MAYVILLE STATE UNIVERSITY

2026 ANNUAL SECURITY & FIRE SAFETY REPORT

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TABLE OF CONTENTS

THE CLERY ACT **4**

CAMPUS SAFETY **6**

CAMPUS RESPONSE, AUTHORITY & JURISDICTION 6

WORKING RELATIONSHIP WITH LOCAL LAW ENFORCEMENT 6

SECURITY OF & ACCESS TO CAMPUS FACILITIES 6

CAMPUS SAFETY ESCORT 8

MISSING STUDENT NOTIFICATION POLICY 8

POSSESSION OR USE OF WEAPONS ON CAMPUS 10

EMERGENCY NOTIFICATION SYSTEM 10

COMMUNICATION ABOUT CAMPUS CRIME **13**

TIMELY WARNING POLICY 13

CLERY GEOGRAPHY 15

REPORTING CAMPUS CRIMES 16

REPORTING CRIMES TO LOCAL LAW ENFORCEMENT 18

SECURITY AWARENESS & CRIME PREVENTION 18

PREPARATION AND DISCLOSURE OF CRIME STATISTICS 18

COLLECTING CRIME DATA 19

NOTIFICATION OF VICTIMS OF CRIMES OF VIOLENCE 19

OFF-CAMPUS CRIMES 20

DAILY CRIME AND FIRE LOG 20

HAZING **21**

PREVENTION & RESPONDING TO HAZING 21

COMPILATION OF HAZING STATISTICS 21

HAZING POLICIES AND LAWS 21

REPORTING INCIDENTS OF HAZING 22

ALCOHOL AND DRUGS **23**

PROHIBITED ACTS: GENERAL, AND EXCEPTIONS 23

EXPECTATIONS, PROHIBITED ACTS: EMPLOYEES, AND CONSEQUENCES 24

EXPECTATIONS, PROHIBITED ACTS: STUDENTS AND CONSEQUENCES 25

EXPECTATIONS OF THE UNIVERSITY 28

PREVENTING SEXUAL VIOLENCE **33**

TITLE IX AND SEXUAL MISCONDUCT POLICY 33

PREVENTION EFFORTS & AWARENESS PROGRAMS 46

INVESTIGATION & RESOLUTION PROCEDURES 47

SEX OFFENDER REGISTRATION 57

ANNUAL FIRE SAFETY REPORT **58**

FIRE ALARM & SUPPRESSION SYSTEMS 58

PORTABLE ELECTRICAL APPLIANCES, SMOKING AND OPEN FLAMES IN STUDENT HOUSING 58

FIRE SAFETY EDUCATION & TRAINING PROGRAMS 59

FIRE EVACUATION PROCEDURES 60

FIRE LOG 61

TOBACCO-FREE CAMPUS 61

APPENDIX OF FIGURES **62**

FIGURE 1: CLERY GEOGRAPHY 63

FIGURE 2: CAMPUS CRIME STATISTICS 64

FIGURE 3: FIRE SAFETY SYSTEMS IN ON-CAMPUS HOUSING 65

FIGURE 4: STATISTICS AND RELATED INFORMATION REGARDING FIRES IN RESIDENTIAL FACILITIES 66

THE CLERY ACT

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

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

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

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

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

- Publish and distribute an Annual Security Report to current and prospective students and employees by October 1 of each year. The report must provide crime statistics for the preceding three calendar years, detail campus and community policies about safety and security measures, describe campus crime prevention programs, and list procedures to be followed in the investigation and prosecution of alleged sex offenses.
- Provide students and employees with timely warnings of crimes that represent a threat to their safety. The Mayville State University Campus Security Office must also keep and make available to the public a detailed crime log of all crimes reported to them in the past 60 days. Crime logs must be kept for seven years and logs older than 60 days must be made available within two business days upon request.
- Keep the past three years of crime statistics detailing crimes that have occurred: on campus; in university residential facilities; in public areas on or near campus; and in certain non-campus buildings, such as remote classrooms. MSU must also report liquor and drug law violations and illegal weapons possession if they result in a disciplinary referral or arrest.
- Disclose missing student notification procedures that pertain to students residing in any on campus student housing facilities.

- Disclose fire safety information related to any on-campus student housing facilities. This includes maintaining a fire log that is open to public inspection and publishing an Annual Fire Safety Report containing policy statements and fire statistics associated with each on-campus student housing facility. These statistics must include the location, cause, injuries, deaths, and property damage of each fire.
- Submit the collected crime and fire statistics to the Department of Education each fall.
- Inform prospective students and employees about the availability of the Annual Fire Safety Report.
- MSU has a vested interest in campus security and the personal safety of its students and employees. The following pages contain specific information, including crime prevention, fire safety, law enforcement authority, crime reporting policies, disciplinary procedures and other matters of importance related to security and safety on campus. This report also contains information about campus crime statistics.
- Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. The report is available online at https://www.mayvillestate.edu/about-msu/consumer-information/#security. Every member of MSU receives an email that describes the report and provides its website address. For more information, contact the Dean of Student Affairs, 701-788-5208.

CAMPUS SAFETY

CAMPUS RESPONSE, AUTHORITY & JURISDICTION

Mayville State University has Campus Security staff available from 7:00am to 11:00pm weekdays and Residence Hall Assistants are available from 11:00pm to 7:00am (weekdays) and 24 hours a day (weekends) to take calls, check on reported incidents, and document violations of university regulations and report violations of state and local laws.

Campus officials will investigate all incidents reported and may contact local law enforcement when necessary. Phone contact is maintained by campus personnel with local law enforcement for incidents when and where support is necessary. Campus Security staff and Residence Hall Assistants do have the ability to enforce university regulations on campus property as outlined in the Campus Clery geography. Campus Security staff, Residence Hall Assistants or any campus staff do not have the authority to make arrests.

WORKING RELATIONSHIP WITH LOCAL LAW ENFORCEMENT

Mayville State University and the City of Mayville do not have their own law enforcement agencies. All law enforcement for the campus and city fall under the jurisdiction of the Traill County Sheriff's Department. There is no written or formal memorandum of understanding between MSU and TCSD. The agencies work together, meeting often, to discuss the happenings on and off campus which affect or may affect the campus community.

Mayville State University works with Traill County Sheriff's Department, for any incidents which required law enforcement support and the investigation of alleged criminal offenses. Law enforcement authority is directed by the North Dakota Century Code (NDCC) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

SECURITY OF & ACCESS TO CAMPUS FACILITIES

Campus Security staff maintain a schedule of daily patrols throughout campus and note any unusual activity and/or circumstances on written summary sheets. These summary sheets are reviewed by the Chief Security Officer and shared with the Dean of Student Affairs when necessary. Residence hall staff also report regularly to the Residence & Student Life Coordinator about any unusual activities within the residence halls. These reports in turn will be shared with the Dean of Student Affairs and Campus Security Officer when necessary. In situations that may require an administrative response along with action by Campus Security staff, residence hall staff, or law enforcement, these entities work closely with each other to handle such incidents.

For any security issue on campus, day or night, staff are available at 701-430-0000 (Campus Security) or 701-430-3236 (RA on Duty), or by calling campus number 701-788-5252 or 35252. These numbers are posted throughout campus and in the residence halls. In case of an emergency, 911 should be the first call.

Keys & Security Access

The Campus Security Office is responsible for managing and issuing all campus keys. All key requests must be submitted through the Campus Security Office and require supervisor approval prior to issuance. Employees are required to sign for any keys they receive.

The Campus Security Office, in collaboration with the Information Technology (IT) Office and Residence Life, manages campus ID card access to designated campus facilities. Requests for card access must be approved by the employee's supervisor before access is granted. Once approved, the appropriate offices will activate access permissions for the designated campus doors.

Students are given security access to designated campus areas and to the hall and wing of their residence room with their student ID card. Keys for residence rooms are issued to students at check-in. In a case of a lost ID card or key, students should contact the Residence Life Office immediately to report the lost item.

Academic & Administrative Buildings

During normal business hours, the campus buildings are open and accessible to students, staff, faculty, and visitors. Most of the academic and administrative buildings are open Monday through Friday, 7:00am to 9:00pm. Buildings are locked and/or secured on a schedule deemed appropriate based on evening events or class schedules. On the weekends, buildings are typically locked and secure unless there are special events or other reasons to leave them unlocked.

Several outside doors are on a card-access system which allows for scheduled security closure, followed by Campus Security staff walk-through buildings to recheck entry/exit doors and to check interior doors.

The security schedule for locking/unlocking campus and specific buildings will also be determined by the time of year, campus activities and events.

A building lock-up schedule is maintained by the University. Campus Security staff lock and check each campus building on the schedule.

Residence Halls

Access to residence halls is restricted to MSU students living in the building and authorized staff by use of card access or key and lock system 24 hours a day/7 day a week. All guests must be escorted by a resident.

Campus Security, Resident Hall Assistants, and Residence Life staff together do walk through public spaces and perimeters of the residence halls. Residence Life staff conduct walk through halls and room checks to ensure residence hall policies are being followed.

Campus Security, Resident Hall Assistants, Residence Life staff and campus officials, together with local law enforcement, enforce laws regulating underage drinking, and the use of controlled substances, (alcoholic and illegal drugs are not permitted on campus) as outlined in policies implemented as part of the Drug Free Schools and Community Act. Information regarding policy provisions is available from the Student Affairs Office.

SECURITY CAMERAS

Mayville State University continues to add security cameras to areas of campus where there is high traffic and to monitor inside and outside of campus buildings. There are cameras at several entrances to buildings in addition to card access points.

Mayville State University requested a budget line of $2.3 million to enhance the security and safety of campus in the 2025 general legislative session. The President and Vice President of Business Affairs spoke to both the Senate and House committees about the need for additional security given that MSU does not have their own full-time campus police. In addition, the City of Mayville does not have its own full-time police department, and all law enforcement comes from the county. Unfortunately, the item was not funded by the general assembly the 2025-2026 appropriations.

CAMPUS SAFETY ESCORT

The purpose of a safety escort was to provide a safe means of transportation for members of the MSU campus. The Campus Security staff will provide a safety escort for students, staff and faculty whose circumstances required them to travel alone on campus, in isolated areas after dark, during times of low activity on campus or whenever there is concern for one's own personal safety. Because of the various functions required of Campus Security staff, there may sometimes have been a short waiting period. Individuals requesting a safety escort should contact the Campus Security Office to discuss the options.

MISSING STUDENT NOTIFICATION POLICY

In compliance with the Higher Education Opportunity Act of 2008, Mayville State has established the following processes and procedures to deal with students who reside in campus housing and who may be identified as missing.

PROCEDURES

Students residing in campus owned or operated housing are 'checked in' at the beginning of each term or year when they enroll. Residence hall staff gather emergency contact information as part of this check in process and maintain that data for use in the event of an emergency involving the student. In addition, students are encouraged to enter family and emergency contact information into the university's Campus Connection database. However, providing this emergency contact information is voluntary. Residence hall staff conducts regular 'room checks' for health and welfare purposes and if a student is not present for such a room check, follow up is conducted with roommates or friends of the student. Should a student be reported as missing by another student, by family, by faculty/staff or by residence hall staff, the following procedures will be followed:

1. Residence hall staff, including student staff, who have reason to believe that a student residing in a campus owned facility, has been missing for more than 24 hours should contact either of the following individuals:
    - Nick Flesland, Residence Life Coordinator, Birkelo Hall, 701-788-4394
    - Rhonda Nelson, Dean of Student Affairs, BQ Library, 120J, 701-788-5208

- Law enforcement personnel with the Traill County Sheriff's Department may also be contacted directly at 701-636-4510 if a student is suspected to have gone missing.

2. Upon receiving a report that a student may be missing, either of the above-named individuals will attempt to reach family or others who are listed as emergency contacts to determine if there has been any communication with the student. Documentation of last contacts by teachers, staff, and other students with the missing student will also be attempted. A formal missing report will be filed with local law enforcement once it is determined that the student has been missing for at least 24 hours.
3. The Dean of Student Affairs is designated to be the official liaison between law enforcement, family and other individuals who have an interest in the missing student. Documentation of last class and campus work attendance will be gathered, as well as information that might be gleaned from the university's notebook computer that has been assigned to said student; i.e. e-mail and internet access. This information will be compiled and filed with local law enforcement.

OTHER POLICY PROVISIONS

1. Any student residing in campus housing has the option of registering a confidential contact person who is to be notified in the event that the student is reported missing. Only authorized campus officials (Dean of Student Affairs and Residence & Student Life Coordinator) and law enforcement officers in furtherance of a missing person investigation may have access to that information. This confidential contact may/may not be the same emergency contact individual that the student has identified as part of the "Check In" or Campus Connection processes identified above. A request for this confidential contact should be submitted directly by the student to either the Dean of Student Affairs or the Residence & Student Life Coordinator.
2. If a student is reported as missing, law enforcement will be notified even if a student has not registered a contact person.
3. Parents and legal guardians of any student younger than 18 who is reported as missing will be notified immediately.

ANNUAL REPORTING TO CAMPUS CONSTITUENCIES

Each year (prior to October 1) every enrolled student and employed faculty/staff member receives a written notice that the Missing Student Notification Policy and Procedures are available electronically at: https://www.mayvillestate.edu/about-msu/consumer-information/#security or in printed format. Students or faculty/staff may request a printed version from the Student Affairs Office in Library 120J. Likewise, printed copies of the policy are available, upon request, to any prospective student, parent or member of the public from the Student Affairs Office.

POSSESSION OR USE OF WEAPONS ON CAMPUS

POLICY PROVISIONS

The possession or use of dangerous weapons on university owned or controlled property is prohibited. Dangerous weapons include, but are not limited to items such as ammunition, bombs, explosives, clubs, dirks, martial arts weapons, sling shots, fireworks, firearms, metal-tipped darts, bows and arrows, BB guns, sabers, swords, knives, axes, hatchets, incendiary devices, pellet guns, stun guns, paintball guns, and/or other potentially dangerous items.

Legal hunting weapons that are secured in personal vehicles are permitted. Items not traditionally used as weapons may be considered as weapons when those items are used to inflict bodily injury or to threaten the infliction of bodily injury on others. Examples include but are not limited to baseball bats and kitchen utensils.

Individuals, other than students or employees, who violate this policy will be notified of the policy provisions and may be referred to appropriate law enforcement authorities for possible violations of city and/or state laws.

Sanctions

A. Students: The Mayville State University Code of Student Conduct and Residence Hall Handbook identify sanctions of violations of this policy. Depending upon circumstances, these sanctions could include but are not limited to the following:
   - $100 fine,
   - eviction from a university residence facility, and
   - expulsion from the university.

