be vulnerable. Examples of incidents calling for Campus Safety and Security posters include training, thefts, fraudulent activity, or dangerous conditions.

Public Safety Advisories

Public Safety advisories are printed on yellow paper and describe crimes on or off campus that are important to the University community. The Campus Safety and Security Department is responsible for developing and issuing timely warnings to the campus community. Public Safety can seek assistance with the content of these timely warnings from other departments and agencies. Timely warnings are disseminated to the campus community through paper copies posted on doors and walls near primary entrances to the University of Mary on-campus buildings and residence facilities. An electronic copy is also sent out via campus email. Timely warnings and community notifications are posted to 8000.umary.edu.

Please watch for Campus Safety and Security, advisories, and alerts posted in campus buildings and university publications throughout the year. Our safety as a community depends on each of us staying informed.

Access and Security of Campus Facilities

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized visitors. University academic buildings and administrative offices are open during business hours and generally locked in the evenings, weekends, and holiday breaks. Access to campus administrative buildings is authorized to users by an issued key or through the card access system. Non-residential facilities may be open for authorized purposes, such as presentations and performances, academic projects, and meetings of campus organizations. All residence halls are locked 24 hours a day, with access to authorized students, faculty, and staff by automated card readers. In addition to controlled access and the secure locking of campus buildings, the University Campus Safety and Security Office employs security personnel on duty 24 hours a day, seven days a week, to patrol campus grounds and facilities. The office also monitors digital surveillance cameras positioned throughout the main campus.

Maintenance of Campus Facilities

Facilities Management maintains university buildings and grounds on the main campus and surrounding locations and has an agreement with contractors to provide security and maintenance services. With an interest in the general safety and security of university faculty, staff, and students. Campus Safety and Security officers also report safety and security hazards during a routine patrol.

Campus Safety and Security frequently conduct security surveys, exterior lighting surveys, and inspections of electronic security systems in an ongoing effort to maintain existing conditions while increasing campus protection. Channels of internal communications exist to facilitate the repair or improvement of security systems on campus. Facilities Management recognizes the importance of responding promptly to requests that involve safety and security issues.

Education and Prevention Programs

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to prevent dating violence, domestic violence, sexual assault, alcohol, drug abuse, and stalking. These programs are both in-person and virtual, offered on an ongoing basis, and contain the following:

- Culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, informed by research, and assessed for value, effectiveness, and outcome; and
- Consider environmental risks and protective factors as they occur on an individual, relational, institutional, community, and societal levels.

The University offers primary prevention and awareness programs for all incoming students and new employees. Additionally, ongoing educational programming, either in-person or virtually (SafeColleges: A Vector Solutions Product) covers the following:

- Identifies domestic violence, dating violence, sexual assault, and stalking as prohibited conduct.
- Uses definitions of domestic violence, dating violence, sexual assault, and stalking provided both by the Department of Education and state law.
- Defines the behavior and actions that constitute consent to sexual activity according to the State of North Dakota and the University's Student Code of Conduct.
- Describes safe and positive options for bystander intervention (e.g., recognizing situations of potential harm, understanding university structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene).
- Presents information concerning risk reduction options designed to decrease perpetration and bystander inaction and increase empowerment for victims.
- Provides an overview of the information contained in the Annual Campus Security and Fire Safety Report in compliance with the Clery Act.

Crime Prevention Education and Awareness

The University provides community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence and promote safety and preparedness. Crime prevention and education are a top priority of the Campus Safety and Security Department. Together with other campus offices, the Department provides programs to enhance personal safety and teaches proactive crime-reduction strategies. The campus' crime-prevention strategy rests on a multilayered foundation of a proactive area patrol of the campus, crime prevention education and training, and building and area surveillance and security surveys. This approach relies on the dual concepts of eliminating or minimizing criminal opportunity whenever possible and encouraging community members to take responsibility for their own and others' safety.

Members of the Department are available to assist any individual or group in planning, presenting, and coordinating programs of interest or concern. Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking are included both for primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed toward students and employees.

Crime Prevention, Promotions, Flyers, and Other Advertisements:

The University provides in-person and online programs throughout the year to inform students and employees about the prevention of all crimes. Student Development, Campus Safety and Security, along with local emergency personnel provide educational programs on substance abuse, standard conduct, possible legal sanctions and penalties, and statements of health risks associated with drug and alcohol abuse. The University provides these programs to students, staff, and faculty. Information is provided on sanctions for violations of the standards of conduct. The University provides crime prevention brochures and opportunities for in-person training as well as online training. They include crime-prevention programs and strategies available in the community. In addition, the Department periodically chooses a special topic to highlight in flyers and on the Campus Safety and Security Department's website.

Drug-Free Environment

Drugs Under the uniform controlled substances act of the Century Code (Title 19), the possession, use, purchase or attempt to purchase or distribution of opiates, opium derivatives, hallucinogenic substances, or prescribed or misused depressants or amphetamines or any other controlled substance as stated in Title 19-02.1 of the North Dakota Century Code is unlawful. Persons in violation of this section of the code are guilty of a felony and, depending on the severity of the violation, may face a maximum penalty of twenty (20) years imprisonment, a ten thousand dollar fine, or both.

Arizona employees with a valid medical marijuana card issued by the Arizona Department of Health and Human Services may be permitted to have marijuana in their system but are not permitted to possess or use marijuana on any university property.

Drug Paraphernalia

It is unlawful for a person to use, possess with intent to use, deliver, or manufacture with intent to deliver drug paraphernalia. Persons in violation of this section of code are guilty of a class A

misdemeanor. It is also illegal for persons eighteen (18) years or older to deliver drug paraphernalia to persons less than eighteen (18) years of age. Any person in violation of this section is guilty of a class C felony for which a penalty of five (5) years imprisonment, a five thousand dollar fine or both may be imposed.

Use, Possession of Illegal and/or Illicit Drugs, Substances, and/or Paraphernalia

Students are prohibited from using or possessing any illegal and/or illicit drug, substance, or paraphernalia whether on- or off-campus. Possession is defined to mean having illegal and/or illicit drugs, substances, or paraphernalia on one's person, within one's residence, private property, vehicle, or locker. With the first violation of this policy the student will be subject to a Level 4 student conduct status and a mandatory evaluation for substance abuse as described under Standard 9. Students who violate this policy a second time will automatically be subject to a student conduct hearing before the Vice President for Student Development where she/he may face additional sanctions up to suspension or expulsion.

Being Under the Influence of Illegal and/or Illicit Drugs or Substances

Students are prohibited from using or being under the influence of any illegal and/or illicit drug or substance (Level 4). Students who violate this policy are subject to a Level 4 student conduct status and a mandatory evaluation for substance abuse as described under Standard 9. Students who violate this policy a second time will automatically be subject to a student conduct hearing before the Vice President for Student Development where she/he may face additional sanctions up to suspension or expulsion.

Being in the Presence of Illegal and/or Illicit Drugs and/or Substances

Students are prohibited from being in the presence of any illegal and/or illicit substance. Being in the presence of an illegal and/or illicit substance includes being present while other individuals are using illegal and/or illicit drugs or substances and/or being present when another person has illegal and/or illicit drugs or substances in his or her possession (Level 3). Students who violate this policy are subject to a Level 3 Student Conduct Status as well as any other sanctions deemed appropriate by the community standards officer.

Selling, Distributing, and/or Manufacturing Illegal and/or Illicit Drugs and/or Substances

Students are prohibited from manufacturing, selling, or otherwise distributing any illegal and/or illicit drug, substance, or paraphernalia. Students who violate this policy are subject to immediate suspension or expulsion according to the University's emergency suspension policy.

Local or Federal Law

In addition to the state laws described above, local ordinances and federal law provides for legal sanctions for unlawful possession or distribution of illegal and/or illicit drugs and alcohol.

Legal Sanctions

University of Mary Campus Safety and Security along with the Local Law Enforcement Department

enforces all federal and state laws and local ordinances. The Drug and Alcohol Policy defines substances as alcohol of any form, controlled or illegal drugs or substances (including hallucinogens, barbiturates, depressants, stimulants, cannabinoids, opioids, club drugs, dissociative drugs, and any other compounds or drugs whose use, possession, or transfer is restricted or prohibited by law), any substance that influences a person in a way that jeopardizes the safety of a person or other persons or hinders the person's ability or any other person's ability to perform work responsibilities. The University falls within federal and state Drug-Free School Zone laws.

Violations of drug and alcohol laws will be reported under the federal Jeanne Clery Campus Safety Act and Campus Crime Statistics Report as North Dakota Law.

By federal law, students convicted of drug offenses committed while receiving Title IV federal financial aid may be ineligible for aid for one or more years from the date of conviction. For additional information, visit the Financial Assistance website.

State

Please be advised that this is not intended to be an all-inclusive list and is subject to change. Relevant and up-to-date information can be found at: www.legis.nd.gov/general-information/north-Dakota-century-code.

Federal

Please be advised that this is not intended to be an all-inclusive list and is subject to change. Relevant and up-to-date information can be found at www.usa.gov/laws-and-regulations.

Local

Burleigh County ordinances include but are not limited to consumption in public places, possession, and use of alcohol by minors, uncapped liquor in passenger compartments of vehicles, and all substance abuse ordinances. Sanctions could range from a civil infraction with attached fines to probation, rehabilitation, or even imprisonment.

Bystander Intervention

The University provides safe and positive options that may be conducted 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 university structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

Campus Personal Safety Escort Program

We encourage all members of the campus community to use common sense and practice good personal safety techniques at all times. Students and employees are encouraged to walk in pairs and groups, especially during the evening hours. Community members may request an escort by contacting Campus Safety and Security at 701-355-8000.

Camera Surveillance

To assist in maintaining a safe and secure campus environment, the Campus Safety and Security office monitors digital surveillance cameras located throughout the main campus.

Campus Safety and Security Awareness Programs

Campus Safety and Security provides programming at least once a year. The primary themes of these programs are situational awareness, encouraging students to take responsibility for their own safety, and raising awareness regarding the presence and support of the Campus Safety and Security Office. Campus Safety and Security frequently presents to groups on campus, including Resident Assistants, regarding campus safety, security, and fire safety.

Preparation and Reporting of Annual Crime Statistics

Compilation of Crime Statistics

The Campus Safety and Security Department prepares an annual security report to comply with the Jeanne Clery Campus Safety Act. The Annual Security Report is prepared with the cooperation of local law enforcement agencies and other campus offices and includes campus crime, arrest, and referral statistics. Though not required by law, the report may also include statistics for crimes that occurred on other public or private property. The full text of this report is also located on our website at umary.edu.

How the Annual Security Report is Prepared

The Department of Campus Safety and Security compiles all required information and statistics for this report. Statistics are collected using Campus Safety and Security Initial Complaint Reports, and from other reporting authorities including local law enforcement agencies. Those law enforcement agencies include:

- Bismarck Police Department
- Billings Police Department
- Williston Police Department
- Watford City Police Department
- Tempe Police Department
- Fargo Police Department
- Arizona State University Police Department
- Burleigh County Sheriff's Department

Additionally, the University has received reports from officials of the University who have significant responsibility for student and campus activities. These university officials, known as Campus Security Authorities, include individuals in departments such as Athletics, Enrollment Services, Director of Student Life, and Residence Life offices. Other required information included in the Annual Campus Security Act Report, including the University of Mary's security-related policies and procedures, are also compiled from various sources. By October 1st of each calendar year, all current employees and

students are electronically notified of the availability of this report and how to request a copy. This report is accessible on the Campus Safety and Security website at: <https://www.umary.edu/life-at-mary/wellness-and-safety/campus-safety-security>

The report is also made available upon request at the Campus Safety and Security office located in the *Harold Miller Center directly behind the main entrance into Arno Gustin Hall*. All reasonable attempts have been made to identify all reported criminal activity and to present the crime statistics in this report by the Campus Security Act and its amendments.

