WE ARE HERE FOR YOU

Resource Guide for Support and Reporting Sexual Misconduct

UND.edu/title-ix
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TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 PROHIBITS DISCRIMINATION ON THE BASIS OF SEX IN ANY EDUCATIONAL INSTITUTION RECEIVING FEDERAL AID.

UND’S TITLE IX TEAM IS HERE

We are here to receive, respond to, and address all reports of sexual misconduct and concerns about gender equity that affect members of the UND community.

Our role is to eliminate, prevent, and address prohibited sex-based misconduct, such as sexual assault, sexual harassment, stalking, and domestic or relationship violence. This includes discrimination and violence because of a person’s gender identity or sexual orientation.

We do this by responding to individual incidents, supporting those who have been affected directly or indirectly, and educating community members on how to create a safe and supportive campus that encourages healthy and respectful relationships.
The complainant and the accused person are entitled to equitable rights and support resources under Title IX and the Code of Student Life.

You have the right to a learning and living environment free from discrimination and violence.

You have the right to choose whether or not to report an incident.

You have the right to choose who you report an incident to, what information you share and how you would like to be involved in any university process.

You have the right to make an anonymous report, or request no formal complaint or investigation.

You have the right to interim support and reasonable protective measures to help you continue to live and learn at UND. This might include a housing or academic modification or a no-contact directive.

You have the right to bring someone with you when you meet with campus support or resource offices.

You have the right to be free from retaliation for exercising your rights.

Title IX records that contain personally identifiable information about the parties are exempt from North Dakota Open Records Law.

If you choose not to report an incident right away, you can still report in the future; however, the University’s ability to respond at that time may be limited.
Consent cannot be obtained:
1. By the use of physical force, threats, intimidation, deception, or coercion;
2. From one who is incapacitated due to the use of drugs or alcohol;
3. From one who is asleep or unconscious;
4. From one who is unable to understand the nature or extent of the sexual situation or is unable to communicate because of mental or physical condition; or
5. From one who is not old enough to give consent under North Dakota law.

Incapacitation
Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in a sexual act or contact.

Sexual Misconduct
Sexual misconduct includes dating violence, domestic violence, sexual assault, sexual exploitation, and sexual harassment. Sexual misconduct also includes assault, stalking, and other acts prohibited by University policy when the behavior is based on an intimate relationship and/or actual or perceived gender, gender identity, sex, or sexual orientation. See the Code UND.edu/code-of-student-life/ for full definitions.

Confidentiality vs. Privacy
- **Confidentiality** means no report will be made for Title IX purposes that in any way identifies a student, faculty or staff member without their explicit consent. Most UND employees are not allowed to keep a report confidential.
- **Private** means that information will be shared only with individuals directly involved in reporting, investigation, or conduct processes. All UND employees will keep reports private.

Consent
For purposes of sexual misconduct, consent is defined as 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 person (e.g., not under the influence of drugs and/or alcohol) in the circumstances would believe communicate 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. Silence, the lack of protest, or the absence of resistance does not indicate consent. Consent may be initially given but withdrawn at any time. Consent to a past sexual act or contact does not imply consent to a future sexual act or contact. Consent to one form of a sexual act or contact does not imply consent to other forms of sexual acts or contacts. Being impaired, such as by drugs or alcohol, does not eliminate a person’s responsibility to obtain consent.

For a full list of definitions, see the Code UND.edu/code-of-student-life or UND.edu/title-ix
WHAT ARE MY OPTIONS?

You have a number of options, but each individual is different, so we encourage you to consider contacting one or more of the following offices as you gather information and decide what is best for you.

Confidential Sources of Information and Support:

Community Violence Intervention Center
CVIC can provide emotional support and reporting options, along with other resources such as protection orders and group counseling.

Student Health Services
SHS can provide confidential health services.

University Counseling Center
UCC can provide individual or group counseling.

Altru Hospital
Altru can provide a confidential forensic sexual assault exam (rape kit) and other health care options. There is no charge for the exam and it will not be billed to your parents’ insurance.

Campus Resources that are guided by Title IX and will keep information PRIVATE:

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<tr>
<th>Office of Student Rights &amp; Responsibilities*</th>
<th>University Police Department*</th>
<th>Title IX Coordinator or Deputy Title IX Coordinator*</th>
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These resources are for anyone affected by sexual misconduct. They provide a compassionate space to make a report and learn about resources and support, including housing/academic assistance, emotional support and more. They will learn about your wishes moving forward and work to find a resolution consistent with your needs. The Title IX Coordinator assesses all reports of sexual misconduct and balances requests for next steps with the safety of campus.