   Specific sanctions imposed as a result of a violation of this policy will be determined as a result of normal disciplinary procedures as outlined in the Code of Student Conduct.

B. Employees: Faculty or staff found to be in violation of this policy will be subject to sanctions as determined by their supervisors.

EMERGENCY NOTIFICATION SYSTEM

Mayville State University has an emergency notification system (ENS). This system allows the campus to quickly contact or send messages to students, employees, and designated people during an emergency. An "emergency" means a situation that poses an immediate threat to the health or safety of someone in the institution or system community or significantly disrupts institution or system programs and activities. The emergency notification system is populated with contact information from students, employees, and on campus external entities. The information contained in the ENS will be used by the authorized campus administrators to contact the above population in the event of a qualifying emergency.

1. Mayville State University mandates all employees, including student employees, participate in the emergency notification system. Employees are required to review their emergency notification information annually. In addition, employees will receive reminders twice a year to update their

records. Emergency notification contact information includes campus email, campus phone, home phone, personal cell phone, and work cell phone. The ENS administrator will gather emergency information from non-campus personnel associated with the Child Development Programs, Traill County Sheriff's Department, Mayville Fire Department, and other 911 groups deemed appropriate.

2. Students must participate in the emergency notification system and are required to do so during registration. Students will have the ability to update their information in the Campus Connection portal. The portal will allow students to enter a cell phone number and an email address. The system will periodically remind students to review their information. In addition, students have the option to receive emergency notifications from up to four other campuses depending on their class location. All student employees, including undergraduate and graduate student employees, must participate in the emergency notification system.
3. Students are allowed to leave cell phones on during class to receive emergency notifications unless instructed otherwise by faculty. If a faculty member instructs students to turn off their cell phones, the faculty member must be able to receive emergency notifications by one of the following methods (NDUS Policy 1902):
    a. Registered personal cell phone that is turned on.
    b. Registered campus email when a computer or other electronic communication device is active.
4. The emergency notification system is only for emergencies as defined in SBHE Policy 1902. An "emergency" means a situation that poses an immediate threat to the health or safety of someone in the institution or system community or significantly disrupts institution or system programs and activities. Mayville State University's Emergency Management Team (EMT) is responsible for defining emergencies that warrant system use. The EMT is made up of the President, Vice President for Academic Affairs, Vice President for Business Affairs, Dean of Student Affairs, Dean of Enrollment Management, Athletic Director, Executive Foundation Director, Director of Marketing & Public Relations, and the ENS administrator. MSU will conduct ENS tests at least once each semester.
5. The ENS will be refreshed with information from Campus Connection a minimum of once per semester. This removes data associated with former employees and students from the emergency notification system.
6. To eliminate misuse of the emergency notification system, access to deploy messages will be granted to the Vice President for Academic Affairs, Dean of Student Affairs, Director of Marketing & Public Relations, and the ENS administrator.
7. Students, employees, and visitors should report all emergency situations to the President, Vice President for Academic Affairs, Vice President for Business Affairs, Dean of Student Affairs, Dean of Enrollment Management, Athletic Director, Executive Foundation Director, Director of Marketing & Public Relations, and the ENS administrator. One of those staff will contact the proper authorities.
8. During any emergency, MSU employees and students are asked to refer all media inquiries to MSU's Public Relations Director or the President's Office.

9. Additional emergency notifications not outlined by EMT personnel, can be deployed, if necessary, by designated personnel. Campus emergency procedures are available online on the MSU website. MSU will use campus email and website for detailed updates, in addition to redeploying of the ENS.
10. Employee emergency notification telephone numbers or other emergency notification information is exempt from the state's open records laws as provided in SBHE Policy 1912 and may be released only as provided in that policy. Student emergency notification information or contact information such as phone numbers or email addresses submitted for purposes of participation in an ENS, shall be excluded from directory information and is therefore confidential as provided under the Family Educational Rights and Privacy Act (FERPA). However, if a student phone number or email or other address submitted for the purpose of participation in an emergency notification system is also contained in other institution records used for other purposes and the student has not exercised the student's right to refuse to permit disclosure of directory information, the information contained in the other institution records is directory information and not confidential.

COMMUNICATION ABOUT CAMPUS CRIME

TIMELY WARNING POLICY

A timely warning is provided to give students, faculty and staff timely notification of crimes that may represent a serious or on-going threat to the university community and to heighten safety awareness. The timely warning may also seek information that may lead to arrest and conviction of the offender when violent crimes against persons or substantial crimes against property have been reported.

The Mayville State University Emergency Management Team is responsible for issuing a timely warning about specific Clery Act crimes (as described below) that have been reported to the Campus Security Office or a campus security authority member and that have occurred within the university's Clery geography, where after review and assessment it is determined that the incident may pose a serious or on-going threat to the safety of members of the university community.

Information for a timely warning may also come from other law enforcement agencies. Every attempt will be made to distribute the Alert within reasonable amount of time the incident is reported to Campus Security Office; however, the release is subject to the availability of accurate facts concerning the incident, and investigation restraints. Alerts are created by Emergency Management Team and distributed by the Campus Security Office. Crimes that occur outside the campus' primary Clery geography, as stipulated or other non-Clery specific crimes, will be evaluated on a case-by-case basis. Information related to these crimes may be distributed to the campus as an Emergency Notification Alert.

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

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties and will be evaluated on a case-by-case basis to determine if there is believed to be an ongoing threat to the campus community)
- Robbery involving force or violence (some cases may not typically result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Campus Security or law enforcement). In cases involving sexual assault, that is reported long after the incident occurred, there is no ability to distribute a "timely" warning notice to the community. All cases of sexual assault, including stranger and non- stranger/acquaintance cases, will be assessed for potential issuance of a timely warning notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Campus Security.

TIMELY WARNING PROCEDURE

Campus Security Office may issue a timely warning whenever a report is received of a violent crime against a person or a substantial crime against property on campus that represents a serious or ongoing threat to the safety of students, faculty and staff. Warnings may be assigned the same number as the corresponding report and provide details of the crime, a description of the suspect if known, information on whom to contact with information and safety tips.

Timely warnings are provided to the university community via text message, email, and calls to cell phones or office lines using the Emergency Notification System which is available to students, faculty, and staff.

A timely warning may be delivered via call, text message, email, bulletin boards or other available means, as reasonably and timely as possible to faculty, staff, and students, distributed throughout campus, posted on the Mayville State University website and, if appropriate, posted in off-campus areas frequented by students.

If the Traill County Sheriff's Department issues a news release about an off-campus crime that represents a serious or ongoing threat to the safety of students, faculty, and staff, the university may assist in publicizing the crime on campus.

A timely warning typically includes the following information:

1. A concise statement of the incident.
2. Any connection to previous incidents.
3. Physical description and/or composite drawing of the suspect, if appropriate.
4. Date and time the bulletin was released.
5. Other relevant and important information.
6. Appropriate safety tips.

MSU employees are enrolled in the Emergency Notification System upon hire. Students are encouraged to 'opt in' and participate in the system. Each campus member must register or can confirm their enrollment and contact information on the Campus Connection site.

The Emergency Notification System may be used for situations that pose immediate danger or the closing of an entire campus.

The Emergency Notification System is also used to send information and details related to weather-related emergencies and closures.

CLERY GEOGRAPHY

As specified in the Clery Act (U.S. Dept. of Education, Office of Postsecondary Education, 2016), the following property descriptions are used to identify the location of crimes on and around a campus. Figure 1. Clery Geography is a map of the campus areas noted.

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; and
- Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, 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 other retail vendor).
- *In plain language:* An institution's core, main campus.

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 in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- *In plain language:* Non-campus properties are those that are not contiguous to the core campus but are used by students for the educational purposes of the institution. Non-campus does not mean "off campus"; it refers to specific properties owned or controlled by the campus or by a student organization officially recognized by the campus. Non-campus does not automatically refer to all surrounding neighborhoods of a college campus, nor does it include all properties that students happen to rent.

PUBLIC BUILDINGS OR PROPERTY

- Public property immediately adjacent to, within, or surrounding one's on-campus geography.
- *In plain language:* The public property that immediately borders and is accessible from the campus. (For many institutions, this is the public sidewalk that borders the campus, the public street, and the public sidewalk on the other side of the street.) It also includes public property within the core campus.

The Mayville State University crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries. The Clery geography of Mayville State University includes:

- Third Avenue NE between Third Street NE and Stan Dakken Drive
- Third Street NE between Third Avenue NE and Fifth Avenue NE
- Stan Dakken Drive between Third Avenue NE and First Street NE
- First Street NE between Stan Dakken Drive and Fifth Avenue NE
- Traill County #14 between Agassiz Hall and Third Street NE

Reporting Campus Crimes

Campus members, including students, staff, faculty, and visitors are encouraged to report all emergencies, criminal actions, public safety issues, or suspicious behavior within the university's Clery geography in a prompt, accurate, and clear manner. Reports can be made to Campus Security, university officials, or local law enforcement. MSU's Clery geography is defined and explicitly outlined in this report, see Figure 1. Clery Geography for a map.

Mayville State University Campus Security Office is the official collection point for campus crime and emergency reporting. The office encourages accurate and prompt reporting of all crimes in all instances. This timely and accurate reporting allows campus officials to evaluate the situation, consider the need for additional support, notifications or warnings, and disclosures needed to keep the campus safe. The posting of crimes in a Daily Crime Log and the accurate reporting and documentation of these instances is an annual statistical disclosure. MSU encourages the reporting of crimes to the Campus Security Office and/or local law enforcement when the victim of a crime elects to, or is unable to, make such a report.

This report focuses on the Campus Security Office because its staff has primary responsibility for keeping the crime and emergency logs for campus. Incidents which happen off campus would be reported to local law enforcement. MSU has identified a list of primary campus security authorities (CSA) or preferred receivers of reports to who crimes and alleged crimes can be reported and for the purpose of making timely warning reports and the annual statistical disclosure. Reported crimes to CSA's are sent to the Campus Security Office.

Campus Security Authority personnel are notified on an annual basis of their responsibility as preferred receivers of crime and alleged crime reports. Subsequently, CSA's are instructed to report these crimes and alleged crimes to the Dean of Student Affairs and/or Campus Security Office.

Primary Campus Security Authorities or Preferred Receivers of Reports

Students and employees are encouraged to report a crime to one of the Campus Security Authorities listed below or complete a report online using the Report a Concern Form (this form should not be used for emergency or urgent reports). Campus Security Authorities are employees in the areas of campus security, student affairs, and full-time, head and primary assistant athletic coaches.

Office/Position	Name	Campus Location/ Phone Number	Campus Email
Campus Security Office	Bob Kozojed	Campus Center 103 701-788-4872	bob.kozojed@mayvillestate.edu
Residence & Student Life	TBH	Agassiz 701-788- 4822	
Residence Life & Assistant Football Coach	Nick Flesland	Fieldhouse 131 701-788-4394	nicholas.flesland@mayvillestate.edu
Dean of Student Affairs & Co-Title IX Coordinator	Rhonda Nelson	BQ Library 120J 701-788-5208	rhonda.nelson@mayvillestate.edu

Office/Position	Name	Campus Location/ Phone Number	Campus Email
Human Resource Director & Co-Title IX Coordinator	Kim Holder	Campus Center 206 701-788-4729	kimberly.holder@mayvillestate.edu
Student & Disability Support Services	Mindy O'Connor	Classroom Bldg 109 701-788-4675	mindy.oconnor@mayvillestate.edu
Athletic Director/ Head Football Coach	Rocky Larson	Fieldhouse 139 701-788-4659	rocky.larson@mayvillestate.edu
Assistant Head Football Coach	Jake Litecky	Fieldhouse 123 701-788-5276	jake.litecky@mayvillestate.edu
Assistant Athletic Director/ Head Baseball Coach	Billy Tomblin	Fieldhouse 134 701-788-5287	william.tomblin@mayvillestate.edu
Assistant Baseball Coach	Austin Monson	Fieldhouse 124 701-788-4612	a.monson@mayvillestate.edu
Head Men's Basketball Coach	Brandon McGruder	Fieldhouse 126 701-788-4715	brandon.mcgruder@mayvillestate.edu
Assistant Men's Basketball Coach/ E-Sports Coach	Ryan Rodriguez	Fieldhouse 130 701-788-4633	ryan.rodriguez@mayvillestate.edu
Head Women's Basketball Coach	Jenna Bolstad	Wellness Center 149 701-788-4665	jenna.bolstad@mayvillestate.edu
Assistant Women's Basketball Coach	Emily Mueller	Fieldhouse 701-788-	emily.mueller@mayvillestate.edu
Head Volleyball Coach	Elora Passa	Fieldhouse 108 701-788-4835	elora.passa@mayvillestate.edu
Assistant Volleyball Coach	Payton Richter	Campus Center 105 701-788-5254	payton.e.richter@mayvillestate.edu
Head Softball Coach	Jordan Olson	Fieldhouse 128 701-788-4603	jordan.a.olson.2@mayvillestate.edu
Assistant Softball Coach	Mackenzie Hughes	Fieldhouse 127 701-788-	mackenzie.hughes@mayvillestate.edu
Head Golf Coach	Mike Carr	Fieldhouse 701-788-	michael.carr.1@mayvillestate.edu

In addition, the contracts for athletic coaches include the following statement: each employee agrees to abide by all SBHE, Mayville State University, and intercollegiate conference policies, as well as federal, state, and tribal laws, pertaining to gender equity, sexual assault, and sexual harassment. Specifically, employee must comply with all requirements to report potential violations committed by employees or student athletes to the Title IX Coordinator or other appropriate official.

Reporting Crimes to Local Law Enforcement

A person reporting a crime to Campus Security or a Campus Security Authority member has the right to call 911 and report to the Traill County Sheriff's Department. Campus officials will discuss with the victims of a crime what their options are and how that process would work.

Security Awareness & Crime Prevention

Each member of Mayville State University, including students, staff, and faculty, to assume responsibility for their own personal safety and the security of their personal property. Community members are encouraged to support and assist each other with this security.

During Welcome Week and at various times throughout the academic year, students are presented with information about keeping themselves and their belongings safe. Emergency Procedures are shared by the Campus Security Officer with campus at least twice each year. While Mayville State University is a low-crime campus, generally, we work hard to make sure students do basic, smart things like locking all doors, traveling in groups, watching their belongings, etc.