Daily Crime Log

The Campus Safety and Security Department maintains a Daily Crime and Fire Log to record all crimes and serious incidents on the University of Mary's property. For each incident, the log records the date reported, location, nature of the incident, and disposition of the complaint.

Definition of Geography

Under the Clery Act campuses are required to report on University's property or adjacent property campus crime statistics for certain offenses, hate crimes, arrests, and disciplinary referrals to the campus conduct process for incidents occurring within specific locations as defined by the Clery Act (known as Clery Geography). In all cases, this data must be broken down according to the Clery Geography of the occurrence of the offense. This includes buildings and properties that are part of the University's campus, and the University's non-campus buildings and properties.

Clery Geography Definitions

On-Campus Buildings or Property: 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; Any building or property that is within or reasonably contiguous to the area identified above, 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 Buildings or Property: any building or property owned or controlled by a student organization that is officially recognized by the institution or any building or property owned or controlled by an institution that is used in direct support of or about the institution's educational purposes, is frequently used by students and is not within the same contiguous geographic area of the institution.

Public property: Public property includes thoroughfares, streets, sidewalks, and parking facilities that are within the campus or immediately next to or accessible to campus and on-campus property. The Department of Education uses a "sidewalk/street/sidewalk" rule to determine public property boundaries.

Clery Geography for University of Mary: Using the Clery Geography as defined above, the University of Mary reports the Clery Crime Statistics for the following locations:

- Main Campus: 7500 University Dr, Bismarck ND 58504

- Butler Center Campus: 505 S 7th Street, Bismarck, ND 58504
- Front Street Campus: 500 East Front Street, Bismarck ND, 58504
- Fargo Campus: 1351 Page Drive, Fargo ND, 58103
- Billings Campus: 2590 Holman Ave, Suite A, Billings, MT 59100
- Watford City Campus: 2209 Wolves Den Parkway Suite 129 A, Watford City, ND 58854
- Williston Campus: 721 E Highland Drive, Suite E, Williston, ND 58801
- Grand Forks Air Force Base: 319 FSS/FSDE 344 Tuskegee Airman Blvd, Grand Forks AFB, ND 58205
- Mary College at Arizona State University: 230 E University Dr, Tempe, AZ 85281
- Rome Campus: Via del Casaletto, 538, 00151 Roma RM Italy

Definition of Criminal Offenses

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

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

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

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 and the existence of such 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.

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, by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

Hate Crimes are crimes committed against a person or property which are motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability.

Hazing: is any activity that is unsafe, abusive, harmful, distressing, embarrassing, humiliating, disrespectful, illegal, or otherwise demeaning that is required or implied as being necessary or beneficial as part of the process of joining, affiliating with, being initiated into, or determining status in any group, organization, team, or department at the University (regardless of whether the group has official recognition from the University).

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

Motor Vehicle Theft: the theft or attempted theft of a motor vehicle.

Murder and non-negligent manslaughter: the willful (non-negligent) killing of one human being by another.

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

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

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.

Weapons Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Crime Statistics

University of Mary Main Campus - Bismarck

Offense	Year	On-Campus Property	On-Campus Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	1	1	0	0	0
	2023	0	0	0	0	0
	2022	1	1	0	0	0
Fondling	2024	1	1	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	1	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	2	2	0	0	0

Drug Law Arrests	2024	1	1	0	0	0
	2023	1	1	0	0	0
	2022	2	2	0	0	0
Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	40	40	0	0	0
	2023	19	19	0	0	0
	2022	58	49	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	2	2	0	0	0
	2023	1	1	0	0	0
	2022	1	1	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	1	1	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	2	0	0	0	0
	2023	1	0	0	0	0
	2022	2	0	0	0	0
Hate Crimes	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

UNFOUNDED CRIMES: There were no unfounded crimes in 2022, 2023, or 2024 for the Bismarck Main Campus.

University of Mary – Billings Campus

Offense	Year	On-Campus Property	On-Campus Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Hate Crimes	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

UNFOUNDED CRIMES: There were no unfounded crimes in 2022, 2023, or 2024 for the Billings Campus.

University of Mary – Butler Center

Offense	Year	On-Campus Property	On-Campus Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Hate Crimes	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

UNFOUNDED CRIMES: There were no unfounded crimes in 2022, 2023, or 2024 for the Butler Center.

University of Mary – Front Street

Offense	Year	On-Campus Property	On-Campus Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Hate Crimes	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

UNFOUNDED CRIMES: There were no unfounded crimes in 2022, 2023, or 2024 for the Front Street Campus.

University of Mary – Fargo Campus

Offense	Year	On-Campus Property	On-Campus Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Hate Crimes	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

UNFOUNDED CRIMES: There were no unfounded crimes in 2022, 2023, or 2024 for the Fargo Campus.

University of Mary – Grand Forks Airforce Base Campus

Offense	Year	On-Campus Property	On-Campus Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Hate Crimes	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

UNFOUNDED CRIMES: There were no unfounded crimes in 2022, 2023, or 2024 for the Grand Forks Airforce Base Campus.

University of Mary – Arizona Tempe Campus

Offense	Year	On-Campus Property	On-Campus Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Hate Crimes	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

UNFOUNDED CRIMES: There were no unfounded crimes in 2022, 2023, or 2024 for the Arizona Tempe Campus.

University of Mary – Watford City Campus

Offense	Year	On-Campus Property	On-Campus Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Hate Crimes	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

UNFOUNDED CRIMES: There were no unfounded crimes in 2022, 2023, or 2024 for the Watford City Campus.

University of Mary – Williston Campus

Offense	Year	On-Campus Property	On-Campus Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Hate Crimes	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

UNFOUNDED CRIMES: There were no unfounded crimes in 2022, 2023, or 2024 for the Williston Campus.

University of Mary – Rome Campus

Offense	Year	On-Campus Property	On-Campus Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	1	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Hate Crimes	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

UNFOUNDED CRIMES: There were no unfounded crimes in 2022, 2023, or 2024 for the Rome Campus.

University Policy for Weapons on Campus

Any type of weapon is prohibited on campus. Weapons are defined as devices, instruments, materials, or substances that are calculated or designed to inflict serious bodily harm; including but not limited to live firearms, firecrackers/fireworks, switch knives, slingshots, archery equipment, paintball guns, nerf guns, or any other type of replica gun. Except as otherwise stated in this policy, the University of Mary prohibits the use, possession, display, or storage of any weapons, ammunition, explosives, or fireworks on university property or at university events, including all buildings, housing, facilities, or property owned or leased and operated by the University. This policy applies to all persons, including faculty, staff, students, spouses, dependents, and visitors. This policy shall not apply to law enforcement personnel authorized to carry weapons by their governmental agency and /or university employees who have completed training prescribed by the University and authorized by the Executive Vice President.

Consistent with N.D.C.C. section 62.1-02-13, possession of a legally owned and secured firearm in a private vehicle by a person lawfully in the area is permitted. For a weapon to be properly secured it needs to be out of sight and locked. This policy does not prohibit an employee, student, customer, or invitee who is lawfully in the area from possessing a legally owned firearm that is locked inside or locked to a private motor vehicle in a parking lot, or while the employee, student, customer, or invitee is driving directly to or from a public highway or street and a university parking lot.

Hazing Policy

For the purposes of this policy, hazing is any activity which is unsafe, abusive, harmful, distressing, embarrassing, humiliating, disrespectful, illegal, or otherwise demeaning that is required or implied as being necessary or beneficial as part of the process of joining, affiliating with, being initiated into, or determining status in any group, organization, team, or department at the University (regardless of whether the group has official recognition from the University).

Hazing can occur in spite of any willingness to participate. Hazing includes (but is not limited to) encouraging or requiring any form of alcohol abuse or the use of any other intoxicant or mind altering substance; the administration of any physical or emotional pain or abuse; creation of excessive fatigue, quests, road trips, or any other such activities; wearing of apparel in public which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery or morally degrading or humiliating games and activities; and any other activities which are not consistent with federal or state¹ law or the policies of the University.

The University recognizes that hazing may be perpetrated by a group or organization as a whole, by an individual or a group of individuals within the group, by former members of a group, current or former students, or by current or former faculty or staff. In all circumstances, the University reserves the right

¹ 12.1-17-10. Hazing - Penalty. 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.

to sanction the group, as well as individual members, whether or not the hazing was part of the group's official activities.

How to Report Hazing

Any member of the University community who has been subjected to hazing or anyone who knows that hazing is planned should file a written complaint pursuant to the [Conduct Grievance Procedure](#). The Conduct Grievance Procedure is utilized to investigate and process written complaints.

Investigation of a Formal Complaint for Hazing

Those appointed to conduct the investigation will receive instructions on procedures to follow from the Chair of the Conduct Grievance Board and/or the University's General Counsel. The Inquiry Committee, General Counsel, or independent investigator shall conduct the investigation and submit findings and recommendations to the Board as expeditiously as possible. Allegations shall be investigated in as impartial and confidential manner as possible. The investigator(s) shall keep a written record of its proceedings. Upon completion of its investigation, the investigator(s) shall prepare a written report, including findings of fact and conclusions, and submit the report to the Chair of the Conduct Grievance Board. The investigator(s) may include a recommendation regarding resolution or disposition of the complaint with the report.

If, in the course of the investigation, it is determined that university policies in addition to, or other than, those alleged in the complaint have been violated, the investigator(s) shall include such violations in the investigation and may recommend filing of additional written complaints.

It may be necessary for the investigator(s) to interview the person(s) who made the original complaint for the purposes of answering questions and clarifying information in the written statement. Some forms of misconduct are of a highly personal and sensitive nature. The person who brings forth a complaint may fear retaliation and/or the reaction of those responsible for the investigation and/or the public. For this reason, those responsible for an investigation are trained to carry out their work in the most confidential and sensitive manner possible. For example, interviews of all parties will be done at a separate time, making it unnecessary for the complainant to be present at the same time as the respondent.

The investigator(s) shall make a point to ask the complainant to describe what outcome he or she hopes for through the Conduct Grievance Board process. The complainant's wishes with regard to resolution shall be given careful consideration to the degree the desired outcome is appropriate to the circumstances and does not jeopardize the safety and wellbeing of those involved and/or other members of the community. In some cases, this may mean that mediation or other non-punitive outcomes may be considered to be a part of a successful resolution of the complaint.

The investigator(s) shall have the authority to question any member of the University community believed to have relevant information about the incident. At their discretion, investigators may require those who are questioned to provide written statements.

Formal rules of evidence and civil procedure applied in courtroom proceedings do not apply to the investigations of the Conduct Grievance Board or subsidiary panels. All information that responsible persons are accustomed to rely upon in the conduct of serious affairs, including hearsay, may be considered.

If deemed necessary, the investigator(s) may ask anyone believed to have relevant information about the matter who is not a member of the University community to appear before it or provide a statement. The investigator(s) may also consider any other relevant information available to it, including physical and electronic evidence, law enforcement reports, court documents, and/or media reports of the incident.

It is the responsibility of all members of the University community to cooperate with an investigation of the Conduct Grievance Board. Any student, faculty, or staff member who refuses to cooperate or who provides false information may be subject to disciplinary action.

Each person interviewed during an investigation shall have the option to be accompanied by one person whose purpose shall be to offer support. The person may be an advisor, a friend, a parent or relative, or an attorney. The support person will not be permitted to participate in the hearing; his or her role is limited to support. If a person appearing before the investigator(s) elects to have a support person present, he or she must notify the investigator(s) at least 24 hours in advance, providing the support person's name and nature of the relationship he or she has with the support person. In cases where the investigation is conducted by an Inquiry Committee, the University reserves the right to have its General Counsel present at all meetings and hearings of the committee.

A preponderance of the evidence (i.e. "it's more likely than not that the alleged conduct occurred") is the standard that will be used in all Conduct Grievance Board cases to determine if there has been a violation of university policy.