If you meet with the people in these offices, you can do any or all of the following:

- Just get information about possible next steps
- Make a report and request support resources only (i.e., campus contact restrictions, housing/academic assistance)
- Make a report and request non-adjudication options (i.e. education, counseling) to address behavior of concern
- Make a report and initiate a formal complaint, which can lead to a student conduct or other disciplinary process

On-Line Reporting

You may make an anonymous crime report to UPD here: UND.edu/public-safety/report-a-crime.cfm

You may make an incident report to the Title IX Coordinator (with or without using your name) here: UND.edu/affirmative-action/incident-report.cfm

*These individuals have a duty to share all disclosures of sexual violence or other acts of sexual misconduct with the Title IX Coordinator to provide resources and support. This information will remain private and the only individuals who will be informed of your identity are those who need to know to provide assistance.
I was drinking before I was assaulted. I’m afraid I will get blamed or get in trouble for underage drinking. What should I do?
The safety and health of students is a primary concern at UND. OSRR will not begin an alcohol or drug violation conduct process against a student who is reporting a sexual assault.

I think my friend was assaulted (or in an abusive relationship). What can I do to help?
Encourage them to seek help. You can get information from OSRR or any of the other resources listed on the front without identifying your friend and then refer or bring your friend to the office they choose.

I just want to talk to someone but I don’t want anyone else to know. If I call OSRR, will you have to do an investigation?
UND will respect a student’s wishes about how to proceed, while always keeping the safety of the campus in mind. OSRR will only share your information with the people who can help. If an investigation is necessary because of campus safety, you may choose whether to participate. Whether you want an investigation or not, we will offer you support and resources.

After I talk to OSRR, can I think about my options for a while?
Yes. OSRR staff will check with you at a later date to see if you have further questions and how you would like to proceed. They will follow up by sending you a list of resources. It is always your choice whether to respond or participate.

If I report this to UND, who will know about it?
The person you confide in, depending on their campus role, may have to contact the Title IX Coordinator. However, your privacy is an important concern. We will only share your information with the people who can provide help.
CONTACT INFO

Title IX Coordinator
Donna Smith  Director, Equal Employment Opportunity/Affirmative Action
401 Twamley Hall  |  701.777.4171  |  donna.smith@UND.edu

Deputy Title IX Coordinators
Alex Pokornowski  Assistant Dean of Students, Director of Student Rights & Responsibilities
701.777.2892  |  alex.pokornowski@UND.edu

Cassie Gerhardt  Associate Dean of Students, Director of Student Involvement & Parent Programs
701.777.3667  |  cassie.gerhardt@UND.edu

Amanda Hajdu  Assistant Athletics Director for Academic Services
701.777.2110  |  amanda.hajdu@UND.edu

Connie Frazier  Executive Director of Housing & Dining
701.777.3775  |  connie.frazier@UND.edu

Eric Plummer  Associate Vice President for Public Safety, Chief of Police
701.777.3391  |  eric.plummer@UND.edu

Pat Hanson  Director of Human Resources & Payroll Services
701.777.4228  |  pat.hanson@UND.edu

Shannon Mikula  Academic Affairs Officer
701.777.2049  |  shannon.mikula@UND.edu

Joycelyn Dorscher  Associate Dean, School of Medicine & Health Sciences
701.777.3030  |  joycelyn.dorscher@UND.edu

Campus and Community Resources
CVIC at UND
Campus Office  |  262 Memorial Union
701.777.6550  |  cviconline.org
24/7 Crisis Line: 701.746.8900

Student Health Services
100 McCannel Hall  |  701.777.4500
UND.edu/health-wellness/student-health

University Counseling Center
200 McCannel Hall  |  701.777.2127
UND.edu/health-wellness/counseling-center

University Police Department
3851 Campus Rd.  |  701.777.3491
UND.edu/safety-office/police

Office of Student Rights & Responsibilities
300 Memorial Union  |  701.777.2664
UND.edu/osrr

Altru Hospital
1200 S. Columbia Rd.  |  701.780.5000
altru.org