- Report any suspicious activity to Campus Security immediately.
- Do not take personal safety for granted.
- Avoid walking alone at night. If it is necessary, be aware of your surroundings, keep your head and eyes up, talk to someone on the phone while you are walking.
    - Students may also contact Campus Security for an escort.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or have too many people drinking excessively. Remember to call Campus Security or local law enforcement agencies for help at the first sign of trouble.
- Carry only small amounts of cash.
- Do not leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys and student ID card and do not give them to anyone.
- Lock vehicle doors and close windows.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Lock the door to your residence hall room, whether you are there or not. Check that your door is locked when you go to sleep, and keep windows closed and locked when you are not in your room.
- DO NOT PROP INTERIOR OR EXTERIOR DOORS OPEN.
- Mark items of value with notations, markings, etc. only you know.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

Preparation and Disclosure of Crime Statistics

Mayville State University complies with the Jeanne Clery Campus Safety Act by preparing and disclosing campus crime statistics. This federal law requires colleges and universities to report specific crime data so that current and prospective students, families, and employees can make informed decisions about campus safety.

Any incidents reported to Campus Security or the Traill County Sheriff's Department that fall under the Clery Act's required reporting categories and occur within MSU's defined Clery geography are included in the crime statistics tables at the end of this report.

The Dean of Student Affairs and the Campus Security Office are responsible for collecting and compiling these statistics from both campus and local law enforcement agencies. The data is published annually in MSU's Annual Security & Fire Safety Report (ASFSR).

By October 1 each year, MSU notifies current students and employees via email when the updated ASFSR is available. Printed copies can be requested from the Dean of Student Affairs or the Campus Security Office. Additionally, the crime statistics are submitted annually to the U.S. Department of Education.

All relevant crime data are compiled by the Dean of Student Affairs and submitted to the Department of Education by October 15 each year.

Collecting Crime Data

The Dean of Student Affairs, assisted by the Campus Security Office, produces the ASFSR which contains policies, procedures and crime data as required by the Clery Act.

Clery crime reporting covers the preceding calendar year, January 1 to December 31. Data and reporting information is collected from Residence Life, the Campus Security Office, Title IX reports, and other specific departments that routinely provide services to campus locations. The Traill County Sheriff's Department is contacted to collect any criminal reports.

MSU's crime statistics are available in Figure 2. Campus Crime Statistics.

Notification of Victims of Crimes of Violence

In accordance with the Higher Education Opportunity Act (HEOA), Mayville State University (MSU) adheres to disciplinary procedures when students are involved in any violent crime or sex offense. In instances of violent crimes or sex offenses, MSU may disclose the results of any disciplinary proceeding conducted by MSU. MSU may not prohibit a complainant from disclosing this information to others.

If the complainant is deceased because of the crime or offense, MSU will provide the results of the disciplinary hearing to the victim's next of kin, if so requested. Pursuant to the Family Educational Rights and Privacy Act (FERPA) and consistent with the Student Code of Conduct, MSU is permitted to disclose to the harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student.

Further, when conduct involves a crime of violence or sex offense, FERPA permits MSU to disclose to the complainant, upon written request, the results of a disciplinary proceeding against the alleged perpetrator, regardless of whether the institution concludes a violation was committed. Additionally, MSU may, upon written request, disclose to anyone – not just the complainant – the results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or sex offense, and, with respect

to the allegation made, the student has committed a violation of the institution's rules or policies. The results are limited to the name of the alleged perpetrator, any violation found to have been committed, and any sanction imposed against the perpetrator by MSU.

MSU may not prohibit a complainant from disclosing this information to others. If the complainant is deceased because of the crime or offense, MSU will provide the results of the disciplinary hearing to the victim's next of kin, if so requested. The records of deceased students may also be released or disclosed at the request of a parent, personal representative, or other qualified representative of the student's estate, or pursuant to a court order or subpoena.

Off-Campus Crimes

If local law enforcement is contacted about criminal activity which occurs off campus and involving MSU students, they may notify Campus Security Office, Dean of Student Affairs or another campus security authority member. Student involved in criminal activity off campus may be subject to college disciplinary procedures.

Daily Crime and Fire Log

The Campus Security Office maintains a Daily Crime and Fire Log. Campus Security makes the Daily Crime and Fire Log for the most recent 60-day period open to public inspection during normal business hours (typically Monday through Friday, from 8:00am to 4:00pm, except holidays).

Any portion of these crime logs that are older than 60 days are made available for public inspection within two business days of a request. All confirmed fires occurring within or on all on-campus residential facilities will also be included in the Daily Crime and Fire Log.

The information in the crime log typically includes the incident number, crime classification, date reported, date occurred, general location of crime, and disposition of each reported crime. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents that may impact the university's campus community. The names of crime victims will not be listed on the Daily Crime and Fire Log. Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the university's Clery geography and updated information regarding previously reported crimes are entered into the Daily Crime and Fire Log within two business days of when it is reported.

HAZING

PREVENTION & RESPONDING TO HAZING

Mayville State is committed to fostering a safe, respectful, and inclusive community where all individuals are treated with dignity and care. Hazing in any form is strictly prohibited and will not be tolerated. The prohibition against hazing applies regardless of an individual's willingness to participate.

The University carefully reviews and assesses all reports of hazing. Retaliation against individuals who report hazing or who participate in related investigations is strictly prohibited and may result in disciplinary action. All community members are encouraged to cooperate fully in any investigation.

Responsibility for violations may rest with individuals, groups, or their leadership, particularly if they failed to take reasonable steps to prevent or discourage hazing. National Association of Intercollegiate Athletics (NAIA) student-athletes must also comply with policies set forth by the NAIA. In accordance with the Stop Campus Hazing Act (SCHA) and North Dakota Century Code, the University compiles hazing statistics, notifies the campus community of the definition of hazing, reporting and response options.

Hazing in general is discussed during team camps and meetings and with the campus at the start of each academic year. First year Seminar on Success classes all watch a documentary and discuss hazing. A continued effort to add more programming and raise the awareness of hazing will be done on an ongoing year.

COMPILATION OF HAZING STATISTICS

Beginning January 1, 2025, Mayville State University began tracking reports of hazing for inclusion in its Annual Security and Fire Safety Report (ASFSR) in accordance with requirements established by Stop Campus Hazing Act. Statistics are included for the first time in MSU's 2026 ASFSR.

HAZING POLICIES AND LAWS

Mayville State University, the state of North Dakota, and SCHA each define hazing. In accordance with the Clery Act, MSU uses the SCHA definition for reporting purposes.

Definition of hazing – any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization (club, athletic team, fraternity, or sorority); and causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization, of physical or psychological injury.

REPORTING INCIDENTS OF HAZING

All students, staff, faculty, and other members of MSU's community who believe that they have witnessed, experienced, or are aware of conduct that constitutes hazing must report the violation. Reports can be made by using the Report A Concern form, or report in person to the Dean of Student Affairs, the Campus Security Office, or the Athletic Director.

For emergency situations, report hazing by call 911.

For non-emergency situations, report hazing by completing a Report A Concern form or contact one of the following:

- Dean of Student Affairs, 701-788-5208, Rhonda.Nelson@mayvillestate.edu
- Campus Security Office, 701-788-4872, Bob.Kozojed@mayvillestate.edu
- Athletic Director, 701-788-4659, Rocky.Larson@mayvillestate.edu

A full investigation process for any allegations of hazing will follow the Code of Student Rights and Responsibilities and Student Disciplinary Process.

Part of the investigation process will be the analysis of the incident to determine if there is a serious or ongoing threat which would require the issuance of a timely warning. The inclusion of the hazing incident as a Clery Act incident for annual reporting means timely warning practices will be followed as outlined. The hazing incident should also be included in the daily crime log.

Hazing sanctions may result in disciplinary sanctions up to and including expulsion for individuals and permanent loss of recognition for any group/organization as outlined in the Code of Student Rights and Responsibilities and Student Disciplinary Process.

Any individual who plans or intentionally assists in hazing activity has engaged in hazing, regardless of whether that individual present when the hazing activity occurs.

Conduct that constitutes hazing may also be found to violate other university policies such as the Sexual Misconduct and Title IX Policy and Procedure, Drug Frees and Community Policy, Tobacco Free Campus Policy, and others.

ALCOHOL AND DRUGS

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

Mayville State University is responsible for maintaining alcohol and drug policies in compliance with federal and state laws including, but not limited, to the Jeanne Clery Act, the Drug Free Workplace Act, the Drug-Free Schools and Communities Act, and the North Dakota Century Code, and in compliance with State Board of Higher Education policies 615 and 918.

PROHIBITED ACTS: GENERAL, AND EXCEPTIONS

A. The possession, sale, dispensation, use, or consumption of alcoholic beverages upon land or in buildings owned by Mayville State University is prohibited, except as provided by this subsection.
    a) This policy does not apply to family housing, married student housing, faculty housing, full-time staff billeted in approved university apartments, or off-campus guest housing.
    b) Alcoholic beverages may be permitted, subject to applicable state and local laws and ordinances, at events in facilities or upon land owned by the institution pursuant to a permit signed by the President or his/her designee. The permit must describe the nature of the event and the date(s), time(s) and place where consumption of alcoholic beverages is permitted. The permit may be for a single event or for events occurring periodically at the designated place during a period of not more than one year. Events where alcohol is served and approved by the President also require the following additional stipulations:
        1. Events sponsored by the university or the Mayville State University Foundation and which are intended to be fund raisers to directly benefit the institution will be permitted and alcohol may be served or sold as long as a third party with an appropriate liquor license is utilized.
        2. Any group that is not directly affiliated with the university who wishes to rent or utilize a campus facility. Such prospective renter must provide proof of liability insurance prior to final approval. An event at which alcohol will be sold, requires that the renter arrange for a third party with an appropriate liquor license to actually sell the alcohol. In these cases, the third party with the liquor license must also provide proof of liability insurance for the specific event prior to approval.

3. Events hosted by a renter at which alcohol will be sold, will also be required to hire adequate security officers to monitor access to alcohol. These security officers must meet city ordinance and/or state law requirements.
4. The university does not intend to compete with private businesses in the area. The rental of university facilities by an individual or group not affiliated with the institution, and at which alcohol will be served or sold will be approved only after the renter has satisfactorily verified that they have been unable to secure other, adequate facilities in the community.
5. With events such as wedding receptions, dinners, or dances there is an expectation that food will be served and the renter will be required to utilize MSU Food Services for all food items.
6. See Football Tailgating Policy, M1993.

B. Alcoholic beverages may not be purchased with public funds.

C. Marijuana Use or Possession on Campus: the use or possession of marijuana, including medical marijuana used or possessed under Chapter 19-24 of the North Dakota Century Code, is strictly prohibited on campus. Any such use or possession is a violation of this policy and the Code of Student Rights and Responsibilities and Student Discipline Process.

D. Mayville State University identifies as a Drug Free School (see M615). Mayville State's Drug Free Schools and Community Policy reads, in part:

As a condition of their employment or enrollment at Mayville State University, a student or employee will not engage in the unlawful manufacture, distribution, possession, or use of a controlled substance nor engage in the unlawful possession, distribution, or use of alcohol on university property or as part of any university activity during the period of employment or enrollment. Furthermore, any employee or student at Mayville State University agrees to obey federal, state, and local laws relating to the unlawful possession or distribution of illicit drugs and alcohol, and to abide by sanctions which the institution may impose for violations of its standards of conduct, up to and including termination or suspension. If an employee or student is convicted of an alcohol or drug related offense occurring on campus, he/she must notify the institution within five days of such a conviction. In addition, federal law mandates that Mayville State must communicate information regarding the conviction of a student or employee for a drug or alcohol related offense which occurs on-campus to the appropriate federal agency within ten days.

EXPECTATIONS, PROHIBITED ACTS: EMPLOYEES, AND CONSEQUENCES

A. A safe and productive alcohol- and drug-free workplace is achieved through cooperation and shared responsibility. The University as a whole, employees, and unit supervisors all have important roles in contribution to such a workplace.

B. Employees of the institution shall not come to work or be at work, during normal work hours or other times when required to be at work, while under the influence of alcoholic beverages or when impaired as a result of the unlawful use of a controlled substance.

C. Any employee violating this policy is subject to discipline up to and including termination.

D. In addition, employees are encouraged to:

1. Be concerned about working in a safe environment;
2. Not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or drugs;
3. Support fellow workers in seeking help;
4. Use the Employee Assistance Program; and
5. Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

1. Remind employees of the University's Alcohol and drug policy;
2. Observe employee performance;
3. Investigate reports of dangerous practices;
4. Document negative changes and problems in performance;
5. Counsel employees as to expected performance improvement;
6. Refer benefited employees to the Employee Assistance Program;
7. Suggest non-benefited employees seek help through a community assistance program; and
8. Clearly state consequences of policy violations.

E. Mayville State University recognizes alcohol and drug abuse and addiction are treatable illnesses and encourages employees to seek help if they are concerned they or a family member may have a drug and/or alcohol problem. Assistance for the treatment for substance use disorders (e.g., alcohol dependence, alcohol abuse, alcoholism, drug abuse, etc.) may be covered by the EAP and/or through the employee benefit plan.

EXPECTATIONS, PROHIBITED ACTS: STUDENTS AND CONSEQUENCES

A. Mayville State prohibits the "Unauthorized Use of Alcoholic Beverages, includ[ing] the possession, distribution, sale and or solicitation of, or consumption of, alcoholic beverages except during events or in circumstances authorized by University Officials; and/or the failure to comply with state or University regulations regarding the use or sale of alcoholic beverages"

B. NDCC §5-01 indicates "an individual under twenty-one years of age may not manufacture or attempt to manufacture, purchase or attempt to purchase, consume or have recently consumed other than during a religious service, be under the influence of, be in possession of, or furnish money to any individual for the purchase of an alcoholic beverage."

C. The Residence Hall Handbook defines and prohibits certain alcohol-related behaviors, including but not limited to:

- party rooms: ("a room in which four or more persons are present and having alcohol present");
- alcohol/drug advertisement: ("Posters and other items advertising alcohol/drugs" in "public areas"… "windows or on residence hall doors.")
- alcohol containers: ("Alcohol containers, full or empty")

D. Mayville State prohibits "the possession, distribution, sale, and/or solicitation of, or consumption of (a) prescription drugs except those proscribed to the person carrying same; (b) illegal drugs or controlled substances; or (c) other intoxicants and/or (d) paraphernalia for the consumption of such intoxicants, or the (e) possession of household or common items which the Hearing Officer

determines was intended by the Responding Student to be used or trafficked as an intoxicant(s) (e.g., spray paint used for huffing)."

E. Mayville State University expects its students to act in a mature and responsible manner. Respect for the rights of others, openness to new and challenging ideas, civility and courtesy are examples of this expectation.
    - The Code of Student Rights and Responsibilities and Student Disciplinary Process (Code) is published such that students are provided a general notice of prohibited conduct. The Code should be read broadly and is not designed to define misconduct in exhaustive terms.
    - Students who allegedly violate the Code, Residence Hall Handbook, Sexual Misconduct and Title IX Policy and Procedure, or other university policies may become subject to disciplinary action.
    - Students may be accountable to both civil authorities and to Mayville State University for conduct, which constitutes violations of local, state, federal laws, the Code, and/or other university policies.