When the investigation is complete, the investigator(s) shall submit a written report of their findings and conclusions to the Conduct Grievance Board. The report may provide a recommendation about whether a preponderance of the evidence shows the respondent did or did not engage in misconduct and violated university policy or policies, with specific reference to applicable policy or policies.

The Conduct Grievance Board is responsible to decide whether misconduct occurred and university policy was violated. It is also responsible to determine appropriate sanctions and corrective actions for persons found to be responsible for violating university policies. Upon receipt of a report from the investigators, the Conduct Grievance Board shall, as soon as practicable, convene to make its determination based on the report. If the investigator(s) included a recommended disposition in its report, the Board may accept, reject, or modify the recommendation. The Board also may also authorize further investigation and/or instruct investigators to supplement their report.

Appropriate sanctions and corrective actions for employees may include dismissal from employment; suspension from employment, with or without pay; probation; mandated psychiatric or psychological evaluation with a mandate to complete all resulting recommendations; mandatory educational programs and/or mandated mediation; or any other action deemed appropriate.

Appropriate sanctions and corrective actions for students will include assignment of an appropriate Student Conduct Level and may also include permanent expulsion from student status at the University, temporary suspension or dismissal from student status, mandated psychiatric or psychological evaluation with a mandate to complete all resulting recommendations, mandatory educational programs, mandated mediation, or any other action as deemed appropriate.

In the event that individuals acting together in concert as members of a group, organization, team, or department at the University are found to have engaged in misconduct, the Conduct Grievance Board has the authority to impose sanctions and penalties including revocation of club or organization status; probation; disciplinary action against the advisor, coach, or supervisor; or any other action it deems appropriate.

The University is not designed or equipped to supervise or rehabilitate persons who pose a substantial threat to themselves or others, and it may be necessary to remove those individuals from the University and/or sever the institutional relationship with them in order to protect the well-being and safety of such persons and of all involved.

Hazing Awareness and Prevention

The University utilizes research-informed, in-person and online prevention programs. These programs include information on the University's hazing policy, as well as strategies intended to stop hazing before hazing occurs, which may include skill building for bystander intervention, information about ethical leadership, and the promotion of strategies for building group cohesion without hazing.

Key Learning Objectives:

- Understand the components of hazing.
- Recognize the signs of hazing behavior.
- Identify those involved in hazing and the motivations behind it.
- Describe the emotional, physical, and legal risks associated with hazing.

Discrimination And Harassment Policy

Discrimination or harassment is strictly prohibited and will not be tolerated at the University of Mary. All students, faculty, staff, and administrators have the responsibility to conduct themselves in a proper manner consistent with the mission and philosophy of the University. They should actively work to assure that the right of others to be free from discrimination and harassment is protected. Any violation of this University of Mary policy should be promptly reported, as provided below.

Discrimination

Intentionally and substantially interfering with the freedom of others on college premises or at college-sponsored activities based on age, color, disability, gender, height, weight, marital status, national origin, political affiliation, race, religion, sexual orientation, or veteran status.

Sex Discrimination

An act that deprives a member of the University community of their rights of access to campuses and facilities and participation in education, services, programs, operations, employment, benefits, or opportunities with the University based on the person's sex (including pregnancy, sexual orientation, and gender identity/expression) or having a policy or practice that has a disproportionately adverse impact on protected class members.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, written, graphic, physical, or otherwise, when:

- Submission to such conduct is made, either explicitly or implicitly, as a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for university decisions affecting the individual (quid pro quo harassment); or

- Such conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual of participating in or benefitting from the University's education or employment programs and/or activities (hostile environment). Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute sexual harassment.

Gender-Based Harassment

Verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation, or gender identity, but not involving the 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 University's education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this policy.

Alcohol and Drug Policies

The University of Mary complies with and supports the Drug-Free Workplace Act of 1988 and the 1989 amendments to the Drug-Free Schools and Communities Act (DFSCA), as articulated in the Education Department General Administrative Regulations (EDGAR) 34 C.F.R. Part 86, which requires each participating institution of higher education (IHE) that receives Federal education funding to certify that it has developed and implemented a drug and alcohol abuse education and prevention program. The Campus Safety and Security Department are responsible for the enforcement of state underage drinking laws and enforcement of Federal and State drug laws.

The University of Mary prohibits the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in university buildings, any campus area, in university housing units, in university vehicles, or at any university-affiliated event held on or off-campus, which are sponsored by students, employees and their respective campus organizations. Employees and students are expected to be acquainted with and abide by state laws and university regulations regarding alcohol and drugs. Employees and students also are encouraged to be aware of the social, physiological, and psychological consequences of excessive drinking.

The University regularly provides educational programs and resources on alcohol and drug abuse as well as counseling services. Please refer to the Student Handbook for a complete description of policies and sanctions for violations. Additional alcohol and other drug prevention information, including information on the health risks of alcohol and other drug abuse and applicable federal, state, and local laws are available on the University's website: umary.edu.

Smoking and Tobacco Use Policy

Smoking, tobacco use, and tobacco sales (including the use or sales of smokeless tobacco products) are prohibited on university-owned, operated, or leased property, and in university-owned, leased or operated vehicles. Any electronic delivery device, such as an electronic cigarette, is also prohibited.

Definition

- Smoking: The burning of any type of lighted pipe, cigar, cigarette, e-cigarette, or any other smoking equipment, whether filled with tobacco or any other type of material.
- Smokeless Tobacco Products: Smokeless tobacco consists of the use of snuff, chewing tobacco, smokeless pouches, or other forms of loose-leaf tobacco.

Enforcement of this policy will depend upon the cooperation of all faculty, staff, and students not only to comply with this policy, but also to encourage others to comply with this policy to promote a clean, safe, and healthy environment.

Missing Persons Policy and Procedures

If a member of the University of Mary has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify Campus Safety and Security or in their absence, to the local law enforcement agency. University Campus Safety and Security will generate a report and initiate an investigation. All students are requested to submit emergency contact information and update it annually. "Missing person's contact information is registered and confidential, accessible only to authorized campus officials, and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation." In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University of Mary in the event the student is determined to be missing for more than 24 hours.

If members of the University of Mary community believe that a student has been missing for 24 hours, it is critical that they report that information to Campus Safety and Security. Once notified, Campus Safety and Security will begin an investigation. After a student has been determined to be missing, the University is required to notify, within 24 hours, the following: the student's missing person contact(s), if provided by the student; the local law enforcement agency, and, if the student is under 18 years of age and not emancipated, a custodial parent or guardian (in addition to notifying any additional contact person or persons designated by the student).

Title IX Sex Nondiscrimination Policy, Grievance Procedure, and Process

Purpose and General Statement of Policy

The University of Mary (the "University") does not discriminate based on sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972 and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The University is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The University prohibits sexual harassment that occurs within its educational programs and activities. When the University has actual knowledge of sexual harassment in its education program or activity

against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

This policy applies to sexual harassment that occurs within the University's educational programs and activities and that is committed by a university employee, student, or another member of the University community. This policy does not apply to sexual harassment that occurs in a private setting or outside the scope of the University's educational programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the University's education programs or activities.

Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator.

The University's Title IX Coordinator is:

Patricia McWilliams-Pfliger
Benedictine Center for Servant Leadership, Room 316,
7500 University Drive
Bismarck, ND 58504
701-355-8133
titleix@umary.edu

In the event, the Title IX Coordinator is a party to a complaint, the University's General Counsel shall serve as the alternate Title IX Coordinator for the oversight of that specific complaint.

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator. Inquiries about Title IX and its implementing regulations may be referred to:

Office for Civil Rights
U.S. Department of Education (Chicago Office)
Citigroup Center
500 W. Madison St., Suite 1475
Chicago, IL 60661-7204
312-730-1560
OCR-Chicago@ed.gov

Individuals always have the option to notify law enforcement. The University will assist in contacting the police or other agency if requested. Filing a police report is not required for the University to investigate a formal complaint. The criminal process is separate from action that occurs through the University. An individual may report an incident with the University and not with law enforcement and vice versa.

The effective date of this policy is the date the policy was approved or revised at the end of this document and applies to alleged violations of this policy occurring on or after that date.

Definitions

Actual knowledge: notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any employee of the University. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the University with actual knowledge is the respondent.

Complainant: a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.

Consent: the mutual understanding of words or actions freely and actively given by two informed people that a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual activity.

Day or days: unless expressly stated otherwise, business days (i.e., day(s) that the University office is open for normal operating hours, Monday–Friday, excluding state-recognized holidays).

Deliberately indifferent: clearly unreasonable in light of the known circumstances. The University is deliberately indifferent only if its response to sexual harassment is unreasonable in light of the known circumstances.

Education program or activity: locations, events, or circumstances for which the University exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes university education programs or activities that occur on or off of university property.

Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment.

- a) A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature or otherwise indicate that the complainant is the person filing the formal complaint, and it must be submitted to the Title IX Coordinator in person, by mail, or by email.
- b) A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in or attempting to participate in an education program or activity of the University with which the formal complaint is filed.

Incapacitation: The physical and/or mental inability to make informed, rational judgments. A person is incapacitated if they lack the necessary judgment to give consent to sexual activity. Being intoxicated or under the influence of any substance at the time of sexual contact is never an excuse for sexual harassment.

Informal resolution: options for resolving a formal complaint that does not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.

Relevant questions and relevant evidence: questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. 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 offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior concerning the respondent and are offered to prove consent.

Remedies: actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.

Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.

Sexual harassment: any of three types of misconduct based on sex that occurs in a university education program or activity and is committed against a person in the United States:

- a) Quid pro quo harassment by a university employee (conditioning the provision of aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct).
- b) Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
- c) Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).

Supportive measures: individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect the safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the University buildings or property, and other similar measures.

Title IX Personnel: means any person who addresses, works on, or assists with the University's response to a report of sexual harassment or formal complaint and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:

- a) Title IX Coordinator: an employee of the University that coordinates the University's efforts to comply with and fulfill its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for the effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
- b) Investigator: a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a university employee, university official, or a third party designated by the University.

- c) Decision-maker: a person who decides regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
- d) Appellate Decision-maker: a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a university employee, or a third party designated by the University.
- e) The President of the University may delegate functions assigned to a specific university employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes to any suitably qualified individual, and such delegation may be rescinded by the President at any time. The University may also, at its discretion, appoint suitably qualified persons who are not university employees to fulfill any function under this policy, including but not limited to Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.
- f) In such case that the respondent is the Chair of the Board of Trustees, the President of the Board of Trustees shall serve as the Decision-maker. In such case that the respondent is the President of the Board of Trustees, a member of the Board of Trustees, or the President of the University, the Chair of the Board of Trustees shall serve as the Decision-maker. In all such cases, the Executive Committee of the Board of Trustees shall serve as the Appellate Decision-maker. A majority of the members of the Executive Committee (excluding a respondent and any member who served as the Decision-maker in a given process) shall constitute a quorum for the decision, and each member shall have one vote.

Requirements for Grievance Process

Equitable Treatment

The University shall treat complainants and respondents equitably. However, equality or parity concerning supportive measures provided to complainants and respondents is not required.

The University will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible. (Notwithstanding, there is a provision for “Emergency Removal of a Student,” below).

The University will provide appropriate remedies to the complainant any time a respondent is found responsible.

The University will ensure a prompt, fair, and impartial process from the initial investigation and to the final resolution process in all instances.

Objective and Unbiased Evaluation of Complaints

Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.

Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made after the grievance process.

Confidentiality

The University will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, or any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or FERPA's regulations, or as required by law, or to carry out the purposes of 34 C.F.R. §106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the University's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents' receipt of the information to which they are entitled concerning the investigative record and determination of responsibility).

Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but need not be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear instead of the complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear instead of the complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

Notice

Following a report of dating violence, domestic violence, sexual assault, or stalking, the University will provide the student or employee a written explanation of the student's or employee's rights and options.

The University will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants,

and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

Consolidation

The University may, at its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arising out of the same facts or circumstances.

Evidence

During the grievance process, the University will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The University shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the University obtains the party's voluntary, written consent.

Burden of Proof

The burden of gathering evidence and the burden of proof shall remain upon the University and not upon the parties.

The grievance process shall use a clear and convincing evidence standard (i.e., it is highly or substantially likely that the allegations in the complaint are true) for all formal complaints under Title IX.

Timelines

Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such an informal process.

An appeal of a determination of responsibility or a decision dismissing a formal complaint must be received by the University within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.

Any appeal of a determination of responsibility or dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the University.

The University will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the University.

Although the University strives to adhere to the timelines described above, in each case the University may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening university holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

Potential Remedies and Disciplinary Sanctions

The following is the range of possible remedies that the University may provide a complainant and disciplinary sanctions that the University might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the University buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.

If the Decision-maker determines an employee-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Executive Vice President of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies.

If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Vice President for Student Development of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies.

Reporting Prohibited Conduct

Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct that may constitute unlawful sex discrimination or sexual harassment toward a student, should report the alleged acts as soon as possible to the Title IX Coordinator.

Any employee of the University who has experienced, has actual knowledge of or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.

A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by email using the Title IX Coordinator's contact information or by filling out the form available online.

Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct constitutes a crime, the University shall report the alleged conduct to law enforcement authorities. The University encourages complainants to report criminal behavior to the police immediately.

Initial Response and Assessment by the Title IX Coordinator

When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes concerning supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

The University will offer supportive measures to the complainant regardless of whether the complainant decides to make a formal complaint. The University must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the University's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the University unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's wishes is not clearly unreasonable in light of the known circumstances.

Upon receipt of a formal complaint, the University must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:

1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made after the grievance process.
3. A statement explaining that the parties may have an advisor of their choice, who may be but need not be an attorney.
4. A statement that the parties may inspect, and review evidence gathered under this policy.
5. A listing of supportive measures available, enclosed in the notice both to the complainant and the respondent.
6. A statement informing the parties that the University prohibits knowingly making false statements or knowingly submitting false information.
7. A statement referring the parties to the "Retaliation Prohibited" section of this policy; and
8. A copy of this policy.

Status of Respondent during Pendency of Formal Complaint

Emergency Removal of a Student: The University may remove a student-respondent from campus residency or an education program or activity of the University on an emergency basis before a determination regarding responsibility is made if:

1. The University undertakes an individualized safety and risk analysis; and
2. The University determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies the removal of the student-respondent.
 - a. If the University determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related university policies.

Employee Administrative Leave: The University may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. The University must take into consideration applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act before removing an individual with a qualifying disability.

Informal Resolution of a Formal Complaint

At any time before reaching a determination of responsibility, informal resolution may be offered and facilitated by the University at the University's discretion, but only after a formal complaint has been received by the University.

The University may not require as a condition of enrollment or continued enrollment, employment or continued employment, or enjoyment of any other right, the waiving of the right to a formal investigation and adjudication of formal complaints of sexual harassment.

The informal resolution process may not be used to resolve allegations that a university employee sexually harassed a student.

The University will not facilitate an informal resolution process without both parties' agreement and will obtain their voluntary, written consent. The University will provide to the parties a written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the parties' right to withdraw from the informal resolution process; and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

At any time before agreeing to a resolution through the informal resolution process, any party has the right to withdraw from the informal resolution process and resume the grievance process concerning the formal complaint.

Dismissal of a Formal Complaint

Under federal law, the University must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:

1. Would not meet the definition of sexual harassment, even if proven.
2. Did not occur in the University's education program or activity; or
3. Did not occur against a person in the United States.

A complaint that would otherwise qualify under Title IX but for the conduct taking place outside the United States will be treated by the University under the same procedure and process of a Title IX complaint, although it would not technically be under the jurisdiction of Title IX.

The University may, at its discretion, dismiss a formal complaint or allegations therein if:

1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein.
2. The respondent is no longer enrolled or employed by the University; or
3. Specific circumstances prevent the University from gathering sufficient evidence to reach a determination.

The University shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.

Dismissal of a formal complaint or a portion thereof does not preclude the University from addressing the underlying conduct in any manner that the University deems appropriate.

Investigation of a Formal Complaint

If a formal complaint is received by the University, the University will assign or designate an Investigator to investigate the allegations outlined in the formal complaint. The University will ensure a prompt, fair, impartial investigation is conducted in a timely manner designed to provide all parties with resolution.

If during the investigation the University decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the University must provide notice of the additional allegations to the known parties.

When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.

During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.

Before the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard

copy and shall include all relevant evidence, the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence, whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider before completion of the investigative report.

The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent, or witness. The University will send the parties and their advisors (if requested) a copy of the report in electronic format or hard copy for their review and written response at least ten (10) days before a hearing scheduled by the University.

Determination Regarding Responsibility

Informal Resolution

Upon receipt of the final investigative report, the Decision-maker may opt to provide the parties with a proposed informal resolution. If both parties agree in writing to the proposed informal resolution, the grievance process ends. If either party does not agree to the proposed informal resolution, the matter will proceed to a hearing.

Hearing

The purpose of the hearing is for the Decision-maker objectively to evaluate relevant evidence to determine whether or not the respondent is responsible for engaging in sexual harassment. If the Decision-maker determines that the respondent has committed sexual harassment, he or she is also responsible for determining appropriate sanctions.

Preparation for the Hearing

The Title IX Coordinator or a designee will arrange the administrative details for the hearing, including (1) arranging a time and place for the hearing, (2) making the investigative report and evidence that is directly related to the allegations raised in the formal complaint available at the hearing so that both complainant and respondent will have equal opportunity to refer to such evidence during the hearing, and (3) arranging for a complainant or respondent who does not have an advisor to be appointed one.

The hearing will occur with the complainant and respondent located in separate rooms, if requested by either party, with technology enabling the Decision-maker, complainant, respondent, and any advisor(s) simultaneously to see and hear any party or witness answering questions.

Conduct of the Hearing

The Decision-maker is responsible for managing the conduct of the hearing and ensuring procedures are followed. The Decision-maker facilitates all phases of the hearing and resolves all questions that arise during the hearing, including but not limited to procedural issues and issues regarding the propriety or relevance of specific questions, arguments and information presented. The Decision-maker will also seek to ensure an orderly and fair exchange of information during the hearing and may ask questions of any party or witness. If anyone attending the hearing acts without appropriate respect for decorum, including failure to comply with the Decision-maker's instructions, the Decision-maker may take appropriate action, including requiring that person to leave the hearing.

At the hearing, both the complainant's advisor and the respondent's advisor will have the opportunity to ask the other party and any witnesses relevant questions and follow-up questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question, the Decision-maker will determine whether the question is relevant. If the Decision-maker excludes a question as not relevant, they will orally explain their decision to do so.

Questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant questions unless:

- (1) they are offered to prove that someone other than the respondent committed the conduct alleged by the complainant,
- (2) they are concerned with specific incidents of the complainant's prior sexual behavior concerning the respondent and are offered to prove consent.

If a complainant, respondent, or witness does not submit to cross-examination at the hearing, the Decision-maker will not rely on any statement of that party or witness in reaching a determination regarding responsibility, nor will the Decision-maker draw on inference about the determination regarding responsibility based solely on a party or witness's absence from the hearing or refusal to answer cross-examination or other questions.

An audio recording, audiovisual recording, or transcription of the hearing will be made and provided to the complainant and respondent for review after the hearing.

Determination and Sanctions

Following the presentation of information at the hearing, the Decision-maker will determine whether the respondent engaged in sexual harassment. The Decision-maker will deliberate in private.

If the Decision-maker determines that the respondent engaged in sexual harassment, he or she will deliberate further to determine appropriate sanctions. The University may implement supportive measures at any time before or after any finding of responsibility. However, disciplinary sanctions and remedies may only be implemented following a determination of responsibility. Such sanctions and remedies may range from a warning to expulsion or exclusion from the University to termination of employment. Other possible sanctions include required education or training, restrictions on participation in campus activities, change in work schedule or location, disciplinary probation, administrative leave, suspension with or without pay or with or without conditions for return, reassignment of duties, no-contact or limited-contact orders, chemical health assessments, restrictions

on-campus access, including housing or course enrollment, change of housing, and/or withdrawal or non-conferral of degree. Sanctions may be combined.

In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.

The Decision-maker must issue a written determination regarding responsibility that applies a clear and convincing standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:

1. Identification of the allegations potentially constituting sexual harassment.
2. A 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, and methods used to gather other evidence.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the University's code of conduct to the facts.
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the respondent, and whether remedies are designed to restore or preserve equal access to the recipient's education program or activity will be provided by the University to the complainant; and
6. The University's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.

The written determination of responsibility must be provided to the parties simultaneously.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Appeals

The University shall offer the parties an opportunity to appeal a determination regarding responsibility or the University's dismissal of a formal complaint or any allegations therein on the following bases:

1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures).
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and

3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

If notice of an appeal is timely received by the University, the University will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome.

After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.

The written decision describing the result of the appeal must be provided simultaneously to the parties.

The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

Retaliation Prohibited

Neither the University nor any other person may intimidate, threaten, coerce, or discriminate against any individual to interfere with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment to interfere with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitute retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy, and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.

Charging an individual with violation of university policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Training

The University shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:

1. The Title IX definition of sexual harassment.
2. The scope of the University's education program or activity.

3. How to investigate grievance preprocesses appeals, and informal resolution processes, as applicable.
4. How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.

If the University chooses to appoint a third party to serve as Title IX Personnel for any case, that person is presumed to have been adequately trained and appointed for their expertise.

The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.

Integrity of Mission

The University qualifies as “an educational institution controlled by a religious organization” as specified in 34 C.F.R. § 106.12. No provision of this policy, or Title IX of the Education Amendments of 1972 or its implementing regulations, shall be applied in a way that is inconsistent with the University's beliefs, including, but not limited to those points specified in the University's Statement of Mission and Identity and the teachings of the Catholic Church as set forth by the magisterium.

Dissemination of Policy

This policy shall be made available to all students, parents/guardians of students, and employees.

The University shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and Title IX email address on its website and in the student and employee handbooks.

Furthermore, in the same section of its website, referenced in student and employee handbooks, and on the applications for admission and employment, the University shall provide the following information to applicants for admission and employment, employees, students, and parents or legal guardians:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator.
2. Notice that the University does not discriminate based on sex in the education program or activity that it operates and that it is required by Title IX not to discriminate in such a manner.
3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both:

4. Notice of the University's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the University will respond.

Recordkeeping

All records created and maintained under the Title IX Sex Nondiscrimination Policy, Grievance Procedure, and Process shall be retained indefinitely by the Title IX Office [in the database, digital, and/or paper form] unless destruction or expungement is authorized by the Title IX Coordinator, who may act under his or her discretion, by a duly executed and binding settlement of the claim, and/or by court order.

Non-Title IX Sexual Misconduct Policy

The University has a Sexual Misconduct Policy to address any sexual misconduct that would fall outside the jurisdiction of Title IX because of mandatory dismissal. The description of the procedures for Sexual Misconduct outside of Title IX are detailed within the Conduct Grievance Board Policy, which is provided in writing at www.umary.edu/dignity.

The policy is as follows:

Definitions

For this policy, sexual misconduct includes a range of behaviors used to obtain sexual contact against a person's will.