F. Upon receipt of information regarding a violation of the Code of Student Rights and Responsibilities and Student Conduct Process, the University may initiate the Student Discipline Process. Students found in violation of University policy face sanctions, which may include: Censure, Disciplinary Probation, Deferred Suspension, Suspension, Dismissal, Educational community service, User Fee(s) or Fines, Referral, Restitution, Housing Ban, or Other Sanctions.

G. Student eligibility for Federal Financial Aid (U.S.) can be affected by one's conviction for a drug-related offense. When a person completes the FAFSA form, that person is asked about past conviction(s) for a drug-related offense occurring while that person was receiving federal student aid. If such a conviction is indicated, the applicant is provided a worksheet to determine whether the conviction effects eligibility for federal student aid.
    - A person who is convicted of a drug-related offense after submitting a FAFSA form might lose eligibility for federal student aid and might be liable for returning any financial aid received during a period of ineligibility.
    - A student whose eligibility for federal student aid has been suspended due to a drug conviction can regain eligibility early by successfully completing an approved drug rehabilitation program or by passing two unannounced drug tests administered by an approved drug rehabilitation program. These programs are not administered by Mayville State University.

H. Incapacitation – Alcohol or other Drugs
    - Residents or others who become incapacitated as a result of drinking, drug usage, or a medical condition will receive proper emergency medical care when staff members become aware of their condition, EMS will be notified immediately.
    - Residents or others will be financially responsible for the costs of this medical care including ambulance and/or hospitalization costs.

I. Immunity from Prosecution, or "Medical Amnesty." Local law enforcement and the University respect and abide by the medical amnesty laws for drug and alcohol related emergencies expressed at North Dakota Century Codes §05-01-08(6) and §19-03.1-23.4:

- §5-01-08(6). An individual under twenty-one years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene, or was the individual in need of medical assistance and cooperated with medical assistance and law enforcement personnel on the scene. The maximum number of individuals that may be immune for any one occurrence is five individuals.
- §19-03.1-23.4. Overdose prevention and immunity. An individual is immune from criminal prosecution … if in good faith that individual seeks medical assistance for another individual in need of emergency medical assistance due to a drug overdose. To receive immunity under this section, the individual receiving immunity must have remained on the scene until assistance arrived, cooperated with the medical treatment of the reported drug overdosed individual, and the overdosed individual must have been in a condition a layperson would reasonably believe to be a drug overdose requiring immediate medical assistance. Neither the individual who experiences a drug-related overdose and is in need of emergency medical assistance nor the cooperating individual seeking medical assistance may be charged or prosecuted for the criminal offenses listed in this section or for the sharing of controlled substances among those present. Immunity from prosecution under this section does not apply unless the evidence for the charge or prosecution was obtained as a result of the drug-related overdose and the need for emergency medical assistance. Good faith does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or during a lawful search.

The University will not take disciplinary action against a student who calls for or who receives medical attention due to alcohol or other drug use such that medical assistance is needed or sought. The University may require compliance with educational initiatives related to the overdose that created the situation.

J. Citations. Except as noted above, incapacitated students who are in violation of local, state or federal laws concerning alcohol and other drugs are subject to citation and/or arrest for relevant violation of law.

K. Notifications

a. According to North Dakota Century Code § 5-01-05.1, "If a person is hospitalized for detox purposes, law enforcement or campus security personnel must notify the emergency contact."

b. Parental Notification: If a student has been found Responsible for multiple alcohol- or drug-related offenses under the Code or campus policies, or if it is determined that that the student's health and safety is endangered because of his/her use of alcohol or other substances, the University reserves the right to notify the student's parents of these facts and concerns. This notification may occur even if the student is 21 or older. The Director of Student Life will determine if such parental notification is to be made after consideration of each case and documentation of any such offenses. This process for parental notification

is specifically allowed under federal law and is in accordance with the 1998 amendments to the Family Educational Rights and Privacy Act (FERPA).

EXPECTATIONS OF THE UNIVERSITY

A. Mayville State will make all good faith efforts to have and to maintain an alcohol- and drug-free workplace and study environment.

B. Student Life, academic departments with disciplinary responsibility for Public Health information, and others are encouraged to develop marketing, communications, advertising, and educational campaigns designed to promote the responsible use of alcohol and to inform persons on campus about the concerns of illegal and other drug use.

C. Communicating the University's alcohol and controlled substances policy to all individuals is critical to its success. To ensure all employees are aware of their role in supporting our alcohol- and drug-free workplace, all employees will receive a summary of the alcohol and drug policy and a Web link to access the complete policy document during the annual notification of policies.

D. Publication of this document and the use of its contents, in whole or in part and in different formats. The Drug-Free Schools and Campuses Regulations (34 C.F.R) of the Drug-Free Schools and Communities Act (DFSCA) require an Institution of Higher Education (IHE) such as Mayville State University to "certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs or alcohol by all students and employees on school premises or as a part of any of its activities" as well as distribute the program to all employees and students. The publication of this document demonstrates Mayville State's compliance with Education Department General Administrative Regulations (EDGAR) Part 86.100, Subpart B.

E. Confidentiality

- For employees:
  All information received by the organization through the drug-free workplace program is confidential communication. NDCC section 44-04-18.1 provides: "Any record of a public employee's medical treatment or use of an employee assistance program is not to become part of that employee's personnel record and is confidential and may not be released without the written consent of the employee."
- For students:
  Student Conduct Files are deemed educational records and are maintained separately from any other academic or official file at the University by the Director of Student Life. Generally, information from the files is not released without the written consent of the student. However, certain information may be provided without a student's prior consent to individuals within the University who have a legitimate legal or educational interest in obtaining it, and to individuals outside the University under certain circumstances. (Please refer to the federal Family Educational Rights and Privacy Act of 1974, as amended).
  Access to this information in all cases is limited to those who have a legitimate need-to-know in compliance with relevant laws and management policies.

Student Alcohol and Drug Policy

The abuse of alcohol and drugs represents a major health problem in the United State today and poses a serious threat to the health and welfare of the members of the Mayville State University community. For these reasons the following statement regarding drug and alcohol use by students and employees at Mayville State has been issued:

As a condition of their employment or enrollment at Mayville State University, a student or employee will not engage in the unlawful manufacture, distribution, possession, or use of a controlled substance nor engage in the unlawful possession, distribution, or use of alcohol on university property or as part of any university activity during the period of employment or enrollment. Furthermore, any employee or student at Mayville State University agrees to obey federal, state, and local laws relating to the unlawful possession or distribution of illicit drugs and alcohol, and to abide by sanctions which the institution may impose for violations of its standards of conduct, up to and including termination or suspension. If an employee or student is convicted of an alcohol or drug related offense occurring on campus, he/she must notify the institution within five days of such a conviction. In addition, federal law mandates that Mayville State must communicate information regarding the conviction of a student or employee for a drug or alcohol related offense which occurs on campus to the appropriate federal agency within ten days.

Alcohol or Drug Use/Abuse Education

Mayville State University educates students about potentially life-threatening consequences of alcohol or drug use/abuse, and calls on student leaders, administration, faculty, and staff to serve as role models and promote good decision making regarding the risks and consequences surrounding alcohol or drug use/abuse.

MSU student organizations and offices share information and programs which are intended to increase awareness of issues related to substance abuse and other issues impacting the health, well-being and academic success of students.

Programming for students to promote activities without the use of alcohol includes movie and game nights, intramural competitions, use of wellness center for all, special events including annual homecoming events, hypnotist/mentalist, and other guest speakers. Seminar on Success (first-year student) classes utilize the eCHECK-TO-GO program which allows students check their alcohol consumption, use of cannabis or nicotine, and patterns of use, abuse, or non-use. SOS classes also have regular discussions on options and making choices which do not involve alcohol consumption or the use of cannabis or nicotine.

Sanctions

Legal Sanctions Related to Alcohol

The state of North Dakota requires that individuals be at least 21 years of age to buy, possess, and consume alcoholic beverages. Anyone who provides alcoholic beverages to individuals who are less than 21 years of age is in violation of state law and may be cited for contributing to the delinquency of a minor and other local or state statutes.

Legal Sanctions Related to Illicit Drugs

Local and state statutes specifically prohibit the use of controlled substances. The possession, use, sale, and/or manufacture of such controlled substances as marijuana, depressants, stimulants, hallucinogenic drugs, or the possession of drug paraphernalia is not permitted on university property and will subject the individual to all related legal sanctions. Any employee or student who is known to, or suspected of using, possessing, selling, or manufacturing any illicit drug on university property will be reported to appropriate law enforcement authorities.

Institutional Policy Regarding Alcohol and Other Drugs

Any occurrence of illicit drug use of possession on university property will subject the individual to immediate legal action. In addition, appropriate institutional sanctions will be applied. The university also places restrictions regarding the use and possession of so-called "performance enhancing" drugs, such as various steroids by those students participating in intercollegiate athletics. The institutional restriction concerning steroids is in compliance with the National Association of Intercollegiate Athletics (NAIA) regulations. The university prohibits the use or possession of alcoholic beverages in university buildings, any public campus area, or in university housing units (residence halls and student apartments), regardless of age. The State Board of Higher Education specifically prohibits the use or possession of alcohol in residence halls and other campus buildings. State laws govern the use of alcoholic beverages in faculty and family housing, i.e., must be 21 or older, as these buildings are not considered state or university property.

University Regulations Regarding the Use of Chemical Substances, Including Alcohol, by Individual Students, University Student Groups or Student Organizations

- University student groups and recognized student organizations may not use their funds for purchase of any chemical substance, including alcohol.
- The sale of any chemical substance including alcohol by university student groups or recognized student organizations is strictly forbidden. This is to include any action that may be remotely construed as a sale, such as charging admissions to parties, passing the hat, selling empty cups, selling drink tickets, etc.
- Parties sponsored by university student groups or organizations at which alcohol is consumed are prohibited.
- No activity, on or off campus, conducted by a university student group or student organization will encourage rapid consumption of alcoholic beverages or other chemical substances.
- Alcoholic beverages (such as kegs or cases of beer) may not be used as awards or prizes in connection with events or activities sponsored by university student groups or organizations.
- The display, advertising or promotion of the use of chemical substances in university buildings or any campus area is prohibited, to include sponsorship by the alcohol industry of events held on campus.
- Individual students who are found to be in violation of state statue or institutional policies may be subject to penalties as defined in the section below.

Formal Disciplinary Consequences for Students

Individual students who are found to be in violation of this university policy on drug and alcohol use may be subject to one or more of the following disciplinary actions, dependent upon the severity of the offense and previous violations (see Student Handbook). A university official or university disciplinary body will determine an appropriate sanction after proper due process as outlined in the Student Code of Conduct.

- Verbal reprimand
- Written reprimand
- Monetary penalty
- Loss of privileges
- Loss or denial of academic credit
- Probation
- Suspension
- Expulsion
- Mandatory attendance at chemical abuse workshop
- Mandatory referral for chemical use evaluation
- Community/campus service

Individuals who express a chemical use concern or need for information regarding abuse will not be subject to institutional disciplinary sanctions as long as they voluntarily request assistance, and provided that their behavior does not violate other institutional policies. Students who need assistance should contact the college counseling staff, their advisor, residence hall director or other appropriate staff member. Confidentiality regarding the individual's identity will be respected as much as possible.

Athletes who violate NAIA regulations regarding use of drugs, including "performance enhancing" substances, will not be subject to institutional disciplinary sanction, provided they report such use to their coach or other appropriate official prior to their participation in the respective athletic event. Participants will still be subject to NAIA regulations, which require coaches to report knowledge of all controlled substance abuse. Appropriate referrals will then be made.

Depending upon the circumstance, specific instances of chemical use/abuse may be brought to the attention of several university officials. The following comments suggest possible actions. A faculty or staff member who suspects chemical use by a student may wish to confront a student to encourage the individual to seek counseling services. Such concerns may also be expressed to the college counseling staff. Counseling staff will then attempt to contact the student to assess his or her behavior. Confidentiality regarding the student's behavior will be respected in as much as his or her health, welfare, or safety is not endangered.

Violations of the institutional policies regarding the use of drugs and/or alcohol in residence halls or other campus facilities should be reported to the Director of Student Life. Student athletes who are found to use "performance enhancing" drugs such as steroids should be brought to the attention of the appropriate coach and/or Athletic Director.

The staff of the Student Affairs division will be responsible for administering disciplinary procedure and for providing regularly scheduled programs to the general student populations.

Failure on the student's part to abide by the recommendations regarding educational and/or counseling services will subject the individual to possible disciplinary action. Any student who is involved in disciplinary action involving suspension or expulsion is afforded the right of appeal to the Conduct Committee as outlined in the Student Handbook.

Educational/Counseling Actions

A concerted effort is made by Mayville State University to educate the individual and to provide appropriate types of assistance when needed. As part of this process, educational or counseling approaches may be undertaken as a way of encouraging the student to change his/her behavior. The actions described below may be taken separately or in conjunction with the disciplinary penalties listed previously. Dependent upon the circumstances, previous violations of college policy, and concern for the health, welfare and safety of the individual students involved, any of the following may be recommended.

a. Referral to the college conduct board for a hearing and any subsequent action they might request.
b. Mandatory attendance at chemical education programs.
c. Referral to the college counseling staff for consultation.
d. Referral to an outside agency or professional staff for possible chemical use evaluation.
e. The development and presentation by the offender of a chemical education program.
f. Community or campus service.
g. The filing of a formal complaint with civil authorities regarding the use, possession and/ or sale of chemicals, including alcohol.
h. Mandatory testing for those individuals who are involved in intercollegiate athletics and who are suspected of using drugs, including "performance enhancing" substances.

PREVENTING SEXUAL VIOLENCE

Mayville State University (MSU) prohibits dating violence, domestic violence, sexual assault, stalking, and other forms of sexual violence and engages in prevention efforts to reduce the occurrence of these behaviors.

MSU's programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. These programs include comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Mayville State University's policy for addressing sexual misconduct is set forth in MSU's Title IX Sexual Misconduct and Sexual- and Gender-Based Discrimination Policy. This policy and related procedures include information on employee reporting obligations, how MSU responds to a report, the grievance procedure (including possible sanctions and remedies), and supportive measures.

TITLE IX AND SEXUAL MISCONDUCT POLICY

Reference Documents: SBHE Policy Manual, Section 603.1 Harassment and Discrimination & Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30,026; North Dakota Century Code (N.D.C.C.) Ch. 12.1-20; N.D.C.C. §15-10-56 (3)(a); N.D.C.C. Ch. 44-04.