- Sexual misconduct includes all sex offenses prohibited under North Dakota or federal law.
- Sexual misconduct includes, but is not limited to, date rape, stranger rape, indecent exposure, and attempted sexual acts by use of verbal or non-verbal threats.
- Sexual misconduct includes sexual contact without consent by an acquaintance or a stranger and includes:
 - intentional touching without consent, either of the victim or when the victim is forced to touch, directly or through clothing, another person's genitals, breast, groin, thighs, or buttocks;
 - rape (sexual intercourse without consent, whether by an acquaintance or stranger).
 - attempted rape;
 - sodomy (oral or anal intercourse) without consent; or
 - sexual penetration with an object without consent.

To constitute lack of consent, the act must be committed either:

1. by threat, force, or intimidation;

2. through the use of the victim's mental or physical inability, such as when the victim is physically or mentally incapacitated by alcohol or other drugs, or when the victim suffers from a mental state which renders him or her incapable of understanding the nature of the contract; or
3. when the victim is less than eighteen years of age.

Distinction from Title IX:

While the majority of conduct constituting a violation under this policy also falls under Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), there are scenarios wherein conduct may not fall under the jurisdiction of Title IX. A member of the University community who has been a victim or witness to sexual misconduct under the jurisdiction of Title IX is encouraged to file a report by the University's Title IX policy. Reports of sexual misconduct filed under this policy instead of Title IX will be evaluated by the University to determine if the misconduct falls under Title IX and will be addressed accordingly.

Sexual Misconduct Response Guide

What To Do If You Are Sexually Assaulted

Go to a safe place. Call Campus Safety and Security, at 701-355-8000, or the Burleigh County Sheriff's Department, 701-222-6651, or, in the case of an emergency, call 911, even if you do not want to press charges. You will be assisted in getting immediate and critical medical attention. Even if you choose not to contact authorities, you are encouraged to seek medical assistance.

Contact the Abused Adult Resource Center at 701-222-8370, or use their hotline, 866-341-7009.

Consider talking with someone you trust – a relative, a Resident Assistant, a Residence Director, a good friend, a pastor – for the much-needed support you deserve.

Do not shower or douche. While at the hospital, you will be checked for physical injuries, and evidence will be collected in case you decide to press charges. Going to the hospital does not mean that you will need to press charges. You can decide that later.

Explore legal avenues for criminal and/or civil action as well as utilizing on-campus reporting procedures, including the University's disciplinary system.

Allow yourself time to heal. Seek counseling services from licensed mental health professionals through CHI St. Alexius Health by calling 701-530-7195 or 800-327-7195.

Reporting

Anyone who is the subject of sexual misconduct should promptly report such matters to one of the following university officials: the Director of Student Life, the Director of Human Resources, or the Title IX Coordinator. Their contact information is:

Director of Student Life

Benedictine Center, Room 1502
7500 University Drive
Bismarck, ND 58504
701-355-8126

Director of Human Resources

Benedictine Center, Room L210
7500 University Drive
Bismarck, ND 58504
701-355-8245

Title IX Coordinator

Benedictine Center for Servant Leadership, Room 316
7500 University Drive
Bismarck, ND 58504
701-355-8133
titleix@umary.edu

All reports of sexual misconduct are treated concerning the privacy of the involved individuals. Incidents are reported as statistics without identifying information in the University's annual security report and daily crime log. The University shall advise the victim of his or her legal right to pursue criminal charges against the perpetrators.

Victim Assistance

The following are guidelines for university officials responding to a report of sexual misconduct:

1. If a medical emergency exists, appropriate action will be taken.
2. The victim will be informed of his or her right to make a report to appropriate law enforcement officials. Victims should be advised that the University is willing to assist and support them in reporting the incident to law enforcement officials. It is acknowledged that a victim may be undecided in reporting the misconduct to law enforcement authorities. In any case, the victim should be informed of the importance of evidence and encouraged not to destroy evidence. At the direction of criminal investigators, the University will assist in obtaining, securing, and maintaining evidence.
3. Regardless of whether a victim wishes to seek law enforcement officials, he or she should be encouraged to seek medical consultation to address physical problems, fear of injury, and sexually transmitted diseases.
 - a. If a female victim of sexual assault believes or has reason to believe she may be pregnant, she is encouraged to reach out to the Women's Care Center by calling 701-751-4575 or 877-908-3241.
4. The University of Mary community actively supports sexual misconduct victims. Individuals who report being the victim of sexual misconduct will be notified in writing of counseling and other services available. Employee assistance programs are also available for employees of the University.

5. A student who has been the victim of sexual misconduct will receive written notification about available options to request changes in academic schedules and on-campus residence assignments to avoid further contact with the perpetrator or alleged perpetrator.

Investigation and Response

All reports of sexual misconduct will be addressed according to the policies and procedures, set forth in the [University's Conduct Grievance Procedure](#) or Title IX Sex Nondiscrimination Policy, Grievance Procedure, and Process.

Educational Programs

The University conducts several programs to prevent sexual misconduct and to make the University community aware of the potential for such crimes.

Residence Life staff provides the programming on this issue, and campus-wide programs are available through Student Development and as part of new student orientation. Additionally, Residence Life staff and the Student Health Clinic periodically provide educational programs concerning sexual misconduct awareness.

Additional Important Information related to Non-Title IX Sexual Misconduct Policy

- The procedures that victims should follow for violations pertaining to Non-Title IX Sexual Misconduct are found in the conduct grievance board procedures and processes.
- If you are the victim of or witness to a crime and decline to notify law enforcement authorities, the University offers access to confidential resources for students and employees who are unsure about whether to report prohibited conduct.
- Victim Assistance: All students and employees receive written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, both within the University and in the community. Additionally, victims are provided written notification about available options and assistance regarding how and from whom to request changes to academic, living, working, and transportation situations, as well as how and from whom to request protective/supportive measures.
- Victims of Dating Violence, Domestic Violence, Sexual Assault, or Stalking receive written information about:
 - Importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.
 - How and to whom the alleged offense should be reported.
 - Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to:
 - Notify proper law enforcement authorities, including on-campus and local police.

- Be assisted by campus authorities, if the victim so chooses.
 - Decline to notify such authorities.
 - Where applicable, the 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.
- Victim Assistance: 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 a victim does 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 disease. 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 university conduct grievance board or police. 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. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless, should consider speaking with CSS.
- Confidentiality: The University will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, or any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or FERPA's regulations, or as required by law, or to carry out the purposes of 34 C.F.R. §106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the University’s obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents’ receipt of the information to which they are entitled concerning the investigative record and determination of responsibility).
- Educational Programs: Information regarding safe behavior and university policies are circulated regularly. All incoming students are given a presentation wherein information regarding sexual misconduct as defined by VAWA and beyond is provided as well as how to report and prevent sexual misconduct.

Orders of Protection and Resources for Victims

Domestic Violence Protection Order

- Actual or imminent domestic violence. This includes physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by force, or assault, not committed in self-defense, on the complaining family or household members.
- May be issued for one month, one year, or indefinitely

- May be filed by family or household members including spouse or former spouse, parent, child, another family member, a person related by blood or marriage, a person you are dating, a person who is living with you or has lived with you before, your child's other parent, even if you were never married or lived together, any other person with a "sufficient relationship" to the abusing person as determined by the court.
- Filed in the ND District Court where the victim lives, where the abuser lives, or where the incident(s) occurred. The District Court is located in the Burleigh County Courthouse at 514 East Thayer Ave in Bismarck. ND District Courts can be found at: <https://www.ndcourts.gov/district-court>.

Disorderly Conduct Restraining Order

- The order offers protection for someone who is the victim of disorderly conduct, which is defined as intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person. Disorderly conduct does not include constitutionally protected activity.
- May be issued up to two years.
- May be filed by anyone who is a victim of disorderly conduct. You do not need to have a specific relationship with the abuser. It may be a neighbor, acquaintance, intimate partner, family member, etc.
- Filed in the ND District Court where the victim lives, where the abuser lives, or where the incident(s) occurred. In Bismarck, the District Court is located in the Burleigh County Courthouse at 514 East Thayer Ave. The locations of other North Dakota district courts are listed at: <https://www.ndcourts.gov/district-court>.

Order Prohibiting Contact

- May be issued up to one year.
- May be filed by the victim of a crime of violence or threat of violence, stalking, harassment, or a sex offense if an individual who is charged with or arrested for the crime is released from custody before arraignment or trial.
- The court authorizing the release of the individual may issue an outstanding restraining or protection order prohibiting the individual from having contact with the victim, an order prohibiting contact with the victim.
- Filed at the court's discretion.
- The University may issue an institutional no-contact order if deemed appropriate or at the request of the victim or respondent. If the University receives a report that such an institutional no-contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the respondent (student, employee, etc.) and will impose sanctions if the respondent is found responsible for violating the no-contact order.

Sexual Offender Registration Law

The North Dakota Sex Offenders Registration Act requires the registration and address of persons convicted of certain sexual offenses or who are under the supervision of the North Dakota Department of Corrections for these offenses, including juveniles. Addresses must be registered with local law enforcement. The Act also requires sex offenders to provide information to local law enforcement if the offender is working, volunteering, or attending an institution of higher learning. Through the 1996 “Megan’s Law,” certain information gathered by the State of North Dakota sex offender registration program can be disclosed. In compliance with the Campus Sex Crimes Prevention Act of 2000 (CSCPA), the Public Sex Offender Registry is available on the internet at: sexoffender.nd.gov/offender/search.

Violence Against Women Act (VAWA) and North Dakota Crime Definitions

The University of Mary prohibits crimes of domestic violence, dating violence, sexual assault, and stalking. In compliance with the Violence Against Women Act (VAWA), the University of Mary also prohibits other crimes as defined by the North Dakota Century Code:

Consent: Consent to sexual activity requires all persons involved to have an affirmative, conscious, and voluntary agreement to engage in specific sexual activity. Consent to one form of sexual activity does not imply consent to another form of sexual activity. It is the responsibility of each person to ensure that they have the affirmative consent of the other to engage in sexual activity. Lack of protest, lack of resistance, or silence do not alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationships alone suffice as evidence of consent to prior conduct). The University of Mary uses this definition in our Title IX policy thus it is our institutional definition.

If the individual(s) who assaulted you are a student, employee, or otherwise affiliated with the University, you will be advised of your right to pursue disciplinary action against the assailant. You may pursue disciplinary action whether or not you choose to file a criminal complaint. “Upon request, the University of Mary will disclose the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense (incest or statutory rape) to the alleged victim or next of kin if the victim is deceased.”

Consent is defined in North Dakota as (NDCC 12.1-17-08):

1. When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or the infliction of such injury by all persons injured or threatened by the conduct is a defense if:
 - a. Neither the injury inflicted, nor the injury threatened is such as to jeopardize life or seriously impair health.
 - b. The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or

- c. The conduct and the injury are reasonably foreseeable hazards of an occupation or profession, or medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury, having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.
2. Assent does not constitute consent, within the meaning of this section, in f:
- a. A It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor.
 - b. It is given by a person who because of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
 - c. It is induced by force, duress, or deception.

Sexual Assault is defined in North Dakota as (NDCC 12.1- 20-07):

1. 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 to prevent resistance.
 - d. The other person is in official custody or detained in a hospital, prison, or another 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.
2. The offense is:
- a. A class C felony if the actor's conduct violates subdivision b, c, d, or e of subsection1, or subdivision f of subsection 1 if the adult is at least twenty-two years of age; or
 - b. A class A misdemeanor if the actor's conduct violates subdivision f of subsection 1 if the adult is at least eighteen years of age and not twenty-two years of age or older, or if the actor's conduct violates subdivision an of subsection.

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.

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

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

Statutory rape: nonforcible sexual intercourse with a person who is under the age of consent.