POLICY STATEMENT AND REASONING

Mayville State University strictly prohibits sexual misconduct, including but not limited to sexual harassment, sexual assault, domestic violence, dating violence, and stalking by or against a student or employee. MSU prohibits retaliation by its students or employees against a person who exercises their rights or responsibilities under any provision of federal law or state law including Title IX, Title VII, the Violence Against Women Reauthorization Act (VAWA), or any applicable MSU policy.

The University utilizes procedures that provide for the prompt, fair, and impartial investigation and resolution of cases involving sexual misconduct. Students or employees who violate this policy are subject to disciplinary action, up to and including suspension, dismissal, or termination from Mayville State University. Third parties who commit sexual misconduct may have their relationships with the University terminated and/or their privileges of being on MSU's campus withdrawn.

Mayville State University is dedicated to providing a safe and non-discriminatory learning, living and working environments for all members of the University community. The University adopts this policy with a commitment to comply with Title IX of the Education Amendments of 1972 by responding promptly and supportively to people alleged to be victimized by sexual misconduct. MSU also is committed to

resolve allegations of sexual misconduct promptly and accurately under a predictably fair grievance process that provides due process protections to complainants and respondents, and to effectively implement remedies for impacted individuals.

The University's policy for addressing reports of sexual misconduct occurring outside the scope of Title IX is set forth in MSU's Sexual Misconduct Policy.

The University's policy for addressing reports of discrimination based on sex, sexual orientation, gender identity, and pregnancy is set forth in MSU's Discrimination and Harassment Policy.

Scope of this Policy

This policy applies to people associated with the institution including and not limited to:

- The President
- Vice Presidents/Deans and similar level administrators
- Deans, Assistant/Associate Deans, Directors, and Department Heads
- Coordinators, Managers, Supervisors
- Faculty
- Staff
- Students
- Other: Third Parties

List of Contacts

Question	Contact	Contact Information
Policy Clarification	MSU Title IX Coordinator	Dean of Student Affairs and Co-Title IX Coordinator Mayville State University BQ Library 120J 330 Third St NE Mayville, ND 58257 701-788-5208 Or Human Resource Director and Co-Title IX Coordinator Mayville State University Campus Center 206 330 Third St NE Mayville, ND 58257 701-788-4729
Support for Students	Student Success Office	Coordinator for Student Success Mayville State University Classroom Building 109 330 Third Street NE Mayville, ND 58257 studentsuccess@mayvillestate.edu 701-788-4675

Counseling Services for Students (confidential)	Mayville State University Counseling Office	Classroom Building 108D 330 Third Street NE Mayville, ND 58257 counseling@mayvillestate.edu 701-788-4772 or 701-777-2127
Employee Assistance Program (EAP) (confidential)	The Village	800-627-8220
Health Services for Students (confidential)	Sanford Health	701-788-4500
Make a Report to Department of Education	Office for Civil Rights, U.S. Department of Education	Office for Civil Rights U.S. Department of Education Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310 Denver, CO 80204-3482 Phone: 303-844-5695 Fax: 303-844-4303 TDD : 800-877-8339 Email: OCR.Denver@ed.gov
Report Possible Crime to Law Enforcement	Traill County Sheriff Department	114 West Caledonia Hillsboro, ND 58257 701-636-4510
Report Possible Policy Violations	Chief Compliance Coordinator	Dean of Student Affairs and Co-Title IX Coordinator Mayville State University BQ Library 120J 330 Third St NE Mayville, ND 58257 701-788-5208

NOTICE OF NONDISCRIMINATION

Mayville State University is committed to the principle of equal opportunity in education and employment. Mayville State does not discriminate on the basis of race, color, national origin, religion, sex, age, disability, sexual orientation, gender identity, genetic information, creed, marital status, veteran's status, political belief or affiliation or any other status protected by law. Pursuant to Title IX of the Education Amendments of 1972, Mayville State does not discriminate on the basis of sex in its educational programs and activities, employment and admission. Mayville State will promptly and equitably investigate reports of discrimination or harassment and take disciplinary action as appropriate.

JURISDICTION AND SCOPE

The Sexual Harassment Policy applies to all members of the Mayville State University community including: students, faculty, and staff, and administrators. The Policy covers all University programs and activities in the United States.

TITLE IX COORDINATOR

The role of the Title IX Coordinator is to ensure compliance with federal and state law and regulations regarding Title IX. The Title IX Coordinator oversees the University's investigation, response to, and resolution of all reports of sexual misconduct. The Title IX Coordinator organizes the mandatory training for individuals involved in the University's sexual misconduct investigation and grievance process, which includes training on the definition of sexual harassment, the scope of the education program or activity, how to conduct an investigation and grievance process, including hearings and appeals, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The Title IX Coordinator also assists students and employees in understanding their rights, responsibilities, and options for reporting potential misconduct and receiving support services.

Complaints and inquiries regarding Title IX, ADA, Section 504, or other discrimination may be referred to:

Dean of Student Affairs and Co-Title IX Coordinator
Mayville State University
BQ Library 120J
330 Third St NE
Mayville, ND 58257
701-788-5208

Or Human Resource Director and Co-Title IX Coordinator
Mayville State University
Campus Center 206
330 Third St NE
Mayville, ND 58257
701-788-4729

Complaints or inquiries regarding harassment or discrimination may also be made to:

Office for Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3482
Phone: 303-844-5695
Fax: 303-844-4303
TDD: 800-877-8339
Email: OCR.Denver@ed.gov

REPORTING AND CONFIDENTIAL RESOURCES

A guiding principle in accepting reports or sexual misconduct is to avoid re-victimizing the recipient of the behavior by forcing them into any plan of action. Mayville State University will make every attempt to safeguard the privacy of the complainant and/or recipient of the behavior; however, it is important that

complainants recognize that Mayville State cannot ensure confidentiality in all cases. Mayville State must weigh the request for confidentiality against its obligation to protect the safety and security of the entire campus.

Depending on the circumstances of the offense (the severity of the offense, the number of victims involved, etc.), Mayville State may be required to respond to an incident, even if confidentiality has been requested. Therefore, except as noted, Mayville State University employees cannot guarantee confidentiality. Mayville State University employees who become aware of a complaint or violation of this policy shall report the complaint or violation to the Title IX Coordinator.

Individuals desiring confidentiality should be encouraged to contact one of the following:

Fargo-Moorhead
• F-M Rape & Abuse Crisis Line: 800-344-7273 (Available 24 hours) www.raccfm.com • F-M Rape & Abuse Crisis Center: 701-283-7273 or e-mail at: info@raccfm.com
Grand Forks:
• Community Violence Intervention Center (CVIC): Crisis Line: 701-746-8900 or use the Contact Us" form at https://cviconline.org/contact-us/
Mayville
• Mayville State Counselor: 701-788-4772 • Sanford Hospital – Mayville: 701-788-3800
Other
• National Sexual Assault Hotline: 800-656-4673 (HOPE)

Non-Confidential reports can be made to university employees. Reports can be or will be directed to:
Rhonda Nelson
Dean of Student Affairs and Co-Title IX Coordinator
Mayville State University, BQ Library 120J, 330 Third St NE, Mayville, ND 58257, 701-788-5208, rhonda.nelson@mayvillestate.edu
or
Kim Holder
Human Resource Director and Co-Title IX Coordinator
Mayville State University, Campus Center Bookstore, 330 Third St NE, Mayville, ND 58257, 701-788-4647, kimberly.holder@mayvillestate.edu

Information related to sexual misconduct or incidents involving criminal activity may, and are encouraged, contact:
911 or
Traill County Sheriff's Department
114 West Caledonia, PO Box 279, Hillsboro, ND 58045, 701-636-4510

Students or others who would like to be accompanied by the Title IX Coordinator may request their presence.

DEFINITIONS

For the purposes of this Policy, the listed terms shall have the following definitions:

Actual Knowledge	Notice of sexual misconduct or allegations of sexual misconduct to MSU's Title IX Coordinator or any MSU official with authority to institute corrective measures on behalf of Mayville State University.
Coercion	Use of force, threats, intimidation, or pressure to compel someone to engage in unwanted sexual activity or to deter them from reporting a potential violation of this policy.
Complainant	An individual who is alleged to be the victim of conduct that could, after investigation, constitute sexual misconduct.
Confidential Employee	Any employee who is a licensed medical, clinical or mental health professional (i.e., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services; and any employee providing administrative, operation, and/or relational support for license employees in their performance of such services. A confidential employee will not disclose information about sexual misconduct to the University's Title IX Coordinator, or others, in a way that identifies the involved individuals without their permission (subject to the exceptions set forth in the Confidentiality section of this policy). MSU has designated MSU Counseling Office staff as confidential employees. Additional employees may be designated as confidential employees. Please contact the Title IX Office for a current list of designated confidential employees.
Consent	Affirmative informed, voluntary and active permission to engage in a mutually agreed upon sexual act or contact. Consent is expressed by clear and unambiguous words or actions that a reasonable in the circumstances would believe communicates a willingness to participate in a sexual act or contact. It is the responsibility of each person who wishes to engage in a sexual act or contact to obtain consent. The use of drugs or alcohol does not eliminate a person's responsibility to obtain consent. Consent cannot be obtained: • By the use of physical force, threats, intimidation, deception or coercion; • From one who is incapacitated, such as due to mental or physical condition or the use of drugs or alcohol; • From one who is asleep or unconscious; or • From one who is not old enough to give consent under state law.
Dating violence	Violence committed by a person who is or has been in a social relationship of romantic or intimate nature with the victim. The existence of such a

	relationship shall be determined based on the reporting party's statement and with consideration of: • The length of the relationship; • The type of relationship; and • The frequency of interactions between the persons involved in the relationship.
Deliberate Indifference	A response to sexual misconduct which is clearly unreasonable in light of the known circumstances.
Domestic Violence	A felony or misdemeanor crime of violence committed by the following persons: • A current or former spouse or intimate partner of the victim; • By a person with whom the victim shares a child in common; • By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; • By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or • By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
Education Program or Activity	Includes locations, events, or circumstances over which Mayville State University exercises substantial control over both the respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Mayville State University.
Employee	Any person employed for wages or salary by the University, in either full-time or part-time capacity, in any location or job. Examples include officers, faculty, staff, medical residents, graduate assistants, and student employees. Employee includes temporary, probationary and regular employees.
Fondling	The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
Formal Complaint	A document filed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the University investigate the allegation of sexual misconduct.
Incapacitation	Incapacitation means a person lacks the ability to make informed, rational judgments about whether or not to engage in a sexual act or contact. A person may be incapacitated due to, but not limited to, a mental or physical condition or the use of drugs or alcohol. Signs that a person may be incapacitated include, but are not limited to, the following: • Inability to walk unassisted;

	• Inability to speak coherently; • Confusion on basic information; or • Being passed out or passing out.
Incest	Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
Intimidation	Implied threats or acts that cause an unreasonable fear of harm in another.
Mandated Reporter	MSU has designated all employees as mandated reporters excluding those who serve in a mental health counseling capacity. A mandated reporter is required to report all sexual harassment to the Title IX Coordinator.
Official with Authority to Take Corrective Action	The following individuals have authority to institute corrective measures on behalf of MSU and are obligated to inform the Title IX Coordinator when they receive notice of sexual misconduct or allegations of sexual misconduct: • Title IX Coordinator • Human Resources Managers and Directors • Department Chairs • Directors • Deans and Associate/Assistant Deans • Athletic Director • Vice Presidents/Deans and similar level administrators • President
Rape	The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
Respondent	An individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct.
Retaliation	Intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with any right or privilege secured by this policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy, including in an informal resolution process, in grievance procedures, and if applicable, in any other actions taken by the University under this policy. Such conduct will be cause for disciplinary action, up to and including termination and/or suspension. Nothing in this definition precludes the University from requiring an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity to participate

	as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this policy.
Sexual Assault	Title IX defines sexual assault as rape, fondling, incest, and statutory rape.
Sexual Harassment	As defined by Title IX, conduct on the basis of sex that satisfies one or more of the following: 1. An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to their education program or activity (this includes but is not limited to unwelcome conduct of a sexual nature, and may consist of unwelcome conduct based on sex or sex stereotyping); or 3. Sexual assault, dating violence, domestic violence or stalking. Sexual harassment that falls outside the scope of Title IX is defined and addressed in MSU's Sexual Misconduct Policy.
Sex Stereotyping	Fixed or generalized expectations regarding a person's aptitudes, behavior, self-presentation or other attributes based on sex.
Stalking	Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: • Fear for the person's safety or the safety of others; or • Suffer substantial emotional distress.
Statutory Rape	Sexual intercourse with a person who is under the statutory age of consent.
Student	All persons taking courses at and/or receiving instruction through the University, whether credit hours are earned, full-time or part time, pursuing undergraduate, graduate, non-degree, or professional studies. The term student includes all persons who withdraw after allegedly violating the *Code*, who are not enrolled for a particular term but have a continuing relationship with the University, who have been notified of their acceptance for admission, or who are living in University residence facilities designated for students regardless of their current enrollment status. The term student includes both a student acting as an individual and to students acting in a group and/or a student organization, unless otherwise noted.
Student Employee	A student whose employment status is dependent upon being a student.
Supportive Measures	Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Third Party	An individual who is not a student or employee of the University but has contact with the University such as an affiliate, volunteer, vendor, participant in a university-sponsored event, or campus visitor.
Title IX Sexual Misconduct	Sexual harassment, sexual assault, domestic violence, dating violence, and stalking as defined by Title IX and this policy. May be referred to as "sexual misconduct."

REPORTING

A complainant may choose to make a report to MSU to pursue resolution under this policy and may also choose to make a report to law enforcement. A complainant may pursue either, or both, of these options at the same time. If the complainant files a criminal complaint with local law enforcement MSU will comply with reasonable law enforcement requests for cooperation. Such cooperation may require the University to temporarily suspend the Title IX investigation while law enforcement gathers evidence.

PRIVACY AND CONFIDENTIALITY

The University is committed to protecting the privacy of all individuals involved in an incident reported under the Sexual Harassment Policy. Every effort will be made to respect and safeguard the privacy interests of the individuals involved in a manner consistent with the need for a careful assessment of the allegations and any necessary steps to eliminate the misconduct, prevent its recurrence, and address its effects.