The state of North Dakota defines the statutory age of consent in North Dakota Century Code 12.1-20-01:

1. When the criminality of conduct depends on a child's being below the age of 15, it is no defense that the actor did not know the child's age, or reasonably believed the child to be older than 14.
2. When criminality depends on the victim being a minor, it is an affirmative defense that the actor reasonably believed the victim to be an adult.
3. When criminality depends on the victim being a minor 15 years of age or older, the actor is guilty of an offense only if the actor is at least three years older than the minor.

The state of North Dakota has numerous sex offenses defined in North Dakota Century Code. They are as follows:

12.1-20-03 Gross Sexual Imposition:

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

2. A person who engages in sexual contact with another, or who causes another to engage in sexual contact, is guilty of an offense if a. The victim is less than 15 years old; b. That person compels the victim to submit by force or by the threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being, or c. That person knows or has reasonable cause to believe that the victim is unaware that sexual contact is being committed the victim.

12.1-20-03.1. Continuous Sexual Abuse of a Child:

1. An individual in adult court is guilty of an offense if the individual engages in any combination of three or more sexual acts or sexual contact with a minor under the age of 15 years during a period of three or more months. The offense is a class AA felony if the actor was at least 22 years of age at the time of the offense. Otherwise, the offense is a class A felony. The court may not defer the imposition of the sentence.
2. If more than three sexual acts or contacts are alleged, a jury must unanimously agree that any combination of three or more acts or contacts occurred. The jury does not need to unanimously agree on which three acts or contacts occurred.
3. No other felony offense under this chapter involving the same victim may be charged in the same proceeding with a charge under this section unless the other charged offense occurred outside the period charged under this section or the other offense is charged in the alternative. A defendant may be charged with only one count under this section, but a separate count may be charged for each victim if more than one victim is involved.

12.1-20-04. Sexual Imposition: A person who engages in a sexual act or sexual contact with another, or who causes another to engage in a sexual act or sexual contact, is guilty of a class B felony if the actor:

1. Compels the other person to submit by any threat or coercion that would render a person reasonably incapable of resisting; or
2. Engages in a sexual act or sexual contact with another, whether consensual or not, as part of an induction, initiation, ceremony, pledge, hazing or qualification to become a member or an associate of any criminal street gang as defined in section 12.1- 06.2-01.

12.1-20-07. Sexual Assault: A person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:

1. That person knows or has reasonable cause to believe the contact is offensive to the other person.
2. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person's conduct.
3. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct, by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means to prevent resistance.

4. The other person is in official custody or detained in a hospital, prison, or another institution, and the actor has supervisory or disciplinary authority over that other person.
5. The other person is a minor, 15 years of age or older, and the actor is the other person's parent, guardian, or is otherwise responsible for general supervision of the other person's welfare; or
6. The other person is a minor, 15 years of age or older, and the actor is an adult.

12.1-20-11. Incest: A person who intermarries, cohabits, or engages in a sexual act with another person related to him within a degree of consanguinity within which marriages are declared incestuous and void by section 14-03-03, knowing such other person to be within a said degree of relationship, is guilty of a class C felony. 14-03-03 Void marriages. This section applies to illegitimate as well as legitimate children and relatives. These marriages are incestuous and void.

Domestic Violence: The term "domestic violence" means:

1. Felony or misdemeanor crimes of violence committed:
 - a. By a current or former spouse or intimate partner of the victim.
 - b. By a person with whom the victim shares a child in common.
 - c. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
 - d. 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
 - e. 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.
2. To comply with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for Clery Act reporting. The State of North Dakota Defines Domestic Violence in North Dakota Century Code 14-07.1-01 as physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members. The code defines a family or household member as a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court.

Dating Violence: The term "dating violence" means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim, and
2. 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.

For this definition:

- 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.

To comply with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for Clery Act reporting. As the State of North Dakota includes persons who are in a dating relationship under the state's domestic violence laws, any violence committed by dating parties would fall under domestic violence, not dating violence.

Stalking: The term "stalking" means

1. 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.
 - b. Suffer substantial emotional distress.
2. For this definition.
 - a. Course of conduct means two or more acts, including, but not limited to, acts in 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. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - c. Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.
3. To comply with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for Clery Act reporting.

The State of North Dakota Century Code 12.1-17-07.1 states that no person may intentionally stalk another person. The state defines stalking as engaging in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment. The state defines the course of conduct as a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity. The state defines immediate family as 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.

Instances of Dating Violence, Sexual Assault, and Stalking that fall outside the jurisdiction of Title IX are analyzed under the Sexual Misconduct Policy, which is governed by the Conduct Grievance Board. A description of the Conduct Grievance Board is below:

Conduct Grievance Board

The purpose of the Conduct Grievance Board is to oversee the investigation and resolution of all formal complaints alleging misconduct as identified in any of the following University of Mary policies:

- [Discrimination and Harassment Policy](#)
- [Hazing Policy](#)
- [Retaliation Policy](#)
- [Sexual Misconduct Policy](#)

Note: Most cases of sexual harassment and sexual violence fall under the jurisdiction of Title IX. A separate process exists for adjudicating complaints under Title IX, which can be accessed within the [Title IX resources](#) provided on the University's website.

Part 1: How to File a Report

If you have been the target of any form of applicable misconduct perpetrated by an individual member of the University of Mary community (student, faculty, staff, or administrator) or an independent contractor employed at the University, or by members of a group, organization, team or department at the University, you are encouraged to report it to the Conduct Grievance Board using the online [Misconduct Report Form](#). You may also request a Misconduct Report Form from any of the University officials listed below. Completed forms may be submitted electronically to <mailto:conductgrievance@umary.edu> or to one of the officials listed below. Persons with questions about the process may contact any of these officials for assistance.

Director of Student Life
Benedictine Center for Servant Leadership, Room 1501
7500 University Drive
Bismarck, ND 58504
(701) 355-8126

Director of Human Resources
Benedictine Center for Servant Leadership, Room L210
7500 University Drive
Bismarck, ND 58504
(701) 355-8245

Part 2: Response to a Report (Initial Response and Assessment)

When a report is submitted to the Director of Student Life or the Director of Human Resources, the report shall be promptly forwarded to the Chair of the Conduct Grievance Board. Reports submitted using the online Misconduct Report Form or electronically to conductgrievance@umary.edu are received by the Chair of the Conduct Grievance Board. Upon receipt of a report, the Chair shall promptly contact the complainant confidentially to emphasize the availability of supportive measures and explain to the complainant the process for filing a formal complaint.

If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the University unless the Chair determines that signing a formal complaint to initiate an investigation over the complainant's wishes is not clearly unreasonable in light of the known circumstances.

Part 2: Response to a Complaint (Investigation and Decision)

Upon receipt of a formal complaint, the Chair shall promptly schedule a meeting of the full Board and, in consultation with the University's General Counsel, the Board will determine the most appropriate response for investigation based on the circumstances of the case.

Notifications

Upon receipt of a formal complaint, the University must provide written notice of the complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:

1. The allegations of misconduct, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the nature of the alleged misconduct, and the date and location of the alleged incident, if known;
2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
3. A statement explaining that the parties may have a support person of their choice, pursuant to the provisions below;
4. A listing of supportive measures available, enclosed in the notice both to the complainant and the respondent;
5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information;
6. A copy of the University's retaliation policy and
7. A copy of this policy.

Protection of the University Community

The safety and well-being of all involved is a priority for the Conduct Grievance Board. When there is sufficient cause to do so, the Conduct Grievance Board will take action deemed necessary and appropriate to protect the safety and well-being of the community. Depending upon the circumstances involved, measures may include, but are not limited to, temporary suspension of the respondent pending completion of an investigation, extra security, and/or requesting the assistance of law enforcement officials.

A student or employee accused of violating policies of the University of Mary may be temporarily suspended until the University's investigation is complete and/or all legal charges in the matter are fully resolved when, in the sole discretion of the University, the accusations are credible, endanger a member or members of the University community, and have been made in good faith. When the respondent is an employee of the University, the Director of Human Resources may suspend the employee as

appropriate to the situation, and this may include suspension of employment with or without pay. When the respondent is a student, the Vice President for Student Development may suspend the student as appropriate to the situation. This may include, but is not limited to, suspension of eligibility to participate in extracurricular activities or intercollegiate athletics, suspension from eligibility to reside in on-campus student housing, suspension of eligibility to be present on campus or to move about the campus freely, or any other suspension of student privileges up to a full suspension as a student from the University.

Investigation of the Complaint

When the Conduct Grievance Board meets in consultation with the University's General Counsel to consider the most appropriate course to investigate and resolve a complaint, it may decide to dismiss any complaint it deems to be manifestly false or frivolous. All other complaints will be investigated in a reasonably timely manner.

In the event the respondent is a member of the Board of Trustees, the President of the University, or an individual who reports directly to the President, there shall be an independent investigation of the complaint conducted by a qualified person or persons who are not employees of the University and free of other relationship with the University that would prevent a full and impartial investigation.

Independent investigations shall be authorized as follows:

1. If the respondent is the Chair of the Board of Trustees, the Chair of the Conduct Grievance Board shall notify the President of the Board of Trustees of the complaint, and the President of the Board of Trustees will then promptly arrange for an independent investigation of the complaint. The President of the Board of Trustees will receive the investigative report and will make a determination of what sanctions or corrective actions will apply based on the findings of the independent investigation.
2. If the respondent is the President of the Board of Trustees, a member of the Board of Trustees, or the President of the University, the Chair of the Conduct Grievance Board shall notify the Chair of the Board of Trustees, and the Chair of the Board of Trustees shall then promptly arrange for an independent investigation of the complaint. The Chair of the Board of Trustees will receive the investigative report and will make a determination of what sanctions or corrective actions will apply based on the findings of the independent investigation.
3. If the respondent is an individual who reports directly to the President of the University, the Chair of the Conduct Grievance Board shall notify the President and the President will then promptly arrange for an independent investigation of the complaint. The President will receive the investigative report and will make a determination of what sanctions or corrective actions will apply based on the findings of the independent investigation.
4. If the respondent is a member of the Conduct Grievance Board, he or she will be recused from the Conduct Grievance Board and the other Board members shall notify the President of the University. The President will appoint a person to fill the vacancy on the Board (and if necessary, appoint a Board member to serve as Chair).

In all other cases, the Chair of the Conduct Grievance Board will either appoint 1-3 members of the Board (an "Inquiry Committee") to investigate the complaint or authorize the University's General Counsel to conduct the investigation. If the Board believes it is warranted by special circumstances, the Chair may consult with the President or the Executive Vice President to request authorization of an independent investigation of the complaint. When an independent investigation is authorized, the person or persons selected shall have appropriate training and/or experience in conducting investigations and may have special expertise related to the nature of the complaint.

Unless a reason exists to do otherwise, the Conduct Grievance Board will make the following notifications at the start of any investigation:

1. In the case of a conduct complaint where the respondent is a student, the Executive Vice President, the Vice President for Student Development, and the Director of Student Life shall be notified of the complaint and asked to assist the Conduct Grievance Board with the investigation as is deemed appropriate. Such parties are formally reminded of the confidential and sensitive nature of the process.
2. In the event that the respondent is a member of the teaching faculty, the Executive Vice President, the Director of Human Resources, the Vice President for Academic Affairs, the appropriate dean, and/or the direct supervisor of the respondent faculty member shall be notified of the complaint and asked to assist with the investigation as is deemed appropriate. Such parties are formally reminded of the confidential and sensitive nature of the process.
3. In the event that the respondent is any other employee of the University, the Executive Vice President, the Director of Human Resources, the supervising member of the President's Council or the Director of Intercollegiate Athletics, department chair, and direct supervisor of the respondent shall be notified of the complaint and asked to assist with the investigation as is deemed appropriate. Such parties are formally reminded of the confidential and sensitive nature of the process.