Privacy generally means that information related to a reported incident will only be shared with a limited number of individuals that "need to know" the information in order to assist in the review, investigation and/or resolution of the incident. While not bound by confidentiality, these individuals will be discrete and respect the privacy of all individuals involved in the process. If a decision is made to pursue disciplinary action against a responding party, information related to the report will be shared with them. When the parties involved are students, information regarding a reported incident will not be shared with either party's parents or guardians unless the party has signed a waiver that complies with FERPA or there is an articulable threat to the health or safety of the party or other individuals. MSU will share the final results of an investigation and the applicable sanctions with the complainant when the incident involved violent crime or sexual misconduct. The information that will be shared includes:

- The name of the accused student;
- Any MSU policy that was broken and key findings that support the conclusion;
- A description of disciplinary action taken;

While a responsible employee cannot offer confidentiality to an individual who discloses an incident of prohibited conduct, the responsible employee will maintain the privacy of all individuals involved by sharing the information related to the report with only those who need to know as outlined above. Confidentiality means that information shared with a designated campus or community professional will only be disclosed with the party's expressed written permission, unless there is an imminent threat of harm to self or others. An individual can seek confidential assistance and support by speaking with

specifically designated confidential employees and using the confidential resources identified in this policy.

CONFIDENTIAL AND RESPONSIBLE EMPLOYEES

As set forth in the "definitions," for purposes of reporting obligations under this policy, all MSU employees are designated as either "confidential employees" or "responsible employees."

Responsible Employees who fail to report incidents of sexual misconduct when they knew or reasonably should have known about an incident of sexual misconduct involving a MSU employee or student may be subject to discipline. The University is required to investigate an allegation of sexual harassment when it has actual knowledge, as defined above.

Reports of sexual misconduct can be made: (1) online by submitting a report through the link "Contact Us: Report at Concern" at the University's website (www.mayvillestate.edu). The reports can include the name of a reporting party or the report can be made anonymously. (2) by reporting to the Title IX Coordinator; or (3) by speaking with a responsible employee, which does include members of the campus security team, who will then forward the information to the Title IX Coordinator. Once the Title IX Coordinator has been notified, the Title IX Coordinator will contact the Complainant to see if the Complainant wishes to file a formal complaint. Alternatively, the Coordinator may file a formal complaint on behalf of the University. Reports can be made any time after an incident involving sexual misconduct occurs; however, the University encourages reports be made as soon as possible following an incident to ensure the most effective investigation possible. The University also strongly encourages reporting parties to report sexual misconduct because it provides the University with the best opportunity to offer appropriate support, resources and interim measures to assist a reporting party, assess any health or safety risks posed by the alleged misconduct, take immediate and appropriate steps to investigate what occurred, and take prompt and effective action to end any misconduct, remedy its effects, and prevent its recurrence.

As stated in the "definitions," individuals who want to keep their confidentiality may speak to a confidential employee. A confidential employee will not disclose information about sexual misconduct to the University's Title IX coordinator, or others, in a way that identifies the involved individuals without the individuals' permission. A confidential employee is any employee who is a licensed medical, clinical, or mental health professional and is employed by Mayville State University for that purpose.

Responsible employees are under an obligation to share information with the Title IX coordinator when they know or reasonably should know about:

- A student who has experienced sexual misconduct, regardless of where or when the incident occurred; or
- An employee who has experienced sexual misconduct only if the accused person is a MSU employee or student.

Responsible employees are required to share all relevant information of which they are or become aware of that is related to the incident, including the names of the involved individual(s) and witnesses and the date, location, and circumstances of the incident, if known. Responsible employees who know about an

incident involving sexual misconduct involving a student or employee who fail to report to the Title IX coordinator may be subject to discipline. Responsible employees should not perform an investigation or attempt to discover additional information before contacting the Title IX Coordinator.

MSU realizes that in some instances a complainant may tell a responsible employee about an incident of sexual misconduct but also request: (a) that their name and any other personally identifying information be confidential and not be shared with the respondent or others, (b) that no investigation be pursued, and/or (c) that no disciplinary action be taken. The responsible employee should communicate these requests to the Title IX Coordinator. The University will honor such requests if it is possible to do so while also protecting the health and safety of the University community and in compliance with state and federal law. The Title IX Coordinator will consider the totality of the known circumstances; the presence of any risks to the safety of the campus community; the potential impact of such actions on the complainant; and the existence of other available and relevant information or evidence regarding the alleged conduct. If the reporting party's request to keep confidentiality can be honored, the University may take other steps designed to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the reporting party and the University community. If it is determined that the University cannot honor the complainant's confidentiality request, the Title IX Coordinator will advise the complainant that the University intends to proceed with an investigation but that the complainant is not required to participate in the investigation or in any other actions undertaken by the University. If the complainant declines to participate in the investigation the Title IX Coordinator may continue the investigation process if it is possible to do so without the complainant's participation; however, the University's ability to meaningfully investigate and respond may be limited.

Reports of sexual misconduct can be made online by submitting a report through the link "Contact Us: Report at Concern" at the University's website (www.mayvillestate.edu). The reports can include the name of a reporting party or the report can be made anonymously. Anonymous reports will be investigated; however, the University's ability to meaningfully investigate and respond may be limited.

BYSTANDER INTERVENTION

Bystander intervention, or being an active bystander, is part of being a member of the MSU community. We all play a role in preventing sexual violence when a problematic situation is observed or imminent. Being an Active Bystander includes:

a. Standing up against attitudes, behaviors, or statements that sustain cultures endorsing violence as acceptable.
b. Identifying and stopping situations that lead to sexual assault.
c. Stepping up to disrupt, distract, speak up or call out for assistance.
d. Believing and supporting others when they feel uncomfortable and/or hurt.
e. Assisting others responding to problematic situations.

The Ideal Bystander:

a. Is friendly to everyone.
b. Is forthcoming and honest.
c. Assists to diffuse a situation before it becomes a crisis.

d. Avoids violent interventions.
e. Is not antagonizing or accusatory.
f. Asks for assistance when needed.
g. Calls professional assistance (Title IX Coordinator, RA, Responsible Employee, Sheriff Department, Campus Security, EMT, etc.) when needed.

Being an active bystander does not mean that you should risk your personal safety or be a hero. There are appropriate responses dependent on you, the situation and who is involved. If your immediate safety, or the safety of others, is in danger you should seek outside help—which is still bystander intervention.

GOOD SAMARITANS & AMNESTY FOR ALCOHOL AND DRUGS

Sometimes individuals may be reluctant to seek help after experiencing sexual misconduct, or reluctant to help others who may have experienced sexual misconduct because they fear being disciplined for underage alcohol consumption and/or consumption of other drugs. Individuals who appropriately report or seek assistance for themselves or for others will not be subject to disciplinary sanctions for allegations related to the use or consumption of alcohol or other drugs, nor will the incident become a part of the student's conduct record. However, because alcohol and drug misuse can negatively impact an individual's physical and emotional well-being, individuals may be required to have an educational meeting with University personnel.

CONFLICTS OF INTEREST AND CONSENSUAL RELATIONSHIPS

Acting through its Policy Manual, Mayville State explicitly prohibits any form of sexual harassment directed toward, effecting, or committed by employees, vendors or contractors, or students. MSU's Policy M611.4 addresses conflicts of interest between an employee and their outside-of-worktime interests, indicating disclosure of these interests is the obligation of the employee. MSU has established procedures for eliminating a conflict or potential conflict of interest in the exercise of the employee's authority. Further, Policy M603.1.1 addresses consenting romantic and sexual relationships between employees and students, and other relationships, again indicating disclosure of these relationships is the obligation of the employee, in particular when the employee is responsible for actions affecting the student's academic standing, grades, scholarship or grant awards or employment at the institution.

FALSE REPORTS

Individuals who knowingly make false reports or otherwise provide false information in connection with a report of sexual misconduct may be subject to discipline. This prohibition against false reports or statements does not apply to reports or statements which are made in good faith but ultimately found not to be substantiated.

EDUCATION, TRAINING, AND PREVENTION

The University is committed to preventing sexual harassment on its campus. To that end, the University provides regular and ongoing prevention education and awareness programs. Incoming students and new employees are exposed to primary prevention and awareness programs as part of their new student

orientation or new hire training. Current students, faculty, and staff receive ongoing training on how to prevent sexual harassment, sexual misconduct, dating and domestic violence, stalking, and related retaliation. The Title IX Coordinator is responsible for overseeing the University's training and educational programs related to this Policy. To learn more about the University's prevention programs or to request training, please contact the Title IX Coordinator.

Every MSU student has access to sexual harassment identification and mitigation each academic year. In particular, all incoming first-year students will receive primary prevention and awareness programming as part of their orientation.

Every MSU employee must complete this training each academic year. All new employees will receive primary prevention and awareness programming as part of their orientation. Returning employees will receive ongoing training each academic year. MSU employees who fail to complete required training by the stated deadline are subject to appropriate disciplinary action (e.g.. a letter of reprimand placed in their personnel file).

PREVENTION EFFORTS & AWARENESS PROGRAMS

CLOTHESLINE PROJECT

This annual program is a visual display of shirts with written messages and illustrations that graphically demonstrate the impact of violence. These shirts are created by survivors of violence, their families and/ or friends. This display exposes attendees to the effects of violence. Viewing this project provides an opportunity for a higher understanding of the effects of violence and the need for social responsibility and compassion for others. This display allows attendees to bear witness to the survivors as well as victims of violence while helping with the healing process for people who have lost a loved one or are survivors of violence. The Project educates the MSU community, documents the experiences of those impacted by violence, and raises society's awareness of the extent of the problem of violence within North Dakota.

HOUSING & RESIDENCE LIFE TRAINING

The University provides annual training to Housing & Residence Life staff on topics including CSA responsibilities, sexual violence prevention and response, crime prevention, healthy relationships, and bystander intervention.

ANNUAL TITLE IX TRAINING

MSU students receive trainings on topics including healthy versus unhealthy relationships, sexual harassment, sexual assault awareness and prevention, bystander intervention, and how to support peers. This training occurs annually and is provided by the Traill County Sheriff's Department, professional speakers, and others. Seminar on Success (first-year students) classes discuss relationships, prevention of sexual violence, bystander intervention, making positive choices, and resources available on and off campus if the need for them arises.

Campus employees are required to complete annual training through Vector Solutions which include Title IX and Sexual Harassment.

INVESTIGATION & RESOLUTION PROCEDURES

COMPLAINANT RIGHTS

Complainant's rights under the Title IX and Sexual Misconduct Policy include:

1. You have the right to be treated with dignity and respect
2. You have the right to experience a safe living, educational, and work environment.
3. You have the right to be informed of available on- and off-campus counseling and support services.
4. You have the right to work, residential, and academic accommodations, as necessary.
5. You have a right to have an advisor of your choice present at any meeting or proceeding held as part of the University's process to resolve a complaint. Your advisor may be an attorney.
6. You have the right to a fair, impartial investigation, and resolution of a complaint that is in substantial accordance with the University's procedures for investigating and resolving reports of prohibited conduct.
7. You have the right to be free from retaliation.
8. You have the right to have a complaint investigated by individuals who receive adequate training.
9. You have the right to challenge an individual designated by the University to investigate and/or resolve a complaint based on conflict of interest. This includes the investigator and individuals involved in imposing any sanctions.
10. You have the right to review all evidence and witness statements collected as part of the investigation of a complaint.
11. You have the right to participate during a live hearing to resolve your complaint.
12. You have the right to not have irrelevant prior sexual history discussed during the investigation and resolution of a complaint.
13. You have the right to withdraw your complaint any time prior to the investigator deciding whether the responding party violated University policy.
14. You have the right to promptly notified in writing of the outcome of a complaint.
15. You have the right to meet with the University's Title IX Coordinator at any point in the process.
16. You have the right to appeal the investigator's findings and/or any sanctions imposed by the University.
17. You have the right not to be discouraged by University officials from reporting an incident of gender-based harassment, sexual misconduct (including sexual assault), dating violence, domestic violence, sexual harassment, or from talking to law enforcement.
18. You have the right to request supportive measures such as a no contact directive be put in place and enforced during the resolution of a complaint.

RESPONDENT RIGHTS

Respondent's rights under Title IX and Sexual Misconduct Policy include:

1. You have the right to be treated with dignity and respect.

2. You have the right to initially be presumed not responsible for violating University policy and for an outcome based solely on the evidence presented during the investigation and resolution of a complaint.
3. You have the right to be informed of available on- and off-campus counseling and support services.
4. You have the right to receive a written summary of the allegations made against you, the range of potential policy violations, and the range of potential disciplinary sanctions.
5. You have the right to have an advisor of your choice present at any meeting or proceeding held as part of MSU's process to resolve a complaint. Your advisor may be an attorney.
6. You have the right to have a complaint investigated and resolved in a fair and impartial manner that is in substantial accordance with the University's procedures for investigating and resolving reports of prohibited conduct.
7. You have the right to be free from retaliation.
8. You have the right to challenge an individual designated by MSU to investigate and/or resolve a complaint based on conflict of interest. This includes the investigator and individuals involved in imposing any sanctions.
9. You have the right to have a complaint investigated by individuals who receive adequate training.
10. You have the right to review all evidence and witness statements collected as part of the investigation of a complaint.
11. You have the right to participate in a live hearing to resolve the complaint.
12. You have the right to not have irrelevant prior sexual history discussed during the investigation and resolution of a complaint.
13. You have the right to be promptly notified in writing of the outcome of a complaint.
14. If you are found responsible for violating this policy, you have the right to submit a statement and have it considered during the determination of sanctions.
15. You have the right to meet with the University's Title IX Coordinator at any point in the process.
16. You have the right to appeal the investigator's findings and/or any sanctions imposed by the University.

PRESUMPTION OF NON-RESPONSIBILITY AND PARTICIPATION BY THE PARTIES

The sexual misconduct investigation is a neutral fact gathering process. The role of the investigators is simply to determine in a neutral manner what happened. The University's investigation is not a criminal investigation, rather the purpose of the process is to determine if University policy has been violated by the respondent. The respondent is presumed to be not responsible; this presumption may be overcome only where the University concludes that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the respondent violated Title IX and Sexual Misconduct Policy. If an individual refuses to participate in cross-examination during the live hearing, no statements made by the individual can be used in making a determination of the case.

ADVISORS

Parties to a grievance process must be afforded the opportunity to select the advisor of their choice to assist them during the proceeding, including during the live hearing.

If a party does not choose an advisor, the institution shall provide the party with an advisor free of charge. The advisor will be made available to each party for the full duration of the grievance process.

MSU is not required to provide an attorney to act as an advisor but appointed advisors will be provided with appropriate training to ensure an understanding of the grievance process, though the same training provided to Title IX Coordinators, decision-makers, and investigators is not required.

MSU is not required to attempt to create an equality of advisors between the parties, particularly where one party selects an outside advisor, but MSU will endeavor to seek parity of advisors where the institution provides advisors to both parties.

TIMEFRAME

The grievance process shall be carried out using reasonably prompt time frames, including time frames for filing and resolving appeals. Notwithstanding, temporary delays or extensions of the time frames must be offered for good cause, with written notice to the parties setting forth the cause for action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for accommodations for language or disability.