The Investigation

Those appointed to conduct the investigation will receive instructions on procedures to follow from the Chair of the Conduct Grievance Board and/or the University's General Counsel. The Inquiry Committee, General Counsel, or independent investigator shall conduct the investigation and submit findings and recommendations to the Board as expeditiously as possible. Allegations shall be investigated in as impartial and confidential manner as possible. The investigator(s) shall keep a written record of its proceedings. Upon completion of its investigation, the investigator(s) shall prepare a written report, including findings of fact and conclusions, and submit the report to the Chair of the Conduct Grievance Board. The investigator(s) may include a recommendation regarding resolution or disposition of the complaint with the report.

If, in the course of the investigation, it is determined that university policies in addition to, or other than, those alleged in the complaint have been violated, the investigator(s) shall include such violations in the investigation and may recommend filing of additional written complaints.

It may be necessary for the investigator(s) to interview the person(s) who made the original complaint for the purposes of answering questions and clarifying information in the written statement. Some forms of misconduct are of a highly personal and sensitive nature. The person who brings forth a complaint may fear retaliation and/or the reaction of those responsible for the investigation and/or the public. For this reason, those responsible for an investigation are trained to carry out their work in the most confidential and sensitive manner possible. For example, interviews of all parties will be done at a separate time, making it unnecessary for the complainant to be present at the same time as the respondent.

The investigator(s) shall make a point to ask the complainant to describe what outcome he or she hopes for through the Conduct Grievance Board process. The complainant's wishes with regard to resolution shall be given careful consideration to the degree the desired outcome is appropriate to the circumstances and does not jeopardize the safety and well-being of those involved and/or other members of the community. In some cases, this may mean that mediation or other non-punitive outcomes may be considered to be a part of a successful resolution of the complaint.

The investigator(s) shall have the authority to question any member of the University community believed to have relevant information about the incident. At their discretion, investigators may require those who are questioned to provide written statements.

Formal rules of evidence and civil procedure applied in courtroom proceedings do not apply to the investigations of the Conduct Grievance Board or subsidiary panels. All information that responsible persons are accustomed to rely upon in the conduct of serious affairs, including hearsay, may be considered.

If deemed necessary, the investigator(s) may ask anyone believed to have relevant information about the matter who is not a member of the University community to appear before it or provide a statement. The investigator(s) may also consider any other relevant information available to it, including physical and electronic evidence, law enforcement reports, court documents, and/or media reports of the incident.

It is the responsibility of all members of the University community to cooperate with an investigation of the Conduct Grievance Board. Any student, faculty, or staff member who refuses to cooperate or who provides false information may be subject to disciplinary action.

Each person interviewed during an investigation shall have the option to be accompanied by one person whose purpose shall be to offer support. The person may be an advisor, a friend, a parent or relative, or an attorney. The support person will not be permitted to participate in the hearing; his or her role is limited to support. If a person appearing before the investigator(s) elects to have a support person present, he or she must notify the investigator(s) at least 24 hours in advance, providing the support person's name and nature of the relationship he or she has with the support person. In cases where the investigation is conducted by an Inquiry Committee, the University reserves the right to have its General Counsel present at all meetings and hearings of the committee.

Standard of Evidence

A preponderance of the evidence (i.e. "it's more likely than not that the alleged conduct occurred") is the standard that will be used in all Conduct Grievance Board cases to determine if there has been a violation of university policy. When the investigation is complete, the investigator(s) shall submit a

written report of their findings and conclusions to the Conduct Grievance Board. The report may provide a recommendation about whether a preponderance of the evidence shows the respondent did or did not engage in misconduct and violated university policy or policies, with specific reference to applicable policy or policies.

Sanctions, Corrective Actions and Penalties

The Conduct Grievance Board is responsible to decide whether misconduct occurred and university policy was violated. It is also responsible to determine appropriate sanctions and corrective actions for persons found to be responsible for violating university policies. Upon receipt of a report from the investigators, the Conduct Grievance Board shall, as soon as practicable, convene to make its determination based on the report. If the investigator(s) included a recommended disposition in its report, the Board may accept, reject, or modify the recommendation. The Board also may also authorize further investigation and/or instruct investigators to supplement their report.

Appropriate sanctions and corrective actions for employees may include dismissal from employment; suspension from employment, with or without pay; probation; mandated psychiatric or psychological evaluation with a mandate to complete all resulting recommendations; mandatory educational programs and/or mandated mediation; or any other action deemed appropriate.

Appropriate sanctions and corrective actions for students will include assignment of an appropriate Student Conduct Level and may also include permanent expulsion from student status at the University, temporary suspension or dismissal from student status, mandated psychiatric or psychological evaluation with a mandate to complete all resulting recommendations, mandatory educational programs, mandated mediation, or any other action as deemed appropriate.

In the event that individuals acting together in concert as members of a group, organization, team, or department at the University are found to have engaged in misconduct, the Conduct Grievance Board has the authority to impose sanctions and penalties including revocation of club or organization status; probation; disciplinary action against the advisor, coach, or supervisor; or any other action it deems appropriate.

The University is not designed or equipped to supervise or rehabilitate persons who pose a substantial threat to themselves or others, and it may be necessary to remove those individuals from the University and/or sever the institutional relationship with them in order to protect the well-being and safety of such persons and of all involved.

Reconsideration

A party may request reconsideration of the action of the Conduct Grievance Board based on the discovery of new evidence previously unavailable or a significant irregularity in the procedural process which could affect the disposition determined by the Board. A request for reconsideration must be filed with the Chair of the Conduct Grievance Board within five business days of receipt of the Board's decision. The request for reconsideration must describe the new evidence or the perceived irregularity and include any copies of documents or other evidence to support the request. Upon receipt of a request for reconsideration, the Chair of the Conduct Grievance Board shall inform other parties of the request and provide other parties with an opportunity to respond in writing within five business days of such notice. The Board shall then convene as soon as practicable to consider the request and additional

information and may affirm, modify, or reverse its decision. The Board's action upon reconsideration is final.

Part 3: Structure and Operation of the Conduct Grievance Board

The Conduct Grievance Board consists of five persons appointed by the President of the University. The appointed members shall serve until they resign or are replaced by the President. The President shall designate one member of the Board to serve as the Chair. The University's General Counsel serves in an advisory capacity to the Board. The University's General Counsel attends meetings of the Board.

New members shall participate in an orientation process overseen by the University's General Counsel.

A majority of the members of the Board shall constitute a quorum for the transaction of business. At all meetings of the Board, each member shall have one vote. The act of a majority present at a meeting shall be the act of the Board, provided a quorum is present. The Board shall keep a written record of its proceedings. Upon the close of the Board's proceedings for a particular matter, the Board's record shall be maintained with other university records for the individuals involved, which shall be with human resource records for employees and student conduct records for students.

Each member of the Conduct Grievance Board shall recognize his or her capacity as a person occupying a place of trust and should not create a position in which self-interest conflicts with any duty the member owes to the University, its students, staff, or faculty. Any member who is actually or potentially involved in such a conflict of interest shall make full disclosure of the interest. Such a member shall not vote upon the matter and shall not be counted as a part of the quorum for the vote on the matter. The minutes of the meeting shall reflect that a disclosure was made and that the member having a conflict of interest did not participate in the discussion and abstained from voting. If required to carry out the business of the Conduct Grievance Board, the President of the University shall appoint a temporary member for the purpose of deciding the issue under question.

Other Definitions:

Arson: Unlawfully and intentionally damage or attempt to damage real or personal property by fire or incendiary device.

Aggravated Assault: An unlawful attack by one person upon another wherein the offender uses a weapon or displays it 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.

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

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

Manslaughter by Negligence: The killing of another person through negligence.

Motor Vehicle Theft: The theft of a motor vehicle. 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.

Hate Crimes: A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude, actual or perceived, toward a group of persons based on their real or perceived race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or nation of origin.

For Clery's purposes, hate crimes include any offense in the following categories that are motivated by bias:

- Murder and non-negligent manslaughter
- All sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

Weapons 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, or other weapons used in a deadly manner Except as otherwise stated in this policy, the University of Mary prohibits the use, possession, display or storage of any weapons, ammunition, explosives, or fireworks on university property or at university events, including all buildings, housing, facilities, or property owned or leased and operated by the University. This policy applies to all persons, including faculty, staff, students, spouses, dependents, and visitors. This policy shall not apply to law enforcement personnel authorized to carry weapons by their governmental agency and /or university employees who have completed training prescribed by the University and authorized by the Executive Vice President.

Consistent with N.D.C.C. section 62.1-02-13, possession of a legally owned and secured firearm in a private vehicle by a person lawfully in the area is permitted. For a weapon to be properly secured it needs to be out of sight and locked. This policy does not prohibit an employee, student, customer, or invitee who is lawfully in the area from possessing a legally owned firearm that is locked inside or locked to a private motor vehicle in a parking lot, or while the employee, student, customer, or invitee is driving directly to or from a public highway or street and a university parking lot.

Weapons are permitted for purposes of law enforcement or as authorized in writing for purposes of instruction, research, service, or other specifically approved purposes. To obtain written authorization for activities related to instruction, research, service, or other specific purposes, contact the executive vice president before the event. In the event the use, possession, display, or storage of the weapon or fireworks will take place in a residence hall, written authorization must also be obtained from the

executive vice president. Always obtain written authorization if there is any doubt of violation of this policy.

An exception to the general ban on fireworks established by this policy is a firework display that has the prior written approval of the executive vice president as a part of a university-approved event or celebration. Appropriate tools, such as saws, knives, and other such implements, necessary for the performance of job duties or schoolwork are the only exception to the policy. Bowhunting is allowed on property adjacent to campus for specific service operations, but only with a written exemption from the executive vice president. Individuals in possession of unauthorized weapons, ammunition, explosive devices, or fireworks on campus may depending on the circumstances, be subject to disciplinary action up to and including expulsion from the University of Mary or termination of employment. In addition, the individual may also be subject to criminal prosecution. Anyone granted a written exemption by the executive vice president for one of the conditions above must fill out the attached liability release form before the use, possession, display, or storage of the weapon or firework.

Drug Abuse Violations: 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 of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and the 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.

University Community Standards

In addition to the University's Title IX and Sexual Misconduct policies, the University's Community Standards outline expectations for student behavior on and off campus. The Community Standards process, outlined in the University's Student Handbook, is led by the Director of Student Life, who is assisted by other Community Standards Officers. At all times, Community Standards Officers ensure a prompt, fair, and impartial process from the initial investigation to the final result.

Annual Fire Safety Report

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008 and requires institutions that maintain on-campus housing facilities to publish an annual fire safety report which outlines fire safety practices, standards, and all fire-related on-campus statistics. The following public disclosure report details all information required by this law as it relates to the University.

If a fire occurs in a university building, community members should immediately notify the Campus Safety and Security Department at 701-355-8000.

Fire Incident Report: All fires (active or extinguished) and false alarms must be reported to the Campus Safety and Security Department at 701-355-8000. Campus Safety and Security, the Burleigh County Sheriff's Department, and the Bismarck Rural Fire Department will be dispatched. The Fire Department will assure that everything has been properly extinguished, and the Campus Safety Officer on duty will contact the Residence Life Director immediately following a fire alarm. Reports are submitted to the Residence Life Director within 24 hours of the incident.

Fire Drills: Fire Drills are conducted in university residence halls three times per year. The first drill is scheduled early in the fall semester, the second drill is conducted during the spring semester, and the third drill is conducted during the summer semester. All fire drills are unannounced. After fire drills are completed, Campus Safety and Security documents the response time, maintenance work orders, and the number of residents that exited the building. Discussion and evaluation occur with the local Rural Fire Department regarding the plan design and changes are made accordingly.

Fire Training: At the beginning of each academic year, the Bismarck Rural Fire Department provides all Resident Life Professional Staff and Resident Assistants (RAs) with training in handling fire emergencies in residence halls. All students that participate in the University's Residence Life program take part in experiential training and learn through all evacuation drills. In addition, all students are urged to review the evacuation procedures located in emergency response guides in every resident's room.

Items prohibited in Residence Halls: In general, all appliances and items that support an open flame (e.g., candles, incense, tobacco, etc.) are strictly prohibited; this includes smoking of any kind. Appliances must meet specific safety requirements that may include safety ratings and automatic shut-off controls. Each year, the Director of Residence Life will publish a list of prohibited items for students participating in the Residence Life Program. The University prohibits the possession of the following items:

- Cooking appliances that utilize open flame or coil heaters, such as toasters, hot plates, electric skillets, George Foreman grills, and any appliances with an exposed heating element.
- Torch lighters
- Space heaters and air conditioning units
- Candles (wick or no wick) and candle warmers
- Halogen lights
- Weapons including but not limited to BB guns, paint guns, pellet guns, airsoft guns, explosives, fireworks, dangerous chemicals, or other dangerous weapons
- Car batteries inside of a residence
- Gasoline, kerosene, lighter fluid, and all other flammable or hazardous materials

Fire Safety Systems

The following on-campus housing facilities contain the referenced fire safety system:

- Roers Hall: Simplex 4100es Fire Safety System
- North Hall: Simplex 4010 Fire Safety System
- Hillside Hall: Simplex 4002 Fire Safety System
- Greg Butler Hall: Simplex 4002 Fire Safety System
- Boniface East, West, and Riverview: Simplex 4100es Fire Safety System
- Boyle Hall: Simplex 4001 Fire Safety System
- Deichert Hall: Hardwired smoke detectors for each apartment
- Monte Casino Apartments: Simplex 4008 Fire Safety System
- Subiaco Apartments: Simplex 4008 Fire Safety System
- Bethany House: Stand alone smoke detectors throughout the residence.
- Catholic Studies House: Stand alone smoke detectors throughout the residence.

Specific Emergency Procedures:

Fire: Familiarize yourself with the locations of fire extinguishers and all exits in your building. If you see or smell smoke or fire, do the following:

- Call 911 and activate the building's fire alarms at a red pull station.
- Always assume that an emergency exists if fire alarms are sounded.
- Get out of the building; all rooms must be evacuated; walk quickly to the nearest exit; do not use elevators.
- Test doors to see if they are hot; if they are hot, the fire may be blocking your exit; seal the crack under the door with clothing or towels, preferably wet.
- If you cannot exit the building, open a door or window in the room and hang clothing, a sheet, or a towel outside to attract the attention of emergency rescue personnel; if possible, wait for a rescuer to come get you; if smoke is present, stay close to the floor
- Once outside, stay at least 500 feet from the building and out of the way of emergency personnel.

Maintenance Emergency: Any maintenance emergency or any spillage of hazardous chemical or gas leak should be reported immediately to Campus Safety and Security (701-355-8000). 911 may also be called and students may also call the Residence Director on call at (701-425-5242).

Examples of a maintenance emergency:

- Power (electrical) outages, electrical problems
- Water leaks, ruptured water lines
- Chemical Spills
- Gas leaks
- Sewage problems

Never touch live wires. Do not attempt to rescue a person experiencing an electrical shock. Shut off the power where applicable.

Gas Leaks: Natural gas is mixed with tertiary butyl mercaptan to give it an odor. If you detect the odor of gas in a building:

- Call 911 and Campus Safety and Security (701-355-8000).
- Evacuate the building immediately, following the local building evacuation plan. Get students a safe distance upwind, at least three hundred feet from the building.

Do not return to an evacuated building unless told to do so by a university or law enforcement official
Do not touch any lighting and/or electrical switches.

Bomb Threats or Potential Explosive Device: In the event of a threatening call, do not panic and do not hang up the phone. Try to keep the caller talking and attempt to gather as much information as possible. Remain calm. Call 911 and Campus Safety and Security at 701-355-8000 for assistance. Do NOT evacuate the building unless directed to do so by emergency or law enforcement officials.

Campus Evacuation: The Policy Directors shall determine all campus-wide policy matters as they relate to the campus emergency or disaster. All decisions, which reference campus evacuations, campus closure or restrictions, postponements and resumptions, and special circumstance personnel policies, are the responsibility of the Policy Directors in consultation with the Emergency Response Team members. Policy Directors shall maintain liaison with the University's Board of Trustees.

The Emergency Notification System (ENS) is activated upon the direct order of the Executive Vice President or his/her designee. Once the ENS has been activated and at the prompting of the Incident Commander, the Coordinator of Campus Safety and Security will contact all needed Emergency Response Team (ERT) members and provide them with the instructions for reporting to the appropriate Emergency Operations Center. The campus community will be alerted by one or more of the following methods:

- **Text Messaging:** For the safety of our community, the most up-to-date mobile/cell number provided by students and employees will be automatically enrolled in our Emergency Notification System (ENS). Being enrolled in our ENS allows students and employees to receive communication for all emergency notifications (including inclement weather/school closures). Those wishing personally to assume the risk of missing emergency notifications may opt out of ENS text notifications by texting "STOP" in response to the first text notification. Those without a mobile/cell number or who OPT out of text notifications will receive emergency notifications via UMary email only.
- **E-mail:** All employees and students will receive email notifications from our Emergency Notification System (including inclement weather/school closure updates).
- **Website:** In the event of an on-going campus emergency (including inclement weather/school closure updates) regular updates will be provided on the following webpage: 8000.umary.edu.

The time and method of the emergency notification will be dependent on the origin and nature of the campus wide emergency.

Evacuation procedures may vary depending on the nature of the emergency. Buildings will be evacuated when a fire alarm sounds or with university officials' notification. Evacuation assembly points have been determined for all buildings. If an evacuation occurs be prepared for the following:

- Activate the fire alarm if University officials tell you to do so, or it is apparent people will be in harm's way if they do not leave (i.e., fire).
- When the building's fire alarm is sounded or when you are told to leave by university officials, walk quickly to the nearest marked exit. Do not use elevators. Do not take time to shut down computers.
- Once outside, move clear of the building.
- Do not return to the evacuated building until advised to do so by university officials.
- Be ready to assist people with disabilities who may have difficulty evacuating.

Plans for Improvement to Fire Safety

The University continually evaluates the fire protection systems in all campus buildings. Upgrades occur through ongoing testing and inspection of the life safety systems and equipment with deficiencies being repaired or replaced through building renovations. At this time, however, there are no planned improvements to fire safety.

Detailed Breakdown by Incident Type		
INCIDENT TYPE	# INCIDENTS	% of TOTAL
311 - Medical assist, assist EMS crew	15	23.08%
321 - EMS call, excluding vehicle accident with injury	4	6.15%
500 - Service Call, other	1	1.54%
611 - Dispatched & cancelled en route	9	13.85%
671 - HazMat release investigation w/no HazMat	1	1.54%
730 - System malfunction, other	3	4.62%
733 - Smoke detector activation due to malfunction	6	9.23%
735 - Alarm system sounded due to malfunction	1	1.54%
743 - Smoke detector activation, no fire - unintentional	7	10.77%
744 - Detector activation, no fire - unintentional	2	3.08%
745 - Alarm system activation, no fire - unintentional	16	24.62%
TOTAL INCIDENTS:	65	100%

Fire statistics for on- campus student housing facilities

Month	Fire Alarms Total	Fire Trouble Alarms	Food	Maintenance	Other	Elevator
January	8	1	3	1	3	0
February	3	0	1	0	2	0
March	4	0	3	0	1	0
April	4	0	2	1	1	0
May	0	0	0	0	0	0
June	1	1	0	0	0	0
July	1	0	0	1	0	0
August	1	0	0	1	0	0
September	5	0	3	2	2	0
October	8	0	5	0	3	0
November	6	0	6	0	0	0
December	1	0	1	0	0	0
Total	37	2	21	5	9	0

	Fires			Deaths related to fire			Injuries related to fire			Property Damage			Fire Drills Conducted		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Boniface Hall	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3
Boyle Hall	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3
Deichert Hall	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3
Greg Butler Hall	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3
Hillside Hall	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3
North Hall	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3
Boniface West	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3
Saint Joseph's Hall	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3
Roers Hall	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3
Saint Scholastica Hall	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3
Subiaco Apartments	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3
Monte Casino Apartments	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3
Rome Campus	0	0	0	0	0	0	0	0	0	0	0	0	2	2	3

Emergency Contact Numbers

Local and National Crisis and Support Centers

National Suicide Prevention Lifeline 800-273-8255
National Sexual Assault Hotline 800-656-4673
Abused Adult Resource Center 701-222-8370
Suicide/ Crisis Prevention Center..... 701-328-8888
CHI St. Alexius Counseling Service 701-530-7195

Medical Services

CHI St. Alexius Emergency..... 701-530-7000
Sanford Hospital Emergency..... 701-323-6150
Bismarck Police (Non-Emergency) 701-223-1212
Bismarck Rural Fire (Non-emergency) 701-258-5792
Burleigh County Sheriff (Non-emergency).... 701-222-6651
Burleigh County Health Department 701-355-1540
National Poison Control 800-222-1222

Additional Resources

Crime Stoppers..... 701-224-8477/701-456-7754
National Weather Service 701-223-3700
ND Emergency Assistance, State Radio 800-773-3259
ND Highway Patrol 701-328-9921

Contact Information for University of Mary Campuses

Main Campus:

7500 University Dr. Bismarck ND 58504

Emergency 911
Campus Safety and Security 701-355-8000
Burleigh County Sheriff’s Department 701-222-6651
Bismarck Rural Fire Department 701-258-5792
Bismarck Police Department 701-223-1212

Billings Campus:

2590 Holman Ave, Suite A, Billings, MT 59102

Emergency 911
University Campus Safety and Security 701-355-8000
Billings Police Department 406-657-8200
Billings Clinic Hospital 406-238-2500

**Butler Center Campus:
505 S 7th Street, Bismarck, ND 58504**

Emergency	911
Campus Safety and Security	701-355-8000
Burleigh County Sheriff's Department	701-222-6651
Bismarck Rural Fire Department	701-258-5792
Bismarck Police Department	701- 223-1212

**Front Street Campus:
500 East Front Street, Bismarck ND, 58504**

Emergency	911
Campus Safety and Security	701-355-8000
Burleigh County Sheriff's Department	701-222-6651
Bismarck Rural Fire Department	701-258-5792
Bismarck Police Department	701- 223-1212

**Fargo Campus:
1351 Page Drive, Fargo ND, 58103**

Emergency	911
University Campus Safety and Security	701-355-8000
Fargo Police Department	701-235-4493
Fargo Fire Department	701-241-1540

**Grand Forks Air Force Base:
319 FSS/FSDE 344 Tuskegee Airman Blvd, Grand Forks AFB, ND 58205**

Emergency	911
University Campus Safety and Security	701-355-8000
Grand Forks Police Department	701-787-8000
Grand Forks Fire Department	701-746-2563

**Mary College at Arizona State University:
230 E University Dr, Tempe, AZ 85281**

Emergency	911
Campus Safety and Security	701-355-8000
Tempe Police Department	480-350-8311
Tempe Fire Department	480-858-7200

**Watford City Campus:
2209 Wolves Den Parkway Suite 129 A, Watford City, ND 58854**

Emergency	911
University Campus Safety and Security	701-355-8000
Watford City Police Department	701-842-2280
Watford City Fire Department	701-444-3516

Williston Campus:

721 E Highland Dr, Suite E, Williston, ND 58801

Emergency	911
University Campus Safety and Security	701-355-8000
Williston Police Department	701-577-1212
Williston Fire Department	701-572-3400

Rome Campus:

Via del Casaleto, 538, 00151 Roma RM, Italy

Campus Phone Number: +39 06 6579 6067

Rome Police department: 06 4686

The main police station, or Questura Centrale, is located at Piazza del Collegio Romano 3 (off Via del Corso).



UNIVERSITY
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