The Title IX Coordinator will periodically notify all parties in writing during the investigation process regarding updates and timeframes.

PRELIMINARY INVESTIGATION

Upon receipt of a report of sexual or gender-based misconduct, the Title IX Coordinator (or designee) will make an initial assessment of the reported information. During the preliminary investigation, the Title IX Coordinator will:

- Assess the complainant's safety and well-being and offer the University's immediate support and assistance.
- Discuss the availability of supportive measures.
- Inform the complainant that supportive measures are available with or without the filing of a formal complaint.
- Explain the process of filing a formal complaint.

No disciplinary sanctions or other actions that are not supportive measures may be imposed against a respondent prior to the conclusion of the grievance process.

SUPPORTIVE MEASURES

During or after a preliminary investigation of the incident, MSU may take reasonable and appropriate measures to protect the impacted individuals and facilitate their continued access to University education and employment programs and activities. Supportive measures may be put in place during the

investigative phase of the sexual and gender-based misconduct process if determined to be necessary for the health or safety of the parties or the MSU community. Parties may also request that supportive measures be implemented during the process. All supportive measures will be removed upon the completion of the investigation unless there is a finding of responsibility and the supportive measures become part of the sanction. The Title IX Coordinator may consult with others such as campus security or MSU's CARE Team to make an immediate assessment of any risk of harm to the parties, other individuals, or to the campus community and will take the necessary steps to address those risks. If a decision is reached to take an action regarding supportive measures that impacts a respondent, the Title IX Coordinator will notify the respondent in writing. The Title IX Coordinator (or designee) retains the discretion to impose and/or modify a supportive measure based on all available information. Supportive measures may be available regardless of whether a complainant pursues a complaint or investigation under this policy but will be determined on case-by-case basis. The University will maintain the privacy of any supportive measures provided under this policy to the extent practicable:

Supportive measures may include, but are not limited to:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modification of work-study or class schedules
- Campus escort services
- Mutual no-contact orders between parties
- Alternate work or housing locations
- Leaves of absences
- Increased security or monitoring of areas of campus

EMERGENCY REMOVAL FROM CAMPUS

MSU may remove a respondent from the education program or activity on an emergency basis, provided that the institution determines based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

MSU will provide the respondent with notice and opportunity to challenge the decision immediately following the removal. All appeals regarding emergency removal shall be submitted in writing to the Dean of Student Affairs within 24 hours of receiving notice of removal.

NOTICE OF INVESTIGATION AND RIGHTS AND RESPONSIBILITIES MEETING

Once a formal complaint is received by the University, MSU will provide the following written notice to both parties:

1. Notice of the grievance process.
2. Notice of the allegations of sexual harassment including:
    a. Sufficient details known at the time and with sufficient time to prepare a response, including but not limited to, the names of the parties, the conduct allegedly constituting sexual harassment, and the date and location of the alleged conduct.

3. 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.
4. A statement that the parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence. The statement will also indicate that if the party does not have an advisor of their choice, MSU will appoint an advisor to assist with cross-examination for the live hearing.
5. Notice of the MSU *Code of Student Rights and Responsibilities* provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If during the grievance process, additional allegations are added to the investigation which were not included in the initial notice, the University will provide notice of the additional allegations to the parties.

CONSOLIDATION OF FORMAL COMPLAINTS

MSU may consolidate formal complaints 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 arise out of the same facts or circumstances.

MANDATORY DISMISSAL

MSU must dismiss the formal complaint if, at any time during the investigation or the hearing it is determined that:

1. The conduct alleged would not constitute sexual harassment as defined in MSU's policy even if proved.
2. The conduct alleged did not occur in an education program or activity.
3. The conduct did not occur against a person in the United States.

If the formal complaint is subject to mandatory dismissal, MSU may act under another provision of the Code of Conduct without that action constituting retaliation under the policy and/or procedure.

PERMISSIVE DISMISSAL

MSU may dismiss the formal complaint if, at any time during the investigation or hearing it is determined that:

1. A complainant notifies the Title IX Coordinator, in writing, that the complainant would like to withdraw the formal complaint, or any allegations contained in the formal complaint.
2. The respondent is no longer enrolled at or employed by MSU.
3. Specific circumstances prevent MSU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the formal complaint.

In the event a formal complaint is permissively dismissed, MSU will consult with legal counsel prior to taking action under another provision of its code of conduct to avoid taking actions constituting retaliation.

NOTICE OF DISMISSAL

Upon a dismissal, MSU must promptly send written notice of the dismissal and reasons therefore to both parties simultaneously. Parties will have the opportunity to appeal.

INVESTIGATION

MSU is required to investigate every formal complaint unless the complaint is subject to dismissal.

At all times, the burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on the University and MSU may not seek to shift that burden to the parties. MSU may not restrict the parties' ability to discuss the allegations or to gather or present relevant evidence.

At all times, MSU will operate under the assumption the respondent is not responsible for the alleged conduct until and unless there is a determination of responsibility at the conclusion of the grievance process.

MSU may not access, consider, disclose, or otherwise use a party's medical records made or maintained in connection with the provision of treatment to the party, unless voluntary, written consent to do so is provided by the party (or the party's parent or next of kin, if the party is not eligible or able to provide consent).

MSU may not require, allow, rely upon, or otherwise use evidence that constitutes, or questions that seek disclosure of, information that protected under a legally recognized privilege status, unless that privilege is waived.

MSU must provide each party written notice of the date, time, location, participation, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time to prepare.

Each party must be afforded an equal opportunity to have others present during any grievance proceeding, including their advisor, though MSU may establish restrictions regarding the extent to which the advisor may participate in the proceedings, so long as the restrictions apply equally to both parties and comply with the written policy. These restrictions if any will be announced prior to the live hearing. Such restrictions will be made available in writing to both parties and their advisors.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation related to the allegations raised in a formal complaint, including any evidence upon which MSU does not intend to rely in reaching a determination of responsibility and any inculpatory or exculpatory evidence, from whatever source.

At least ten (10) days prior to the preparation of the investigative report, MSU will provide each party and their advisor the evidence obtained in the investigation in an electronic format or hard copy. The parties may submit a written response to the evidence which the investigator shall consider prior to the completion of the investigative report.

At the conclusion of the investigation, the investigator will create an investigative report that fairly summarizes the relevant evidence. At least ten (10) days prior to the hearing, the investigator will send a copy of the investigative report to each party and their advisor for review and written response.

FINAL INVESTIGATIVE REPORT

Upon completion of the fact-gathering process described above, the investigator(s) will review the investigative summary and forward the report to the Title IX Coordinator.

LIVE HEARING

The grievance process provides for a live hearing after the completion of the investigative report. All evidence obtained by the investigator(s) as part of the investigative process must be made available to the parties and the decision-maker at the live hearing.

The live hearing will be presided over by the decision-maker. The decision-maker will be appointed by the Title IX Coordinator prior to the live hearing. The Title IX Coordinator may not appoint him/herself as the decision-maker. The Title IX Coordinator may appoint an NDUS employee or private counsel holding appropriate credentials to reach a decision. Mayville State decision-makers undergo annual training to ensure compliance with federal regulations.

At the request of either party, the hearing must be conducted with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or witness answering questions. Hearings may be conducted with all parties physically present in the same geographic location, or any parties, witnesses, and other participants may appear at the live hearing virtually, so long as the participants are able to simultaneously see and hear each other.

The decision-maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those that question credibility. This cross-examination must be conducted directly (the questions may not be asked by the decision-maker), orally, and in real time by the party's advisor and never by a party personally.

1. Prior to a party or witness answering a question, the decision-maker will rule on the relevance of the question and explain any decision to exclude a question as not relevant.
2. Decision-makers may request, but may not require, that questions by the parties be submitted in advance, to permit the decision-maker to rule on the relevance of the questions. The decision-maker will inform each party and their advisor prior to the live hearing as to whether or not questions should be submitted in advance.
3. The University may otherwise limit the extent to which the party's advisor may participate in the hearing by policy but should consult with legal counsel prior to imposing significant limitations. Such limitations may include: objections to evidence and questions and decorum procedures.

Cross Examination

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker must not rely on any statement of the party or witness in reaching a determination regarding responsibility.

Decision-makers may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence or refusal to answer cross-examination or other questions. There are no exceptions to this exclusion as there are in legal proceedings.

Rape Shield

Prior or subsequent conduct of the respondent party may be considered in determining pattern, knowledge, intent, or motive. The sexual history of a complainant or respondent will never be used to prove character or reputation. Information related to the prior sexual history of either of the parties is generally not relevant to the determination of a sexual and gender-based misconduct policy violation except as described above.

The determination of relevance of pattern information will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar gender or sexual based misconduct. Such prior or subsequent conduct may also constitute a violation of other University policy, in which case it may be subject the respondent to additional sanctions.

Questions and evidence about the complainant's sexual predisposition or sexual history are not relevant, unless such questions are offered to prove that someone other than the respondent committed the alleged conduct, or regard specific incidents of the prior sexual behavior with respect to the respondent and are offered to prove consent.

The decision-maker has the discretion to determine relevance of any offered information and to include or exclude certain types of information.

All live hearings will be recorded. Mechanisms of recording include audio, audio-visual, or transcript of live hearing. All recordings will be made available to both parties and advisors for review.

Hearing Decorum

Decision-makers may enforce rules to ensure hearing decorum, such as requiring respectful treatment, specifying any objection process, governing timing of hearing, length of breaks, etc. The decision-maker will set rules for decorum prior to each live hearing. Failure to adhere to the rules decorum may result in a delay of the hearing and/or removal of a party's advisor. The Title IX Coordinator will appoint an advisor to conduct cross-examination in the event a party's advisor is removed.

HEARING DECISION

The role of the decision-maker is to determine whether a violation of the sexual and gender-based misconduct policy occurred. After the conclusion of the hearing, the decision-maker will make a determination of responsibility. The respondent will only be found responsible when there is sufficient cause based on preponderance of the evidence. The Title IX Coordinator is not involved in the hearing decision or determining sanctions.

After the conclusion of the live-hearing, the decision-maker must issue a written determination regarding responsibility, which must include:

1. Identification of the allegations potentially constituting sexual harassment.
2. Description of the procedural steps from the receipts of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held.
3. Findings of fact supporting the documentation.
4. Conclusions regarding the application of the institution'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 to be imposed on the respondent, and whether remedies will be provided to the complainant.
6. The procedures, timelines, and permissible bases for the complainant and respondent to appeal.

The written determination must be provided to the parties simultaneously. The determination regarding responsibility becomes final either on the date that notice of the result of any appeal is provided to the parties, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

REMEDIES

Remedies offered after the conclusion of the grievance process on a finding of responsibility must be designed to restore or preserve equal access to the education program or activity. Remedies need not be non-disciplinary or non-punitive, and need not avoid burdening the respondent.

SANCTIONS

A respondent party found responsible of sexual or gender-based misconduct shall be subjected to the imposition of the following sanctions and conditions, which may be imposed alone or in conjunction with one or more additional sanctions and/or conditions. Disciplinary sanctions imposed after the conclusion of the grievance process shall be assessed pursuant to the University's Code of Conduct, *Code of Student Rights or Responsibilities*, or other employee guide or handbook which sets possible disciplinary sanctions for violations of Title IX or Code of Conduct and shall be proportional to the determination of responsibility. MSU's Disciplinary Status Sanctions for persons include:

- Censure.
- Disciplinary Probation.
- Deferred Suspension.
- Suspension
- Dismissal.
- Recommendation to the Vice President for Academic Affairs to withhold or rescind a degree.

With each sanction, restorative actions, conditions, and/or terms may also be assigned. In addition, notification may be given to other university officials as necessary. Active Disciplinary Sanctions include, but are not limited to:

1. University/educational service.
2. No Contact Directive.

3. A Referral to counseling services, substance awareness, health services, or other appropriate offices or local agencies.
4. Participation in an assigned activity or project
5. Loss of, limited, or restricted access or student privileges
6. Restitution

MSU employees found responsible for violating provisions under the Sexual Harassment policy may be subject to appropriate disciplinary action up to an including termination.

The decision-maker will issue a written decision within ten business days from the conclusion of the hearing. Both parties will be notified simultaneously.

APPEALS

Both/All parties may appeal a determination regarding responsibility or the dismissal of a formal complaint (or any allegations with the formal complaint). The following may form the basis of an appeal:

1. Procedural irregularity that affected the outcome of the grievance process
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter.
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent, that affected the outcome of the grievance process.

Upon receipt of an appeal, MSU will:

1. Notify the non-appealing party(-ies) in writing when an appeal is filed and implement appeal procedures equally for both parties.
2. Ensure that the appeal decision-maker is not the same person as the decision-maker who reached the determination regarding responsibility or dismissal, or the Title IX Coordinator.
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome.
4. Issue a written decision describing the result of the appeal and the rationale for the result.
5. Provide the written decision to both parties simultaneously.

In the event that a disciplinary sanction of suspension or expulsion of a student is imposed by the decision-maker, MSU shall provide a method of reviewing an appeal from a determination regarding responsibility or dismissal for a period of at least one year following the original decision.

If it is determined that ground(s) for appeal is valid, the appeals officer may:

1. Modify the decision. The appeals officer may overturn all or some of the decision regarding violations of the Sexual Misconduct and Sexual and Gender Based Discrimination Policy and/or modify or vacate any sanction.
2. Order a new hearing. The appeals officer may void all or some of the decision and call for a new hearing on all or some of the issue originally considered.
3. Uphold the decision.

The appeals officer will render a written decision within ten (10) days of which the appeal was received. The appeals officer decision is final. The written documentation will be forwarded to all parties by the Title IX Coordinator.

SEX OFFENDER REGISTRATION

Federal law provides for the tracking of convicted sex offenders. Convicted sex offenders must register with the local law enforcement agency in the jurisdiction where the offender resides. Out-of-state sex offenders are required to register with the local North Dakota law enforcement agency if they work or attend school in North Dakota. Each time an offender moves, changes, jobs, or experiences a change in registration status, the offender must notify the local law enforcement agency.

All registered sex offenders are required to self-report their status to the MSU Campus Security upon employment, enrollment, classification as a MSU affiliate, and/ or change in registration status. Limitations and restrictions may apply to that employment and/or enrollment. If designated as a registered sex offender after employment or enrollment, the self-reporting must occur within three working days of the designation. False reporting or failure to self-report may result in disciplinary action up to and including termination of employment, removal from university housing, and/or suspension of enrollment.

PUBLIC ACCESS TO SEX OFFENDER INFORMATION

The North Dakota Sex Offender website (sexoffender.nd.gov/offender/search) identifying all registered sex offenders in the state of North Dakota is available via Internet pursuant to NDCC Section 12.1-32-15. The North Dakota Office of Attorney General is responsible for maintaining this registry.

The Minnesota Level 3 Predatory Offender Information website (coms.doc.state.mn.us/publicviewer) identifying all Level 3 registered sex offenders in the state of Minnesota is available via Internet pursuant to Minnesota Statute Section 244.052. The Minnesota Department of Corrections is responsible for maintaining this registry.

Unlawful use of the information for purposes of intimidating or harassing another may be a crime and punishable by law.

ANNUAL FIRE SAFETY REPORT

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

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

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

FIRE ALARM & SUPPRESSION SYSTEMS

Each residence hall is equipped with a building fire alarm system, and each student room has a smoke detector. In accordance with North Dakota state law, when the building alarm sounds, all residents are required to leave the building. Residents cannot re-enter a building until permitted by hall staff. The interference with the operation of the smoke detector or any other fire safety equipment will result in disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.

A sprinkler system is provided for additional safety in the event of a fire. Residents must be careful not to damage, tamper with, cover, or hang items from the sprinkler heads or an accidental discharge of water may result. In addition, residents may not store personal items within 18 inches of any sprinkler head. Figure 3. Fire Safety Systems in On-Campus Housing.

PORTABLE ELECTRICAL APPLIANCES, SMOKING AND OPEN FLAMES IN STUDENT HOUSING

MSU regulates portable electric appliances, smoking, and open flames in on-campus housing, and fire safety policies and procedures. See the Residence Hall Handbook for more information.

The University further reserves the right to direct residents to remove from their room any hazardous materials. The final decision regarding removal of such materials will be made by the director of housing or designee. Items may be confiscated and held in the hall office if they violate hall fire safety and/or jeopardize security and community living.

Open Flames and Flammable Storage Residence Halls

Candles used for decorative purposes are prohibited. Candles and other devices with open flames, or the ability to smolder, including incense, are prohibited.

Flammable liquids, such as propane, gasoline, petroleum-based solvents, paint thinners, and similar flammable materials, may not be stored in residence hall rooms or suites. The storage or use of charcoal, propane, wood, or camp grills and smokers is prohibited in student rooms or suites. Also, hazardous materials may not be stored in residence halls.

Portable Electrical Appliances Residence Halls

The storage and use of toasters, toaster ovens, hotpots, or any other cooking appliance with a heating element is prohibited in rooms or suites. Additionally, space heaters and room air conditioners (window or portable) are not permitted in residence hall rooms.

The following electrical appliances, which must be UL-approved and in good condition, are permitted in student rooms: clocks, desk lamps, hair dryers, flat irons/curling irons, computer equipment, radios, TVs, razors, fans, heating pads, and stereo equipment. No more than two electrical appliances can be plugged into any double outlet. However, multiple outlet power strips which are UL-approved and fused are allowed in residence hall rooms with a limit of one per outlet.

Fire Safety Education & Training Programs

MSU promotes campus fire safety on an ongoing basis through various safety education and training programs. Residence hall staff receive orientation to the operations and locations of the fire alarm system, as well as a review of their roles during a fire or fire drill. The Resident Hall Assistants and Residence Life Coordinators receive general fire safety and fire extinguisher training from the Mayville Fire Department during fall training. Students receive a general orientation to the fire systems present in the building during the first week of the residents' arrival. Staff also review evacuation and emergency procedures with residents. Residence hall students participate in at least one fire drill during both the fall and spring semesters.

Reporting a Fire Occurring in a Residence Hall

Individuals discovering a fire at a MSU residence hall should dial 9-1-1 and activate the fire alarm system. The fire alarm system in buildings on campus, when sounded, will not summon the fire department. They are for alerting occupants of the building only. In addition, on-campus student housing fires should be reported to the Campus Safety Office.

Fire Drills Residence Halls

A fire drill is conducted at the beginning of each semester. The fire drills are designed to give students an opportunity to evacuate the residence hall in a non-emergency situation. All residents must leave the building when the alarm is sounding for the drill. Failure to do so will result in disciplinary action. Additional fire drills may occur when an alarm is inadvertently sounded, in all cases, students are required to evacuate the building.

Fire Safety and Prevention

Fire safety is discussed in residence halls on an annual basis. Students and employees should:

- Know every regular and emergency exit from the building you are in. Know how to activate the alarm system and what it sounds like. Know the location of fire extinguishers and how to operate them.
- Arrange room contents with fire safety in mind. Maintain clear and unobstructed access to your room door, from both the outside and the inside, always.
- Do not overload electrical outlets.
- Do not use broken, frayed, or cracked electrical cords. Do not suspend lamps or lights by their own cords.
- Do not allow excess clutter or flammable materials to accumulate.

Fire Evacuation Procedures

Students in Residence Halls

In accordance with North Dakota state law, when the fire alarm sounds in a building, all residents are required to leave the building. Residents cannot re-enter a building until permitted to by Residence Hall staff or fire officials. In the event of limited or poor evacuation, Residence are authorized to direct hall staff to enter student rooms to ensure evacuation. Any violations of evacuation procedures by residents will be handled through conduct proceedings. Any person who willfully tampers with fire alarm equipment resulting in a false fire alarm is subject to criminal punishment.

All residents and/or guests are expected to respond appropriately and immediately whenever a fire alarm is sounded. It is required by law that all persons exit the building during a fire alarm. Building evacuation is expected whenever an alarm has been sounded. If possible:

1. Turn the lights on in room
2. Close windows
3. Open curtains
4. Close the door

All individuals should:

1. Wear shoes
2. Carry or wear a coat, and it is encouraged you also carry a towel.
3. Walk in single file to the outside of the building and get at least 50 feet away from the building.
4. Remain outside until a return signal is given.

If you discover or suspect a fire:

1. Stay calm. Think of what you need to do and then act.
2. Sound the alarm for the building.
3. Evacuate the building.
4. Notify the fire department from a safe location by dialing 911 (don't hang up; you'll need to stay on the line to provide emergency personnel with location).

CAMPUS EMPLOYEES

It is important for employees to familiarize themselves with the procedures of fire reporting.

1. Safety of the People. Evacuate people as readily as possible. Close doors to isolate the fire. A person with an ambulatory disability should move to the opposite end of the building near a stairway and away from the fire and wait for firefighters to arrive. Exit strategies should be discussed with supervisors.
2. Send the Alarm. Call the Fire Department, 9-1-1, and relay all information pertaining to the fire (i.e., location, floor, room, building, etc.). If the building is equipped with fire pull boxes, break the glass, and pull the bar.
3. Notify Others in the Area. Use any alarm provided for this purpose. Move out to a safe area to give firefighters a clear field.
4. Assist Law Enforcement or Firefighters. Relate to them what is burning (i.e., special chemicals, radiation hazards) or any other pertinent information.

FIRE LOG

MSU tracks fire alarms and fire calls. Figure 4. Statistics and Related Information Regarding Fires in Residential Facilities provide information pertaining to fires that have occurred at Mayville State University on-campus housing facilities for the 2023, 2024, and 2025 calendar years.

MSU maintains — available for public inspection upon request — a fire log, generated through a database system that includes a listing of all fires that occur in an on-campus student housing facility. The report includes the nature, date, time and general location of each fire. The log may be viewed at the Campus Safety Office.

TOBACCO-FREE CAMPUS

Mayville State University provides an atmosphere conducive to physical and mental well-being. Based on the U.S. Surgeon General's Report, there is no safe level of exposure to secondhand smoke. Inhaling secondhand smoke even for a short time can be harmful and set processes in motion such as cancer, heart disease, or respiratory conditions. Similar research has also supported the negative health risks associated with the use of smokeless or chewing tobacco.

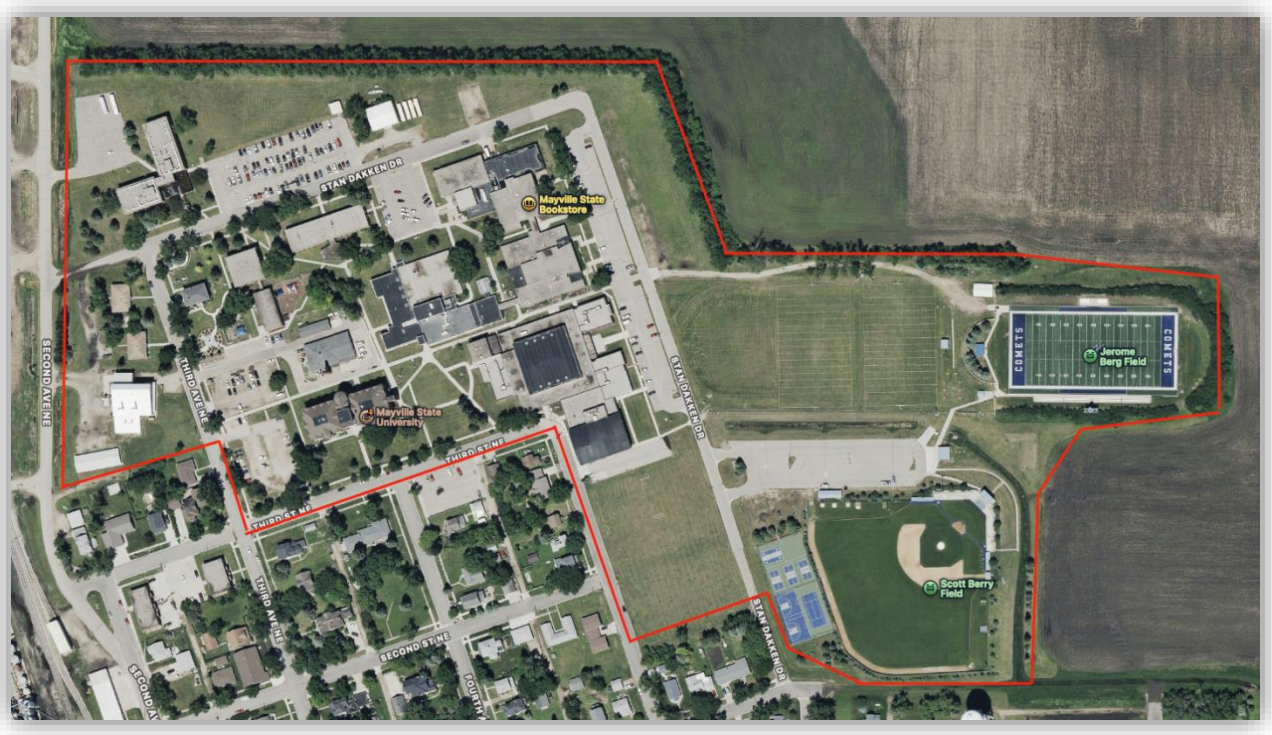
To support this atmosphere, MSU is a Tobacco-Free Campus. In compliance with State of North Dakota laws, this tobacco free provision also applies to the use of E-Cigarettes or similar devices in all public places on the university campus, to include residence halls. This policy applies to all employees, students, visitors and contractors. The policy also applies to external individuals or companies renting space with MSU and should be reflected in all agreements/contracts with such individuals or companies.

Smoking (including the use of E-Cigarettes or similar devices) and use of smokeless or chewing tobacco are prohibited on all university properties, except for personal vehicles. Smoking or use smokeless or chewing tobacco will be allowed in personal vehicles only.

APPENDIX OF FIGURES

FIGURE 1: CLERY GEOGRAPHY

MSU Campus Map: On-campus, Non-campus and Public Property



- Third Avenue NE between Third Street NE and Stan Dakken Drive
- Third Street NE between Third Avenue NE and Fifth Avenue NE
- Stan Dakken Drive between Third Avenue NE and First Street NE
- First Street NE between Stan Dakken Drive and Fifth Avenue NE
- Traill County #14 between Agassiz Hall and Third Street NE

FIGURE 2: CAMPUS CRIME STATISTICS

For Calendar Years 2025, 2024, 2023

	On-Campus			On-Campus Housing			Non-Campus Property			Public Property		
Criminal Offenses	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	1	0	0	1	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Hazing	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**
Hazing	0	*	*	0	*	*	0	*	*	0	*	*
VAWA Offenses	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Arrests / Reported to Law Enforcement	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**
Alcohol/Liquor Law	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse	0	0	0	0	0	0	0	0	0	0	0	0
Weapons	0	0	0	0	0	0	0	0	0	0	0	0
On-Campus Violations / Referrals	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**	**2025**	**2024**	**2023**
Alcohol/Liquor Law	4	0	0	4	1	0	0	0	0	0	0	0
Drugs Abuse	1	0	0	1	0	0	0	0	0	0	0	0
Weapons	0	0	0	0	0	0	0	0	0	0	0	0

There were 0 hate crimes in 2025, 2024, and 2023.

There were 0 unfounded crimes in 2025, 2024, and 2023.

* Hazing statistics started in 2025.

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

NOTE: MSU made a reasonable and good faith effort to request and retrieve statistics from local law enforcement agencies with jurisdiction over the University's identified Clery geography. Reportable Clery crime data received from agencies who responded to these requests are included in Figure 2 crime statistics noted above.

FIGURE 3: FIRE SAFETY SYSTEMS IN ON-CAMPUS HOUSING

Fire Alarm & Suppression Systems

	Agassiz Hall	Berg Hall	Birkelo Hall	Faculty Apartments
Smoke Detector – wired to building alert system and will trigger alarm. Electrically powered.	X			
Smoke Detector – electrically powered but does not connect to building alarm panel. Local sound only.		X	X	
Smoke Detector – battery powered, does not connect to building alarm panel. Local sound only.				X
Horn/ Klaxon sound when fire is reported or detected.	X	X	X	
Fire extinguishers in conspicuous locations and near cooking areas.	X	X	X	X
Fire doors and walls that reduce the spread of a fire.	X	X	X	
Sprinkler system in living and other areas.	X			

FIGURE 4: STATISTICS AND RELATED INFORMATION REGARDING FIRES IN RESIDENTIAL FACILITIES

For Calendar Years 2025, 2024, 2023

2025 Statistics and Related Information Regarding Fires in Residential Facilities

Residence	Total Fires	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Agassiz Hall	0				
Berg Hall	0				
Birkelo Hall	0				
Faculty Apartments	0				
Total	0				

2024 Statistics and Related Information Regarding Fires in Residential Facilities

Residence	Total Fires	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Agassiz Hall	0				
Berg Hall	0				
Birkelo Hall	0				
Faculty Apartments	0				
Total	0				

2023 Statistics and Related Information Regarding Fires in Residential Facilities

Residence	Total Fires	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Agassiz Hall	0				
Berg Hall	0				
Birkelo Hall	0				
Faculty Apartments	0				
Total	0				